

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

Your Committee is in receipt of a bond act (“Bond Act”) in the amount of \$1,700,000, which, if approved, would authorize the County of Westchester (“County”) to finance a component of Capital Project BCR5D – Infrastructure Improvements 3 (2016 - 2020). The Bond Act, which was prepared by the law firm Harris Beach, is required to finance the cost of design, construction, and construction management in connection with the replacement of the security windows and associated masonry and facade in the K-Block first floor of the County Jail.

The Department of Correction (“Department”) has advised that the windows in K-Block are beyond their useful life and in order to maintain security and building integrity, it is necessary to replace them.

Upon receipt by the Department of bonding authorization, design will be scheduled, is anticipated to take five (5) months to complete and will be performed by in-house staff. Construction is estimated to take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of BCR5D as described in the attached fact sheet.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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: November 8, 2021.
White Plains, New York

K. J. Scull
Colin O'Connell
Benjamin Boykett

K. J. Scull
Ruth Weber
Benjamin Boykett
David J. Jubilo
Jedat Jach

Ruth Weber
Benjamin Boykett
David J. Jubilo
Ken Miller
Carmine R.
Jedat Jach

COMMITTEE ON

C.JPG 9 29 21

Public Safety

Public Works &
Transportation

Budget &
Appropriations

Dated: November 8, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Public Safety

Margaret A. Cunzio
Nancy E. Dun
Mary Jane Skimoch
Tye H. C.

Public Works & Transportation

Mary Jane Skimoch
Catherine F. Parker
Tye H. C.

Budget & Appropriations

Margaret A. Cunzio
Nancy E. Dun
Tye H. C.
Catherine F. Parker
Alfreda Willis

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR5D

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 \$ 1,700,000 PPU 15 Anticipated Interest Rate 1.12%

Anticipated Annual Cost (Principal and Interest): \$ 123,577

Total Debt Service (Annual Cost x Term): \$ 1,853,655

Finance Department: Interest rates from September 30, 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: 18

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: William Fallon

Title: Director of Administrative Services

Department: Correction

Date: 10/12/21


Reviewed By: [Signature]

Budget Director

Date: 10/14/21

10/14/21

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: September 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR5D INFRASTRUCTURE IMPROVEMENTS (2016-2020)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-08-2021 (Unique ID: 1734)

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)(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
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Analyst
Robert Abbamont, Director of Operations (Capital Planning Program)
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 \$1,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY AT THE VALHALLA CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,700,000 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, \$1,700,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to the County Correctional at the Valhalla campus including design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the K block first floor of the Jail and related work; 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 \$1,700,000. The plan of financing includes the issuance of \$1,700,000 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 existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which 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 \$1,700,000. 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 in accordance with Section 107.71 of the Westchester County Charter.

* * *

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators 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 \$1,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY AT THE VALHALLA CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,700,000 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 improvements to the County Correctional facility at the Valhalla campus, including design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the K block first floor of the Jail and related work; 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: \$1,700,000; 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:*
BCR5D

CBA

Fact Sheet Date:*
09-07-2021

Fact Sheet Year:*
2021

Project Title:*
INFRASTRUCTURE IMPROVEMENTS 3,
(2016-2020)

Legislative District ID:

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
CORRECTION

CP Unique ID:
1734

Overall Project Description

Infrastructure improvements at the correctional complex, to include asbestos abatement and exterior improvements (e.g., roof replacement, exterior waterproofing, etc.) in addition to upgrades of sanitary, fire safety, plumbing, HVAC, fencing and electrical systems.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input checked="" 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	4,000	4,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,000	4,000	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 539

Current Bond Description: Bonding is requested for the design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the K block first floor of the Jail.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,700,000
Cash:	0
Total:	\$ 1,700,000

SEQR Classification:
TYPE II

Amount Requested:
1,700,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	1,000,000	ASBESTOS ABATEMENT AND EXTERIOR IMPROVEMENTS IN ADDITION TO UPGRADES OF SANITARY, FIRE SAFETY, PLUMBING, HVAC, FENCING AND ELECTRICAL SYSTEMS
2018	1,000,000	INFRASTRUCTURE IMPROVEMENTS
2020	2,000,000	REPLACEMENT OF K-BLOCK WINDOW

Total Appropriation History:
4,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
19	212	2,000,000	236,391	IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY VALHALLA CAMPUS

Total Financing History:

2,000,000

Recommended By:

Department of Planning

WBB4

Date

09-08-2021

Department of Public Works

RJB4

Date

09-29-2021

Budget Department

GKGA

Date

09-29-2021

Requesting Department

WPF4

Date

09-29-2021

INFRASTRUCTURE IMPROVEMENTS (2016-2020) (BCR5D)

User Department : Correction

Managing Department(s) : Correction ; 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	2021	2022	2023	2024	2025	Under Review
Gross	4,000	4,000	539						
Non County Share			8						
Total	4,000	4,000	547						

Project Description

Infrastructure improvements at the correctional complex, to include asbestos abatement and exterior improvements (e.g., roof replacement, exterior waterproofing, etc.) in addition to upgrades of sanitary, fire safety, plumbing, HVAC, fencing and electrical systems.

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
2017	1,000,000	Asbestos abatement and exterior improvements in addition to upgrades of sanitary, fire safety, plumbing, HVAC, fencing and electrical systems	CONSTRUCTION
2018	1,000,000	Infrastructure improvements	CONSTRUCTION
2020	2,000,000	Replacement of K-block window	AWAITING BOND AUTHORIZATION
Total	4,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,000,000	236,391	3,763,609
Others		(7,749)	7,749
Total	4,000,000	228,643	3,771,357

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
212 19	2,000,000	10/28/20	200,544	1,763,609
		10/28/20	28,099	
		10/28/20	7,749	
Total	2,000,000		236,391	1,763,609