

(BOND) ACT 38 - 2024

Reference BES05 (2459)

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

Your Committee is in receipt of an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$2,000,000.00, to finance a component of Capital Project BES05 – DES Main Facility Rehabilitation (“BES05”).

The Amended Bond Act, in the total amount of \$3,100,000.00, which includes \$1,100,000.00 in previously authorized bonds of the County, would finance the cost of design, construction and construction management associated with the rehabilitation of the Department of Emergency Services (the “Department”) Main Facility, including roof replacement with associated decking and flashing. The roof over the Department’s Main Facility has had multiple repairs and patches with portions of the roof not re-roofed or replaced in over 25 years. Roofing membrane granules have spalled, exposing the underlying asphalt sheeting causing further degradation. There are areas of standing water on the roof causing interior water intrusion that needs to be addressed to prevent further damage to the building.

The Department has advised that, following bonding authorization, design will be scheduled and will take approximately one (1) month to be completed and will be completed by an outside consultant. The Department has further advised that construction is estimated to take two (2) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds for BES05 as indicated in the annexed fact sheet.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part

617 ("SEQR"). 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: March 11th, 2024

White Plains, New York

James Ziller John
[Signature]
[Signature]
[Signature]
Nancy Barr
Doris J. Lubick

James Ziller John
[Signature]
[Signature]
Nancy Barr

COMMITTEE ON

k/cmc/02.22.2024

Budget & Appropriations

Public works & Transportation

Dated: March 11, 2024
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



Public Works & Transportation



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES05

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 \$ 3,100,000 PPU 15 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 254,579

Total Debt Service (Annual Cost x Term): \$ 3,818,685

Finance Department: Interest rates from February 21, 2024 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: 33

Prepared by: Richard G Wishnie

Title: Commissioner

Department: Emergency Services


Date: 2/23/24

Reviewed By: 

Budget Director

Date: 2/23/24

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: February 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BES05 DES MAIN FACILITY REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-22-2024 (Unique ID: 2459)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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:

- **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: None

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. 38 - 2024

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 8, 2019, IN RELATION TO THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY, AT THE MAXIMUM ESTIMATED COST OF \$3,100,000. (Adopted 03/18, 2024).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,100,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Department of Emergency Services main facility, pursuant to Act No. 57-2019 duly adopted on April 8, 2019; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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 (A). The bond act duly adopted by this Board on April 8, 2019, entitled:

“ACT NO. 57-2019

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,100,000 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 THE FINAL PHASE OF THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,100,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 03/18 , 2024)

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; \$3,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management in connection with the rehabilitation of the Department of Emergency

Services main facility, including roof replacement with associated decking and flashing, 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 \$3,100,000. The plan of financing includes the issuance of \$3,100,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$3,100,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) 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 \$3,100,000. 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 \$3,100,000 as the estimated maximum 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

CAPITAL PROJECT FACT SHEET

Project ID:*
BES05

CBA

Fact Sheet Date:*
01-22-2024

Fact Sheet Year:*
2024

Project Title:*
DES MAIN FACILITY
REHABILITATION

Legislative District ID:
3,

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
EMERGENCY SERVICES

CP Unique ID:
2459

Overall Project Description

This project funds the rehabilitation of the DES Main Facility.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input 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	2024	2025	2026	2027	2028	Under Review
Gross	9,940	9,940	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,940	9,940	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,342

Current Bond Description: Funding is requested for the design, construction and construction management for roof replacement including decking and flashing, at the DES Main Facility building.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,000,000
Cash:	0
Total:	\$ 2,000,000

SEQR Classification:
TYPE II

Amount Requested:
2,000,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2006	940,000	DESIGN AND CONSTRUCTION
2008	9,000,000	CONSTRUCTION

Total Appropriation History:
9,940,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
07	39	0		0 DESIGN RENOVATIONS EMERG. SERVICES FACILITY-VALHALLA
13	04	454,928	454,928	DES - MAIN FACILITY RENOVATION LOCATED IN VALHALLA
13	04	0	0	
15	53	1,750,000	1,733,997	DES MAIN FACILITY REHABILITATION
15	73	415,700	415,695	DES MAIN FACILITY REHABILITATION - PARTIAL RECONSTRUCTION
15	73	265,072	109,931	
19	57	1,100,000	165,851	FINAL PHASE OF REHABILITATION OF THE WESTCHESTER COUNTY DEPT OF EMERG SERV MAIN FACILITY

Total Financing History:
3,985,700

Recommended By:

Department of Planning	Date
MLLL	01-22-2024
Department of Public Works	Date
RJB4	01-26-2024
Budget Department	Date
DEV9	01-26-2024
Requesting Department	Date
KANI	01-26-2024

DES MAIN FACILITY REHABILITATION (BES05)

User Department : Emergency Services
Managing Department(s) : Emergency Services ; 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	2024	2025	2026	2027	2028	Under Review
Gross	9,940	9,940	3,342						
Non County Share									
Total	9,940	9,940	3,342						

Project Description

This project funds the rehabilitation of the DES Main Facility.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget will be the debt service associated with the issuance of bonds. In addition, there will be operating expenses as the function of the space changes.

Appropriation History

Year	Amount	Description	Status
2006	940,000	Design and construction	COMPLETE
2008	9,000,000	Construction	\$3,045,700 - CONSTRUCTION; \$5,954,300 - AWAITING BOND AUTHORIZATION
Total	9,940,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,940,000	2,897,494	7,042,506
Total	9,940,000	2,897,494	7,042,506

**DES MAIN FACILITY REHABILITATION
(BES05)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
39 07				
04 13	454,928	12/10/13	66,849	
		12/10/13	8,151	
		12/10/13	229	
		12/04/14	379,050	
		11/19/15	(379,050)	
		11/19/15	326,220	
		11/19/15	52,830	
		11/19/15	649	
04 13				
53 15	1,750,000	11/19/15	67,860	16,002
		11/19/15	13,160	
		11/19/15	136	
		12/15/16	69,452	
		12/15/17	406,456	
		12/15/17	74,629	
		12/15/17	631	
		12/10/18	1,101,674	
73 15	415,700	11/14/15	347,592	4
		11/14/15	67,408	
		11/14/15	695	
73 15	265,072	12/10/18	109,931	155,141
57 19	1,100,000	12/01/21	24,954	934,149
		12/01/22	128,161	
		12/01/22	12,737	
Total	3,985,700		2,880,404	1,105,296

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 March 18, 2024 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
March 14, 2024

News Channel 12
The Journal News
Hometown Media
CBS2NY
The Examiner News
WABCTV News

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
March 14, 2024

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on March 19, 2024.





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 Benjamin Boykin
 Legislator Terry Clements
 Legislator Margaret Cunzio
 Legislator Vedat Gashi
 Legislator Judah Holstein
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator David Tubiolo
 Legislator Emiljana Uraj
 Legislator Shanae Williams
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

NOES:

ABSENT: Legislator David Imamura

EXCUSED:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 3-20-14

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 38 - 2024, 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 March 18, 2024, and approved by the County Executive on March 20, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 21st day of March, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

