

ACT NO. -20\_\_\_\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED NOVEMBER 1, 2016 AND AMENDED ON NOVEMBER 18, 2019 AND AMENDED ON MAY 18, 2020 IN RELATION TO THE REPLACEMENT HEATING UNITS AND VENTILATION FANS AT THE CENTRAL MAINTENANCE FACILITY, AT THE TOTAL ESTIMATED COST OF \$13,950,000. (Adopted \_\_\_\_\_, 20\_\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$400,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement heating units and ventilation fans at the Central Maintenance Facility, pursuant to Act No. 327-2016 duly adopted on November 1, 2016; and

WHEREAS, this Board has heretofore duly authorized the issuance of an additional \$5,315,000 bonds to finance the cost of the construction of such improvements, pursuant to Act No. 236-2019 duly adopted on November 18, 2019; and

WHEREAS, this Board has heretofore duly authorized the issuance of an additional \$4,985,000 bonds to finance the cost of the construction of such improvements, pursuant to Act No. 80-2020 duly adopted on May 18, 2020; and

WHEREAS, due to the increase of the cost of such improvements, it is now necessary to increase the amount of bonds to be issued and the appropriation for 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 1, 2016 and amended on November 18, 2019 and amended on May 18, 2020, entitled:

“ACT NO. 80-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF HEATING AND VENTILATION IMPROVEMENTS AT THE CENTRAL MAINTENANCE FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,700,000 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 \$13,950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF HEATING AND VENTILATION IMPROVEMENTS AT THE CENTRAL MAINTENANCE FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$13,950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,950,000 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; \$13,950,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the planning, construction and construction management of heating and ventilation improvements at the Central Maintenance 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 of object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$13,950,000. The plan of financing includes the issuance of \$13,950,000 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 \$13,950,000 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 \$13,950,000. 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 \$13,950,000 as the estimated total cost of the aforesaid of 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\_\_\_\_.

(SEAL)

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

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on November 1, 2016 and amended on November 18, 2019 and further 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 \$13,950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF HEATING AND VENTILATION IMPROVEMENTS AT THE CENTRAL MAINTENANCE FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$13,950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,950,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on November 1, 2016 and amended on November 18, 2019 AND AMENDED ON May 18, 2020 and further amended on \_\_\_\_\_, 20\_\_\_\_)**

object or purpose: to finance the planning, construction and construction management of heating and ventilation improvements at the Central Maintenance Facility.

amount of obligations to be issued:

and period of probable usefulness: \$13,950,000; 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

Project ID:\*  
T0050

CBA

Fact Sheet Date:\*  
07-27-2022

Fact Sheet Year:\*  
2022

Project Title:\*  
REPLACEMENT OF HEATING UNITS  
AND VENTILATION FANS AT CMF

Legislative District ID:  
15

Category\*  
TRANSPORTATION

Department:\*  
AIRPORT/DOT

CP Unique ID:  
1997

**Overall Project Description**

This project funds the replacement of heating units and ventilation fans at the Central Maintenance Facility.

Best Management Practices

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	13,950	10,700	0	0	0	0	0	3,250
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	13,950	10,700	0	0	0	0	0	3,250

Expended/Obligated Amount (in thousands) as of : 10,700

**Current Bond Description:** Additional funding is requested to address increased costs for unanticipated items including repairs to gas piping throughout the building which address leaks discovered during construction; lead abatement and additional structural supports at various locations which address existing conditions discovered during construction.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	3,250,000
Cash:	0
Total:	<u>\$ 3,250,000</u>

**SEQR Classification:**

TYPE II

**Amount Requested:**

3,250,000

**Comments:**

**Energy Efficiencies:**

IT IS ANTICIPATED THAT THE PROPOSED IMPROVEMENTS WILL RESULT IN SIGNIFICANT ENERGY AND UTILITY COST SAVINGS.THE COUNTY WILL RECEIVE AN ESTIMATED INCENTIVE OF \$750,000, WHICH IS THE MAXIMUM AMOUNT FOR AN ENERGY EFFICIENT CON EDISON PLAN INCENTIVE.

**Appropriation History:**

Year	Amount	Description
2016	3,185,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2019	5,315,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2020	2,200,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**

10,700,000

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
16	327	194,099	194,099	HEATING UNITS AND VENT FANS - CENTRAL MAINT FACILITY
19	236	201,870	201,870	PURCHASE AND INSTALL SUPPLY/EXHAUST UNITS AT CENTRAL MAINTENANCE FACILITY IN YONKERS
20	80	10,304,031	6,343,348	REPLACEMENT OF HEATING UNITS AND VENTILATION FANS AT CENTRAL MAINTENANCE FACILITY, YONKERS

**Total Financing History:**

10,699,999

**Recommended By:**

**Department of Planning**

WBB4

**Date**

08-30-2022

**Department of Public Works**

RJB4

**Date**

08-30-2022

**Budget Department**

LMY1

**Date**

09-15-2022

**Requesting Department**

RJB4

**Date**

09-15-2022

## REPLACEMENT OF HEATING UNITS AND VENTILATION FANS AT CMF ( T0050 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**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	2022	2023	2024	2025	2026	Under Review
Gross	10,700	10,700	10,700						
Non County Share			37						
<b>Total</b>	<b>10,700</b>	<b>10,700</b>	<b>10,737</b>						

### **Project Description**

This project funds the replacement of heating units and ventilation fans at the Central Maintenance 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
2016	3,185,000	Design, construction and construction management	CONSTRUCTION
2019	5,315,000	Design, construction and construction management	CONSTRUCTION
2020	2,200,000	Design, construction and construction management	CONSTRUCTION
<b>Total</b>	<b>10,700,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	10,700,000	6,776,417	3,923,583
Others		(37,100)	37,100
<b>Total</b>	<b>10,700,000</b>	<b>6,739,318</b>	<b>3,960,682</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
327 16	194,099	12/10/19	162,090	
		12/10/19	32,009	
236 19	201,870	04/30/20	201,870	
80 20	10,304,031	10/28/20	960,195	9,209,300
		10/28/20	134,536	
		10/28/20	37,100	
		10/28/20	(37,100)	
<b>Total</b>	<b>10,700,000</b>		<b>1,490,700</b>	<b>9,209,300</b>