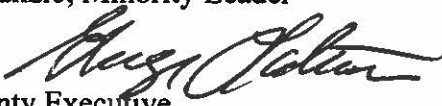


September 12, 2024

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – WCC97 – Virginia Marx Children Center.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$326,000 to finance the following capital project: WCC97.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 6, 2024

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 a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$326,000 to finance the following capital project:

WCC97 – Virginia Marx Children Center ("WCC97").

The Bond Act, in the amount of \$326,000, would finance the County's approximately 50% share of construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves.

Westchester Community College (the "College") has advised that the Virginia Marx Children Center requires improvements and upgrades in various building systems in order to maintain the operation of comfortable working environments.

The College has advised that the total amount appropriated for WCC97 is \$652,000. This bond request, in the amount of \$326,000, represents the County's 50% share WCC97. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 24 months to complete. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
Westchester County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$326,000 to finance capital project WCC97 – Virginia Marx Children Center (“WCC97”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the County’s approximately 50% share of construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves.

Westchester Community College (the “College”) has advised that the Virginia Marx Children Center requires improvements and upgrades in various building systems in order to maintain the operation of comfortable working environments.

The College has advised that the total amount appropriated for WCC97 is \$652,000. This bond request, in the amount of \$326,000, represents the County’s 50% share WCC97. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 24 months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, WCC97 may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC97

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 \$ 326,000 PPU 10 Anticipated Interest Rate 2.64%

Anticipated Annual Cost (Principal and Interest): \$ 37,769

Total Debt Service (Annual Cost x Term): \$ 377,691

Finance Department: maab 9-3-24

## 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):

No Operating impact

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 3

Prepared by: Dawn Gillins

Title: Assistant Vice President/Comptroller

Department: WCC

Date: 9/6/24


Reviewed By: 

@ 9/9/24  
DVA/1/24

Budget Director

Date: 9/9/24

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

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

DATE: August 29, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC97 VIRGINIA MARX CHILDREN CENTER**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 07-16-2024 (Unique ID: 2581)

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.
- 

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dawn Gillins, Westchester Community College  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$326,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS TO THE VIRGINIA MARX CHILDREN CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$652,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$326,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$326,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; 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, \$326,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves; 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 total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$652,000. The plan of financing includes the issuance of \$326,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds, and the application of \$326,000 expected to be received from the State of New York to be expended towards the cost of said class of objects or purposes.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$326,000 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 total amount of \$652,000. 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 \$652,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties

of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect not earlier than \_\_\_\_\_, 20\_\_ 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 \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the 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 \$326,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS TO THE VIRGINIA MARX CHILDREN CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$652,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$326,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$326,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; 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 the construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves; 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: \$326,000; ten (10) 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:\***  CBA **Fact Sheet Date:\***  
WCC97 07-05-2024

**Fact Sheet Year:\*** **Project Title:\*** **Legislative District ID:**  
2024 VIRGINIA MARX CHILDREN CENTER 3,

**Category\*** **Department:\*** **CP Unique ID:**  
WCC - BUILDINGS COMMUNITY COLLEGE 2581

**Overall Project Description**

The Virginia Marx Children Center was constructed in 1996 and has 11,833 sq ft. The center provides infant, toddler, and pre-school children's programs. This Virginia Marx Children Center project will address upgrades and replacements.

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
<b>Gross</b>	652	652	0	0	0	0	0	0
<b>Less Non-County Shares</b>	326	326	0	0	0	0	0	0
<b>Net</b>	326	326	0	0	0	0	0	0

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

<b>Current Bond Description:</b> Current bonding approval is necessary to fund the County's 50% share of \$652,000 for this Virginia Marx Children Center Project. This project will address the interior of the Virginia Marx Children Center, which is showing signs of deterioration and has leaks throughout the building. Some systems require upgrades and/or replacements: HVAC, generator, controls, and energy related upgrades are recommended, as well as replacing the floor tile and actuator valves.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 326,000
Bonds/Notes:	326,000
Cash:	0
<b>Total:</b>	<b>\$ 652,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
326,000

**Expected Design Work Provider:**  
 County Staff  Consultant  Not Applicable

**Comments:**  
The amount appropriated for this project is \$652,000. This bonding requests is in the amount of \$326,000 and represents the County's 50% share of approved Capital Project WCC97 Virginia Marx Children Center. The state has approved funding on the remaining 50%.

**Energy Efficiencies:**  
HVAC

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2024	652,000	VIRGINIA MARX CHILDREN CENTER

**Total Appropriation History:**  
652,000

**Total Financing History:**  
0

**Recommended By:**

**Department of Planning** **Date**  
MLLL 07-16-2024

**Department of Public Works** **Date**  
RJB4 07-17-2024

**Budget Department** **Date**  
DEV9 07-18-2024

**Requesting Department** **Date**  
DAGX 07-19-2024