

**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 (“Bond Act”) in the amount of \$2,090,000 to finance capital project B0108 – 85 Court Street Building Improvements, White Plains (2015-2019) (“B0108”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of design, construction management and construction associated with replacement of the existing gas fired boilers with new gas fired boilers, and associated work at the County-owned office building located at 85 Court Street, White Plains.

The Department of Public Works and Transportation (“Department”) has advised that B0108 will replace existing equipment which is over 40 years old and has exceeded its expected useful service life. The new equipment will reduce the amount of energy required for heating this building.


Design by a consultant is currently underway and is expected to be completed by the end of 2021. It is estimated that construction will take ten months to complete and will begin after award and execution of the construction contracts.


It should be noted that your Honorable Board has previously authorized bonding in connection with separate components of B0108 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, B0108 has been 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 further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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 Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: November 8, 2021
White Plains, New York

Ruth Weber
K. A. Carroll

Dedat Jabri
Benjamin Boykin

Ruth Weber
Cahira P
W. M. E.

Dedat Jabri
Benjamin Boykin

Public Works &
Transportation

Budget & Appropriations

COMMITTEE ON

Dated: November 8, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Public Works & Transportation

Mary Jane Shimsky
Catherine F. Parker
Tye H. C.

Budget & Appropriations

Margaret A. Cunzio
Nancy E. Pan
Tye H. C.
Catherine F. Parker
Alfreda Willis

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0108

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 \$ 2,090,000 PPU 15 Anticipated Interest Rate 1.12%

Anticipated Annual Cost (Principal and Interest): \$ 151,927

Total Debt Service (Annual Cost x Term): \$ 2,278,905

Finance Department: Interest rates from September 30, 2021 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: 23

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital Planning)

Department: Public Works/Transportation


Date: 10/6/21

Reviewed By: 

Budget Director

Date: 10/7/21

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

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: October 5, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B0108 85 Court Street Building Improvements, White Plains (2015-2019)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-28-2021 (Unique ID: 1759)

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: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. ¹⁹⁶ 2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,090,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT IN CONNECTION WITH THE REPLACEMENT OF BOILERS AT 85 COURT STREET IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,090,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,090,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 11/08 , 2021)

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, \$2,090,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction management and construction associated with the replacement of the existing gas fired boilers with new gas fired boilers and associated work at 85 Court Street, White Plains, 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 class of objects

or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$2,090,000. The plan of financing includes the issuance of \$2,090,000 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 class of objects or purposes for which the \$2,090,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a.13 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 \$2,090,000. 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 \$2,090,000 as the estimated total cost of the aforesaid objects or purposes 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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* B0108	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-07-2021
Fact Sheet Year:* 2021	Project Title:* 85 COURT STREET BUILDING IMPROVEMENTS, WHITE PLAINS (2015-2019)	Legislative District ID: 8,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 1759

Overall Project Description

This projects provide for the rehabilitation and upgrades of exterior, interior or site infrastructure which is at the end of its useful life. Infrastructure rehabilitations can include but are not limited to façade repairs, replacement of doors, windows and storefronts, interior renovations, upgrades and replacement of mechanical systems and elevators, upgrades of security systems, rehabilitation of pavements and sidewalks.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2021	2022	2023	2024	2025	Under Review
Gross	4,620	4,620	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,620	4,620	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 320

Current Bond Description: Funding is requested for design, construction management and construction associated with the replacement of the existing gas fired boilers with new gas fired boilers and associated work at 85 Court Street, White Plains.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,090,000
Cash:	0
Total:	\$ 2,090,000

SEQR Classification:

TYPE II

Amount Requested:

2,090,000

Comments:

Energy Efficiencies:

THE NEW BOILERS AND ASSOCIATED EQUIPMENT WILL BE MORE ENERGY EFFICIENT THAN THE EXISTING BOILERS.

Appropriation History:

Year	Amount	Description
2015	800,000	REPLACEMENT OF BOILERS AND ELEVATOR MACHINE ROOM HVAC
2016	1,600,000	REPLACEMENT OF BUILDING OVERHANG ENCLOSURE; REPLACEMENT AND UPGRADE OF HEATING DISTRIBUTION SYSTEM; AND REPAIR OF OPERATING WINDOWS,
2017	1,250,000	REPLACEMENT OF COOLING TOWERS AND ASSOCIATED WORK.
2018	150,000	FUNDS A STRUCTURE OR MONUMENT AND IMPROVEMENTS TO CHRISTOPHER RIDLEY PLAZA.
2019	200,000	ADDITIONAL CONSTRUCTION FOR THE CHRISTOPHER RIDLEY PLAZA AND MONUMENT
2020	620,000	COST ESCALATION

Total Appropriation History:

4,620,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
18	105	0	0	IMPROVEMENTS TO CHRISTOPHER RIDLEY PLAZA AT 85 COURT STREET IN WHITE PLAINS
19	19	350,000	0	IMPROVEMENTS TO CHRISTOPHER RIDLEY PLAZA AT 85 COURT STREET IN WHITE PLAINS

Total Financing History:

350,000

Recommended By:

Department of Planning
WBB4

Date
09-28-2021

Department of Public Works
RJB4

Date
09-29-2021

Budget Department
GKGA

Date
09-29-2021

Requesting Department
RJB4

Date
09-29-2021

85 COURT STREET BUILDING IMPROVEMENTS, WHITE PLAINS (2015-2019) (B0108)

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	4,620	4,620	320						
Non County Share									
Total	4,620	4,620	320						

Project Description

This projects provide for the rehabilitation and upgrades of exterior, interior or site infrastructure which is at the end of its useful life. Infrastructure rehabilitations can include but are not limited to façade repairs, replacement of doors, windows and storefronts, interior renovations, upgrades and replacement of mechanical systems and elevators, upgrades of security systems, rehabilitation of pavements and sidewalks.

Current Year Description

There is no current year request.

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
2015	800,000	Replacement of boilers and elevator machine room HVAC	AWAITING BOND AUTHORIZATION
2016	1,600,000	Replacement of building overhang enclosure; replacement and upgrade of heating distribution system; and repair of operating windows,	AWAITING BOND AUTHORIZATION
2017	1,250,000	Replacement of cooling towers and associated work.	AWAITING BOND AUTHORIZATION
2018	150,000	Funds a structure or monument and improvements to Christopher Ridley Plaza.	COMPLETE
2019	200,000	Additional construction for the Christopher Ridley Plaza and monument	COMPLETE
2020	620,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	4,620,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,620,000		4,620,000
Total	4,620,000		4,620,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
105 18				
19 19	350,000			350,000
Total	350,000			350,000

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 November 8, 2021 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
November 3, 2021

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
November 3, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on November 9, 2021.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

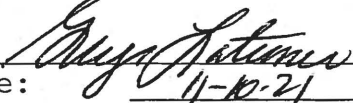
Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 11-10-21

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 196 - 2021, 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 November 8, 2021, and approved by the County Executive on November 10, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 15th day of November, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

