


October 19, 2020

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 for 2 Capital Projects – Mass Transit Vehicles.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 19, 2020 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 total aggregate amount of \$4,750,000 for two capital projects.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 19, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October , 2020

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 total aggregate amount of \$4,750,000 to finance the following two (2) capital projects for 2021:

T001U – Replacement of Thirty-Foot Buses ("T001U"), and

T001Y – Replace Orion Forty-Foot Coach Buses ("T001Y").

The Bond Act, in the amount of \$4,750,000, would finance the cost of acquisition of buses for the County, including associated equipment.

It should be noted that in a departure from the County's past practice, the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2021 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced projects will be ready to proceed without delay in early 2021. In addition, please note that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

The Planning Department has advised that based on its review, the referenced capital projects have been classified as "Type II" actions 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.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

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

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

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 of a bond act (“Bond Act”), prepared by the law firm of Hawkins, Delafield & Wood, LLP, in the total aggregate amount of \$4,750,000, to authorize the County of Westchester (“County”) to finance the following two capital projects for 2021:

T001U – Replacement of Thirty-Foot Buses (“T001U”), and

T001Y – Replace Orion Forty-Foot Coach Buses (“T001Y”).

The Bond Act, in the amount of \$4,750,000, would finance the cost of acquisition of buses for the County, including associated equipment.

Your Committee is advised that in a departure from the County’s past practice, the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2021 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced projects will be ready to proceed without delay in early 2021. In addition, please note that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects have been classified as Type “II” actions 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

PROJECT CLASS: Mass Transit Vehicles - LFL 29-a **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

Capital IDs: T001U; T001Y

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,750,000 **PPU** 10 **Anticipated Interest Rate** 0.68%

Anticipated Annual Cost (Principal and Interest): \$ 494,444

Total Debt Service (Annual Cost x Term): \$ 4,944,440

Finance Department: Interest rates from October 7, 2020 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):

Electric and hybrid fuel vehicles will result in a reduction in fuel use.

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 51

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff **Consultant** **Not Applicable**

Prepared by: Robert Abbamont

Title: Prog. Coord (Capital Planning)

Department: Public Works/Transportation


Date: 10/13/20

Reviewed By: 

Budget Director

Date: 10/14/20

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

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

DATE: October 7, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T001U REPLACEMENT OF THIRTY-FOOT BUSES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-11-2020 (Unique ID: 1489)

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)(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.
-

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

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

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

DATE: October 7, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T001Y REPLACE ORION V 40-FOOT COACH BUSES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-11-2020 (Unique ID: 1494)

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)(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.
-

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 \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ACQUISITION OF BUSES FOR THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 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, \$4,750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of acquisition of buses for the Department of Airport/DOT and Transportation including associated equipment; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$4,750,000. The plan of financing includes the issuance of \$4,750,000 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 objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 29-a 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 \$4,750,000. 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 §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 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 not earlier than January 1, 2021 and 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__.

(SEAL)

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

CAPITAL PROJECT FACT SHEET

Project ID:*
T001U

CBA

Fact Sheet Date:*
01-04-2021

Fact Sheet Year:*
2021

Project Title:*
REPLACEMENT OF THIRTY-FOOT BUSES

Legislative District ID:

Category*
TRANSPORTATION

Department:*
AIRPORT/DOT

CP Unique ID:
1489

Overall Project Description

This project will fund the procurement of electric and/or hybrid diesel-electric buses and associated work.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2021	2022	2023	2024	2025	Under Review
Gross	19,400	0	4,400	15,000	0	0	0	0
Less Non-County Shares	3,763	0	0	3,763	0	0	0	0
Net	15,637	0	4,400	11,237	0	0	0	0

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

Current Bond Description: The current year request will fund the acquisition of buses to replace the current 30-foot bus fleet and associated equipment.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,400,000
Cash:	0
Total:	\$ 4,400,000

SEQR Classification:

TYPE II

Amount Requested:

4,400,000

Comments:

Energy Efficiencies:

DIESEL BUSES WILL BE REPLACED WITH EITHER HYBRID ELECTRIC OR ALL ELECTRIC BUSES.

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
09-11-2020

Department of Public Works
RJB4

Date
09-11-2020

Budget Department
GKGA

Date
09-21-2020

Requesting Department
RJB4

Date
09-22-2020

CAPITAL PROJECT FACT SHEET

Project ID:*
T001Y

CBA

Fact Sheet Date:*
01-04-2021

Fact Sheet Year:*
2021

Project Title:*
REPLACE ORION V 40-FOOT COACH
BUSES

Legislative District ID:

Category*
TRANSPORTATION

Department:*
AIRPORT/DOT

CP Unique ID:
1494

Overall Project Description

This project will fund the procurement of forty-foot coach style buses, appropriation for procurement related services and associated equipment and parts.

- | | | |
|---|---|---|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	24,350	0	350	24,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	24,350	0	350	24,000	0	0	0	0

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

Current Bond Description: The current year request will fund the acquisition of 40-ft coach buses and associated equipment.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	350,000
Cash:	0
Total:	\$ 350,000

SEQR Classification:
TYPE II

Amount Requested:
350,000

Comments:

Energy Efficiencies:

IT IS ANTICIPATED THAT THE CURRENT DIESEL BUSES WILL BE REPLACED BY HYBRID DIESEL/ELECTRIC BUSES.

Total Financing History:
0

Recommended By:

Department of Planning

WBB4

Date

09-11-2020

Department of Public Works

RJB4

Date

09-11-2020

Budget Department

GKGA

Date

09-21-2020

Requesting Department

RJB4

Date

09-22-2020

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 \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ACQUISITION OF BUSES FOR THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 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 the cost of acquisition of buses for the Department of Public Works and Transportation Department including associated equipment; 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: \$4,750,000, ten 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

REPLACEMENT OF THIRTY-FOOT BUSES (T001U)

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	2021	2022	2023	2024	2025	Under Review
Gross	19,400			4,400	15,000				
Non County Share	(3,763)				(3,763)				
Total	15,637			4,400	11,237				

Project Description

This project will fund the procurement of electric and/or hybrid diesel-electric buses and associated work.

Current Year Description

The current year request funds preparation of specifications, related services and installation of charging infrastructure.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	4,400,000			4,400,000

Impact on Operating Budget

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

REPLACE ORION V 40-FOOT COACH BUSES (T001Y)

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	2021	2022	2023	2024	2025	Under Review
Gross	24,350			350	24,000				
Non County Share									
Total	24,350			350	24,000				

Project Description

This project will fund the procurement of forty-foot coach style buses, appropriation for procurement related services and associated equipment and parts.

Current Year Description

The current year request fund the preparation of specification and related services.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	350,000			350,000

Impact on Operating Budget

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