

George Latimer
County Executive

October 21, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval are three (3) bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total aggregate amount of \$4,050,000 to finance the following three (3) capital projects for 2023:

\$750,000	Serial Bonds for	HVAC Upgrades, Terminal Building (A0134)
\$800,000	Serial Bonds for	Ramp Service Equipment (A0138)
\$2,500,000	Serial Bonds for	Electrical, Data and Security Systems Upgrades(A0140)

It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit these Bond Acts now so that the referenced projects will be ready to proceed without delay in early 2023.

The Planning Department has advised that based on its review the above projects are "Type II" actions under the State Environmental Quality Review Act, 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant effect on the environment and therefore do not require further environmental review. If you concur in this determination, no further action is required.

Approval of these Bond Acts totaling \$4,050,000 is necessary so that the Commissioner of Finance may enter the bond market at the most opportune time.

I recommend your Board's favorable action on the annexed proposed Bond Acts.

Sincerely,



George Latimer
County Executive

GL/LS/HJG/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$750,000, to authorize the County of Westchester (“County”) to finance capital project A0134 – HVAC Upgrades, Terminal Building (“A0134”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Harris Beach, PLLC, would finance the cost of design, construction and construction management of the first phase of the HVAC unit replacement project at the terminal building at the County Airport.

The Department of Public Works & Transportation has advised that the existing HVAC units at the terminal have exceeded their useful life and are in need of replacement. Work under this phase will include the removal of existing HVAC units and replacement with new energy efficient rooftop units.

Following bonding authorization, design will be scheduled and is anticipated to take four (4) months to complete and will be performed by an outside consultant. Construction is estimated to take six (6) months and will begin after award and execution of the construction contracts.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

The Planning Department has advised your Committee that based on its review, the above referenced capital project 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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: _____, 20____
White Plains, New York

k/jpg 09-29-22

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0134

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 \$ 750,000 PPU 10 Anticipated Interest Rate 3.37%

Anticipated Annual Cost (Principal and Interest): \$ 88,336

Total Debt Service (Annual Cost x Term): \$ 883,360

Finance Department: Interest rates from October 18, 2022 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: 8

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Brian Hegt

Title: Assistant to the Commissioner

Department: Public Works & Transportation


Date: 10/19/22

Reviewed By: [Signature]

Budget Director

Date: 10/22/22

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0134 HVAC UPGRADES TERMINAL BUILDING**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-23-2022 (Unique ID: 2045)

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
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Lorraine Marzola, Associate Budget Director
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF THE CONSTRUCTION OF HVAC SYSTEM IMPROVEMENTS AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted, _____, 20__)

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, to the provisions of other laws applicable thereto, \$750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance costs of the construction of HVAC system improvements at the County Airport, including design and construction management; 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 \$750,000. The plan of financing includes the issuance of \$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 applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 13 of the Law, is ten (10) 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 \$750,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 _____, 20__ and approved by the County Executive on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20__.

The Clerk and Administrative Officer of the County Board of Legislators
County of Westchester, New York

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF THE CONSTRUCTION OF HVAC SYSTEM IMPROVEMENTS AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance costs of the construction of HVAC system improvements at the County Airport, including design and construction management; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$750,000; ten (10) years

Dated: _____, 20__
White Plains, New York

Clerk and Administrative Officer of the County Board of
Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:*
A0134

CBA

Fact Sheet Date:*
01-03-2023

Fact Sheet Year:*
2023

Project Title:*
HVAC UPGRADES, TERMINAL
BUILDING

Legislative District ID:
6,

Category*
AIRPORT

Department:*
AIRPORT/DOT

CP Unique ID:
2045

Overall Project Description

This project funds removal of existing HVAC units and replacement with energy efficient units. Project also includes, but is not limited to, upgrades to electrical systems, modifications to structural supports and upgrades to the building management system (BMS).

- | | | |
|---|---|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	3,150	350	750	2,050	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,150	350	750	2,050	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 0

Current Bond Description: This request will fund design, construction and construction management of the first phase of the HVAC unit replacements.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
Total:	\$ 750,000

SEQR Classification:
TYPE II

Amount Requested:
750,000

Comments:

Energy Efficiencies:
PROJECT INCLUDES REPLACEMENT WITH ENERGY EFFICIENT ROOFTOP UNITS.

Appropriation History:

Year	Amount	Description
2017	350,000	DESIGN.

Total Appropriation History:
350,000

Total Financing History:
0

Recommended By:

Department of Planning
WBB4

Date
09-23-2022

Department of Public Works
RJB4

Date
09-23-2022

Budget Department
LMY1

Date
09-26-2022

Requesting Department
RJB4

Date
09-27-2022

HVAC UPGRADES, TERMINAL BUILDING (A0134)

User Department : Airport/DOT
Managing Department(s) : Airport/DOT ; 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	3,150	350		750	2,050				
Non County Share									
Total	3,150	350		750	2,050				

Project Description

This project funds removal of existing HVAC units and replacement with energy efficient units. Project also includes, but is not limited to, upgrades to electrical systems, modifications to structural supports and upgrades to the building management system (BMS).

Current Year Description

The current year request funds Phase I.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	750,000			750,000

Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2017	350,000	Design.	AWAITING BOND AUTHORIZATION
Total	350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	350,000		350,000
Total	350,000		350,000