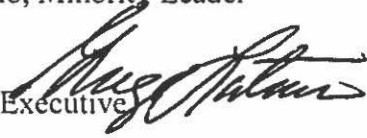


June 23, 2021

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 – BPS32 –
Traffic Noise Detection Pilot Program.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators June 28, 2021 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 \$125,000 to finance the following capital project: BPS32.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for June 28, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

June 23, 2021

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 a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$125,000 to finance the following capital project:

BPS32 – Traffic Noise Detection Pilot Program ("BPS32").

The Bond Act, in the amount of \$125,000 would finance the cost of traffic noise detection pilot program, including an acoustical engineering study to determine appropriate noise detection equipment and placement location(s) to further the end goal of the project of identifying violators of existing noise limits in the Vehicle and Traffic Law.

The Department of Public Safety ("Department") has advised that complaints have been received regarding the level of noise emitted by vehicles on the southern portion of the Bronx River Parkway, specifically in the areas of Yonkers and Bronxville.

Following bonding authorization, the study will be initiated and is expected to take approximately six to nine months to complete. It is anticipated that the study will be completed by an acoustic engineering consultant.

The Planning Department has advised that based on its review, BPS32 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 Bond Act is respectfully requested.

Sincerely,



George Latimer
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 \$125,000 to finance capital project BPS32 – Traffic Noise Detection Pilot Program ("BPS32"). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the cost of traffic noise detection pilot program, including an acoustical engineering study to determine appropriate noise detection equipment and placement location(s) to further the end goal of the project of identifying violators of existing noise limits in the Vehicle and Traffic Law.

The Department of Public Safety ("Department") has advised that complaints have been received regarding the level of noise emitted by vehicles on the southern portion of the Bronx River Parkway, specifically in the areas of Yonkers and Bronxville.

Following bonding authorization, the study will be initiated and is expected to take approximately six to nine months to complete. It is anticipated that the study will be completed by an acoustic engineering consultant.

The Planning Department has advised your Committee that based on its review, BPS32 has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPS32

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 \$ 125,000 PPU 5 Anticipated Interest Rate 0.30%

Anticipated Annual Cost (Principal and Interest): \$ 25,226

Total Debt Service (Annual Cost x Term): \$ 126,130

Finance Department: Interest rates from June 14, 2021 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 1

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Carl Maniscalco

Title: Dir. Of Admin. Services

Department: Public Safety


Date: 6/22/21

Reviewed By: 

Deputy Budget Director

Date: 6/22/21

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

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

DATE: June 16, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPS32 TRAFFIC NOISE DETECTION PILOT PROGRAM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-14-2021 (Unique ID: 1689)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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 AUTHORIZING THE ISSUANCE OF \$125,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF A TRAFFIC NOISE DETECTION PILOT PROGRAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$125,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$125,000 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, \$125,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance costs of a traffic noise detection pilot program, including an acoustical engineering study to determine appropriate noise detection equipment and placement location(s) to further the end goal of the project of identifying violators of existing noise limits in the Vehicle and Traffic Law; 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 \$125,000. The plan of financing includes the issuance of \$125,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2ND) of the Law, is five (5) 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 \$125,000. 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.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on _____, 20__ and approved by the County Executive on _____, 20__.

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

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

(SEAL)

LEGAL NOTICE

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

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

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$125,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF A TRAFFIC NOISE DETECTION PILOT PROGRAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$125,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$125,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

object or purpose: to finance costs of a traffic noise detection pilot program, including an acoustical engineering study to determine appropriate noise detection equipment and placement location(s) to further the end goal of the project of identifying violators of existing noise limits in the Vehicle and Traffic Law; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued: \$125,000; five (5) years
and period of probable usefulness:

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:*

BPS32

CBA

Fact Sheet Date:*

05-14-2021

Fact Sheet Year:*

2021

Project Title:*

TRAFFIC NOISE DETECTION PILOT PROGRAM

Legislative District ID:

14, 15

Category*

BUILDINGS, LAND & MISCELLANEOUS

Department:*

PUBLIC SAFETY

CP Unique ID:

1689

Overall Project Description

Purchase and Installation of a Noise Camera to study the number of cars and other motor vehicles that emit noise that exceeds a decible level of 75. As this is a pilot program, an appropriate roadway and location on that roadway will need to be determined.

- | | | |
|---|--|---|
| <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	125	0	125	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	125	0	125	0	0	0	0	0

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

Current Bond Description: This request is to fund an acoustical engineering study to determine appropriate noise detection equipment and placement location(s) to further the end goal of the project of identifying violators of existing noise limits in the Vehicle and Traffic Law.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	125,000
Cash:	0
Total:	\$ 125,000

SEQR Classification:

TYPE II

Amount Requested:

125,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	125,000	PURCHASE AND INSTALLATION OF A NOISE CAMERA

Total Appropriation History:

125,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
05-14-2021

Department of Public Works
RJB4

Date
05-17-2021

Budget Department
LMY1

Date
05-17-2021

Requesting Department
CJM7

Date
06-09-2021

TRAFFIC NOISE DETECTION PILOT PROGRAM (BPS32)

User Department : Public Safety
Managing Department(s) : Public Safety ;
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	125			125					
Non County Share									
Total	125			125					

Project Description

Purchase and Installation of a Noise Camera to study the number of cars and other motor vehicles that emit noise that exceeds a decible level of 75. As this is a pilot program, an appropriate roadway and location on that roadway will need to be determined.

Current Year Description

The current year request funds the purchase and installation of a noise camera.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2021	125,000			125,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.