

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue up to \$24,470,000 in bonds of the County to finance capital project T001Z – Replace 95 NABI 40-Foot Buses (“T001Z”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the amount of non-County shares for T001Z by \$8,625,000. The Department of Public Works and Transportation (the “Department”) has advised that a capital budget amendment is required to add more non-County funds to the project. The total cost of the project has increased due to updated cost estimates for buses.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would provide additional funding for the purchase of 95 replacement 40-foot buses for the County. The Department has advised that the buses to be replaced are approaching the end of their useful lives and are in need of replacement. The existing model year 2009 hybrid buses will be replaced with a combination of new hybrid and all electric buses.

The Department has advised that following bonding authorization, it is expected to take approximately twelve (12) months to purchase the buses and put them into service.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with T001Z as follows: Bond Act No. 221-2021 which authorized \$29,600,000 in bonds of the County to finance the acquisition of buses under capital projects T001U – Replacement of Thirty-Foot Buses, T001Y – Replace Orion Forty-Foot Coach Buses, and T001Z. \$350,000 of this amount is attributable to T001Z. These bonds have not been sold.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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 further 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 this Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Your Committee has carefully considered the proposed Acts and recommends approval of same.

Dated: March 4th, 2024
White Plains, New York

Samuel Z. Bellin John
J. D. [unclear]
David [unclear]
Manuel [unclear]
David [unclear]
COMMITTEE ON
s: jpg/1-29-24
[unclear]

Samuel Z. Bellin John
J. D. [unclear]
Manuel [unclear]
David [unclear]
[unclear]

Budget & Appropriations

Public Works & Transportation

Dated: March 4, 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 #: T001Z

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 \$ 24,470,000 PPU 10 Anticipated Interest Rate 2.51%

Anticipated Annual Cost (Principal and Interest): \$ 2,815,359

Total Debt Service (Annual Cost x Term): \$ 28,153,590

Finance Department: Interest rates from January 31, 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):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 265

Prepared by: Michael Swee

Title: Dir. Of Surface Transportation

Department: DPW&T

Date: 1/31/24

Reviewed By: 
Budget Director

Date: 2/1/24

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: January 26, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T001Z REPLACE 95 NABI 40-FOOT HYBRID BUSES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-22-2024 (Unique ID: 2414)

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)(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/jfg

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner of Planning
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. 35 - 2024

An Act amending the 2024 County
Capital Budget Appropriations for
Capital Project T001Z Replace 95 NABI
40-Foot Hybrid Buses

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2024 County Budget is hereby amended as follows:

	Previous 2024 Appropriation	Change	Revised 2024 Appropriation
I. Appropriation	\$95,375,000	\$8,625,000	\$104,000,000

Section 2. The estimated method of financing in the Capital Section of the 2024 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$24,820,000		\$24,820,000
Non County Shares	\$70,555,000	\$8,625,000	\$79,180,000
Cash	\$0		\$0
Total	\$95,375,000	\$8,625,000	\$104,000,000

Section 3. The ACT shall take effect immediately.

ACTNO. 36 - 2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$24,470,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE ACQUISITION OF BUSES FOR THE DEPARTMENT OF TRANSPORTATION; STATING THE ESTIMATED TOTAL COST THEREOF IS \$103,650,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE EXPENDITURE OF \$79,180,000 OF GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND THE ISSUANCE OF \$24,470,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 03/04 , 2024)

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; \$24,470,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance a portion of the cost of the purchase of replacement buses for the Department of Transportation, 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 \$103,650,000. The plan of financing includes the expenditure of \$79,180,000 in grant funds expected to be received from the United States of America and the issuance of \$24,470,000 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 class of objects or purposes for which said \$24,470,000 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 total amount of \$24,470,000. 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 \$103,650,000 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 January 1, 2022 and in accordance with Section 107.71 of the Westchester Charter.

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CAPITAL PROJECT FACT SHEET

Project ID:* T001Z	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* REPLACE 95 NABI 40-FOOT HYBRID BUSES	Legislative District ID: ALL
Category* TRANSPORTATION	Department:* AIRPORT/DOT	CP Unique ID: 2414

Overall Project Description

This project will fund the procurement of replacement of 95 forty-foot buses. The project also includes appropriation for procurement related services, 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	2024	2025	2026	2027	2028	Under Review
Gross	104,000	95,375	0	0	0	0	0	8,625
Less Non-County Shares	79,180	70,555	0	0	0	0	0	8,625
Net	24,820	24,820	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 200

Current Bond Description: For the purchase of 95 replacement 40-foot buses.

Financing Plan for Current Request:

Non-County Shares:	\$ 79,180,000
Bonds/Notes:	24,470,000
Cash:	0
Total:	\$ 103,650,000

SEQR Classification:

TYPE II

Amount Requested:

24,470,000

Expected Design Work Provider:

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

Comments:

A capital budget amendment is required to add more non-county funds to the project. The total cost of the project has increased due to updated cost estimates for buses.

Energy Efficiencies:

THE EXISTING MODEL YEAR 2009 HYBRID BUSES WILL BE REPLACED WITH A COMBINATION OF NEW HYBRID AND ALL-ELECTRIC BUSES.

Appropriation History:

Year	Amount	Description
2022	350,000	FUNDS PREPARATION OF SPECIFICATIONS AND RELATED SERVICES
2023	95,025,000	PURCHASE OF BUSES

Total Appropriation History:

95,375,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	221	350,000		0 REPLACE 95 NABI 40-FOOT HYBRID BUSES

Total Financing History:

350,000

Recommended By:

Department of Planning	Date
MLLL	01-22-2024

Department of Public Works	Date
RJB4	01-22-2024

Budget Department	Date
DEV9	01-23-2024

Requesting Department	Date
MAS9	01-24-2024

REPLACE 95 NABI 40-FOOT HYBRID BUSES (T001Z)

User Department : Airport/DOT
Managing Department(s) : Airport/DOT ; Public Works ;
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	2024	2025	2026	2027	2028	Under Review
Gross	95,375	95,375	200						
Non County Share	(70,555)	(70,555)							
Total	24,820	24,820	200						

Project Description

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

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
2022	350,000	Funds preparation of specifications and related services	DESIGN
2023	95,025,000	Purchase of buses	\$70,555,000 NCS; \$24,470,000 awaiting bond authorization
Total	95,375,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	24,820,000		24,820,000
Federal Funds	66,795,000		66,795,000
State Funds	3,760,000		3,760,000
Total	95,375,000		95,375,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
221 21	350,000			350,000
Total	350,000			350,000

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on March 4, 2024 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
February 29, 2024

News Channel 12
The Journal News
Hometown Media
CBS2NY
The Examiner News
WABCTV News

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting
February 29, 2024

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on February 6, 2024.





Malika Vanderberg Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES: Legislator Jose Alvarado
 Legislator Nancy Barr
 Legislator Benjamin Boykin
 Legislator Terry Clements
 Legislator Margaret Cunzio
 Legislator Vedat Gashi
 Legislator Judah Holstein
 Legislator David Imamura
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator David Tubiolo
 Legislator Emiljana Uraj
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels


NOES:

ABSENT: Legislator Shanae Williams

EXCUSED:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 3-5-24

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 35 - 2024, and (Bond) Act No. 36 - 2024, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on March 4, 2024, and approved by the County Executive on March 5, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 6th day of March, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

