

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Phase III Bond Act”) in the amount of \$2,750,000 to finance capital project BPF40 – Michaelian Office Building Parking Garage Rehabilitation (“BPF40”). The Phase III Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of preparation of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning Phase III of the Michaelian Office Building (“MOB”) parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work.

The Department of Public Works & Transportation (“Department”) has advised that structural columns and beams are deteriorating and the concrete parking decks are cracking and spalling in the MOB parking garage. Drainage-related issues have been observed and waterproof membranes are worn or deteriorated. Failure to complete repairs will result in further deterioration. Lighting will be upgraded to energy-efficient LED fixtures and accessibility enhancements and life safety improvements will be completed throughout the facility.

Following bonding authorization, design will be scheduled and is anticipated to take eighteen months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take thirty months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, BIT40 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Phase III Bond Act. Your Committee recommends the adoption of the proposed Phase III Bond Act.

Dated: September 6, 2023
White Plains, New York

David Dinn

D. D. McKe (w/o prejudice)

Colin Park

John

Vedat Jafar

Henry John

Vedat Jafar
Colin Park
John

Budget & Appropriations
COMMITTEE ON

Public Works & Transportation

Dated: September 6, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

**BUDGET & APPROPRIATIONS
COMMITTEE**

Colin J. JAWZ
Sydney D. Brandon

**PUBLIC WORKS &
TRANSPORTATION COMMITTEE**

Colin J. JAWZ

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF40 NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT
To Be Completed by Budget

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

Source of County Funds (check one): Current Appropriations
 Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS
To Be Completed by Finance

Total Principal	\$	2,750,000	PPU	5	Anticipated Interest Rate	2.78%
Anticipated Annual Cost (Principal and Interest):	\$	603,214				
Total Debt Service (Annual Cost x Term):	\$	3,016,070				

Finance Department: Interest from July 18, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT
As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 30


SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Robert Abbamont</u>		
Title:	<u>Director of Operations (Capital)</u>	Reviewed By:	<u><i>Christina Rayner</i></u>
Department:	<u>Public Works/Transportation</u>		Budget Director
Date:	<u>7/20/23</u>	Date:	<u>7/25/23</u>

07/25/23

TO: Michelle Greenbaum, Senior Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF40 Michaelian Office Building Parking Garage Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2204)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: The current request will fund construction of "Phase II" and design of "Phase III." While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional improvements to this parking structure include the replacement of the fire suppression system and installation of a fire detection system to be funded by BPF33 and the installation of electric vehicle charging stations that will be funded by capital project BPF39. The combined work of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 184 - 2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING PHASE III OF THE MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 10/02 , 2023)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$2,750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning Phase III of the Michaelian Office Building parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work; all as set forth in the County's Current Year Capital

Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,750,000. The plan of financing includes the issuance of \$2,750,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62(2nd) of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$2,750,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$2,750,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of

the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

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CAPITAL PROJECT FACT SHEET

Project ID:* BPF40	<input type="checkbox"/> CBA	Fact Sheet Date:* 04-17-2023
Fact Sheet Year:* 2023	Project Title:* MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION	Legislative District ID: 5,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2204

Overall Project Description

This project funds for the phased rehabilitation of the Michaelian Office Building Parking Garage.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	94,850	43,950	50,900	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	94,850	43,950	50,900	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 1,654

Current Bond Description: Funding is requested for construction and construction management services associated with Phase II of this project, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work. Funding is also requested for design for Phase III, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	38,900,000
Cash:	0
Total:	\$ 38,900,000

SEQR Classification:

TYPE II

Amount Requested:

38,900,000

Comments:

N/A

Energy Efficiencies:

EV CHARGING STATIONS WILL BE INSTALLED AS PART OF THIS WORK AND FUNDED THROUGH CAPITAL PROJECT BPF39. EXISTING LIGHTING WILL BE UPGRADED TO LED FIXTURES.

Appropriation History:

Year	Amount	Description
2021	1,700,000	DESIGN
2022	42,250,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR PHASE II OF THIS PROJECT
2023	50,900,000	PHASE III OF THIS PROJECT

Total Appropriation History:

94,850,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	23	1,700,000		0 MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION

Total Financing History:

1,700,000

Recommended By:

Department of Planning **Date**
MLLL 05-17-2023

Department of Public Works **Date**
RJB4 05-17-2023

Budget Department **Date**
DEV9 05-22-2023

Requesting Department **Date**
RJB4 05-22-2023

MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION (BPF40)

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	94,850	43,950	1,654	50,900					
Non County Share									
Total	94,850	43,950	1,654	50,900					

Project Description

This project funds for the phased rehabilitation of the Michaelian Office Building Parking Garage.

Current Year Description

The current year request funds phase III of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	50,900,000			50,900,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2021	1,700,000	Design	DESIGN
2022	42,250,000	Design, construction and construction management for Phase II of this project	AWAITING BOND AUTHORIZATION
Total	43,950,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	43,950,000		43,950,000
Total	43,950,000		43,950,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21	1,700,000			1,700,000
Total	1,700,000			1,700,000

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on October 2, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
September 27, 2023

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

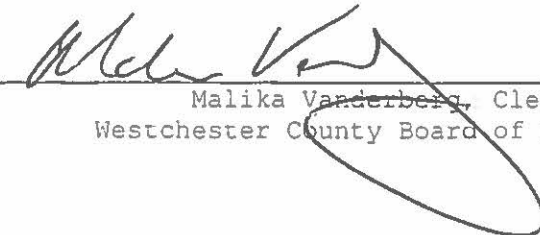
Designated Location(s)
of posted notice

Date of Posting
September 27, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 3, 2023.





Malika Vanderberg, Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

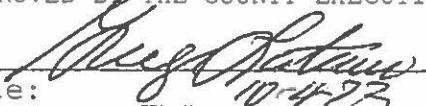
AYES: Legislator Jose Alvarado
 Legislator Nancy Barr
 Legislator Catherine Borgia
 Legislator Benjamin Boykin
 Legislator Symra Brandon
 Legislator Terry Clements
 Legislator Margaret Cunzio
 Legislator Vedat Gashi
 Legislator David Imamura
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

NOES: Legislator Damon Maher

ABSENT: Legislator David Tubiolo

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 11-4-23

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 184 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on October 2, 2023, and approved by the County Executive on October 4, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 5th day of October, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

