

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (“Bond Act”) in the amount of \$1,000,000, to finance capital project BES20 – DES Backup Generator (“BES20”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for BES20 by \$1,000,000 to provide additional funding to account for inflation and cost escalation since the project was first budgeted in 2019.

Your Committee is further advised that the Bond Act, in the amount of \$1,000,000, which was prepared by the law firm of Hawkins Delafield & Wood, LLP, would provide additional funding for the purchase of an emergency generator that would provide backup power for the Department of Emergency Services (“DES”) facility.

DES has advised that the existing generator has reached the end of its useful life and does not provide 100% redundancy to the facility. The new generator will also support the planned improvements to DES’s facility.

Your Committee is advised that design for this project has been completed by in-house staff. Your Committee is further advised that following bonding authorization, it is estimated that construction will take twenty-seven (27) months to complete and will begin after award and execution of construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds to finance the acquisition of the emergency generator for the Department’s facility, as set forth in the attached fact sheet.

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

The Department of Planning has further advised your Committee that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: September 13<sup>th</sup>, 2023  
White Plains, New York

*David Ann*  
*Vedat Fathi*  
*Symon Brund*  
*J. W.*  
*Amel Zully John*  
*Colin Paul*  
*Nancy Bar*

C:cmc/07.06.2023

*Vedat Fathi*  
*J. W.*  
*Colin Paul*  
*Nancy Bar*

*Margaret A. Cizio*  
*Vedat Fathi*  
*Nancy Bar*  
*Amel Zully John*

9/12/2023

Budget & Appropriations

Public Works & Transportation

Public Safety

Dated: September 12<sup>th</sup>, 2023  
White Plains, New York

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

**Public Safety**

*Sydney D. Brandon*  
*Joe Plunk*

*Jeff Pei*

Dated: September 13, 2023  
White Plains, New York

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



**COMMITTEES ON**

Budget & Appropriations

Public Works & Transportation

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES20

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 \$ 1,000,000 PPU 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 116,286

Total Debt Service (Annual Cost x Term): \$ 1,162,860

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

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 10

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Richard G. Wishnie

Title: Commissioner

Department: Emergency Services

Date: 7/25/23

Reviewed By: Christina Rampato

Budget Director

n 7/25/23  
Date: 7/25/23

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

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



DATE: July 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BES20 DES BACKUP GENERATOR**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
06-16-2023 (Unique ID: 2241)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(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;
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** The replacement generator will be larger in size and capacity and housed in a new walk-in structure along with new aboveground fuel tanks that will be housed in the same enclosure. The new generator structure will be located approximately 70 feet to the west of the original generator and underground fuel tanks, which will be removed. The proposed new location is adjacent to the entrance drive to the Fire Training Center at Grasslands. Five trees of approximately 6-inch caliper will need to be removed. Tree replacements will be added to the project.

DSK/cnm

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



Memorandum

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: July 12, 2023

RE: **Capital Budget Amendment –  
BES20 DES Backup Generator**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **BES20 DES Backup Generator** will fund the purchase of an emergency generator that provides backup power for the DES facility.

A Capital Budget Amendment in the amount of \$1,000,000 is being requested due to a significant increase in costs since the initial estimates were obtained in 2020. This project was classified as a PL1, project without physical planning aspects of concern to the Planning Board in the 2021 Report on the Capital Project Requests adopted July 7, 2020.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Acting Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

ACT No. 170 - 2023

An Act amending the 2023 County  
Capital Budget Appropriations for  
Capital Project BES20 DES  
Emergency Generator

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$3,900,000	\$1,000,000	\$4,900,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$3,900,000	\$1,000,000	\$4,900,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$3,900,000</u>	<u>\$1,000,000</u>	<u>\$4,900,000</u>

Section 3. The ACT shall take effect immediately.



ACT NO. 171 - 2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR FOR THE DES FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 09/18 , 2023 )

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition and installation of an emergency generator to provide back-up power for the DES facility; 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 \$1,000,000. The plan of financing includes the issuance of \$1,000,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$1,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$1,000,000. 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 \$1,000,000 as the estimated total 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 in accordance with Section 107.71 of the Westchester County Charter.

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## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
BES20

CBA

**Fact Sheet Date:\***  
06-07-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
DES BACKUP GENERATOR

**Legislative District ID:**  
3,

**Category\***  
BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***  
EMERGENCY SERVICES

**CP Unique ID:**  
2241

**Overall Project Description**

This project replaces and upgrades the Department of Emergency Services emergency generator that provides backup power to the facility.

- |  |  |  |
|--|--|--|
| <input 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	4,900	3,900	0	0	0	0	0	1,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,900	3,900	0	0	0	0	0	1,000

**Expended/Obligated Amount (in thousands) as of :** 239

<b>Current Bond Description:</b> Funding is requested for the purchase of an emergency generator that provides backup power for the DES facility.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	1,000,000
Cash:	0
<b>Total:</b>	<b>\$ 1,000,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
1,000,000

**Comments:**

A Capital Budget Amendment in the amount of \$1,000,000 (shown under review) is being requested to provide additional funding to account for inflation and cost escalation since the project was first budgeted in 2019.

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2021	3,900,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**  
3,900,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	20	3,900,000	67,568	DES BACKUP GENERATOR

**Total Financing History:**

3,900,000

**Recommended By:**

**Department of Planning**

MLLL

**Date**

06-16-2023

**Department of Public Works**

RJB4

**Date**

06-16-2023

**Budget Department**

DEV9

**Date**

06-20-2023

**Requesting Department**

KAN1

**Date**

06-21-2023

## DES BACKUP GENERATOR ( BES20 )

**User Department :** Emergency Services  
**Managing Department(s) :** Emergency Services ; Public Works ;  
**Estimated Completion Date:** TBD

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

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,900	3,900	239						
Non County Share									
<b>Total</b>	<b>3,900</b>	<b>3,900</b>	<b>239</b>						

### Project Description

This project replaces and upgrades the Department of Emergency Services emergency generator that provides backup power to the facility.

### 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
2021	3,900,000	Design, construction and construction management	DESIGN
<b>Total</b>	<b>3,900,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,900,000	67,568	3,832,432
<b>Total</b>	<b>3,900,000</b>	<b>67,568</b>	<b>3,832,432</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
20 21	3,900,000	12/01/22	61,460	3,832,432
		12/01/22	6,108	
<b>Total</b>	<b>3,900,000</b>		<b>67,568</b>	<b>3,832,432</b>

STATE OF NEW YORK )  
 )  
COUNTY OF WESTCHESTER )

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

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on September 18, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

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

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

Newspaper and/or other news media

Date Given  
September 13, 2023

WVOX  
FIOS1  
News Channel 12  
The Journal News

Hometown Media

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

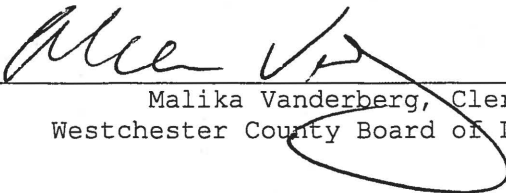
Designated Location(s)  
of posted notice

Date of Posting  
September 13, 2023

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on September 19, 2023.



  
\_\_\_\_\_  
Malika Vanderberg, Clerk  
Westchester County Board of Legislators





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

I HEREBY CERTIFY that I have compared the foregoing Act No. 170 - 2023, and (Bond) Act No. 171 - 2023, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on September 18, 2023, and approved by the County Executive on September 19, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 20<sup>th</sup> day of September, 2023.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

