

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

Your Committee is in receipt of an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$2,000,000.00, to finance a component of Capital Project BES05 – DES Main Facility Rehabilitation (“BES05”).

The Amended Bond Act, in the total amount of \$3,100,000.00, which includes \$1,100,000.00 in previously authorized bonds of the County, would finance the cost of design, construction and construction management associated with the rehabilitation of the Department of Emergency Services (the “Department”) Main Facility, including roof replacement with associated decking and flashing. The roof over the Department’s Main Facility has had multiple repairs and patches with portions of the roof not re-roofed or replaced in over 25 years. Roofing membrane granules have spalled, exposing the underlying asphalt sheeting causing further degradation. There are areas of standing water on the roof causing interior water intrusion that needs to be addressed to prevent further damage to the building.

The Department has advised that, following bonding authorization, design will be scheduled and will take approximately one (1) month to be completed and will be completed by an outside consultant. The Department has further advised that construction is estimated to take two (2) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds for BES05 as indicated in the annexed 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.

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: *March 11th*, 2024
White Plains, New York

Tammy Ziller John
SJR
Pat A
J. W.
Nancy Barr
Doris J. Lubio

Tammy Ziller John
SJR
J. W.
Nancy Barr

COMMITTEE ON

k/cmc/02.22.2024

Budget & Appropriations

Public works & Transportation

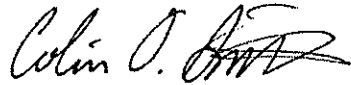
Dated: March 11, 2024

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

Committee(s) on:

Budget & Appropriations




Public Works & Transportation



FISCAL IMPACT STATEMENT

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------|---------------------------------|
| CAPITAL PROJECT #: <u>BES05</u> | | <input type="checkbox"/> NO FISCAL IMPACT PROJECTED | |
| SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget | | | |
| <input checked="" type="checkbox"/> GENERAL FUND | <input type="checkbox"/> AIRPORT FUND | <input type="checkbox"/> SPECIAL DISTRICTS FUND | |
| Source of County Funds (check one): | | <input type="checkbox"/> Current Appropriations | |
| | | <input checked="" type="checkbox"/> Capital Budget Amendment | |
| SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance | | | |
| Total Principal | \$ 3,100,000 | PPU 15 | Anticipated Interest Rate 2.72% |
| Anticipated Annual Cost (Principal and Interest): | | \$ 254,579 | |
| Total Debt Service (Annual Cost x Term): | | \$ 3,818,685 | |
| Finance Department: | Interest rates from February 21, 2024 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): | | | |
| <hr/> <hr/> | | | |
| SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job | | | |
| Number of Full Time Equivalent (FTE) Jobs Funded: | 33 | | |
| Prepared by: | <u>Richard G Wishnie</u> | Reviewed By: | <u><i>Christina Ruyata</i></u> |
| Title: | <u>Commissioner</u> | | Budget Director |
| Department: | <u>Emergency Services</u> | Date: | <u>2/23/24</u> |
| Date: | <u>2/23/24</u> | | |

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: February 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BES05 DES MAIN FACILITY REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 01-22-2024 (Unique ID: 2459)

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:

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

COMMENTS: None

DSK/cnm

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

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 8, 2019, IN RELATION TO THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY, AT THE MAXIMUM ESTIMATED COST OF \$3,100,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,100,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Department of Emergency Services main facility, pursuant to Act No. 57-2019 duly adopted on April 8, 2019; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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 April 8, 2019, entitled:

“ACT NO. 57-2019

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS,

SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE FINAL PHASE OF THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 BONDS HEREIN AUTHORIZED; 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 \$3,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,100,000 BONDS HEREIN AUTHORIZED; 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; \$3,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management in connection with the rehabilitation of the Department of Emergency

Services main facility, including roof replacement with associated decking and flashing, 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 \$3,100,000. The plan of financing includes the issuance of \$3,100,000 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 specific object or purpose for which said \$3,100,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(2) 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 \$3,100,000. 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 \$3,100,000 as the estimated maximum cost of the aforesaid specific 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.

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 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 8, 2019 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 \$3,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE DEPARTMENT OF EMERGENCY SERVICES MAIN FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,100,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on April 8, 2019 and amended on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the rehabilitation of the Department of Emergency Services main facility, including roof replacement with associated decking and flashing, 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: \$3,100,000; 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:* BES05 | <input type="checkbox"/> CBA | Fact Sheet Date:* 01-22-2024 |
| Fact Sheet Year:* 2024 | Project Title:* DES MAIN FACILITY REHABILITATION | Legislative District ID: 3, |
| Category* BUILDINGS, LAND & MISCELLANEOUS | Department:* EMERGENCY SERVICES | CP Unique ID: 2459 |

Overall Project Description

This project funds the rehabilitation of the DES Main Facility.

- | | | |
|---------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2024 | 2025 | 2026 | 2027 | 2028 | Under Review |
|-------------------------------|-------------------------------|--------------|------|------|------|------|------|--------------|
| Gross | 9,940 | 9,940 | 0 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 9,940 | 9,940 | 0 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 3,342

Current Bond Description: Funding is requested for the design, construction and construction management for roof replacement including decking and flashing, at the DES Main Facility building.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

2,000,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|------------------------------------------------|-----------------------------------------|

Comments:

Energy Efficiencies:

Appropriation History:

| Year | Amount | Description |
|------|-----------|-------------------------|
| 2006 | 940,000 | DESIGN AND CONSTRUCTION |
| 2008 | 9,000,000 | CONSTRUCTION |

Total Appropriation History:

9,940,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|------|------------|-----------|-----------|------------------------------------------------------------------------------------------|
| 07 | 39 | 0 | 0 | DESIGN RENOVATIONS EMERG. SERVICES FACILITY-VALHALLA |
| 13 | 04 | 454,928 | 454,928 | DES - MAIN FACILITY RENOVATION LOCATED IN VALHALLA |
| 13 | 04 | 0 | 0 | |
| 15 | 53 | 1,750,000 | 1,733,997 | DES MAIN FACILITY REHABILITATION |
| 15 | 73 | 415,700 | 415,695 | DES MAIN FACILITY REHABILITATION - PARTIAL RECONSTRUCTION |
| 15 | 73 | 265,072 | 109,931 | |
| 19 | 57 | 1,100,000 | 165,851 | FINAL PHASE OF REHABILITATION OF THE WESTCHESTER COUNTY DEPT OF EMERG SERV MAIN FACILITY |

Total Financing History:

3,985,700

Recommended By:

| | |
|-----------------------------------|-------------|
| Department of Planning | Date |
| MLLL | 01-22-2024 |
| Department of Public Works | Date |
| RJB4 | 01-26-2024 |
| Budget Department | Date |
| DEV9 | 01-26-2024 |
| Requesting Department | Date |
| KANI | 01-26-2024 |

DES MAIN FACILITY REHABILITATION (BES05)

User Department : Emergency Services
Managing Department(s) : Emergency Services ; 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 | 2024 | 2025 | 2026 | 2027 | 2028 | Under Review |
|------------------|--------------|--------------|--------------|------|------|------|------|------|--------------|
| Gross | 9,940 | 9,940 | 3,342 | | | | | | |
| Non County Share | | | | | | | | | |
| Total | 9,940 | 9,940 | 3,342 | | | | | | |

Project Description

This project funds the rehabilitation of the DES Main Facility.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget will be the debt service associated with the issuance of bonds. In addition, there will be operating expenses as the function of the space changes.

Appropriation History

| Year | Amount | Description | Status |
|--------------|------------------|-------------------------|-----------------------------------------------------------------------|
| 2006 | 940,000 | Design and construction | COMPLETE |
| 2008 | 9,000,000 | Construction | \$3,045,700 - CONSTRUCTION; \$5,954,300 - AWAITING BOND AUTHORIZATION |
| Total | 9,940,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|------------------|------------------|------------------|
| Bond Proceeds | 9,940,000 | 2,897,494 | 7,042,506 |
| Total | 9,940,000 | 2,897,494 | 7,042,506 |

**DES MAIN FACILITY REHABILITATION
(BES05)**

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|------------------|-----------|------------------|------------------|
| 39 07 | | | | |
| 04 13 | 454,928 | 12/10/13 | 66,849 | |
| | | 12/10/13 | 8,151 | |
| | | 12/10/13 | 229 | |
| | | 12/04/14 | 379,050 | |
| | | 11/19/15 | (379,050) | |
| | | 11/19/15 | 326,220 | |
| | | 11/19/15 | 52,830 | |
| | | 11/19/15 | 649 | |
| 04 13 | | | | |
| 53 15 | 1,750,000 | 11/19/15 | 67,860 | 16,002 |
| | | 11/19/15 | 13,160 | |
| | | 11/19/15 | 136 | |
| | | 12/15/16 | 69,452 | |
| | | 12/15/17 | 406,456 | |
| | | 12/15/17 | 74,629 | |
| | | 12/15/17 | 631 | |
| | | 12/10/18 | 1,101,674 | |
| 73 15 | 415,700 | 11/14/15 | 347,592 | 4 |
| | | 11/14/15 | 67,408 | |
| | | 11/14/15 | 695 | |
| 73 15 | 265,072 | 12/10/18 | 109,931 | 155,141 |
| 57 19 | 1,100,000 | 12/01/21 | 24,954 | 934,149 |
| | | 12/01/22 | 128,161 | |
| | | 12/01/22 | 12,737 | |
| Total | 3,985,700 | | 2,880,404 | 1,105,296 |