



Westchester County

Budget & Appropriations

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Meeting Agenda

Committee Chair: Catherine Borgia

Monday, January 25, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Public Safety, Public Works & Transportation, Environment & Health, Law & Major Contracts, Seniors, Youth & Intergenerational Services and Parks & Recreation.

MINUTES APPROVAL

January 11, 2021 at 10AM Minutes

I. ITEMS FOR DISCUSSION

1. [2021-7](#) IMA-Prisoner Transportation-Yonkers
AN ACT authorizing the County to enter into an Intermunicipal Agreement with the City of Yonkers in order to provide reimbursement for prisoner transportation to the Westchester County Jail (formerly MT # 13085)

Joint with PS
Guests: Warden Vollmer and Bill Fallon - Department of Corrections

2. [2021-12](#) PH-Sewer District Modification-Add 1 Parcel-Briarcliff Manor
A RESOLUTION to set a Public Hearing on "AN ACT to Modify the Saw Mill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Village of Briarcliff Manor." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW 2020-13080 (formerly MT # 13079)

Joint with PWT & EH
Guests: Commissioner Kopicki & Marian Pompa - Department of Environmental Facilities

3. [2021-13](#) Sewer District Modification-Add 1 Parcel-Briarcliff Manor
AN ACT to Modify the Saw Mill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Village of Briarcliff Manor (formerly MT # 13080)

Joint with PWT & EH
Guests: Commissioner Kopicki & Marian Pompa - Department of Environmental Facilities

4. [2021-15](#) PH-Sewer District Modification-Add 4 Parcels-Briarcliff Manor
A RESOLUTION to set a Public Hearing on "AN ACT to Modify the Ossining Sanitary Sewer District by the Addition of Four (4) parcels of Property Located in the Village of Briarcliff Manor." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 2020-13082 (formerly MT # 13081)
- Joint with PWT & EH*
Guests: Commissioner Kopicki & Marian Pompa - Department of Environmental Facilities
5. [2021-17](#) Sewer District Modification-Add 4 Parcels-Briarcliff Manor
AN ACT to Modify the Ossining Sanitary Sewer District by the Addition of Four (4) parcels of Property Located in the Village of Briarcliff Manor (formerly MT # 13082)
- Joint with PWT & EH*
Guests: Commissioner Kopicki & Marian Pompa - Department of Environmental Facilities
6. [2021-72](#) ACT - Enter into Agreement with Tulis & Geiger LLP
AN ACT authorizing the County to retain, at County expense, the law firm of Tulis & Geiger LLP to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with ACME Bus Corp. v. Westchester County Department of Health.
- Joint with LMC*
Guests: County Attorney John Nonna & Assistant County Attorney Jane Hogan-Felix
7. [2021-77](#) Lawsuit Settlement - Donahoe v. Bee-Line Bus
AN ACT authorizing the County Attorney to settle the lawsuit of George Donahoe v. Bee-Line Bus System, et. al. in the amount of ONE HUNDRED SEVEN THOUSAND, FIVE HUNDRED (\$107,500) DOLLARS, inclusive of attorney's fees (formerly MT # 13132).
- Joint with LMC*
Guests: County Attorney John Nonna & Senior Assistant County Attorney Sean Carey
8. [2021-10](#) IMA-Municipalities-Positive Youth Development Programs
AN ACT authorizing the County of Westchester to enter into inter-municipal agreements with various municipalities for the provision of positive youth development programs (formerly MT # 13098)
- Joint with SYIS*
Guests: Dr. DaMia Harris- Madden, Executive Director & Bernie Dean, Financial Coordinator- Youth Bureau

9. [2021-8](#) BOND ACT(Amended)-RMF02-Reconstruction of Memorial Field, Mount Vernon
A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TWO MILLION, SIX HUNDRED SIXTY-SIX THOUSAND (\$2,666,000) DOLLARS to finance Capital Project RMF02 - Reconstruction of Memorial Field, Mt. Vernon for 2021(formerly MT # 13037)
- Joint with PWT & PR*
Guests: Commissioner Kathy O'Connor & Deputy Commissioner Peter Tartaglia- Department of Parks & Recreation;
Commissioner Greechan & Robert Abbamont- Department of Public Works/Transportation
10. [2021-11](#) BOND ACT(Amended)-RMAC3-V.E. Macy Park Site Work
[A BOND ACT (Amended) authorizing the issuance of additional bonds in the amount of TWO MILLION, TWO HUNDRED THOUSAND (\$2,200,000) DOLLARS in bonds of Westchester County to finance Capital Project RMAC3 - V.E. Macy Park Site Work (formerly MT # 13083)
- Joint with PWT & PR*
Guests: Commissioner Kathy O'Connor & Deputy Commissioner Peter Tartaglia- Department of Parks & Recreation;
Commissioner Greechan & Robert Abbamont- Department of Public Works/Transportation

II. OTHER BUSINESS

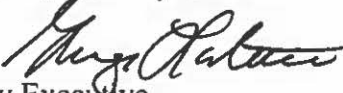
III. RECEIVE & FILE

1. [2021-73](#) HON. CHRISTOPHER A. JOHNSON: Memo to create a pilot program entitled S.A.V.E. - Students Achieve Via Education
Forwarding a memo requesting that the appropriate County departments research and draft a proposal to create a pilot program entitled S.A.V.E. - Students Achieve Via Education, for 2020 which will create and fund college savings accounts with the beginning amount of \$50 for up to 5,000 kindergarten students in the City of Yonkers (formerly MT # 12411).
2. [2021-79](#) HON. DAMON R. MAHER: LoHud Article - "Westchester Suffering Housing Crisis - ESSHI Program Can Help"
Forwarding a LoHud article entitled, "Westchester Suffering Housing Crisis - ESSHI Program Can Help." (formerly MT # 13134)

ADJOURNMENT

November 9, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: IMA – Prisoner
Transportation Reimbursement, City of Yonkers.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

Transmitted herewith for your review and approval is an Act authorizing the County to enter into an IMA with the City of Yonkers to provide reimbursement for prisoner transportation and meals.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

November 4, 2020

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

Dear Honorable Members of the Board:

Pursuant to New York State Correction Law sections 500-c and 500-d, the County of Westchester ("County") is required to transport at its own expense prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York. In addition, the County is required to provide meals to such prisoners. The County relies on assistance from local municipalities to carry out these functions and by so doing saves taxpayer funds.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Yonkers ("Yonkers") in order to reimburse an amount not to exceed \$552,117 to Yonkers for the term commencing January 1, 2020 and terminating December 31, 2021. This IMA will allow the County to reimburse Yonkers for the costs it incurs in transporting prisoners who have been arraigned to and from Yonkers and the Westchester County Jail located at Valhalla, New York.

Reimbursement to Yonkers will be at the monthly flat rate of: \$34,791.50 for the months of January and February 2020 and at the sixty (60%) percent reduced rate of \$20,874.90 for the months March through July 2020, for a total for the period January 1, 2020 through July 31, 2020 of \$173,957.50. These flat rates will include all expenses related to the transportation of prisoners, including, but not limited to, labor costs, mileage and prisoner meals. For the period August 1, 2020 through December 31, 2021, reimbursement to Yonkers will be for round trip transportation and will be based on the per hour labor costs of Detention Officers which will be reimbursed at the rate of \$50 per hour per Detention Officer with a maximum of two hours per round trip. Yonkers will also be reimbursed for vehicle usage at the rate of fifty-eight

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

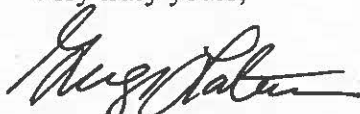
westchestergov.com

cents (\$.58) per mile, or at the then current Internal Revenue Service mileage reimbursement rate multiplied by the mileage to and from the Westchester County Jail which is agreed to be 16 miles each way. The County will also reimburse Yonkers for the actual and reasonable cost of meals provided to post-arraignment prisoners.

The Department of Planning has advised that pursuant to 6 NYCRR 617.2(b) of the New York State Environmental Quality Review Act ("SEQRA") Regulations, the proposed prisoner transportation does not meet the definition of an "action" and therefore, no further environmental review is required.

I believe that this agreement with the City of Yonkers is in the best interests of the County of Westchester, and I therefore, recommend that your Honorable Board approve the annexed legislation.

Very truly yours,



George Latimer
County Executive

GL/DI
Att.

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Upon a communication from the County Executive, your Committee has been advised that pursuant to sections 500-c and 500-d of the New York State Correction Law, the County of Westchester ("County") is required at its own expense to transport prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York. In addition, the County must provide meals to such prisoners.

The County Executive has forwarded legislation, which would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Yonkers ("Yonkers") in order to reimburse an amount not to exceed \$552,117 to Yonkers for the term commencing January 1, 2020 and terminating December 31, 2021. This IMA will allow the County to reimburse Yonkers for the costs it incurs in transporting prisoners who have been arraigned to and from Yonkers and the Westchester County Jail located at Valhalla, New York.

Reimbursement to Yonkers will be at the monthly flat rate of: \$34,791.50 for the months of January and February 2020 and at the sixty (60%) percent reduced rate of \$20,874.90 for the months March through July 2020, for a total for the period January 1, 2020 through July 31, 2020 of \$173,957.50. These flat rates will include all expenses related to the transportation of prisoners, including, but not limited to, labor costs, mileage and prisoner meals.

For the period August 1, 2020 through December 31, 2021 reimbursement to Yonkers will be for round trip transportation and will be based on the per hour labor costs of Detention Officers which will be reimbursed at the rate of \$50 per hour per Detention Officer with a maximum of two hours per round trip. Yonkers will also be reimbursed for vehicle usage at the rate of fifty-eight cents (\$.58) per mile, or at the then

current Internal Revenue Service mileage reimbursement rate multiplied by the mileage to and from the Westchester County Jail which is agreed to be 16 miles each way. The County will also reimburse Yonkers for the actual and reasonable cost of meals provided to post-arraignment prisoners.

Your Committee is advised by the Department of Planning that pursuant to 6 NYCRR 617.2(b) of the New York State Environmental Quality Review Act (“SEQRA”) Regulations, the proposed prisoner transportation does not meet the definition of an “action” and therefore, no further environmental review is required. Therefore, your Honorable Board need take no further action on this matter pursuant to SEQRA. Your Committee concurs in this conclusion.

Your Committee has been advised that adoption of the annexed Act requires an affirmative vote of a majority of the voting strength of the Board.

After review and careful consideration, your Committee recommends favorable action upon the proposed legislation.

Dated: _____, 2020
White Plains, New York

COMMITTEE ON

C:DI 10/27/20

TO: Daniela Infield
Assistant County Attorney

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



DATE: March 13, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR PRISONER
TRANSPORTATION INTERMUNICIPAL AGREEMENTS**

PROJECT/ACTION: Intermunicipal agreements between the County and local municipalities, whereby the County will reimburse the local municipality for costs incurred associated with the transport of prisoners to and from the local courthouse and the Westchester County Jail.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

FISCAL IMPACT STATEMENT

SUBJECT: Pris. Trans. Yonkers 2020-2021 NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 276,058

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 35-1000-1000-4445

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: 2020- \$276,058 (to reimburse City of Yonkers for transporting Prisoners)

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: N/A

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: 2021-\$276,059

Prepared by: William Fallon WF

Title: Director of Administrative Services

Department: Correction

Date: October 29, 2020

ASB
Reviewed By: [Signature]
Budget Director

Date: 11/6/20

ACT NO. - 2020

AN ACT authorizing the County to enter into an Intermunicipal Agreement with the City of Yonkers in order to provide reimbursement for prisoner transportation to the Westchester County Jail.

BE IT ENACTED, by the County Board of Legislators of the County of Westchester, State of New York as follows:

Section 1. The County of Westchester (the "County") be and hereby is authorized to enter into an Intermunicipal Agreement ("IMA") with the City of Yonkers ("Yonkers") for the term commencing January 1, 2020 and terminating December 31, 2021 in an amount not to exceed \$552,117, in order to reimburse the municipality for the cost to transport prisoners round trip between Yonkers and the Westchester County Jail located at Valhalla, New York.

§2. For the period January 1, 2020 through February 28, 2020, the County will reimburse Yonkers at the monthly flat rate of \$34,791.50 and for the period March 1, 2020 through July 31, 2020 at the monthly flat rate of \$20,874.90 for a total of \$173,957.50. These flat rates shall include all expenses related to the transportation of prisoners including, but not limited to, labor costs, mileage and prisoner meals.

§3. For the period August 1, 2020 through December 31, 2021, the County will reimburse Yonkers for the actual and reasonable costs for round trip prisoner transportation as follows:

Personnel: Reimbursement for personnel costs shall be calculated by multiplying the hourly wage and fringe benefit costs to Yonkers for detention officers in the amount of \$50 per hour with a maximum of two hours per round trip.

Mileage: Reimbursement for vehicle usage between the City Court of Yonkers and the Westchester County Jail, which is agreed to be sixteen (16) miles each way, shall be at the rate of fifty-eight cents (\$.58) per mile, or at the then current Internal Revenue Service mileage reimbursement rate for the term of the IMA.

Meals: Reimbursement for the actual and reasonable costs of meals provided to post-arraignment prisoners.

§4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take any and all action necessary and appropriate to accomplish the purposes hereof.

§5. This Act shall take effect immediately.

PRISONER TRANSPORTATION—YONKERS

THIS AGREEMENT, made this _____ day of _____, 2020

by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, Yonkers, New York 10601

(hereinafter referred to as the “County”)

and

THE CITY OF YONKERS, a municipal corporation of the State of New York, having its office and place of business at City Hall, Yonkers, New York 10701

(hereinafter referred to as the “Municipality”)

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law, prisoners are required to be transported from local municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the County and the Municipality agree as follows:

1. PRISONER TRANSPORTATION: Except for prisoners arrested by Westchester County Department of Public Safety, the Municipality shall provide round trip prisoner transportation using its own police department personnel and vehicles between the Municipality and the Westchester County Department of Correction for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local court within the Municipality. The Municipality shall provide required meals to prisoners transported pursuant to this Agreement. The Municipality, where possible, shall hold prisoners for one daily trip to the Department of Correction.

2. REIMBURSEMENT: The Municipality shall be reimbursed by the County for prisoner transportation services for the term January 1, 2020 through July 31, 2020 at the following rates:

- \$34,791.50 per month flat rate for the months of January and February 2020;
- and
- \$20,874.90 per month, sixty (60%) percent reduced flat rate for the months March through July 2020,

for a total of \$173,957.50 for the period January 1, 2020 through July 31, 2020. These flat rates will include all expenses related to the transportation of prisoners, including, but not limited to, labor costs, mileage and prisoner meals.

For the term August 1, 2020 through December 31, 2021 reimbursement to Yonkers will be for round trip transportation and will be based on the per hour labor costs of Detention Officers which will be reimbursed at the rate of \$50 per hour per Detention Officer with a maximum of two hours per round trip. Yonkers will also be reimbursed for vehicle usage at the rate of fifty-eight cents (\$.58) per mile, or at the then current Internal Revenue Service mileage reimbursement rate multiplied by the mileage to and from the Westchester County Jail which is agreed to be 16 miles each way. The County will also reimburse Yonkers for the actual and reasonable cost of meals provided to post-arraignment prisoners.

3. **TERM**: This Agreement shall commence on January 1, 2020 and shall terminate on December 31, 2021. The County may, upon thirty (30) days written notice to the Municipality, terminate this Agreement in whole or in part when it deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services rendered prior to the effective date of termination.

4. **PAYMENT**: Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of Correction. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

The total aggregate cost to the County under this Agreement pursuant to Act No. 2020 – approved by the Westchester County Board of Legislators on _____, 2020, shall not exceed \$552,117. This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

5. **INSURANCE AND INDEMNIFICATION**: All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule "A" of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out of the transportation of prisoners for which reimbursement is sought hereunder and for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

6. ENTIRE AGREEMENT: This Agreement constitutes the entire and integrated agreement between and among the parties hereto and supersedes any and all prior negotiations, agreements and conditions, whether written or oral. Any modification or amendment to this Agreement shall be void unless it is in writing and subscribed by the party to be charged.

7. APPLICABLE LAW: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

8. APPROVALS: This Agreement is subject to the approval of the Westchester County Board of Legislators and the governing legislative body of the Municipality.

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement on the _____ day of _____, 2020.

THE COUNTY OF WESTCHESTER

THE CITY OF YONKERS

By: _____
Joseph Spano
Commissioner of Correction

By: _____
(Name)
(Title)

Approved by the Westchester County Board of Legislators by Act No. 2020 -
on the _____ day of _____, 2020.

Approved by the City Council of the City of Yonkers on the _____ day of _____, 2020.

Approved as to form and
manner of execution:

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester
K/1/DCR/119107/YONKERS Pris. IMA-2020

Corporation Counsel
City of Yonkers

MUNICIPALITY'S ACKNOWLEDGEMENT

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

On this _____ day of _____, 2020, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by me
duly sworn did depose and say that he, the said _____ resides at

and that he is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the _____
(Title)

(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _____
(Law under which organized, e.g., the New York Village
Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality,
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this _____ day of _____, 2020, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____
resides at _____, and that he is
the _____ of said municipal corporation.
(title)

Notary Public County

SCHEDULE "A"

STANDARD INSURANCE PROVISIONS
(MUNICIPALITY)

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

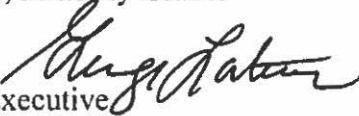
(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

November 9, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: Act – Modify the Saw Mill SSD by Addition of 1 parcel of Property in the Village of Briarcliff Manor.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor (“Village”) has requested pursuant to the attached Resolution of the Village that the Saw Mill Sanitary Sewer District (“District”) be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 43 Chappaqua Road.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 30, 2020

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

Dear Honorable Members:

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor ("Village") has requested pursuant to the attached Resolution of the Village that the Saw Mill Sanitary Sewer District ("District") be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20 ("Returning Parcel") to the District. The Returning Parcel was previously part of the District but was removed from the District by your Honorable Board in 2001 for the 2002 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto indicates that the proposed addition of the Returning Parcel represents an increase of 0.000025 (0.0025%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcel will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcel to the District is feasible because: 1) the matter was requested by the Village; 2) the facilities necessary to connect the Returning Parcel to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Yonkers Joint Wastewater Treatment Facility has a design flow of 120 MGD and the present average daily flow is 84.8 MGD. The daily flow the Returning Parcel will generate after inclusion is 450 GPD. The plant and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing

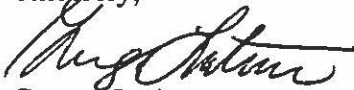
after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time for the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges will be paid by the Returning Parcel. The Department of Environmental Facilities recommends an aggregate surcharge of One Thousand Seven Hundred Ninety Dollars (\$1,790.00), or One Hundred Seventy-Nine Dollars (\$179.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 2002 through 2020, the years the Returning Parcel did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13) and (33), and therefore no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the above facts and the feasibility study provided by the Department of Environmental Facilities, I respectfully recommend that your Board adopt a resolution which will authorize a date and time for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an Act which will add the Returning Parcel to the District.

Sincerely,



George Latimer
County Executive

GL/VK/MP/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Village of Briarcliff Manor (“Village”) has requested, pursuant to the attached Resolution of the Village, that the Saw Mill Sanitary Sewer District (“District”) be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20 (“Returning Parcel”) to the District. The Returning Parcel was previously part of the District but was removed from the District by your Honorable Board in 2001 for the 2002 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto, indicates that the proposed addition of the Returning Parcel represents an increase of 0.000025 (0.0025%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcel will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcel to the District is feasible because: 1) the matter was requested by the Village; 2) the facilities necessary to connect the Returning Parcel to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Yonkers Joint Wastewater Treatment Facility has a design flow of 120 MGD and the present average daily flow is 84.8 MGD. The daily flow the Returning Parcel will generate after inclusion is 450 GPD. The plant and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would set a date and time for the necessary public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Returning Parcel. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of One Thousand Seven Hundred Ninety Dollars (\$1,790.00), or One Hundred Seventy-Nine Dollars (\$179.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 2002 through 2020, the years the Returning Parcel did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcel constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13) and (33), and therefore no further environmental review is required. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Based on the above facts and the Feasibility Report prepared by the Department of Environmental Facilities, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will set a date and time for the public hearing as required by the Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Returning Parcel

to the Saw Mill Sanitary Sewer District. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: _____, 2020
White Plains, New York

COMMITTEE ON

K:JPG 9/30/2020

FISCAL IMPACT STATEMENT

SUBJECT: 43 Chappaqua Rd, Saw Mill SSD, Briarcliff Manor

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____ -

Describe: Operating expenses related to process and treatment
plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ _____ 179

Describe: "Buy-in" revenue for parcel added to the Saw Mill Sewer District each year
for the next 10 years

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Marian Pompa, Jr. P.E.

Title: Associate Engineer

Department: Environmental Facilities

Date: September 25, 2020

WAO 10/26/2020
Reviewed By: *[Signature]*

Budget Director

Date: 10/27/20

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: November 5, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF ONE PROPERTY TO SAW MILL SANITARY SEWER DISTRICT
43 CHAPPAQUA ROAD, VILLAGE OF BRIARCLIFF MANOR**

PROJECT/ACTION: The reinstatement of one parcel located in the Village of Briarcliff Manor, 43 Chappaqua Road (Section 90.17, Block 1, Lot 20). to the County's Saw Mill Sanitary Sewer District.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
617.5(c)(13): extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.
617.5(c)(26): routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
617.5(c)(33): adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The subject parcel was removed from the County sewer district in 2001, along with many other parcels that were not connected to sanitary sewers, at the request of the Village of Briarcliff Manor. The parcel to be reinstated will be able to access the County sewer system via a connection to an existing local sanitary sewer line near the property. The parcel is approximately 1.5 acres in size and is developed with a single-family residence. The estimated total sewage contribution for the parcel is 450 gallons per day. Sewage from the Saw Mill Sanitary Sewer District is treated at the Yonkers Joint Treatment Facility. Since the Yonkers Joint Treatment Facility has a design flow of 120 million gallons per day (MGD) and the present average flow is 84.8 MGD, the plant has sufficient capacity to accommodate the additional flow.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Marian Pompa, Associate Engineer
Jeffrey Goldman, Senior Assistant County Attorney
Claudia Maxwell, Associate Environmental Planner

VILLAGE OF
BRIARCLIFF MANOR
www.briarcliffmanor.org



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 941-4800
FAX: (914) 941-4837

RESOLUTION

STATE OF NEW YORK)
 SS:
COUNTY OF WESTCHESTER)

I, the undersigned Village Clerk of the Village of Briarcliff Manor, Westchester County, New York, DO HEREBY CERTIFY.

That I have compared the annexed resolution adopted by the Board of Trustees of the Village of Briarcliff Manor, at the meeting held on the 10th day of October 2019, with the original thereof on file in the office of the Village Clerk, and that the same is a true and correct copy therefrom.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village the 26th day of August 2020.

Christine Dennett, Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 10, 2019

6. ADDITION OF PARCELS TO OSSINING AND SAW MILL SANITARY SEWER DISTRICT

A. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 64 Old Sleepy Hollow Road, identified on the Village Tax Maps as Section 105, Plate 13, Block 1, Lot 64 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

B. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 131 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 11, Block 1, Lot 13 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

C. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 190 Long Hill Road, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.1 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

D. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 22 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.2 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

E. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 43 Chappaqua Road, identified on the Village Tax Maps as Section 90, Plate 17, Block 1, Lot 20 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

September 25, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PARCEL

IN THE

SAW MILL SANITARY SEWER DISTRICT

VILLAGE OF BRIARCLIFF MANOR, TOWN OF OSSINING

MP



Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Village of Briarcliff Manor has petitioned that one (1) property currently not included in the Saw Mill Sanitary Sewer District be returned to the Saw Mill Sanitary Sewer District. This parcel was removed from the County Sewer District in 2001 for the 2002 tax year.

A. The identification of the one (1) property not currently within the boundaries of the Saw Mill Sanitary Sewer District and to be returned is contained in the attached Resolution prepared by the Village Clerk, Village of Briarcliff Manor. Said parcel is not currently in any County Sanitary Sewer District, having been removed from the County Sewer District in 2001 for the 2002 tax year. The identification of the one (1) property is as follows:

- 43 Chappaqua Road, Section 90.17, Block 1, Lot 20

B. Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2020 tax levy pertinent to the subject parcel:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Greenburgh	\$9,395,388,923	100.00%	\$9,395,388,923
Mt, Pleasant	\$153,898,183	1.40%	\$10,992,727,357
Mt. Pleasant - Briarcliff	\$2,656,795	1.40%	\$189,771,071
New Castle	\$283,698,040	19.05%	\$1,489,228,556
City of Yonkers	\$85,479,727	2.29%	\$3,732,739,170
Ossining - Briarcliff Manor	\$954,117,004	100.00%	\$954,117,004
Ossining	\$107,759,700	100.00%	\$107,759,700

Total \$26,861,731,781

(Village of Briarcliff Manor) Total Value of the
Parcels to be added + 674,900

Total Full Value of District as Amended: \$26,862,406,681

* represents a 0.0025% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Saw Mill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2020 Rolls

D = District f.e.v., 2020 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities for the period of time the parcels were not in any County Sewer District, from 2002 through 2020.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{674,900}{26,861,731,781 + 674,900} \times \$71,393,314$$

$$e = \frac{674,900}{26,862,406,681} \times \$71,393,314$$

$$e = .0000251243 \times 71,393,314$$

$$e = \$1,793.25 \text{ (rounded to } \$1,790.00)$$

and:

in each of 10 annual installments, a total surcharge of \$179.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Saw Mill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Village of Briarcliff Manor.
2. The facilities necessary to connect the subject property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Village of Briarcliff Manor.
3. Maintenance of the completed facilities will be the responsibility of the Village of Briarcliff Manor but not the Saw Mill Sanitary Sewer District.
4. The Yonkers Joint Wastewater Treatment Facility has a design flow of 120.0 MGD and the present average daily flow is 84.8 MGD. The daily flow the parcels will generate after inclusion is 450 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Saw Mill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: Briarcliff_Saw Mill SSD Return.docx

RESOLUTION NO. – 2020

RESOLVED, that this Board hold a public hearing on the proposed modification to the Saw Mill Sanitary Sewer District by the addition of one (1) parcel of property located in the Village of Briarcliff Manor more particularly described as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2020 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE SAW MILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF PROPERTY IN THE VILLAGE OF BRIARCLIFF MANOR; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE DAY OF , 2020 AT .M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE ADDITION TO THE SAW MILL SANITARY SEWER DISTRICT OF LAND IN THE VILLAGE OF BRIARCLIFF MANOR IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED SEPTEMBER 25, 2020, OF THE PARCELS AS LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION:

43 CHAPPAQUA ROAD, SECTION 90.17, BLOCK 1, LOT 20

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: , 2020
 White Plains, New York

ACT NO. - 2020

AN ACT to Modify the Saw Mill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Village of Briarcliff Manor.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The property known and designated as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20 (“Returning Parcel”) on the assessment map of the Village of Briarcliff Manor is hereby added to the Saw Mill Sanitary Sewer District (the “District”).

§ 2. Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Returning Parcel the aggregate sum of One Thousand Seven Hundred Ninety Dollars (\$1,790.00), which amount shall be payable in ten equal annual installments of One Hundred Seventy-Nine Dollars (\$179.00), and shall be credited to the remaining portion of the District.

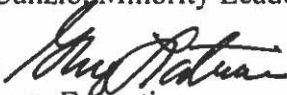
§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

§ 4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.

November 9, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: Act – Modify the
Ossining SSD by Addition of 4 parcels of Property in the Village of
Briarcliff Manor.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor (“Village”) has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 30, 2020

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

Dear Honorable Members:

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor ("Village") has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District ("District") be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 ("Returning Parcels") to the District. The Returning Parcels were previously part of the District but were removed from the District by your Honorable Board in 2001 for the 2002 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcels will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 2) the facilities necessary to connect the Returning Parcels to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcels; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

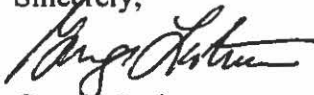
As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time for the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges will be paid by the Returning Parcels. The Department of Environmental Facilities recommends an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 2002 through 2020, the years the Returning Parcels did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13) and (33), and therefore no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the above facts and the feasibility study provided by the Department of Environmental Facilities, I respectfully recommend that your Board adopt a resolution which will authorize a date and time for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an Act which will add the Returning Parcels to the District.

Sincerely,



George Latimer
County Executive

GL/VK/MP/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Village of Briarcliff Manor (“Village”) has requested, pursuant to the attached Resolution of the Village, that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 (“Returning Parcels”) to the District. The Returning Parcels were previously part of the District but were removed from the District by your Honorable Board in 2001 for the 2002 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto, indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcels will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 2) the facilities necessary to connect the Returning Parcels to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcels; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory

proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would set a date and time for the necessary public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Returning Parcels. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 2002 through 2020, the years the Returning Parcels did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13) and (33), and therefore no further environmental review is required. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Based on the above facts and the Feasibility Report prepared by the Department of Environmental Facilities, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will set a date and time for the public hearing as required by the

Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Returning Parcels to the Ossining Sanitary Sewer District. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: _____, 2020
White Plains, New York

COMMITTEE ON

K.JPG 9/30/2020

FISCAL IMPACT STATEMENT

SUBJECT: Return of 4 parcels, Ossining SSD, Briarcliff Manor

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____ -

Describe: Operating expenses related to process and treatment
plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ _____ 1,857

Describe: "Buy-in" revenue for parcels added to the Ossining Sewer District each year
for the next 10 years

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Marian Pompa, Jr. P.E.

Title: Associate Engineer

Department: Environmental Facilities

Date: September 25, 2020

WAO 10/26/2020

Reviewed By: *[Signature]*

Budget Director

Date: *12/23/20*

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: November 5, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF 4 PROPERTIES IN THE VILLAGE OF BRIARCLIFF MANOR TO
OSSINING SANITARY SEWER DISTRICT**

PROJECT/ACTION: The reinstatement of four parcels located in the Village of Briarcliff Manor- 64 Old Sleepy Hollow Road (Section 105.13, Block 1, Lot 64); 131 Cedar Drive East (Section 105.11, Block 1, Lot 13); 190 Long Hill Road (Section 105.07, Block 2, Lot 19.1); and 22 Cedar Drive East (Section 105.07, Block 2, Lot 19.2) - to the County's Ossining Sanitary Sewer District.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
617.5(c)(13): extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.
617.5(c)(26): routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
617.5(c)(33): adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: These parcels were removed from the County sewer district in 2001, along with many other parcels that were not connected to sanitary sewers, at the request of the Village of Briarcliff Manor. The parcels to be reinstated will be able to access the County sewer system via connections to existing local sewer lines near each property. The subject parcels are between 0.9 and 1.3 acres in size. Two properties are developed with single-family residences. One property is currently undeveloped woodland and one property was previously developed with a residence that

was removed in 2017. The properties are all located in the R40B zoning district. The estimated total sewage contribution for these parcels is 2,160 gallons per day. Sewage from the Ossining Sanitary Sewer District is treated at the Ossining Wastewater Treatment Facility. Since the Ossining Wastewater Treatment Facility has a design flow of 7 million gallons per day (MGD) and the present average flow is 4.9 MGD, the plant has sufficient capacity to accommodate the additional flow

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Marian Pompa, Associate Engineer
Jeffrey Goldman, Senior Assistant County Attorney
Claudia Maxwell, Associate Environmental Planner

VILLAGE OF
BRIARCLIFF MANOR
www.briarcliffmanor.org



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 941-4800
FAX: (914) 941-4837

RESOLUTION

STATE OF NEW YORK)
 SS:
COUNTY OF WESTCHESTER)

I, the undersigned Village Clerk of the Village of Briarcliff Manor, Westchester County, New York, DO HEREBY CERTIFY.

That I have compared the annexed resolution adopted by the Board of Trustees of the Village of Briarcliff Manor, at the meeting held on the 10th day of October 2019, with the original thereof on file in the office of the Village Clerk, and that the same is a true and correct copy therefrom.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village the 26th day of August 2020.

Christine Dennett, Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 10, 2019

6. ADDITION OF PARCELS TO OSSINING AND SAW MILL SANITARY SEWER DISTRICT

A. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 64 Old Sleepy Hollow Road, identified on the Village Tax Maps as Section 105, Plate 13, Block 1, Lot 64 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

B. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 131 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 11, Block 1, Lot 13 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

C. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 190 Long Hill Road, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.1 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

D. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 22 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.2 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

E. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 43 Chappaqua Road, identified on the Village Tax Maps as Section 90, Plate 17, Block 1, Lot 20 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

September 25, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR CERTAIN PARCELS

IN THE

OSSINING SANITARY SEWER DISTRICT

VILLAGE OF BRIARCLIFF MANOR, TOWN OF OSSINING

MP



Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Village of Briarcliff Manor has petitioned that four (4) properties currently not included in the Ossining Sanitary Sewer District be returned to the Ossining Sanitary Sewer District. These parcels were removed from the County Sewer District in 2001 for the 2002 tax year.

A. The identification of the four (4) properties not currently within the boundaries of the Ossining Sanitary Sewer District and to be returned are contained in the attached Resolution prepared by the Village Clerk, Village of Briarcliff Manor. Said parcels are not currently in any County Sanitary Sewer District, having been removed from the County Sewer District in 2001 for the 2002 tax year. The identification of the four (4) properties are as follows:

- 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64
- 131 Cedar Drive East, Section 105.11, Block 1, Lot 13
- 190 Long Hill Road, Section 105.07, Block 2, Lot 19.1
- 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2

B. Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2020 tax levy pertinent to the subject parcels:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$18,669,722	1.56%	\$1,198,703,333
Mt. Pleasant	\$1,058,482	1.40%	\$75,605,857
New Castle	\$517,875	19.05%	\$2,718,504
Ossining	\$3,285,095,810	100.00%	\$3,285,095,810
Ossining- Briarcliff Manor	\$812,585,096	100.00%	\$812,585,096

Total \$5,374,708,600

(Village of Briarcliff Manor) Total Value of the
Parcels to be added + 2,829,700

Total Full Value of District as Amended: \$5,377,538,300

* represents a 0.053% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Ossining Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2020 Rolls

D = District f.e.v., 2020 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities for the period of time the parcels were not in any County Sewer District, from 2002 through 2020.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{2,829,700}{5,374,708,600 + 2,829,700} \times 35,302,156$$

$$e = \frac{2,829,700}{5,377,538,300} \times 35,302,156$$

$$e = .00052621 \times \$35,302,156$$

$$e = \$18,576.25 \text{ (rounded to } \$18,570.00)$$

and:

in each of 10 annual installments, a total surcharge of \$1,857.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Ossining Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Village of Briarcliff Manor.
2. The facilities necessary to connect the subject property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Village of Briarcliff Manor.
3. Maintenance of the completed facilities will be the responsibility of the Village of Briarcliff Manor but not the Ossining Sanitary Sewer District.
4. The Ossining Wastewater Treatment Facility has a design flow of 7.0 MGD and the present average daily flow is 4.9 MGD. The daily flow the parcels will generate after inclusion is 2,160 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Ossining Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: Briarcliff_Ossining SSD Return.docx

RESOLUTION NO. – 2020

RESOLVED, that this Board hold a public hearing on the proposed modification to the Ossining Sanitary Sewer District by the addition of four (4) parcels of property located in the Village of Briarcliff Manor more particularly described as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2020 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE OSSINING SANITARY SEWER DISTRICT BY THE ADDITION OF FOUR (4) PARCELS OF PROPERTY IN THE VILLAGE OF BRIARCLIFF MANOR; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2020 AT _____ M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE ADDITION TO THE OSSINING SANITARY SEWER DISTRICT OF LAND IN THE VILLAGE OF BRIARCLIFF MANOR IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED SEPTEMBER 25, 2020, OF THE PARCELS AS LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION:

64 OLD SLEEPY HOLLOW ROAD, SECTION 105.13, BLOCK 1, LOT 64
131 CEDAR DRIVE EAST, SECTION 105.11, BLOCK 1, LOT 13
190 LONG HILL ROAD, SECTION 105.07, BLOCK 2, LOT 19.1
22 CEDAR DRIVE EAST, SECTION 105.07, BLOCK 2, LOT 19.2


A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2020
White Plains, New York

November 9, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: Act – Modify the
Ossining SSD by Addition of 4 parcels of Property in the Village of
Briarcliff Manor.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor (“Village”) has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

October 30, 2020

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

Dear Honorable Members:

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor ("Village") has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District ("District") be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 ("Returning Parcels") to the District. The Returning Parcels were previously part of the District but were removed from the District by your Honorable Board in 2001 for the 2002 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcels will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 2) the facilities necessary to connect the Returning Parcels to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcels; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

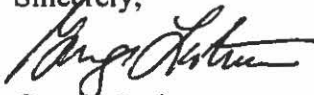
As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time for the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges will be paid by the Returning Parcels. The Department of Environmental Facilities recommends an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 2002 through 2020, the years the Returning Parcels did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13) and (33), and therefore no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the above facts and the feasibility study provided by the Department of Environmental Facilities, I respectfully recommend that your Board adopt a resolution which will authorize a date and time for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an Act which will add the Returning Parcels to the District.

Sincerely,



George Latimer
County Executive

GL/VK/MP/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Village of Briarcliff Manor (“Village”) has requested, pursuant to the attached Resolution of the Village, that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 (“Returning Parcels”) to the District. The Returning Parcels were previously part of the District but were removed from the District by your Honorable Board in 2001 for the 2002 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto, indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcels will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 2) the facilities necessary to connect the Returning Parcels to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcels; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory

proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would set a date and time for the necessary public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Returning Parcels. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 2002 through 2020, the years the Returning Parcels did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13) and (33), and therefore no further environmental review is required. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Based on the above facts and the Feasibility Report prepared by the Department of Environmental Facilities, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will set a date and time for the public hearing as required by the

Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Returning Parcels to the Ossining Sanitary Sewer District. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: _____, 2020
White Plains, New York

COMMITTEE ON

K.JPG 9/30/2020

FISCAL IMPACT STATEMENT

SUBJECT: Return of 4 parcels, Ossining SSD, Briarcliff Manor

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____ -

Describe: Operating expenses related to process and treatment
plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ _____ 1,857

Describe: "Buy-in" revenue for parcels added to the Ossining Sewer District each year
for the next 10 years

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Marian Pompa, Jr. P.E.

Title: Associate Engineer

Department: Environmental Facilities

Date: September 25, 2020

WAO 10/26/2020
Reviewed By: *[Signature]*

Budget Director

Date: 10/23/20

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: November 5, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF 4 PROPERTIES IN THE VILLAGE OF BRIARCLIFF MANOR TO
OSSINING SANITARY SEWER DISTRICT**

PROJECT/ACTION: The reinstatement of four parcels located in the Village of Briarcliff Manor- 64 Old Sleepy Hollow Road (Section 105.13, Block 1, Lot 64); 131 Cedar Drive East (Section 105.11, Block 1, Lot 13); 190 Long Hill Road (Section 105.07, Block 2, Lot 19.1); and 22 Cedar Drive East (Section 105.07, Block 2, Lot 19.2) - to the County's Ossining Sanitary Sewer District.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
617.5(c)(13): extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.
617.5(c)(26): routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
617.5(c)(33): adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: These parcels were removed from the County sewer district in 2001, along with many other parcels that were not connected to sanitary sewers, at the request of the Village of Briarcliff Manor. The parcels to be reinstated will be able to access the County sewer system via connections to existing local sewer lines near each property. The subject parcels are between 0.9 and 1.3 acres in size. Two properties are developed with single-family residences. One property is currently undeveloped woodland and one property was previously developed with a residence that

was removed in 2017. The properties are all located in the R40B zoning district. The estimated total sewage contribution for these parcels is 2,160 gallons per day. Sewage from the Ossining Sanitary Sewer District is treated at the Ossining Wastewater Treatment Facility. Since the Ossining Wastewater Treatment Facility has a design flow of 7 million gallons per day (MGD) and the present average flow is 4.9 MGD, the plant has sufficient capacity to accommodate the additional flow

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Marian Pompa, Associate Engineer
Jeffrey Goldman, Senior Assistant County Attorney
Claudia Maxwell, Associate Environmental Planner

VILLAGE OF
BRIARCLIFF MANOR
www.briarcliffmanor.org



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 941-4800
FAX: (914) 941-4837

RESOLUTION

STATE OF NEW YORK)

SS:

COUNTY OF WESTCHESTER)

I, the undersigned Village Clerk of the Village of Briarcliff Manor, Westchester County, New York, DO HEREBY CERTIFY.

That I have compared the annexed resolution adopted by the Board of Trustees of the Village of Briarcliff Manor, at the meeting held on the 10th day of October 2019, with the original thereof on file in the office of the Village Clerk, and that the same is a true and correct copy therefrom.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village the 26th day of August 2020.

Christine Dennett, Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 10, 2019

6. ADDITION OF PARCELS TO OSSINING AND SAW MILL SANITARY SEWER DISTRICT

A. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 64 Old Sleepy Hollow Road, identified on the Village Tax Maps as Section 105, Plate 13, Block 1, Lot 64 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

B. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 131 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 11, Block 1, Lot 13 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

C. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 190 Long Hill Road, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.1 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

D. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 22 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.2 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

E. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 43 Chappaqua Road, identified on the Village Tax Maps as Section 90, Plate 17, Block 1, Lot 20 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

September 25, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR CERTAIN PARCELS

IN THE

OSSINING SANITARY SEWER DISTRICT

VILLAGE OF BRIARCLIFF MANOR, TOWN OF OSSINING

MP



Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Village of Briarcliff Manor has petitioned that four (4) properties currently not included in the Ossining Sanitary Sewer District be returned to the Ossining Sanitary Sewer District. These parcels were removed from the County Sewer District in 2001 for the 2002 tax year.

A. The identification of the four (4) properties not currently within the boundaries of the Ossining Sanitary Sewer District and to be returned are contained in the attached Resolution prepared by the Village Clerk, Village of Briarcliff Manor. Said parcels are not currently in any County Sanitary Sewer District, having been removed from the County Sewer District in 2001 for the 2002 tax year. The identification of the four (4) properties are as follows:

- 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64
- 131 Cedar Drive East, Section 105.11, Block 1, Lot 13
- 190 Long Hill Road, Section 105.07, Block 2, Lot 19.1
- 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2

B. Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2020 tax levy pertinent to the subject parcels:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$18,669,722	1.56%	\$1,198,703,333
Mt. Pleasant	\$1,058,482	1.40%	\$75,605,857
New Castle	\$517,875	19.05%	\$2,718,504
Ossining	\$3,285,095,810	100.00%	\$3,285,095,810
Ossining- Briarcliff Manor	\$812,585,096	100.00%	\$812,585,096

Total \$5,374,708,600

(Village of Briarcliff Manor) Total Value of the
Parcels to be added + 2,829,700

Total Full Value of District as Amended: \$5,377,538,300

* represents a 0.053% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Ossining Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2020 Rolls

D = District f.e.v., 2020 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities for the period of time the parcels were not in any County Sewer District, from 2002 through 2020.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{2,829,700}{5,374,708,600 + 2,829,700} \times 35,302,156$$

$$e = \frac{2,829,700}{5,377,538,300} \times 35,302,156$$

$$e = .00052621 \times \$35,302,156$$

$$e = \$18,576.25 \text{ (rounded to } \$18,570.00)$$

and:

in each of 10 annual installments, a total surcharge of \$1,857.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Ossining Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Village of Briarcliff Manor.
2. The facilities necessary to connect the subject property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Village of Briarcliff Manor.
3. Maintenance of the completed facilities will be the responsibility of the Village of Briarcliff Manor but not the Ossining Sanitary Sewer District.
4. The Ossining Wastewater Treatment Facility has a design flow of 7.0 MGD and the present average daily flow is 4.9 MGD. The daily flow the parcels will generate after inclusion is 2,160 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Ossining Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: Briarcliff_Ossining SSD Return.docx

RESOLUTION NO. – 2020

RESOLVED, that this Board hold a public hearing on the proposed modification to the Ossining Sanitary Sewer District by the addition of four (4) parcels of property located in the Village of Briarcliff Manor more particularly described as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2020 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE OSSINING SANITARY SEWER DISTRICT BY THE ADDITION OF FOUR (4) PARCELS OF PROPERTY IN THE VILLAGE OF BRIARCLIFF MANOR; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE DAY OF , 2020 AT __.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE ADDITION TO THE OSSINING SANITARY SEWER DISTRICT OF LAND IN THE VILLAGE OF BRIARCLIFF MANOR IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED SEPTEMBER 25, 2020, OF THE PARCELS AS LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION:

- 64 OLD SLEEPY HOLLOW ROAD, SECTION 105.13, BLOCK 1, LOT 64
- 131 CEDAR DRIVE EAST, SECTION 105.11, BLOCK 1, LOT 13
- 190 LONG HILL ROAD, SECTION 105.07, BLOCK 2, LOT 19.1
- 22 CEDAR DRIVE EAST, SECTION 105.07, BLOCK 2, LOT 19.2


A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: , 2020
 White Plains, New York

Date: January 8, 2021

To: Hon. Benjamin Boykin Sunday Vanderberg
Chairman, Board of Legislators Clerk, Board of Legislators

From: John M. Nonna 
County Attorney

Re: Legislation to authorize the County to enter into an agreement to retain the law firm of Tulis & Geiger LLP — Rule 13.1 Request for Immediate Consideration

Attached please find legislation that would, if approved, authorize the County to enter into an agreement to retain, at County expense, the law firm of Tulis & Geiger LLP to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.).

I respectfully request that the Board of Legislators add the attached legislation to the agenda for its January 11, 2021 meeting, pursuant to Rule 13.1 of the Rules of the County Board of Legislators (LWC §960.01)

Please let me know if you have any questions concerning either the legislation or this request. Thank you.

JMN/bdm/nn



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

January 8, 2021

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Tulis & Geiger LLP ("T&G") to serve in an "of counsel" capacity to the County Attorney, as needed, (the "Services") in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.) (the "Case").

The term of the proposed Agreement will commence on January 11, 2021 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement.

Under the proposed Agreement, T&G will be paid a total amount not-to-exceed Thirty Thousand Dollars (\$30,000.00), payable at a rate of Three Hundred and Fifty Dollars (\$350.00) per hour for the services of Mark S. Tulis, Esq. and a rate of Two Hundred and Seventy-Five Dollars (\$275.00) per hour for the services of associates of T&G.

Procurement of the Services would, normally, be conducted in accordance with Section 7 of the Westchester County Procurement Policy and Procedures ("Section 7"). Under Section 7, the County is required to "solicit quotations, statements or other information regarding [the] experience, qualifications and capability to perform the proposed services" of "no fewer than three persons customarily performing such services." However, due to the time-sensitive nature of the Case, and the need to take immediate steps to ensure that the County's interests are protected, there was insufficient time to follow the normal solicitation procedure.

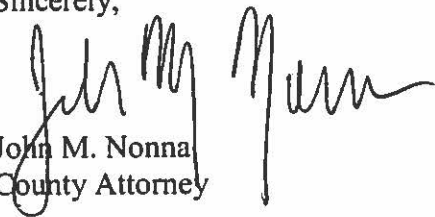
In lieu of that longer process, my office determined that T&G, as a firm expert in bankruptcy law, can competently and readily provide the Services, and that the hourly rates proposed are

reasonable in light of my office's knowledge of the overall marketplace for legal services. Since this means that the County will not be able to rely upon Section 7 as the procurement basis for the proposed Agreement, my office will seek authority from the Board of Acquisition and Contract to exempt this procurement from compliance with the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that with respect to the State Environmental Quality Review Act, this does not constitute an action as defined in section 617.2(b) of 6 NYCRR Part 617. As such, no environmental review is required.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna
County Attorney

JMN/bdm/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Tulis & Geiger LLP (“T&G”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.) (the “Case”).

The County Attorney has advised your Committee that the term of the proposed Agreement will commence on January 11, 2021 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement.

The County Attorney has advised your Committee that, under the proposed Agreement, T&G will be paid a total amount not-to-exceed Thirty Thousand Dollars (\$30,000.00), payable at a rate of Three Hundred and Fifty Dollars (\$350.00) per hour for the services of Mark S. Tulis, Esq. and a rate of Two Hundred and Seventy-Five Dollars (\$275.00) per hour for the services of associates of T&G.

The County Attorney has advised your Committee that procurement of the Services would, normally, be conducted in accordance with Section 7 of the Westchester County

Procurement Policy and Procedures (“Section 7”). The County Attorney has advised your Committee that, under Section 7, the County is required to “solicit quotations, statements or other information regarding [the] experience, qualifications and capability to perform the proposed services” of “no fewer than three persons customarily performing such services.” The County Attorney has advised your Committee that, however, due to the time-sensitive nature of the Case, and the need to take immediate steps to ensure that the County’s interests are protected, there was insufficient time to follow the normal solicitation procedure.

The County Attorney has advised your Committee that, in lieu of that longer process, his office determined that T&G, as a firm expert in bankruptcy law, can competently and readily provide the Services, and that the hourly rates proposed are reasonable in light of his office’s knowledge of the overall marketplace for legal services. The County Attorney has advised your Committee that, since this means that the County will not be able to rely upon Section 7 as the procurement basis for the proposed Agreement, his office will seek authority from the Board of Acquisition and Contract to exempt this procurement from compliance with the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that with respect to the State Environmental Quality Review Act, this does not constitute an action as defined in section 617.2(b) of 6 NYCRR Part 617. As such, no environmental review is required. Your Committee concurs with the Planning Department’s conclusion.

Your Committee has been advised that the adoption of the proposed Act requires an

affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C:BDM-010821

TO: Brian Miller, Senior Assistant County Attorney
Department of Law

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



DATE: January 8, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR OUTSIDE COUNSEL
FOR ACME BUS CORP. BANKRUPTCY CASE**

PROJECT/ACTION: Retention of a law firm with expertise in bankruptcy law to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the bankruptcy case known as ACME Bus Corp. v. Westchester County Department of Health.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
John Nonna, County Attorney
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

FISCAL IMPACT STATEMENT

SUBJECT: ACME Bus Corp. Tulis & Geiger NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$30,000.00

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101_18_1000_4923

Potential Related Operating Budget Expenses: Annual Amount NTE \$30,000.00

Describe: An act authorizing the County to retain, at County expense, the law firm of Tulis & Geiger LLP to serve in an "of counsel" capacity to the County Attorney, in connection with ACME Bus Corp. v. Westchester County Dept. of Health, No. 8-20-08208-reg (E.D.N.Y.).

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 8, 2021

Reviewed By: 
Budget Director

Date: 1/8/21

ACT NO. 2021 - _____

AN ACT authorizing the County to retain, at County expense, the law firm of Tulis & Geiger LLP to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.).

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Tulis & Geiger LLP (“T&G”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.) (the “Case”).

§2. The Agreement shall be for a term that will commence on January 11, 2021 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement. For the Services, T&G shall be paid a total amount not-to-exceed Thirty Thousand Dollars (\$30,000.00), payable at a rate of Three Hundred and Fifty Dollars (\$350.00) per hour for the services of Mark S. Tulis, Esq. and a rate of Two Hundred and Seventy-Five Dollars (\$275.00) per hour for the services of associates of T&G.

§3. T&G is hereby authorized to take any and all steps that are reasonably necessary to represent the County in matters concerning the Case and the Services, in accordance with the terms to be specified in the Agreement.

§4. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§5. This Act shall take effect immediately.

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

December 4, 2020

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

Re: Request for authorization to settle the lawsuit of George Donahoe v. Bee-Line Bus System, et al., in Westchester County Supreme Court, Index No. 50317/2019, in the amount of \$107,500.00 inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of George Donahoe v. Bee-Line Bus System, et al., in the amount of \$107,500.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before Court Attorney-Referee Angela DiBlasi. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$107,500.00, inclusive of attorney's fees.

Montgomery J. Delaney, Esq., of Montgomery J. Delaney, P.C., 175 Main Street, Suite 510, White Plains, New York 10601, is representing the plaintiff.

This matter arises out of a pedestrian knockdown accident which occurred on October 14, 2017, at approximately 11:12 a.m., at the bus stop located at the corner of Broadway and Fairlawn Avenue, in the Village of Dobbs Ferry. The plaintiff claims the passenger side front bus mirror struck him in the head while he was waiting at the bus stop.

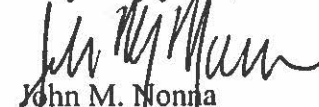
The plaintiff has a well-documented and extensive prior medical history of a degenerative spinal condition with two cervical fusions and two lumbar fusions. After this accident, the plaintiff went for two additional and extensive cervical fusions that essentially fused his cervical spine to his thoracic spine. The plaintiff's medical records suggest a new fracture in the upper thoracic spine related to this accident. Causation of the injury claims and need for surgery has

been attributed as 50% to pre-existing conditions and 50% to this accident, therefore saying the defendants are responsible for 50% of the two post-accident surgeries.

The plaintiff will argue that the bus driver was negligent in their operation of the bus. The plaintiff will further argue that the bus driver's negligence was the proximate cause of his injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled George Donahoe v. Bee-Line Bus System, et al., in the amount of \$107,500.00, Westchester County Supreme Court Index No. 50317/2019, inclusive of attorney's fees.

Very truly yours,



John M. Nonna
County Attorney

JMN/jhf

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of George Donahoe v. Bee-Line Bus System, et al., in Westchester County Supreme Court, Index No. 50317/2019, in the amount of \$107,500.00.

This matter is pending in the Westchester County Supreme Court before Court Attorney-Referee Angela DiBlasi. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$107,500.00, inclusive of attorney's fees. Montgomery J. Delaney, Esq., of Montgomery J. Delaney, P.C., 175 Main Street, Suite 510, White Plains, New York 10601, is representing the plaintiff.

This matter arises out of a pedestrian knockdown accident which occurred on October 14, 2017, at approximately 11:12 a.m., at the bus stop located at the corner of Broadway and Fairlawn Avenue, in the Village of Dobbs Ferry. The plaintiff claims the passenger side front bus mirror struck him in the head while he was waiting at the bus stop.

The plaintiff has a well-documented and extensive prior medical history of a degenerative spinal condition with two cervical fusions and two lumbar fusions. After this accident, the plaintiff went for two additional and extensive cervical fusions that essentially fused his cervical spine to his thoracic spine. The plaintiff's medical records suggest a new fracture in the upper thoracic spine related to this accident. Causation of the injury claims and need for surgery has been attributed as 50% to pre-existing conditions and 50% to this accident, therefore saying the defendants are responsible for 50% of the two post-accident surgeries.

The plaintiff will argue that the bus driver was negligent in their operation of the bus. The plaintiff will further argue that the bus driver's negligence was the proximate cause of his injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled George Donahoe v. Bee-Line Bus System, et al., in the amount of \$107,500.00, Westchester County Supreme Court Index No. 50317/2019, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled George Donahoe v. Bee-Line Bus System, et al., Westchester County Supreme Court Index No. 50317/2019, in the amount of \$107,500.00, inclusive of attorney's fees. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2020

COMMITTEE ON

ACT NO. -2020

AN ACT authorizing the County Attorney to settle the lawsuit of George Donahoe v. Bee-Line Bus System, et al., Westchester County Supreme Court Index No. 50317/2019, in the amount of \$107,500.00, inclusive of attorney's fees

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit of George Donahoe v. Bee-Line Bus System, et al., Westchester County Supreme Court Index No. 50317/2019, in the amount of \$107,500.00 inclusive of attorney's fees. The County will pay \$107,500.00 out of the self-insured retention fund.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Donahoe v Bee-Line NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 107,500

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101-44-2100-4924

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: | _____ |

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Michael A. Dunn

Title: Assistant Budget Analyst

Department: Budget

Date: December 4, 2020

Reviewed By: 

Deputy Budget Director

Date: 12/4/20

Office of the County Executive
George Latimer

November 4, 2020

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 is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”), acting by and through its Youth Bureau, to enter into inter-municipal agreements (“IMAs”) with the municipalities (“Municipalities”) listed below, pursuant to which the Municipalities would operate positive youth development programs for the period from January 1, 2020 through December 31, 2020, for a total aggregate amount not to exceed Two Hundred Seventy Eight Thousand Two Hundred Three (\$278,203) Dollars, allocated per program as follows:

Municipality	Program Name	Contract Amount
Ardsley (Village)	Ardsley Teen Center	\$ 1,642.00
Bedford (Town)	Youth Officer	\$ 3,017.00
	Day Camp/Day Camp Employment Prg	\$ 3,241.00
Briarcliff (Village)	Recreation/Cultural Program	\$ 2,207.00
Cortlandt (Town)	General Youth Recreation	\$ 4,736.00
	Youth Employment Services	\$ 4,357.00
Croton-on-Hudson (Village)	Youth Services	\$ 2,934.00
Dobbs Ferry (Village)	Youth Officer Program	\$ 2,285.00
Eastchester (Town)	Eastchester Youth Council	\$ 4,011.00
	Eastchester Youth Rec.	\$ 4,239.00
Greenburgh (Town)	TYCC Cornerstone	\$ 5,570.00
	TYCC Crossroads	\$ 5,000.00
Harrison (Town)	Harrison Youth Council	\$ 4,649.00
Mamaroneck (Village)	Summer Camp	\$ 9,008.00
Mount Kisco (Village)	Mount Kisco Recreation Services	\$ 2,239.00
Mount Vernon (City)	Fun Filled Summer	\$ 8,837.00
	Mt. Vernon Youth Services	\$ 20,576.00
Mt. Pleasant (Town)	Mt. Pleasant Youth Officer	\$ 7,061.00
New Castle (Town)	Youth Officer - New Castle	\$ 3,399.00
New Rochelle (City)	Potential Candidates Juvenile	\$ 21,889.00
	Youth Recreation	\$ 10,302.00
Ossining (Town)	ZUMBA	\$ 3,028.00
Ossining (Village)	Rec Jobs 101	\$ 3,677.00
	4 Cops n Kids Sports	\$ 3,409.00
Peekskill (City)	Build a Boat	\$ 6,011.00

	LIFT	\$ 12,648.00
Port Chester (Village)	Port Chester Arts	\$ 4,324.00
	Port Chester Reads	\$ 3,988.00
	Youth Bureau	\$ 2,900.00
Rye (City)	Youth Council	\$ 3,159.00
Rye Brook (Village)	Youth Officer - Rye Brook	\$ 2,062.00
Scarsdale (Village)	Community Youth Service Project	\$ 3,418.00
	Youth Sports Program	\$ 3,688.00
Sleepy Hollow (Village)	Sleepy Hollow Summer Program	\$ 2,287.00
Tarrytown (Village)	Life Guard Summer Employment	\$ 2,329.00
	Youth Services - Police Department	\$ 2,200.00
Tuckahoe (Village)	Tuckahoe Youth Services	\$ 2,375.00
White Plains (City)	Comprehensive Yth Alt Projects	\$ 30,519.00
Yonkers (City)	Teen Recreation Center Program	\$ 21,384.00
	Yonkers Camp Pride/Youth Employment	\$ 23,727.00
Yorktown (Town)	Recreation Project	\$ 5,000.00
	Youth Officer - Yorktown	\$ 4,871.00

The Youth Bureau advised that it anticipates reimbursement for the programs from the State of New York ("State") through the State Office of Children and Family Services ("OCFS") for certain youth services programs and related administrative activities through a Resource Allocation Plan ("Plan"). Upon announcement of the funding by the State, through the Plan, the County will seek authority to execute and submit to the State a Plan at that time.

These IMAs are exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a) xviii thereof.

Pursuant to the IMAs, the programs will use positive youth development models to focus on providing opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults. The programs will implement initiatives that target specific areas of positive youth development. The programs will administer internal controls to collect and analyze qualitative and quantitative outcomes to measure the efficacy of program goals and their ability to increase positive youth development. Outcomes will be tracked and monitored by evaluation of the programs' data; monthly, quarterly, and annual reports submitted to the County Youth Bureau, and through site visits by the County Youth Bureau Program monitor. The anticipated outcomes include positive skills attainment, social competencies and an increased measure of positive youth development across all measurable areas.

The Planning Department has advised that the proposed IMAs do not constitute an action subject to review under the State Environmental Quality Review Act. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of the IMAs to the County, your favorable action on the proposed Act is respectfully requested.

Sincerely,



George Latimer
County Executive
Attachments

TO: Dr. DaMia Harris-Madden, Executive Director
Youth Bureau

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

DATE: October 2, 2020

SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR YOUTH BUREAU
INTERMUNICIPAL AGREEMENTS 2020

PROJECT/ACTION: Agreements between the County and local municipalities within Westchester County pursuant to which the County will provide funding to municipalities for the provision of certain youth services for the 2020 calendar year. All of the programs to be funded are existing, ongoing programs that do not change the use, appearance or condition of any natural resource or structure, or otherwise affect the environment.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c) ():
-

COMMENTS: The youth services or programs to be funded have previously received support or would have otherwise been included in the Youth Bureau's Resource Allocation Plan, which is typically prepared and submitted annually to the State of New York to qualify the County for State reimbursement through its Office of Children and Family Services. This memorandum also covers any subsequent action to obtain such State reimbursement for these youth services and programs, should the State reinstate its funding program.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Michelle Greenbaum, Assistant County Attorney
Mary Kate Cabaleiro, Program Administrator
Claudia Maxwell, Associate Environmental Planner

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending adoption of an Act of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (“County”), acting by and through its Youth Bureau, to enter into inter-municipal agreements (“IMAs”) with the municipalities (“Municipalities”) listed below, pursuant to which the Municipalities would operate positive youth development programs for the period from January 1, 2020 through December 31, 2020, for a total aggregate amount not to exceed Two Hundred Seventy Eight Thousand Two Hundred Three (\$278,203) Dollars, allocated per program as follows:

Municipality	Program Name	Contract Amount
Ardsley (Village)	Ardsley Teen Center	\$ 1,642.00
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Eastchester (Town)	Eastchester Youth Council	\$ 4,011.00
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New Castle (Town)	Youth Officer - New Castle	\$ 3,399.00
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	Youth Recreation	\$ 10,302.00
Ossining (Town)	ZUMBA	\$ 3,028.00
Ossining (Village)	Rec Jobs 101	\$ 3,677.00
	4 Cops n Kids Sports	\$ 3,409.00
Peekskill (City)	Build a Boat	\$ 6,011.00
	LIFT	\$ 12,648.00
Port Chester (Village)	Port Chester Arts	\$ 4,324.00
	Port Chester Reads	\$ 3,988.00
	Youth Bureau	\$ 2,900.00
Rye (City)	Youth Council	\$ 3,159.00
Rye Brook (Village)	Youth Officer - Rye Brook	\$ 2,062.00
Scarsdale (Village)	Community Youth Service Project	\$ 3,418.00

	Youth Sports Program	\$ 3,688.00
Sleepy Hollow (Village)	Sleepy Hollow Summer Program	\$ 2,287.00
Tarrytown (Village)	Life Guard Summer Employment	\$ 2,329.00
	Youth Services - Police Department	\$ 2,200.00
Tuckahoe (Village)	Tuckahoe Youth Services	\$ 2,375.00
White Plains (City)	Comprehensive Yth Alt Projects	\$ 30,519.00
Yonkers (City)	Teen Recreation Center Program	\$ 21,384.00
	Yonkers Camp Pride/Youth Employment	\$ 23,727.00
Yorktown (Town)	Recreation Project	\$ 5,000.00
	Youth Officer - Yorktown	\$ 4,871.00

The Youth Bureau advised that it anticipates reimbursement for the programs from the State of New York ("State") through the State Office of Children and Family Services ("OCFS") for certain youth services programs and related administrative activities through a Resource Allocation Plan ("Plan"). Upon announcement of the funding by the State, through the Plan, the County will seek authority to execute and submit to the State a Plan at that time.

These IMAs are exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a) xviii thereof.

The programs use positive youth development models to focus on providing opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults.

Pursuant to the IMAs, the programs will use positive youth development models to focus on providing opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults. The programs will implement initiatives that target specific areas of positive youth development. The programs will administer internal controls to collect and analyze qualitative and quantitative outcomes to measure the efficacy of program goals and their ability to increase positive youth development. Outcomes will be tracked and monitored by evaluation of the programs' data; monthly, quarterly, and annual reports submitted to the County Youth Bureau, and through site visits by the County Youth Bureau Program monitor. The anticipated outcomes include positive skills attainment, social competencies and an increased measure of positive youth development across all measurable areas.

The Planning Department has advised that the proposed IMAs do not constitute an action subject to review under the State Environmental Quality Review Act. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Your Committee has carefully considered this matter and has concluded that it is in the best interest of the County to adopt an Act to authorize the County to enter into the IMAs. It should be noted that an

affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends the annexed proposed Act for adoption.

Dated: _____, 20__.

White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Act Youth Development Program

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 278,203

Total Current Year Revenue \$ 278,203

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: Operating Acct: 101-11-0400-4380 Rev 101-11-0400-9734

Potential Related Operating Budget Expenses: Annual Amount \$ 278,203

Describe: Municipalities Contracts 101-11-0400-4380

Potential Related Revenues: Annual Amount \$ 278,203

Describe: Reimbursements by State of Office of Children and Family Services

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$0

Next Four years: \$0

Prepared by: Bernie Dean

B.D. 11/10/20

Reviewed By:

James S.

Budget Director

Title: Financial Coordinator

Department: CEO/Youth Bureau

11/10/20

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to enter into inter-municipal agreements with various municipalities for the provision of positive youth development programs.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (“County”) is hereby authorized to enter into inter-municipal agreements (“IMAs”) with one or more municipalities located in Westchester County pursuant to which the municipalities will provide youth services projects for the period from January 1, 2020 through December 31, 2020 in a total aggregate amount not to exceed Two Hundred Seventy Eight Thousand Two Hundred Three (\$278,203) Dollars, pursuant to which the Municipalities will provide Positive Youth Development Program as follows:

Municipality	Program Name	Contract Amount
Ardsley (Village)	Ardsley Teen Center	\$ 1,642.00
Bedford (Town)	Youth Officer	\$ 3,017.00
	Day Camp/Day Camp Employment Prg	\$ 3,241.00
Briarcliff (Village)	Recreation/Cultural Program	\$ 2,207.00
Cortlandt (Town)	General Youth Recreation	\$ 4,736.00
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Dobbs Ferry (Village)	Youth Officer Program	\$ 2,285.00
Eastchester (Town)	Eastchester Youth Council	\$ 4,011.00
	Eastchester Youth Rec.	\$ 4,239.00
Greenburgh (Town)	TYCC Cornerstone	\$ 5,570.00
	TYCC Crossroads	\$ 5,000.00
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Mamaroneck (Village)	Summer Camp	\$ 9,008.00
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New Rochelle (City)	Potential Candidates Juvenile	\$ 21,889.00
	Youth Recreation	\$ 10,302.00
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Ossining (Village)	Rec Jobs 101	\$ 3,677.00
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Peekskill (City)	Build a Boat	\$ 6,011.00
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	Port Chester Reads	\$ 3,988.00
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White Plains (City)	Comprehensive Yth Alt Projects	\$ 30,519.00
Yonkers (City)	Teen Recreation Center Program	\$ 21,384.00
	Yonkers Camp Pride/Youth Employment	\$ 23,727.00
Yorktown (Town)	Recreation Project	\$ 5,000.00
	Youth Officer - Yorktown	\$ 4,871.00

§2. The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

§3. This Act shall take effect immediately.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made the ____ day of _____, 20____ by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter referred to as the "County"),

and

_____, a municipal corporation of the State of New York, having an office and place of business at _____ (hereinafter referred to as the "Municipality").

WHEREAS, the County desires that the Municipality provide a Positive Youth Development Program; and

WHEREAS, the Municipality is willing to provide such a Positive Youth Development Program, upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the promises and the covenants and agreements herein contained, the parties hereto agree as follows:

FIRST: The County shall reimburse the Municipality an amount not to exceed _____ (\$_____ .00) Dollars, which the Municipality shall use to provide the _____ **Program** as more particularly described in Schedule "A" and as budgeted in Schedule "B," both of which are attached hereto and made a part hereof, payable upon full contract execution and approval of the same as to form and manner by the Office of the Westchester County Attorney.

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Municipality for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

The Municipality shall provide the County with a report to be submitted within thirty (30) days of the expiration of this Agreement which shall set forth in detail the services performed under the Agreement, the activities, progress and accomplishments under the Agreement, the amount of funds expended for each task performed and the extent and manner in which the goals, objectives and standards established for the Agreement have been met by the Municipality. The above report shall be certified by an officer or director of the Municipality.

The County shall have the right, at its option and at its sole cost and expense, to audit such books and records of the Municipality as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County may withhold payment of funds hereunder for cause found in the course of an audit or because of failure of the Municipality to cooperate with an audit. The County shall, in addition, have the right to audit such books and records subsequent to payment, if such audit is commenced within one (1) year following termination of this Agreement, and to perform random audits during the term of this Agreement. In the event an audit performed by the County reflects overpayment by the County or that monies were not fully expended or that monies were improperly expended, then the Municipality shall reimburse to the County the cost of such audit (if the audit was done by the County or on the County's behalf) and the amount of such overpayment, underpayment or improper payment, within thirty (30) days of notice from the County.

The Municipality further agrees to permit designated employees or agents of the County reasonable on-site inspection of the work being performed by the Consultant under this Agreement, its books, accounts, financial audits and records and agrees to keep records necessary to disclose fully the receipt and disposition of funds received under this agreement. Unless the County shall, in writing, advise the Municipality to the contrary, the Municipality shall retain all financial records related to this Agreement for a period of ten years after the expiration or termination of this Agreement.

In no event shall final payment be made to the Municipality prior to completion of all services, the submission of reports and the approval of same by the County Executive or his duly authorized designee.

SECOND: The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C," entitled "Standard Insurance Provisions," which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

(c) In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

THIRD: The term of this Agreement will commence January 1, 2020 and terminate December 31, 2020 unless terminated earlier as provided herein.

FOURTH: (a) The County reserves the right to cancel this Agreement on Thirty (30) days prior written notice to the Municipality when it deems it to be in its best interests to do so. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "B".

In the event of a dispute as to the value of the services rendered by the Municipality prior to the date of termination, it is understood and agreed that the County shall determine the value of such services rendered by the Municipality. Such reasonable and good faith determination shall be accepted by the Municipality as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for ten (10) days after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the services provided for in this Agreement, or contract for their completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Notice hereunder shall be effective on the date of receipt.

FIFTH: The Agreement shall not be enforceable unless signed by the parties and approved as to form and manner by the Office of the County Attorney.

SIXTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend

that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

SEVENTH: All notices given pursuant to this agreement shall be in writing and effective on mailing. All notices shall be sent by registered or certified mail, return receipt requested and mailed to the following addresses:

To the County: Executive Director – Youth Bureau
 112 E. Post Road, 3rd floor
 White Plains, New York 10601

with a copy to: County Attorney
 Michaelian Office Building, Room 600
 148 Martine Avenue
 White Plains, New York 10601

to the Municipality: _____

or to such other addresses as may be specified by the parties hereto in writing.

EIGHTH: This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

NINTH: This Agreement is entered into solely between, and may be enforced only by, the County and the Municipality and shall not be deemed to create any rights in third parties, or to create any obligations of a party to any such third parties.

TENTH: The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Municipality shall not subcontract any part of the Work without the express written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Municipality and the Municipality shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement. All subcontracts for the Work shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a copy of the County's contract, read it and is familiar with the material terms and conditions thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and conditions of this Agreement.

ELEVENTH: The Contractor expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin,

ethniMunicipality, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Contractor acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

IN WITNESS WHEREOF, the County and the Municipality have caused this Agreement to be executed:

COUNTY OF WESTCHESTER

By: _____
County Executive

THE MUNICIPALITY

By: _____
(Name and Title)

Approved by the Westchester County Board of Legislators of the County of Westchester by Act No. 20##- ###

Approved as to form and manner of execution:

Assistant County Attorney
The County of Westchester

MUNICIPAL ACKNOWLEDGMENT
(Municipal Corporation)

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

On this _____ day of _____, 2020, before me personally came _____ to me known, and known to me to be the _____ of _____, the corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is _____ of said corporation and knows the corporate seal of the said corporation; that the seal affixed to the within instrument is such corporate seal and that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his name thereto by like order.

Notary Public

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _____

_____ *(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution

_____ of the Municipality,
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

_____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

ss.:

On this ___ day of _____, 2020, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(Title)

the municipal corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he, the said _____
resides at _____, and that he/she is
the _____ of said municipal corporation.
(Title)

Notary Public County

SCHEDULE "A"

SCOPE OF WORK

DRAFT

SCHEDULE "B"

BUDGET

DRAFT

SCHEDULE "C"
STANDARD INSURANCE PROVISIONS
(Municipality)

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.l) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

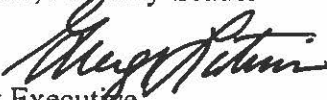
(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

October 19, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended) –
RMF02 - Reconstruction of Memorial Field, Mount Vernon.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 19, 2020 Agenda.

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$2,666,000 to finance the following capital project: RMF02.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 19, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 12, 2020

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$2,666,000 to finance the following capital project for 2021:

RMF02 – Reconstruction of Memorial Field Mt. Vernon (“RMF02”).

The Amended Bond Act, in the total amount of \$14,352,000, which includes \$11,686,000 in previously authorized bonds of the County, would finance all or a portion of the costs of the construction of recreational improvements at the Memorial Field recreation facility in the city of Mount Vernon (“Memorial Field”), including the installation of tennis courts, the installation of a skate park, the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators, and the installation of a multi-purpose synthetic turf field.

The Budget Department (“Department”) has advised that proposed 2021 Capital Budget amends the financing plan of RMF02 project to remove the cash transfer from the general fund and to finance that portion of the project with debt proceeds. This request would authorize the additional debt associated with the proposed financing change, resulting in no change to the total County share of \$19,750,000.

The project has begun construction and is anticipated to be completed in April, 2022.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of RMF02 as indicated in the annexed fact sheet and as follows:

- (i) Bond Act No. 43-2020 in the amount of \$365,000 to finance installation of tennis courts at Memorial Field;
- (ii) Bond Act No. 44-2020 in the amount of \$525,000 to finance the cost of the installation of a skate park at Memorial Field;
- (iii) Bond Act No. 45-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at Memorial Field; and

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

(iv) Bond Act No. 46-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of a multi-purpose synthetic turf field at Memorial Field.

These bonds have not been sold. Accordingly, it is now requested that Bond Acts No. Act 43-2020, 44-2020 Act 45-2020 and 46-2020 be amended, effective January 1, 2021, to increase the total aggregate amount authorized by \$2,666,000 and to consolidate Bond Acts No. Act 43-2020, 44-2020 Act 45-2020 and 46-2020 into one Amended Bond Act for a total authorized amount, as amended, of \$14,352,000.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$14,352,000 which includes \$11,686,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project RMF02 – Reconstruction of Memorial Field Mt. Vernon (“RMF02”) for 2021. The Amended Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, is required to finance all or a portion of the costs of the construction of recreational improvements at the Memorial Field recreation facility in the city of Mount Vernon (“Memorial Field”), including the installation of tennis courts, the installation of a skate park, the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators, and the installation of a multi-purpose synthetic turf field.

The Budget Department (“Department”) has advised that proposed 2021 Capital Budget amends the financing plan of RMF02 project to remove the cash transfer from the general fund and to finance that portion of the project with debt proceeds. This request would authorize the additional debt associated with the proposed financing change, resulting in no change to the total County share of \$19,750,000.

The project has begun construction and is anticipated to be completed in April, 2022.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of RMF02 as indicated in the annexed fact sheet and as follows:

(i) Bond Act No. 43-2020 in the amount of \$365,000 to finance installation of tennis courts at Memorial Field;

(ii) Bond Act No. 44-2020 in the amount of \$525,000 to finance the cost of the installation of a skate park at Memorial Field;

(iii) Bond Act No. 45-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at Memorial Field; and

(iv) Bond Act No. 46-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of a multi-purpose synthetic turf field at Memorial Field.

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 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: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RMF02

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 \$ 14,352,000 PPU 15 Anticipated Interest Rate 1.02%

Anticipated Annual Cost (Principal and Interest): \$ 1,039,984

Total Debt Service (Annual Cost x Term): \$ 15,599,760

Finance Department: Interest rates from October 7, 2020 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: 156

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord Capital Planning PRC

Department: DPW&T


Date: 10/13/20

Reviewed By: 

Budget Director

Date: 10/14/20

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 7, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RMF02 RECONSTRUCTION OF MEMORIAL FIELD MT VERNON**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-17-2020 (Unique ID: 1557)

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)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
-

COMMENTS: The action involves a change in financing with no changes in the scope of the project.

DSK/dvw

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
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT 43-2020 ADOPTED APRIL 14, 2020, ACT 44-2020 ADOPTED APRIL 14, 2020, ACT 45-2020 ADOPTED APRIL 14, 2020 AND ACT 46-2020 ADOPTED APRIL 14, 2020 IN RELATION TO THE CONSTRUCTION OF RECREATIONAL IMPROVEMENTS AT THE MEMORIAL FIELD RECREATION FACILITY IN MOUNT VERNON, AT THE MAXIMUM ESTIMATED COST OF \$15,160,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$365,000 bonds to finance the cost of the installation of tennis courts at the Memorial Field recreation facility in the city of Mount Vernon, pursuant to Act No. 43-2020 duly adopted on April 14, 2020 (“Act 43-2020”); and

WHEREAS, this Board has heretofore duly authorized the expenditure of \$250,000 in grant funds and the issuance of \$525,000 bonds to finance the cost of the installation of a skate park at the Memorial Field recreation facility in the city of Mount Vernon, pursuant to Act No. 44-2020 duly adopted on April 14, 2020 (“Act 44-2020”); and

WHEREAS, this Board has heretofore duly authorized the expenditure of \$1,607,000 in County funds and the issuance of \$5,398,000 bonds to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at the Memorial Field recreation facility in Mount Vernon, pursuant to Act No. 45-2020 duly adopted on April 14, 2020 (“Act 45-2020”); and

WHEREAS, this Board has heretofore duly authorized the expenditure of \$1,059,000 in County funds, the expenditure of \$558,000 in grant funds and the issuance of \$5,398,000 bonds to finance a portion of the cost of the installation of a multi-purpose synthetic

turf field at the Memorial Field recreation facility in Mount Vernon, pursuant to Act No. 46-2020 duly adopted on April 14, 2020 (“Act 46-2020”, along with Act 43-2020, Act 44-2020 and Act 45-2020, the “Prior Acts”); and

WHEREAS, it has been determined that the expenditures heretofore authorized to be paid from said \$1,607,000 in County funds and said \$1,059,000 in County funds shall now be paid for by the issuance of a like amount of bonds to finance recreational improvements at the Memorial Field recreation facility in the city of Mount Vernon and that the Prior Acts shall be amended and shall be consolidated into one Act;

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)(i) The bond act duly adopted by this Board on April 14, 2020, entitled:

“ACT NO. 43-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$365,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF TENNIS COURTS AT THE MEMORIAL FIELD RECREATION FACILITY IN THE CITY OF MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$365,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$365,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS”, and

(ii) The bond act duly adopted by this Board on April 14, 2020, entitled:

“ACT NO. 44-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE INSTALLATION OF A SKATE PARK AT THE

MEMORIAL FIELD RECREATION FACILITY IN THE CITY OF MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$775,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$525,000 BONDS HEREIN AUTHORIZED AND THE EXPENDITURE OF \$250,000 IN STATE GRANT FUNDS EXPECTED TO BE RECEIVED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS”, and

(iii) The bond act duly adopted by this Board on April 14, 2020, entitled:

“ACT NO. 45-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,398,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE INSTALLATION OF AN EIGHT LANE RUNNING TRACK AND BLEACHER SEATING AT THE MEMORIAL FIELD RECREATION FACILITY IN MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,005,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,398,000 BONDS HEREIN AUTHORIZED AND THE EXPENDITURE OF OTHER COUNTY FUNDS IN THE AMOUNT OF \$1,607,000; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS”, and

(iv) The bond act duly adopted by this Board on April 14, 2020, entitled:

“ACT NO. 46-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,398,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE INSTALLATION OF A MULTI-PURPOSE SYNTHETIC TURF FIELD AT THE MEMORIAL FIELD RECREATION FACILITY IN MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,015,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,398,000 BONDS HEREIN AUTHORIZED, AND THE EXPENDITURE OF \$558,000 IN STATE GRANT FUNDS EXPECTED TO BE RECEIVED AND THE FURTHER EXPENDITURE OF OTHER COUNTY FUNDS IN THE AMOUNT OF \$1,059,000; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS”,

are hereby amended and consolidated to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$14,352,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF VARIOUS RECREATIONAL IMPROVEMENTS AT THE MEMORIAL FIELD RECREATION FACILITY IN MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,160,000; STATING THE PLAN OF FINANCING SAID

COST INCLUDES THE ISSUANCE OF \$14,352,000 BONDS HEREIN AUTHORIZED, AND THE EXPENDITURE OF \$808,000 IN STATE GRANT FUNDS EXPECTED TO BE RECEIVED; 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, and to the provisions of other laws applicable thereto; \$14,352,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance all or a portion of the costs of the construction of recreational improvements at the Memorial Field recreation facility in the city of Mount Vernon, including the installation of tennis courts, the installation of a skate park, the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators, and the installation of a multi-purpose synthetic turf field, 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$15,160,000. The plan of financing includes the expenditure of \$808,000 in State grant funds expected to be received and issuance of \$14,352,000 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 object or purpose for which said \$14,352,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 19(c) 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 \$14,352,000. 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 \$15,160,000 as the estimated maximum cost of the aforesaid 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 on January 1, 2021 and 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 on January 1, 2021 and in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

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 Chief Administrative Office 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 April 14, 2020 and amended on _____, 20____ and approved, as amended, 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 amended 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 \$14,352,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF VARIOUS RECREATIONAL IMPROVEMENTS AT THE MEMORIAL FIELD RECREATION FACILITY IN MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,160,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$14,352,000 BONDS HEREIN AUTHORIZED, AND THE EXPENDITURE OF \$808,000 IN STATE GRANT FUNDS EXPECTED TO BE RECEIVED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on April 14, 2020 and amended on _____, 20____)

object or purpose: to finance all or a portion of the costs of the construction of recreational improvements at the Memorial Field recreation facility in the city of Mount Vernon, including the installation of tennis courts, the installation of a skate park, the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators, and the installation of a multi-purpose synthetic turf field, 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: \$14,352,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

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

RECONSTRUCTION OF MEMORIAL FIELD MT VERNON (RMF02)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; 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	2021	2022	2023	2024	2025	Under Review
Gross	25,000	25,000	24,887						
Non County Share	(5,250)	(5,250)							
Total	19,750	19,750	24,887						

Project Description

This project provides funding for the reconstruction of the 12 acre Memorial Field recreation facility located in Mt. Vernon.

Current Year Description

The current year request funds a change in financing.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2021	2,666,000	(2,666,000)		

Impact on Operating Budget

The impact on the Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

Appropriation History			
Year	Amount	Description	Status
2020	25,000,000	Funds this project	CONSTRUCTION
Total	25,000,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	17,084,000		17,084,000
State Funds	5,250,000		5,250,000
Funds Revenue	2,666,000		2,666,000
Total	25,000,000		25,000,000

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
43 20	365,000			365,000
44 20	525,000			525,000
45 20	5,398,000			5,398,000
46 20	5,398,000			5,398,000
47 20	5,398,000			5,398,000
Total	17,084,000			17,084,000

CAPITAL PROJECT FACT SHEET

Project ID:*
RMF02

CBA

Fact Sheet Date:*
01-04-2021

Fact Sheet Year:*
2021

Project Title:*
RECONSTRUCTION OF MEMORIAL
FIELD MT VERNON

Legislative District ID:
13,

Category*
RECREATION FACILITIES

Department:*
PARKS, RECREATION &
CONSERVATION

CP Unique ID:
1557

Overall Project Description

This project provides funding for the reconstruction of the 12 acre Memorial Field recreation facility located in Mt. Vernon.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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	25,000	25,000	0	0	0	0	0	0
Less Non-County Shares	5,250	5,250	0	0	0	0	0	0
Net	19,750	19,750	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 4

Current Bond Description: The Executive Proposed 2021 Capital Budget amends the financing plan of this project to remove the cash transfer from the general fund and finance that portion of the project with debt proceeds. This request would authorize the additional debt associated with the proposed financing change, resulting in no change to the total County share of \$19,750,000.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,666,000
Cash:	<u>-2,666,000</u>
Total:	\$ 0

SEQR Classification:

TYPE I

Amount Requested:

2,666,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	25,000,000	FUNDS THIS PROJECT

Total Appropriation History:

25,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	43	365,000	0	COST OF TENNIS COURTS CONSTRUCTION AT MEMORIAL FIELD, MT VERNON
20	44	525,000	0	PORTION OF THE COST OF SKATE PARK INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	47	5,398,000	0	PORTION OF THE COST OF BUILDING CONSTRUCTIONS AT MEMORIAL FIELD, MT VERNON
20	46	5,398,000	0	PORTION OF THE COST OF SYNTHETIC TURF FIELD INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	45	5,398,000	0	PORTION OF THE COST OF RUNNING TRACK AND BLEACHER SEATING INSTALLATION AT MEMORIAL FIELD, MT VERNON

Total Financing History:
17,084,000

Recommended By:

Department of Planning
WBB4

Date
09-17-2020

Department of Public Works
RJB4

Date
09-17-2020

Budget Department
GKGA

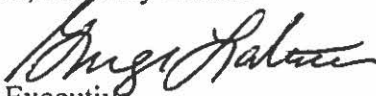
Date
09-18-2020

Requesting Department
KUU1

Date
09-18-2020

November 6, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended) – RMAC3 – V.E. Macy Park Site Work.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

Transmitted herewith for your review and approval is an amended bond act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$2,200,000 to finance the following capital project: RMAC3.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

November 6, 2020

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$2,200,000 to finance the following capital project:

RMAC3 – V.E. Macy Park Site Work (“RMAC3”).

The Amended Bond Act, in the total amount of \$2,510,000 which includes \$310,000 in previously authorized bonds of the County, would finance the cost of recreational area improvements to the County’s V.E. Macy Park in Ardsley (“Park”), including construction and construction management for the rehabilitation of the playground and group picnic areas, soccer, baseball fields and associated work.

The Department of Parks, Recreation and Conservation (“Department”) has advised that RMAC3 is necessary due to increased popularity of the Park and its programming which has occurred since the addition of soccer and baseball fields. The upgrades will help the Park keep up with its demand.

Design is currently underway and is expected to be completed by the first quarter of 2021. The design work will be completed by in-house staff. It is estimated that construction will take six 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 the County to issue bonds to finance RMAC3, as follows: Bond Act No. 340-2016 in the amount of \$310,000 to finance design of infrastructure and site work improvements including new score boards, equipment, curbing, bleachers, benches, dugouts, fencing, improvements to the soccer and baseball fields, accessory play structures, picnic facilities, irrigation system upgrades, stormwater controls and associated site work and landscaping. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 340-2016 be amended to increase the total amount authorized by \$2,200,000, for a total authorized amount as amended, of \$2,510,000 to revise the scope of Bond Act No. 340-2016 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

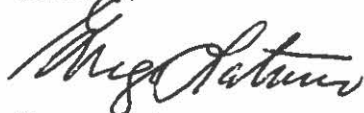
Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$2,510,000 which includes \$310,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project RMAC3 – V.E. Macy Park Site Work (“RMAC3”). The Amended Bond Act, which was prepared by the law firm Harris Beach, PLLC, is required to finance the cost of recreational area improvements to the County’s V.E. Macy Park in Ardsley (“Park”), including construction and construction management for the rehabilitation of the playground and group picnic areas, soccer, baseball fields and associated work.

The Department of Parks, Recreation and Conservation (“Department”) has advised that RMAC3 is necessary due to increased popularity of the Park and its programming which has occurred since the addition of soccer and baseball fields. The upgrades will help the Park keep up with its demand.

Design is currently underway and is expected to be completed by the first quarter of 2021. The design work will be completed by in-house staff. It is estimated that construction will take six 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 the County to issue bonds to finance RMAC3, as follows: Bond Act No. 340-2016 in the amount of \$310,000 to finance design of infrastructure and site work improvements including new score boards, equipment, curbing, bleachers, benches, dugouts, fencing, improvements to the soccer and baseball fields, accessory play structures, picnic facilities, irrigation system upgrades, stormwater controls and associated site work and landscaping. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 340-2016 be amended to increase the total amount authorized by \$2,200,000 for a total authorized amount, as amended, of \$2,510,000 to revise the scope of Bond Act No. 340-2016 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds.

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.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). A Resolution, and proposed Negative Declaration, along with an Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act. As you know, your Honorable Board may use such expert advice to reach its own 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RMAC3

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 \$ 2,510,000 PPU 15 Anticipated Interest Rate 1.04%

Anticipated Annual Cost (Principal and Interest): \$ 182,245

Total Debt Service (Annual Cost x Term): \$ 2,733,675

Finance Department: Interest rates from October 27, 2020 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: 27

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T


Date: 11/2/20

Reviewed By: 

Budget Director

Date: 11/3/20

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 28, 2020

SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RMAC3 V.E. MACY PARK SITE WORK

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-14-2020 (Unique ID: 1505)

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.
 - **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
-

COMMENTS: None.

DSK/dvw

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
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED NOVEMBER 14, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO V.E. MACY PARK IN ARDSLEY; AT THE TOTAL ESTIMATED COST OF \$2,510,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning recreational area improvements to V.E. Macy Park in Ardsley, at the estimated maximum cost of \$310,000, pursuant to Act No. 340-2016 duly adopted on November 14, 2016, and it has now been determined that the period of probable usefulness for such planning may be increased so that it shall be equal to the period of probable usefulness for such improvements; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the appropriation for such project by \$2,200,000 for estimated costs of such improvements;

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 November 14, 2016, entitled:

“(BOND) ACT NO. 340-2016

BOND ACT AUTHORIZING THE ISSUANCE OF \$310,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING RECREATIONAL AREA IMPROVEMENTS TO V.E. MACY PARK IN ARDSLEY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$310,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$310,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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 \$2,510,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF RECREATIONAL AREA IMPROVEMENTS TO V.E. MACY PARK IN ARDSLEY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,510,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,510,000 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, \$2,510,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of recreational area improvements to V.E. Macy Park in Ardsley, including construction and construction management for the rehabilitation of the playground and group picnic areas, soccer, baseball fields 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 \$2,510,000. The plan of financing includes the issuance of \$2,510,000 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 bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 19(c) 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 \$2,510,000. 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 §2.00 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.

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.

* * *

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 Chief 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 November 14, 2016 and amended on _____, 20__ and approved, as amended, 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 \$2,510,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF RECREATIONAL AREA IMPROVEMENTS TO V.E. MACY PARK IN ARDSLEY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,510,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,510,000 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 the cost of recreational area improvements to V.E. Macy Park in Ardsley, including construction and construction management for the rehabilitation of the playground and group picnic areas, soccer, baseball fields and associated work, at the estimated maximum cost of \$2,510,000; 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: \$2,510,000; fifteen (15) years

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* RMAC3	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-02-2020
Fact Sheet Year:* 2020	Project Title:* V.E. MACY PARK SITE WORK	Legislative District ID: 12.
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 1505

Overall Project Description

The project provides design and construction for site work and rehabilitation of the playground and group picnic areas at the park.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input 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	2020	2021	2022	2023	2024	Under Review
Gross	2.760	2.760	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2.760	2.760	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 232

Current Bond Description: This request will fund construction and construction management for the rehabilitation of the playground and group picnic areas as well as the soccer and baseball fields.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,200,000
Cash:	0
Total:	\$ 2,200,000

SEQR Classification:
TYPE II

Amount Requested:
2,200,000

Comments:
This request is to amend bond act 340-2016 upward and add construction.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2014	250,000	DESIGN AND CONSTRUCTION FOR REPLACEMENT OF EXISTING PLAYGROUND AND RESERVED PICNIC AREAS
2016	310,000	DESIGN - UPGRADES TO IRRIGATION SYSTEM, REHABILITATION OF BALL FIELDS, LOOP PATH, AND STORM WATER CONTROL
2017	2,200,000	CONSTRUCTION.

Total Appropriation History:
2,760,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	146	250,000	108,531	V.E. MACY PARK SITE WORK
16	340	310,000		0 PLANNING RECREATIONAL AREA IMPROVEMENTS

Total Financing History:

560,000

Recommended By:

Department of Planning
WBB4

Date
09-14-2020

Department of Public Works
RJB4

Date
09-14-2020

Budget Department
GKGA

Date
09-18-2020

Requesting Department
KUU1

Date
09-21-2020

V.E. MACY PARK SITE WORK (RMAC3)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; 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	2020	2021	2022	2023	2024	Under Review
Gross	2,760	2,760	232						
Non County Share									
Total	2,760	2,760	232						

Project Description

The project provides design and construction for site work and rehabilitation of the playground and group picnic areas at the park.

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
2014	250,000	Design and construction for replacement of existing playground and reserved picnic areas	DESIGN
2016	310,000	Design - upgrades to irrigation system, rehabilitation of ball fields, loop path, and storm water control	DESIGN
2017	2,200,000	Construction.	AWAITING BOND AUTHORIZATION
Total	2,760,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,760,000	108,531	2,651,469
Total	2,760,000	108,531	2,651,469

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
146 14	250,000	12/15/17	19,162	141,469
		12/15/17	3,518	
		12/15/17	30	
		12/10/18	85,820	
340 16	310,000			310,000
Total	560,000		108,531	451,469

Christopher A. Johnson
Majority Whip, Legislator, 16th District
Chair, Social Services



Committee Assignments
Budget & Appropriations
Labor & Housing

To: Ben Boykin, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

From: Christopher Johnson, Legislator, 16th District

Date: February 10, 2020

Re: S.A.V.E. – Students Achieve Via Education

As we have begun a new legislative term, I am reintroducing my request to draft a proposal to create a pilot program entitled S.A.V.E. – Students Achieve Via Education, for 2020 which will create and fund college savings accounts with the beginning amount of \$50 for up to 5,000 kindergarten students in the City of Yonkers.

S.A.V.E. would be created with the intention of teaching financial literacy to children and their parents while encouraging higher education goals at an early age.

A similar program was started in St. Louis, Missouri and is operating with success. My office conducted extensive research on the operations of their program, and had several conversations with the operators in St. Louis, and this proposal is intended to follow a similar model.

The report of our findings is attached and reflects numbers to show the impact if implemented county wide.

While funded by the County, I propose that the S.A.V.E. program could be administered and managed through Westchester Community College.

Please refer this memo and the attached supportive documentation to the appropriate committees on the February 24, 2020 Westchester County Board of Legislators meeting agenda.

S.A.V.E (Students Achieve Via Education)

This summer I took on an internship at Legislator Christopher Johnson’s office. During this internship I was tasked for understanding and studying a program called College Kids. The college kids program is a program that was developed and started in St. Louis, Missouri. The goal of the program is to “Improve college access and attainment among youth, increase assets for low-to moderate income families living within the city and promote the use of safe affordable mainstream financial services and products among students and their families.” As soon as I heard about this program my interest was instantly sparked.

A program like this could benefit Westchester in so many ways. There were over 10,000 students enrolled in Westchester Public Schools between 2016 and 2018.

Westchester has reason to care about student loan debt. Westchester magazine noted that nearly 200,000 of its 950,000 inhabitants are between the ages of 5 and 19, so roughly one out of every five residents has tough decisions about college—and how to pay for it—looming on the horizon. And more than 51,000 County residents are between the ages of 20 and 24, ages at which they may have to start facing the realities of those loans—or pile on more debt to go to grad school. The National Student Loan Debt \$1.5 Trillion and the cost for education is steadily rising.

The program here in Westchester would be called S.A.V.E (Students Achieve Via Education).

The St. Louis Program

Overview: The City of St. Louis Treasurer's Office provides college savings accounts to all kindergarten students enrolled in City of St. Louis Public Schools through a program called, College Kids.

Goal: Improve college access and attainment among youth, increase assets for low-to moderate income families living within the city and promote the use of safe affordable mainstream financial services and products among students and their families.

How College Kids Works:

1. The College saving account is automatically opened for all new kindergartens in St. Louis. A \$50 deposit is made by the Treasurer's office into every account.
2. The student receives bonus deposits for good attendance and when a parent or guardian completes financial education courses.
3. Deposits are matched dollar for dollar up to the first \$100 per school year.
4. When families return a consent form, students earn additional incentives for attendance, up to \$30 per year.
5. Students receive bonus deposits when parents/guardians participate in financial empowerment courses in person, online, or via a smartphone app.

Logistics:

- 1 Coordinator
- Where are the accounts: Local credit union, 1st Financial
 - Local Credit Union are most useful due to their ability to be more flexible for their customers.
 - Treasurer's Office is the custodial of the accounts and the children are the beneficiaries. Deposit only
- Where does the money come from?
 - 73% Parking Residuals
 - 23% Individual Donors
 - 4% Corporate Donors
 - Private Donors are very important
 - Raising money requires educating donors
 - Recommended to get a commitment from donors before starting.
 - Outreach
- How does the office obtain student information?
 - MOU is requested with the school district
 - Name, DOB and Student ID Number
 - No Social Security numbers are used

Partners:

- 1st Financial Federal Credit Union holds the College Kids savings accounts, hosts Family Savings Nights, provides credit building workshops for families, and partners with the OFE for financial literacy events.
- The 1:1 Fund is the fiscal agent, assists with fundraising, matches individual donor's gifts, and provides ongoing support and program guidance.
- Wells Fargo provides Hands on Banking, the financial education curriculum for families. The curriculum is available in person, online, or via the smartphone app.
- The Center for Social Development provided advisory support for the creation of College Kids, and continues to produce research on Children's Savings Account programs.
- The Bank of Edwardsville, offers a series of five financial education courses to parents. At the end of the series, parents receive a \$50 gift card the grocery store of their choice and a \$150 deposit in their student's College Kids account.

Expenses:

2016

- Seed Deposits \$157,150
 - Software and Marketing \$22,000
 - Matching Incentives \$2,790
 - Attendance Incentives \$33,570
 - Financial Education \$1,285
 - Staff and Administration \$60,000
 - School/Community Outreach \$17,000
- = \$293,795

Vs

2018

- Software/Marketing \$22,000.00
- Seed Deposits \$182,350.00
- Staff/Administration \$60,000.00
- Financial Education \$585.00
- Matching Incentives \$16,300.00
- Attendance Incentives \$4,663.00
= \$ 285,898

Benefits/Impacts:

- Research shows that students with any amount up to \$500 saved for college are three times more likely to go to college than their peers with no college savings.
- Students are four times more likely to graduate from high school than those without savings.
- Promotes financial literacy for low income families.

Documents:

- Copies of MOU with school districts
[Example of MOU](#)
- Agreement between bank with guidelines
[Example of Agreement](#)

Westchester Statistics

Westchester County Public Schools:

- 2016-2017
 - 10,522
 - 38% Economically Disadvantaged
 - Seed Deposit \$526,100
- 2017-2018
 - 10,279
 - 40% Economically Disadvantaged
 - Seed Deposit \$513,950

Possible Expenses:

- Avg. Seed Deposit \$520,025
- Staff and Administration \$60,000
- Incentives \$260,012.5
- = Total Expenses: \$840,037.5
- \$ 22,000 Marketing and Software
= \$862,037.5
- Financial Education \$1,500
= \$ 863,537.5
- School and Community Outreach \$17,000
= \$880,037.50

Logistics:

- 48 School Districts MOUs
 - Additional for any charter schools

Q&A

- What happens if my child moves out of the district or city schools?

Students will be able to maintain the account if they move out of the City or transfer to a private school. Any incentives accrued while attending a participating school will remain in the account, but students will be unable to earn future incentives. All program rules still apply to the use of funds from the account.

- What happens to the account if the child doesn't go to college?

S.A.V.E funds can be used toward other kinds of post-secondary education including community colleges, vocational and technical training programs. Deposits made by individuals are considered "Non-Program Funds" and may be accessed by the participant when the beneficiary is 21 years old. At that time, if students have Non-Program funds in their accounts and are unable to be reached in order to gain responsibility for the funds, remaining balances will be turned over to Missouri's Unclaimed Property Division. Unused Program funds will be returned to the Program for other students to access.

- Will these savings affect our family's Eligibility for public assistance? No. Your S.A.V.E account will not affect your eligibility because you do not personally hold your savings. All funds are held by the City of St. Louis Treasurer's Office. However, when your student turns 21 she/he will be fully responsible for the account and at that time the account would be considered as an asset of your child.

Possible Donors:

- Business Council of Westchester
 - Info@thebcw.org
- Children of Association of Westchester
 - Allison Lake, Executive Director: alake@wca4kids.org
 - Erica Ayala, Project Manager: eayala@wca4kids.org
- Child Care Council of Westchester
 - Kathy Halas, Executive Director: kathyh@ccwny.org

Possible Banks:

- Educational & Governmental FCU
 - Located in Mount Vernon
- NYMCU: Municipal Credit Union
 - Located all throughout NY

SAMPLE MOU FROM ST. LOUIS

MEMORANDUM OF UNDERSTANDING [SCHOOL NAME] AND THE CITY OF ST. LOUIS TREASURER’S OFFICE REGARDING COLLEGE KIDS SAVINGS PROGRAM

This Memorandum of Understanding outlines the roles and responsibilities of [SCHOOL NAME] and the City of St. Louis Treasurer’s Office (“STLTO”) regarding implementation of the College Kids program.

Description of the Program

The STLTO developed the College Kids program to help St. Louis children achieve their dream of attending college and assist families with building assets. Through College Kids, STLTO awards college savings accounts to all kindergarten students in [SCHOOL NAME]. Each kindergarten enrolled in [SCHOOL NAME] by October 31 of each school year will receive a college savings account with an initial deposit of \$50 from the STLTO, unless a parent or guardian opts out of the program in writing. After receiving the initial \$50 deposit, College Kids participants will also be eligible for additional financial incentives based upon criteria mutually agreed upon by [SCHOOL NAME] and the STLTO. To receive any additional incentives and matches based upon [SCHOOL NAME] data, parents or guardians are required to sign a consent form.

Term

This MOU shall be effective from the date of authorized signature by both parties through December 31, 2020, unless the MOU is terminated earlier by either party. This MOU may be terminated by either party with 60 days advance written notice for any reason. In the event of termination, the terminating party agrees to use best efforts to plan for the transition of the program, if requested by the non-terminating party. This MOU is contingent upon the funding of accounts annually through the STLTO and City of St. Louis budget process.

[SCHOOL NAME] Responsibilities

[SCHOOL NAME] agrees to do the following:

1. Distribute College Kids parent opt-out and consent forms to eligible students. Collect signed forms and forward them to the STLTO.
2. **By October 31st**, provide the STLTO with the following information for each student at the [SCHOOL NAME] school participating in the College Kids program: **student first name, last name, MOSIS number, student address, telephone number, birthday, and school name**. However this information will not be submitted to the STLTO if a parent/guardian submits a written opt-out request stating that the parent/guardian does not want this information shared with the STLTO and/or that the parent/guardian chooses to opt out of the College Kids program. The MOSIS number

- shall only be used by the STLTO, or its partner organizations, as a unique identifier for the purposes of opening the account.
3. Provide additional student information to the STLTO for all students who return College Kids consent forms. The specific information requested in consent forms will be mutually agreed upon by both parties, including, but not limited to:
 - a. Student's attendance data and grades
 - b. Parent(s)' names
 - c. Primary language spoken at home
 - d. Racial/Ethnic identity
 - e. Parent(s)' email addresses
 - f. Student's demonstrated positive behaviors, as determined by the school (such community service, completion of a college readiness program, participation in a school event or challenge)
 4. Assist and facilitate outreach activities to participating students and their families as needed.
 5. Designate a point of contact for reporting student information to STLTO and its partner organizations.
 6. Participate in and provide information for media, fundraising, and other activities designed to promote the College Kids program.
 7. Collaborate with STLTO to bring financial education programs, initiatives and events into the classrooms and schools through community financial partners and College Kids program staff.

STLTO Responsibilities

STLTO agrees to do the following:

1. Manage and administer the College Kids program with First Financial Credit Union. The STLTO is the custodian of a control account. Under this account, the STLTO will open and oversee an account for the behalf of each student in the College Kids program.
2. Establish College Kids savings accounts for every eligible student in [SCHOOL NAME] who does not opt out of the program.
3. Award \$50 to each eligible student in [SCHOOL NAME] (who does not opt out) and deposit the award into each participating student's College Kids account.
4. Award additional funding into students accounts based upon mutually agreed upon incentives, as determined by [SCHOOL NAME] and STLTO.
5. Provide participating families with information to explain the rules and guidelines associated with the College Kids savings accounts, including restrictions on how the money in the accounts may be used.
6. Maintain the confidentiality of all student information provided to the Treasurer's Office under this MOU and the signed parent consent form to the extent permitted by law. All student information shall be treated as confidential in conformity with the Family Educational Rights and Privacy Act ("FERPA"), and will not be released to any other parties, City Departments, organizations or agencies except as described in the College Kids consent form and this MOU, and will be used for the sole purposes described in the College Kids consent form and this MOU.

7. Ensure that any STLTO contract with First Financial Credit Union or VistaShare include the student data confidentiality protections set forth in this MOU.

Mutual Responsibilities

1. Indemnification. City shall defend, release and hold harmless, and indemnify [SCHOOL NAME], including [SCHOOL NAME] employees and agents, which arise out of the negligent acts or omissions of the STLTO or the City of St. Louis, in connection with this MOU. It is further agreed that [SCHOOL NAME] shall defend, release, hold harmless, and indemnify the STLTO and the City of St. Louis, including its employees or agents, in connection with the performance of this MOU. In the event of concurrent negligence of the STLTO and [SCHOOL NAME], the liability for any and all claims shall be apportioned under the Missouri theory of comparative negligence.
2. [SCHOOL NAME] and STLTO agree that student information obtained under written parental consent may be shared with the STLTO subcontractors for the uses approved in the signed parental consent form, which include program administration, management, and study of incentives; and further agree that directory information provided to the STLTO without written parental consent may be shared with STLTO subcontractors only as may be necessary for the following purposes: (i) to determine eligibility for the aid; (ii) to determine the amount of aid; (iii) to determine the conditions for the aid; (iv) to enforce the terms of the aid.

The parties below agree to the terms of this MOU on behalf of each agency:

The Treasurer of the City of St. Louis, Missouri

By:

Name: Tishaura O. Jones

Title:

Date: _

[SCHOOL NAME]

By:

Name:

Title:

Date: _



Agreement
1st Financial Federal Credit Union
The City of St. Louis Treasurer's Office

2015 College Kids Children's Savings Account Program

This Agreement ("Agreement") is made on _____ ("Effective Date"), between 1st Financial Federal Credit Union ("1st Financial"), headquartered in 1232 Wentzville Parkway, Wentzville, MO 63385, and The City of St. Louis Treasurer's Office ("STLTO"), with offices at St. Louis City Hall, 1200 Market St # 220, St. Louis, MO 63103.

General Information

The City of St. Louis Treasurer's Office ("STLTO") is committed to increasing financial literacy among city residents. As part of this initiative, the Treasurer's Office has developed a comprehensive program to promote college savings and financial literacy for the city's schoolchildren and families through **College Kids** Children's Savings Account Program (Program). The purpose of the Program is to provide all children enrolled in St. Louis Public Schools and St. Louis City charter schools in the city limits with a savings account for postsecondary education, thereby increasing the accessibility of postsecondary education for our citizens, as well as provide access to banking resources for unbanked and under banked citizens.

All matters relating to the Program will be under the general supervision of STLTO. This Program Description and all supplements provide important information about the Program. The Program rules are subject to change at any time. Notification will be provided of any changes to the Program Rules. For updated information about the **College Kids** Program please visit the Program website at www.stlofe.gov/collegekids.

The Treasurer's Office College Savings Account Program Committees

As part of the College Kids Children's Savings Account Plan, a 12 member Committee was created in order to provide fundraising support as well as advice on banking, education, and financial literacy.

The Committee consists of the following members:

- I. St. Louis City Treasurer (or designee)
- II. St. Louis City Mayor (or designee)

- III. St. Louis City Comptroller (*or designee*)
- IV. 1st Financial Credit Union representative (*or designee*)
- V. St. Louis Public School Superintendent (*or designee*)
- VI. Missouri Public Charter School Association Executive Director (*or designee*)
- VII. A representative of a higher education institution location within St. Louis City (*selected by the St. Louis City Treasurer's Office Executive Team*)
- VIII. A member of the foundation and nonprofit community (*selected by the St. Louis City Treasurer's Office Executive Team*)
- IX. A member of the a faith based institution within St. Louis City (*selected by the St. Louis City Treasurer's Office Executive Team*)
- X. A representation of the research community within St. Louis City (*selected by the St. Louis City Treasurer's Office Executive Committee*)
- XI. Two appointees by the Board of Aldermen. One appointee must be a parent of a student attending a St. Louis Public School and one appointee must be a parent of a student attending a St. Louis public charter School. These appointees shall serve two year terms commencing on June 1st, and shall not serve beyond their term unless reappointed. The Treasurer's Office reserves the right to reallocate the number of parents as the total attendance may change between charter and traditional schools. This reappointment will only be completed when an appointee has finished his or her term.

Vacancies in the Committee shall be filled in the same manner they were originally filled.

Core Program Committee

Additionally, a core program committee will meet more frequently to discuss the structure and progress of the program. The core program committee consists of:

- I. St. Louis City Treasurer
- II. A representative from 1st Financial Federal Credit Union
- III. A representative from Wells Fargo
- IV. A representative from St. Louis Public Schools
- V. A representative/school leader from a St. Louis Charter School
- VI. Director, Office of Financial Empowerment, Treasurer's Office
- VII. Chief of Staff/Deputy Chief of Staff, Treasurer's Office
- VIII. Assistant Treasurer, Treasurer's Office
- IX. Program Coordinator, College Kids CSA

Program Overview

- I. A deposit only savings account, held at 1st Financial Credit Union, is automatically established the year in which each eligible student enters kindergarten to be used for qualifying post secondary expenses.
- II. The Treasurer's Office shall be the custodial owner of the accounts, and the students shall be designated as beneficiaries.

III. An initial one time deposit of \$50 shall be made by the Treasurer's Office into each college savings account as it is opened.

IV. Accounts shall grow through deposits from family, student, and outside private or public contributions.

V. The Program will be reviewed annually by the Administration. An annual report will be generated from Outcomes Tracker by the Program Coordinator and posted on the STLTO website.

Participation and Eligibility

I. An eligible student is a child who is a first time enrolled kindergarten student as of October 31st of each year. Students must be enrolled in a St. Louis City Public School or a public charter school located within the city limits of St. Louis City.

II. Families who do not wish to participate in the Program have to option to submit an Optout Form to the Program Coordinator no later than October 31.

III. Appeals of program eligibility may be made by written correspondence to the Program Committee within 90 days of the account opening date for that particular year.

IV. Any eligible student who is not automatically enrolled in the Program can apply to be included by filling out a Program Enrollment Form and submitting verification of attendance and enrollment in kindergarten at a St. Louis City Public School or a public charter school located within the limits of St. Louis City no later than January 31 of the eligible school year.

V. If a participant stops attending a St. Louis City Public School or a public charter school located within the city limits, they have the option to keep the account open or close the account. If the account is open, the family may continue to contribute to that fund. Any program and nonProgram funds accumulated to the transfer date will not be forfeited. The Treasurer's Office will not contribute any funds during the time the student is not enrolled in an eligible school. If the student returns to an eligible school, the Treasurer's Office will contribute to the fund if the child qualifies for any incentive programs.

College Savings Account

I. A deposit only savings account, held at 1st Financial Federal Credit Union, is established the year in which each eligible student enters kindergarten. An initial onetime deposit of \$50 shall be made by the Treasurer's Office into each college savings account as it is opened.

II. In addition to the initial deposit, the Treasurer's Office may, in its sole discretion, make additional deposits, such as earned incentives, and other adjustment deposits as may be

necessary for overall Program management. Incentives, such as savings matches and other donor directed deposits, shall be provided only if money is raised and available.

III. Students entering a qualifying school and participating grade level after October 31st are permitted to open a College Kids account and need to submit a Request to Open Account Form to the Program Coordinator for review. Participants entering the program after this date will not receive the initial seed deposit of \$50 but will be eligible to participate in matches and incentives offered thereafter.

Participant Deposits

I. Parents/Guardians and others are able to make deposits to an account at any 1st Financial Federal Credit Union branch, or any credit union in the shared branch network in person or by Electronic Funds Transfer (EFT). The EFT can be a onetime payment or a recurring payment. An account card with a preprinted account number will be distributed to each student with their welcome packet.

II. Checks and money orders should be made out to “ _____ ” with the participant’s name and account number noted in the memo section.

III. The maximum amount of non program funds that can be deposited annually (those by depositors other than STLTO) is \$2,500. The maximum allowable amount of non program fund deposits over the life of the account is \$50,000. Participants will be notified once they meet either threshold.

IV. The Program does not accept deposits that place conditions on account beneficiaries or the Program that are in addition to the terms and conditions of the Program as outlined in the Program Description.

V. All contributions to an account must be cash equivalent contributions in U.S. dollars. All contributions made in credit union branches of our banking partner, will be subject to their rules and regulations regarding acceptable forms of deposits.

VI. Anyone can contribute to a beneficiary’s account regardless of their relationship to the beneficiary; however, if a contribution is made by someone who does not hold legal guardian status for the beneficiary, they (1) cannot control how their contribution is managed, (2) will have no future control over the use of their contribution, and (3) will have no recourse through the Program to withdraw or redirect their contribution.

Withdrawals

I. With the exception of unforeseen financial emergencies, withdrawals may only be made for qualifying postsecondary education expenses by completing a Qualified Expense Withdrawal Form. The Program Coordinator will make the decision whether an expense is qualified.

Decisions may be appealed with written correspondence to the Program Committee within 90 days of the Program Coordinator's decision.

II. In the event of a financial emergency or unforeseen circumstance, the student and/or parent/guardian may submit a *nonqualified use withdrawal request* using the NonQualified Use Withdrawal Form to the Program Coordinator for review. If approved, only nonProgram funds may be withdrawn.

III. If a student completes their postsecondary education and does not use all funds in their account, any nonProgram funds contributed to the account can be withdrawn. However, any funds donated by or to the Treasurer's Office for the purpose of the Program will not be disbursed and will remain the sole property of the Treasurer's Office.

IV. Withdrawals from the account must be made prior to the student reaching the age of twenty five (25), with extensions for students who serve in national service programs (such as the United States Military or AmeriCorps.)

V. Due process with MO State Unclaimed Property Division will be followed regarding non Program funds remaining in accounts of beneficiaries over the age of 25. Program funds (incentives and matches) will be returned to the Treasurer's CSA account with Lindell Bank, and non Program contributions will be sent to MO Unclaimed Property if no contact can be made with the beneficiary and/or no relationship based account has been created.

Account Transfers to Other College Savings Vehicles

An account beneficiary's parent or legal guardian may transfer all but \$1 of the account balance, including deposits made by the Treasurer's Office, incentive deposits, deposit adjustments, deposits made by other individuals, and earned growth match to another privately held college savings vehicle each time the account reaches \$500 or more. Important restrictions apply to this account feature and include the following requirements.

- Transfers can only be made to college savings account products that are officially recognized as such in federal or state tax code. In most cases, rollovers will be to a privately held "529 Plan" or similarly tax advantaged college savings vehicle. The rollover amount must meet the target account's minimum deposit rules.
- Transfers can only be made to college savings vehicles that have as the named beneficiary the same child that was named as the beneficiary of the account.
- Once this transaction is complete, the account created by the Treasurer's Office will remain open and the participant will be eligible for future Treasurer's Office deposits or other matching or incentive deposits.

Account Balances

- I. There is no minimum account balance. Accounts automatically opened by the Treasurer's Office at the start of the Program are funded with a onetime initial \$50 deposit.
- II. Account balances will be available as current as the previous business day through the Outcomes Tracker online account portal, contingent upon a nightly download from 1st Financial into VistaShare.
- III. A quarterly paper version of your account statement can be requested with written correspondence to the using the Account Statement Request Form.
- IV. Funds held in accounts cannot be assigned or pledged as security for a loan. Any pledge of interest in an account will be of no force and effect.
- V. Each account is insured by the National Credit Union Administration (NCUA). NCUA insurance is provided for the individual beneficiary accounts held in trust by the St. Louis Treasurer's Office. NCUA insurance limits and limitations are governed by NCUA regulations.
- VI. Deposits into the account are not insured nor guaranteed by the Treasurer's Office, other state agencies, federal government agencies (except to the extent noted above regarding NCUA insurance), or any employees or directors of any such entities.

Contributions to the Program

- I. Private funds, made through donors and foundations, will serve as incentives for families to make contributions into the accounts. Incentives may be earned by meeting certain financial benchmarks with the accounts or by meeting certain academic benchmarks – both defined by the Program Committee.
- II. All checks must be clear, in good order, and not dated more than 180 days old. The Program will not accept credit cards, debit cards, postdated checks, starter checks, counter checks, traveler's checks, checks drawn on nondomestic banks, or any other check deemed unacceptable by the Program.

Qualifying postsecondary Expenses

Postsecondary education includes a college, university, vocational school, and any two or four year degree program from an accredited institution.

This includes but is not limited to tuition, mandatory fees, books, supplies, and equipment required for enrollment or attendance, or for any other necessary cost of attending school, including travel to and from school. If a student has special needs, distributions can be used to pay for any accommodations that are required to make it possible to attend school. To assist

students in gaining access to postsecondary education, funds may be used for postsecondary school application fees and fees for the ACT, SAT, and AP college entrance and placement exams prior to high school graduation. Participants must submit a Qualified Expense Withdrawal Form to the Program Coordinator to request disbursement of funds.

Expenses and Fees

There are no user fees associated with deposits, withdrawals, account management or any other transactions.

Contact Information

In order to communicate important news and updates regarding the Program it is important that Parents/Guardians update their contact information when changes occur using the online account portal. Contact information can be updated at the beginning of each school year when students enroll.

Other Legal and Administrative Information

Tax Considerations

Account beneficiaries/agents are encouraged to seek professional tax help to best understand their own personal circumstances as the Program is not authorized to provide legal, financial, or tax advice. The Office of Financial Empowerment provides a comprehensive list of Volunteer Income Tax Assistance organizations that may provide help.

Postsecondary Education – No Guarantee

The Program does not offer any guarantees regarding the future costs of postsecondary education or the ability of the account to cover these expenses for any beneficiary. The total amount of qualified higher education expenses incurred by a beneficiary may exceed the funds in their account. There is no guarantee that a beneficiary will be accepted to a postsecondary institution or that a beneficiary will be able to maintain attendance at or receive a degree from an eligible educational institution. The Program does not provide advice or assistance in applying to postsecondary institutions or calculating the costs of that attendance.

Transaction Timing

The Program makes all reasonable attempts to complete transactions and requests regarding accounts in a timely manner. Most requests received in good order during the Program's hours of operation (8:30 AM – 4:30 PM Monday through Friday) will usually be completed within three business days. However, the Program offers no guarantee regarding the timing of account setup, changes, withdrawals, confirmations, or other transactions. The Program does not guarantee that a transaction received on the last day the Program conducts business for that year will be complete on that day. Deposits will generally be recognized in the year in which the deposit is recognized by the Program's banking partner.

Special Considerations

In addition to rights expressly stated elsewhere in this Program Description, the Program reserves the right to:

- Reject a form that is:
 - o Not complete, or that has been superseded by an updated version of the form
 - o Dated with a signature more than 90 days old
 - o Signed by a person who does not hold Legal Guardian status for the named account beneficiary

- Freeze an account, close an account, or refuse, change, discontinue, or temporarily suspend account services, including accepting contributions and/or processing withdrawal requests, for any reason, including, without limitation:
 - o When the Program reasonably believes fraudulent, suspicious, or illegal activity may occur or has occurred
 - o When the Program has received reasonable notice of a dispute regarding the money in an account
 - o The Program's discovery that an account has been managed or accessed for purposes other than to save for the costs of postsecondary education

- Suspend the processing of withdrawal requests or postpone sending out the proceeds of a withdrawal request when banks are closed for any reason other than their usual weekend or holiday closings, when banking is restricted by the federal government, or under any emergency circumstances.

Death or Intellectual Incapacitation of an Account Beneficiary

In the event of the death or irreversible intellectual incapacitation of a named beneficiary, the beneficiary's estate or legal guardian will have the option to withdraw the account balance, less any deposits made by the Treasurer's Office, including the initial deposit and any match or incentive payments. Requests must be submitted in writing to the Program Coordinator and documentation of legal guardianship must be submitted along with request, as noted on the NonQualified Expense Withdrawal Form.

Extraordinary Events

The program and the Treasurer's Office are not liable for any loss to an account beneficiary caused directly or indirectly by changes in federal or state banking regulations; war; acts of terrorism; forces of nature; strikes; changes in federal law, state law, or tax law; or other conditions beyond their control.

Indemnification

Neither the Program, nor the Treasurer's Office or its officers, employees, or associated persons will indemnify an account beneficiary, or contributor to accounts against any damages, losses or other claims arising from their official or unofficial acts, whether negligent or otherwise.

The Program uses reasonable procedures to confirm that transaction requests on accounts are genuine; However, the Program is not responsible for any losses arising from fraudulent or unauthorized instructions that it believes to be genuine. An account beneficiary/agent should keep information confidential and carefully monitor the account balance and overall status. If an account beneficiary/agent suspects fraudulent activity on their account, they should contact the Program Coordinator immediately.

Privacy Policy

The Treasurer's Office does not collect personally identifiable information about participants unless they choose to provide such information. Any personal information provided to the Treasurer's Office is protected by security practices. Non personal information related to visits to the Program's website may be automatically collected and temporarily stored. The Treasurer's Office does not disclose, give, sell or transfer any personal information without prior authorization or as required by law.

Security for State Funds

In accordance with the Missouri Revised Statute Section 30.270.1 in regards to *Security For Safekeeping of State Funds*, 1st Financial Federal Credit Union agrees to pledge securities for any deposits in relation to the College Kids Children's Savings Account Program (Program) over the NCUA insured amount of \$250,000.

Authorized signees for The City of St. Louis Treasurer's Office are:

- A. The Treasurer of the City of St. Louis
- B. The Assistant Treasurer of the City of St. Louis

Confidentiality Agreement

1st Financial Federal Credit Union and The City of St. Louis Treasurer's Office acknowledges that information concerning operations and members are proprietary in nature as well as subject to federal and state confidentiality laws and regulations. 1st Financial Federal Credit Union and The City of St. Louis Treasurer's Office will keep all such information strictly confidential and not disclose such information to any third parties in violation of applicable laws, including the Gramm-Leach Bliley Act (GLBA). 1st Financial Federal Credit Union and The City of St. Louis Treasurer's Office shall not disclose or use Confidential Information supplied to them by Customer for any purpose not expressly permitted by this Agreement. 1st Financial Federal Credit Union and The City of St. Louis Treasurer's Office shall limit the disclosure of Confidential Information supplied to them by Customer to the employees or contractors of 1st Financial Federal Credit Union and The City of St. Louis Treasurer's Office who have a need to know such Confidential Information for purposes of this Agreement, and who are, with respect to the Confidential Information of Customer bound in writing by confidentiality terms no less restrictive than those contained herein. The non-disclosure requirement of the Confidential Information set forth in this section shall be in full force and effect for such time that Customer maintains its confidentiality. 1st Financial Federal Credit Union and The City of St. Louis

Treasurer's Office hereby acknowledges that the unauthorized disclosure or use of Confidential Information in breach of this section could cause Customer immediate, substantial, and irreparable harm. 1st Financial Federal Credit Union and The City of St. Louis Treasurer's Office therefore agrees that Customer will have the right to pursue any and all rights and remedies available at law and equity, including injunctive relief, for such a breach.

Monthly Statements

1st Financial Federal Credit Union agrees to provide a monthly statement to the The City of St. Louis Treasurer's Office including the total deposit amount, number of deposits, and withdrawals for all participating beneficiary accounts.

Termination and Risk Mitigation

This Agreement may be terminated by either party with notice in writing if the other is in material breach of the terms of this Agreement and has failed to remedy the breach (where the breach is capable of being remedied) within 90 days' notice in writing.

This Agreement may also be terminated by either party with 90 days' notice in writing if the other has caused severe reputation risk or financial hardship to the either.

The City of St. Louis Treasurer's Office or 1st Financial Federal Credit Union may terminate the Agreement upon the occurrence of any of the following events:

- A. Both parties agree the Program is not capable of achieving designated Program goals.
- B. The CSLTO stops contributing to the Program or loses funding for the Program.
- C.

Consequences of Termination

In the event of termination, 1st Financial will work with The City of St. Louis Treasurer's Office to transfer all custodial accounts to a new participating financial institution or with the disbursement of account funds to the beneficiary recipients. At the time of account closings, 1st Financial will no longer bear responsibility to open new savings accounts for students in the City of St. Louis School District, provide monthly statements to The City of St. Louis Treasurer's Office or deliver a nightly report regarding account balances. Termination shall not affect any accrued rights or liabilities of either party.

In the event of the termination of the Agreement under this section, The City of St. Louis Treasurer's Office and 1st Financial Federal Credit Union shall both ensure within the best of their ability that there is no disruption to providing service to participants in a professional and competent manner.

IN WITNESS WHEREOF, the Parties have caused this Participation Agreement to be executed by their duly authorized officers as of the date first above written.

1st Financial Federal Credit Union

By: _____

Name: _____

Title: _____

The City of St. Louis Treasurer's Office

By: _____

Name: _____

Title: _____

Damon R. Maher

Legislator, 10th District
Chair, Labor & Housing



Committee Assignments
Budget & Appropriations
Parks & Recreation
Planning, Economic Development & Energy

MEMORANDUM

TO: Benjamin Boykin, Chair, Board of Legislators

FROM: Damon R. Maher, Legislator – 10th District

DATE: December 3, 2020

RE: Supportive housing

Please add the attached article from LoHud dated November 19, 2020 entitled “Westchester Suffering Housing Crisis- ESSHI Program Can Help” for referral as correspondence to Budget & Appropriations, Labor & Housing and Social Services committees.

Here is a link to the article:

<https://www.lohud.com/story/opinion/2020/11/19/westchester-suffering-housing-crisis-esshi-program-can-help>

OPINION *This piece expresses the views of its author(s), separate from those of this publication.*

Westchester is suffering a housing crisis. ESSHI program can help | Opinion

Richard Nightingale Special to the USA TODAY NETWORK

Published 6:00 a.m. ET Nov. 19, 2020

This week marked an important milestone in a more than \$40 million transformational investment to benefit one of Westchester's most underserved communities whose members face new challenges and threats at this unique moment in New York history.

The roof was placed on Dayspring Commons, a state-of-the-art, 63-unit affordable residential building in the Nodine Hill neighborhood of Yonkers. The project is part of Westhab's larger vision, which includes a major renovation to the former Good Shepherd Presbyterian Church building next door to create the Dayspring Community Center.

This "Dayspring Campus" marks a new chapter of opportunity in Nodine Hill. It will feature comprehensive youth and adult education programs, year-round after school and summer youth programming, vocational training and employment counseling, family programming, a food pantry, and more. It will provide a pathway to college, living-wage careers, and long-term success for individuals who want to make positive changes in their lives, but need support to do so.

It took a village of public and private investors to make the Dayspring vision possible. A key component was the Gov. Andrew Cuomo's 15-year commitment to combat homelessness across New York: The Empire State Supportive Housing Initiative (ESSHI). If the Cuomo administration is to continue the success it has so far realized in combating homelessness across New York and protecting some of our most vulnerable residents, it's imperative that this program continue.

For subscribers: Yonkers' Nodine Hill to get affordable housing, revamped community center

More: Yonkers-based developer sees green with proposed eco-friendly affordable housing building

ESSHI funds supportive housing, which, for the past three decades, has provided an affordable place to live and on-site services for homeless individuals. In Nodine Hill, it will fund services and rental subsidies for 37 formerly homeless families, including 25 young parents and their children.

ESSHI has been a tremendous success, creating more than 4,600 units of supportive housing across the state in the last four years, including in parts of New York where secure funding for this type of housing previously did not exist. However, of the governor's 2016 commitment for 20,000 units, only 6,000 have been funded. Without a new five-year commitment in this year's budget for the next 7,000 units, this successful program will end. And so will the hope of transforming more lives and more communities.

New York faces a massive, multibillion dollar budget gap as a result of the economic fallout wrought by the ongoing coronavirus pandemic, but funding for capital projects is a long-term investment in the health and well-being of our communities. The up-front investment in supportive housing saves money in the long run, decreasing the need for homeless shelters and reducing reliance on emergency public safety and health care services.

A 2013 study of homeless, disabled New Yorkers placed in supportive housing created following the 2005 New York/New York III Supportive Housing Agreement found that taxpayers saved a net average of \$10,100 per person per year, with an average \$77,425 per tenant per year savings realized from individuals who moved out of state-operated psychiatric facilities.

As our state continues to grapple with COVID-19, as well as the persistent inequities that plague our society and deny opportunities to people of color, we are seeing some alarming trends as homelessness, joblessness and hunger are on the rise. We simply cannot afford to end successful programs like ESSHI that invest in underserved communities and give formerly homeless households a fighting chance.

Supportive housing also helps protect both vulnerable New Yorkers and members of the broader communities in which they reside from getting infected with COVID-19 by keeping people off the streets and out of crowded shelters. Safe, secure housing with independent apartments makes social distancing and quarantines—if necessary—easier to accomplish.

This week's topping off was the harbinger of more good things to come. Next spring, we will cut the ribbon on Dayspring. At that moment, we will officially welcome 63 families to their new home and hundreds of neighborhood residents to their new community center. We only

hope we can replicate this effort in the future, continue the push to end homelessness, and give everyone in our community the opportunity to thrive for many years to come.

Richard Nightingale is the president and CEO of Westhab.