

Board of Legislators Meeting Agenda



800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 19, 2025

7:00 PM

Legislative Chamber

Regular Meeting

CALENDAR 11 (CONSENT)

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

CALL TO ORDER

MINUTES APPROVAL

May 5, 2025, 7pm - Regular Meeting

PUBLIC COMMENT

Speakers _____

PUBLIC HEARING

1. [2025-146](#) **PH-Amendment to Lease Agreement-Westchester Children's Museum**

A Public Hearing on "A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement." [Public Hearing set for May 19, 2025 at 7:30 p.m.]. LOCAL LAW INTRO: 2025-147.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION

Speakers _____

*Please see Standing Committee Item No. 2025-147 for back-up.

2. [2025-148](#) **PH-Sewer District Mod-Add-Cortlandt**

A Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt." [Public Hearing set for May 19, 2025 at 7:30 p.m.]. Act 2025-149.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Speakers _____

*Please see Standing Committee Item No. 2025-149 for back-up.

3. [2025-133](#) **PH-Membership Requirements for Refuse Disp. Dist. No. 1 Advisory Board**

A Public Hearing on "A LOCAL LAW amending Chapter 277 of the Laws of Westchester with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board." [Public Hearing set for May 19, 2025 at 7:30 p.m.]. LOCAL LAW INTRO: 2025-134.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND APPOINTMENTS

Speakers _____

UNFINISHED BUSINESS

I. COMMUNICATIONS

A. COUNTY EXECUTIVE

1. [2025-208](#) **APPT-Assigned Counsel Administrator-Perez**

A RESOLUTION to confirm the appointment of Stephanie Perez as the Assigned Counsel Administrator of the Independent Office of Assigned Counsel, effective April 4, 2025, to fill the unexpired four (4) year term of the previous Assigned Counsel Administrator, such term to expire on August 7, 2026.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

2. [2025-209](#) **PH-Amending Lease Agreement with Zita Associates LLC**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester to enter into an amendment to a lease agreement with Zita Associates LLC for space located at 10 County Center Road, Suite 204, White Plains, New York, in order to extend the term of the lease through December 31, 2029." [Public Hearing set for _____, 2025 at _____ .m.]. LOCAL LAW INTRO: 2025-210.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH

3. [2025-210](#) **LOCAL LAW-Amending Lease Agreement with Zita Associates LLC**

A LOCAL LAW authorizing the County of Westchester to enter into an amendment to the lease agreement with Zita Associates LLC for space located at 10 County Center Road, Suite 204, White Plains, New York, in order to extend the term of the lease through December 31, 2029.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH

4. [2025-217](#) **BOND ACT(Amended)-WD103-County Water District #1-Alternate Water Supply**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TEN MILLION (\$10,000,000) DOLLARS to finance Capital Project WD103 - County Water District #1 - Alternate Water Supply.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

5. [2025-218](#) **BOND ACT(Amended)-SY009-Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TWO MILLION, ONE HUNDRED THOUSAND (\$2,100,000) DOLLARS to finance a component of Capital Project SY009 - Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

6. [2025-219](#) **BOND ACT(Amended)-BCR64-Correctional Facility Replace Fire Alarm System**

A BOND ACT (Amended) authorizing the issuance of an additional ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BCR64 - Correctional Facility Replace Fire Alarm System.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY

7. [2025-220](#) **IMA-Prisoner Transportation-21 Municipalities**

AN ACT authorizing the County of Westchester to enter into Intermunicipal Agreements with twenty-one (21) municipalities in order to provide reimbursement for prisoner transportation to the Westchester County Jail.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

8. [2025-221](#) **ACT-Mortgage Tax Receipts-10-1-24 through 3-31-25**

AN ACT to authorize the Commissioner of the Westchester County Department of Finance to pay Mortgage Tax Receipts to Cities, Towns and Villages.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

9. [2025-222](#) COMM-Gift Acceptance-Eastchester Veterans Foundation

Forwarding correspondence in which the County Executive gives his written consent to accept a gift from the Eastchester Veterans Foundation of 110 tickets to the New York Mets baseball game on Sunday, June 1, 2025, valued at approximately TWO THOUSAND (\$2,000) DOLLARS. These tickets will be used exclusively for the enjoyment of local veterans and their families.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

10. [2025-223](#) IMA-Westchester-Putnam Local Workforce Development Area-Putnam

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the County of Putnam, pursuant to which Westchester and Putnam will agree to organize and implement activities pursuant to the Workforce Innovation and Opportunity Act of 2014, for the continued designation of the Westchester-Putnam Local Workforce Development Area as a Local Workforce Development Area, to cover Westchester County (exclusive of the City of Yonkers) and Putnam County.

COMMITTEE REFERRAL: COMMITTEES ON HUMAN SERVICES AND LABOR & HUMAN RIGHTS

SI. 11. [2025-225](#) BOND ACT-BPL26-2925-Flood Mitigation

A BOND ACT authorizing the issuance of ONE MILLION, TWO HUNDRED FIFTY THOUSAND (\$1,250,000) DOLLARS in bonds of Westchester County to finance a component of Capital Project BPL26 - Flood Mitigation.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

B. COUNTY ATTORNEY**1. [2025-211](#) ACT - Costco Wholesale Opioid Settlement**

AN ACT authorizing the County of Westchester to settle the claims against Costco Wholesale Corporation in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma*, et al., transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County arising out the alleged abuse and misuse of opioids.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

C. LEGISLATORS**SI. 1. [2025-224](#) HON. JAMES NOLAN: First Responder Zone of Protection Act**

Forwarding a Memo of Legislation proposing a First Responder Zone of Protection Act.
COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY

D. OTHERS

II. NOTICES & PETITIONS

1. [2025-212](#) **CLERK OF THE BOARD - Intent of Lead Agency Notice - Untermyer Park and Gardens**

Forwarding from the City of Yonkers an Intent of Lead Agency Notice for Untermyer Park and Gardens.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

2. [2025-213](#) **CLERK OF THE BOARD - Resolution - Battery Energy Storage Systems**

Forwarding, from the City of Yonkers, a Resolution requesting that Westchester County identify and provide standards and resources for the safe and effective installation, maintenance and mitigation of potentially dangerous and contaminating battery energy storage systems throughout Westchester County.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

3. [2025-214](#) **CLERK OF THE BOARD - Notice of Intent - Court and Quarropas Street Residential Development**

Forwarding a Notice of Intent to Serve as Lead Agency from the City of White Plains for a proposed 141 Unit Residential Development located at Court Street Quarropas Street, White Plains.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

4. [2025-215](#) **CLERK OF THE BOARD - Assignment of Retail Pilot Agreement**

Forwarding an Assignment of Retail Pilot Agreement from the City of Mount Vernon Industrial Development Agency regarding 203 Gramatan Avenue (a/k/a 122 Third Avenue North).

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

III. STANDING COMMITTEES

1. [2025-147](#) **LOCAL LAW-Amendment of Lease Agreement-Westchester Children's Museum**

A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS &

ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION

Local Law Intro No. 147 - 2025 VOTE _____

2. [2025-149](#) **ACT-Sewer District Mod-Add-Cortlandt**

AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

3. [2025-165](#) **BOND ACT-RD017-MRF & Transfer Station Rehabilitation**

A BOND ACT authorizing the issuance of TEN MILLION (\$10,000,000) DOLLARS in bonds of Westchester County to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

4. [2025-166](#) **CBA-SY044-YJ WRRF Primary Sludge Gravity Thickener Piping Replace. & Process Improves.**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SY044 Yonkers Joint WRRF (Wastewater Resource Recovery Facility) Primary Sludge Gravity Thickener Piping Replacement and Process Improvements.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

5. [2025-167](#) **BOND ACT(Amended)-SY044-YJ WRRF Primary Sludge Gravity Thickener Piping Replace. & Process Improves.**

A BOND ACT (Amended) authorizing the removal of ONE MILLION, SEVEN HUNDRED THOUSAND (\$1,700,000) DOLLARS allocable to Capital Project SY044 - Yonkers Joint Wastewater Resource Recovery Facility, and to decrease the estimated maximum amount of bonds authorized to SIX HUNDRED THOUSAND (\$600,000) DOLLARS.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

6. [2025-168](#) **BOND ACT-SY044-YJ WRRF Primary Sludge Gravity Thickener Piping Replace. & Process Improves.**

A BOND ACT authorizing the issuance of bonds of Westchester County in the amount of FIFTEEN MILLION, SEVEN HUNDRED THOUSAND (\$15,700,000) DOLLARS to finance Capital Project SY044 - Yonkers Joint Wastewater Resource Recovery Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

7. [2025-169](#) **CBA-SY057-Replacement of Tarrytown Force Main-Phase II And Route 119 Gravity Sewer**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SY057 - Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

8. [2025-170](#) **BOND ACT(Amended)-SY057-Replacement of Tarrytown Force Main-Phase II-And Route 119 Gravity Sewer**

A BOND ACT (Amended) authorizing the issuance of EIGHTY-SEVEN MILLION (\$87,000,000) DOLLARS in bonds of Westchester County, which includes SEVEN MILLION (\$7,000,000) DOLLARS in previously authorized bonds to finance Capital Project SY057 - Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

9. [2025-171](#) **CBA-SBB36-Blind Brook WRRF Facility Evaluation**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SBB36 - Blind Brook Water Resource Recovery Facility (WRRF) Evaluation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

10. [2025-172](#) **BOND ACT-SBB36-Blind Brook WRRF Facility Evaluation**

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance a study to evaluate various systems and equipment at the Blind Brook Water Resource Recovery Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

11. [2025-173](#) CBA-SM036-Mamaroneck WRRF Facility Evaluation

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SM036 - Mamaroneck Water Resource Facility Evaluation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025

VOTE _____

12. [2025-174](#) BOND ACT-SM036-Mamaroneck WRRF Facility Evaluation

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance the cost of a study to evaluate various systems and equipment at the Mamaroneck Water Resource Recovery Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

13. [2025-175](#) CBA-SNR36-New Rochelle WRRF Facility Evaluation

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SNR36 - New Rochelle Water Resource Recovery Facility Evaluation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025

VOTE _____

14. [2025-176](#) BOND ACT-SNR36-New Rochelle WRRF Facility Evaluation

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance Capital Project SNR36 - New Rochelle Water Resource Recovery Facility Evaluation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

15. [2025-177](#) CBA-SY036-Yonkers Joint WRRF Facility Evaluation

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SY036 - Yonkers Joint Waste Water Resource Recovery Facility Evaluation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

16. [2025-178](#) **BOND ACT-SY036-Yonkers Joint WRRF Facility Evaluation**

A BOND ACT authorizing the issuance of ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance a study to evaluate various systems and equipment at the Yonkers Joint Water Resource Recovery Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

17. [2025-180](#) **ACT-Year-End Transfers Across County Departments**

AN ACT authorizing the transfer of appropriations across County departments in the amount of FIFTY MILLION, SIX HUNDRED SEVENTY-THREE THOUSAND, TWO HUNDRED SEVEN (\$50,673,207) DOLLARS.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

ACT _____ - 2025 VOTE _____

18. [2025-181](#) **ACT-2024 Budget Amendment**

AN ACT authorizing the amendment of the 2024 County Special Districts budget in the amount of ONE HUNDRED THIRTY-FIVE THOUSAND, THREE HUNDRED FIFTY-NINE (\$135,359) DOLLARS.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

ACT _____ - 2025 VOTE _____

SI. 19.2025-134 LOCAL LAW-Membership Requirements for Refuse Disp. Dist. No. 1 Advisory Board

A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND APPOINTMENTS

Local Law Intro No. 134 - 2025 VOTE _____

SI. 20.2025-152 ACT-HUD Application for Grant Funds

AN ACT authorizing the County of Westchester to submit an application to the U.S. Department of Housing and Urban Development for grant funds from the Community Development Block Grant Program, HOME Investment Partnerships Program and the Emergency Solutions Grant Program, submit the Fiscal Year 2025 Action Plan and to accept said grant funds.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING

ACT _____ - 2025

VOTE _____

SI. 21.2025-185 CBA-B0115-Infrastructure Rehabilitation, Mount Vernon D.O. '21-'25

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project B0115 Infrastructure Rehabilitation , Mt. Vernon District Office (2021-2025).

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025

VOTE _____

SI. 22.2025-186 BOND ACT(Amended)-B0115-Infrastructure Rehabilitation, Mount Vernon D.O. '21-'25

A BOND ACT (Amended) authorizing the removal of THREE MILLION, NINE HUNDRED THOUSAND (\$3,900,000) DOLLARS allocable to Capital Project B0115, and to decrease the estimated maximum amount of bonds authorized to EIGHT HUNDRED FIFTY THOUSAND (\$850,000) DOLLARS.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

SI. 23.2025-187 BOND ACT-B0115-Infrastructure Rehabilitation, Mount Vernon D.O. '21-'25

A BOND ACT authorizing the issuance of bonds in the amount of EIGHT MILLION, TWO HUNDRED THOUSAND (\$8,200,000) DOLLARS to finance the cost of design, construction management and construction associated with the exterior rehabilitation of the building for Capital Project B0115 - Infrastructure Rehabilitation, Mt. Vernon District Office (2021-2025).

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

SI. 24.2025-188 CBA-RB212-Bryant Avenue, White Plains

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project RB212 - Bryant Avenue, CR 153, White Plains.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025

VOTE _____

SI. 25.2025-189 BOND ACT(Amended)-RB212-Bryant Avenue, White Plains

A BOND ACT (Amended) to remove a TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLAR authorization allocable to RB212, and decrease the estimated

maximum amount of bonds authorized to FOURTEEN MILLION, ONE HUNDRED FORTY THOUSAND (\$14,140,000) DOLLARS. The Amending Bond Act is required to remove the approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound for Capital Project RB212 - Bryant Avenue, White Plains.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

SI. 26.2025-190 BOND ACT-RB212-Bryant Avenue, White Plains

A BOND ACT authorizing the issuance of THREE MILLION, TWO HUNDRED THOUSAND (\$3,200,000) DOLLARS in bonds of Westchester County to finance Capital Project RB212 - Bryant Avenue, White Plains.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

SI. 27.2025-197 IMA-Tarrytown-Sleepy Hollow Summer Camp-Tarrytown

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Village of Tarrytown, pursuant to which the municipality will provide certain youth development services under its Youth Development Program, for the period commencing retroactively on January 1, 2025 and expiring on December 31, 2025 for a total amount not to exceed FORTY-EIGHT THOUSAND, SIX HUNDRED FIFTY-FIVE (\$48,655.00) DOLLARS.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH

ACT _____ - 2025 VOTE _____

SI. 28.2025-200 PH - Amending the Westchester County Consumer Protection Code

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Westchester County Consumer Protection Code." [Public Hearing set for _____, 2025 at _____ .m.]. LL INTRO: 2025 - 201.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND ECONOMIC DEVELOPMENT

RESOLUTION _____ - 2025 VOTE _____

IV. SPECIAL ORDERS

MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS

1. 2025-216 Memorial Resolutions 2025-9

HON. NANCY BARR: Jerry Morano

HON. BEN BOYKIN AND ALL LEGISLATORS: Arthur Freed

HON. TERRY CLEMENTS: Hon. Vincent R. Rippa

HON. MARGARET A. CUNZIO: Rafael Bencosme, Carol LaRosa, John Joseph Vasta, Anne Torrieri

HON. VEDAT GASHI: Robert Violante

HON. DAVID J. TUBIOLO: John Vito Scimeca, Pete A. Tamburri

ADJOURNMENT

Next Meeting: June 2, 2025 at 7pm

RESOLUTION NO. S2 2025

RESOLVED, that a public hearing shall be held in accordance with requirements of law, in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the 19 day of May, 2025 at 7:30 pm.m. upon a proposed Local Law entitled "A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement;" and be it further

RESOLVED, that the Clerk of the Board of Legislators be and hereby is authorized and empowered to cause notice of such public hearing to be published in the official newspaper of the County at such times and in such manner as required by law.

Dated: May 5, 2025
White Plains, New York

RESOLUTION NO. 2025 - 53

RESOLVED, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt, more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at 7:30 P.M. on the 19 day of May, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

RESOLUTION NO. 56 - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 134 - 2025, entitled "A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board." The public hearing will be held at 7:30 p.m. on the 19 day of May, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

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COMMITTEE ON
APPOINTMENTS



Kenneth W. Jenkins
County Executive

May 7, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

In accordance with Section 186.61 of the Laws of Westchester County and at the request of the Assigned Counsel Board of Directors, transmitted herewith for your approval is a resolution to confirm the appointment of Stephanie Perez as the Assigned Counsel Administrator of the Independent Office of Assigned Counsel, effective April 4, 2025, to fill the unexpired four (4) year term of the previous Assigned Counsel Administrator, such term to expire on August 7, 2026.

The Board of Directors has made a thorough review of Stephanie Perez's credentials and experience, and have determined that her appointment as Assigned Counsel Administrator of the Independent Office of Assigned Counsel for the unexpired term of the previous Assigned Counsel Administrator is in the best interests of the Independent Office of Assigned Counsel, generally. I wholeheartedly approve the appointment of Stephanie Perez as Assigned Counsel Administrator of the Independent Office of Assigned Counsel.

Therefore, I most respectfully recommend and urge your Honorable Board to adopt the attached resolution confirming the appointment, effective April 4, 2025, for a term to expire on August 7, 2026, of Stephanie Perez as Assigned Counsel Administrator of the Independent Office of Assigned Counsel.

Sincerely,

A handwritten signature in black ink, appearing to be "KWJ", with a long horizontal flourish extending to the right. Below the signature is the typed name and title of the signatory.

Kenneth W. Jenkins
County Executive

KWJ/SDK/nn

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900



Kenneth W. Jenkins
County Executive

May 6, 2025

Stephanie Perez
883 Terrace Place
Cortlandt Manor, New York 10567

Dear Ms. Perez:

On behalf of the Assigned Counsel Board of Directors and with the approval of County Executive Kenneth W. Jenkins, it is my pleasure to appoint you as the Assigned Counsel Administrator of the Independent Office of Assigned Counsel, effective April 4, 2025, to fill the unexpired four (4) year term of the previous Assigned Counsel Administrator, such term to expire on August 7, 2026. Please be advised that while this appointment authorizes you to immediately assume the duties and responsibilities of said office, your appointment as Assigned Counsel Administrator of the Independent Office of Assigned Counsel is subject to confirmation by the Westchester County Board of Legislators. Once confirmed by the Westchester County Board of Legislators, you will continue to serve in that position for the unexpired four (4) year term of the previous Assigned Counsel Administrator.

As you know, the Assigned Counsel Administrator of the Independent Office of Assigned Counsel is responsible for administering the policies, regulations and standards for the Independent Office of Assigned Counsel to ensure that all indigent persons are provided with quality legal representation in matters in both the Criminal and Family Courts in Westchester County.

Pending your confirmation by the Board of Legislators and in accordance with New York State law, you must take and file an oath of office in the Office of the Westchester County Clerk. Please be advised that your failure to take and file such an oath within thirty days of the date of this appointment letter, or within thirty days after the commencement of your term of office, will result in the office of Assigned Counsel Administrator of the Independent Office of Assigned Counsel being deemed vacant. If you have any questions with regard to these legal requirements, please contact the County Attorney.

I look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Marie Weathers".

Wendy Marie Weathers
Chair, Assigned Counsel Board of Directors

WW/SDK/nn

STEPHANIE PEREZ

833 Terrace Place, Cortlandt Manor, NY 10567 · (917) 301-6364 · stephanieborbas@yahoo.com

BAR ADMISSION New York (1996); United States Supreme Court (2022)

EXPERIENCE

Independent Office of Assigned Counsel, White Plains, NY

Deputy Administrator

Engage in strategic planning for and oversight of 250+ attorneys admitted to Westchester's Assigned Counsel Panel, the largest provider of mandated represented representation in the County, which exclusively represents defendants in misdemeanor cases, provides conflict representation for felonies and the overwhelming majority of Family Court cases. Partner with County government, 9th JD stakeholders and community partners, including the District Attorney's Office, to address a wide range of issues, including the intersection of criminal and family law, discovery reform, Speedy Trial, Domestic Violence, CAP Court implementation, and Re-entry for criminal defendants. Assess the needs of the OAC and panel attorneys in order to draft and implement budgets for competitive and non-competitive state grant funds as well as Westchester County. Create a handbook which established a set of rules, expectations and rights governing the panel and the OAC. Review applications for certification to the panel of attorneys and interviewed prospective panel members. Launch a digital billing platform to modernize the process by which panel members prepare vouchers for their work. Initiate a schedule to ensure a fair rotation of attorneys representing clients at weekend/holiday city court arraignments and at parole hearings. Panelist at Pace Law School - Bridging Gaps in Re-Entry and Related Legal Services for Community Members Impacted by the Criminal Justice System. Skilled in presentation composition, communications technology including PowerPoint, and engaging, articulate audience presentations, including to the County Board of Legislators, Pace Law School, Assigned Counsel Panel of attorneys and the OAC Board of Directors.

New York City Law Department, Bronx, NY

Deputy Borough Chief, Family Court Division

Supervised a team of attorneys and support professionals implementing an enhanced community-based approach to the prosecution of acts of juvenile delinquency. Developed relationships and partnerships with the New York City Police Department and community-based programs to work towards innovative approaches to combat juvenile delinquency and enhance community safety. Trained police officers on Family Court and juvenile delinquency practice, including Raise the Age. Trained and supervised attorneys in the investigation and prosecution of acts of juvenile delinquency. Conducted weekly case reviews and monthly team meetings. Organized community outreach calendar and coverage. Supervised support staff in the implementation of Diversion and data analysis. Compiled and analyzed data relative to crime trends. Reviewed depositions, petitions, motions, discovery and correspondence for submission. Provided legal and strategic advice. Developed protocols for disclosure of Giglio material within the Borough and supervised a team of attorneys and support staff implementing those protocols. Mentored High School students in mock trial competition. Presented Continuing Legal Education lectures on Closing Arguments, Courtroom Presentation and Speedy Timeframes.

Westchester County Law Department, White Plains, NY

Senior Assistant County Attorney, Family Court Bureau

Managed felony and misdemeanor juvenile delinquency cases in Westchester County Family Court, including those involving Robberies, Burglaries, Assaults, Sexual Offenses, Larcenies and Criminal Mischief. Prepared witnesses for hearings and trials. Engaged in all phases of discovery, motion practice, hearings and trials. Obtained and reviewed evidentiary documentation. Provided legal counsel to the Westchester County Department of Social Services and the Westchester County Department of Probation on numerous matters, including PINS petitions, placement of children in Foster Care, and Violations of Probation. Conducted Juvenile Delinquency training for Westchester County Police Officers and Probation Officers. Represented the Office of the County Attorney at committee meetings regarding Gun and Gang Violence, Hot Spot Policing, Forensic Interviewing of Victims of Sexual Abuse, and Abuse of Family Members by Juveniles. Presented Continuing Legal Education lectures on Bullying, Cyber Bullying and LGBT Youth in the Juvenile Justice System. Developed protocols for Westchester Girls Justice Initiative.

Law Office of Mary A. Bjork, Yonkers, NY

Staff Counsel

Litigated personal injury trials in Bronx Supreme Court. Appeared before Supreme Court Justices on Framed Issue Hearings, Orders to Show Cause, and all phases of Pre-Trial Conferences. Conducted Examinations Before Trial in various personal injury matters, including automobile accidents, slip and fall cases, pedestrian knock-downs and dog-bite cases. Drafted and filed summons and complaints. Engaged in all phases of discovery and motion practice.

Bronx County District Attorney's Office, Bronx, NY

Assistant District Attorney

Conducted jury trials and bench trials in New York State Supreme Court, involving felony and misdemeanor criminal cases. Presented felony cases to Grand Jury and obtained indictments. Prepared witnesses for hearings and trials. Drafted search warrants and rendered legal counsel to New York City Police Officers regarding issues of probable cause. Engaged in all phases of discovery and motion practice. Obtained and reviewed evidentiary documentation. Mentored High School students in mock trial competitions through the Explorer's Program. Counseled elementary school students in school-based trial program. Interviewed prospective employees and made recommendations on hiring.

Senator William Larkin, Albany, NY,

Legislative Aide

Introduced and tracked legislative resolutions. Prepared mass mailings to constituents and responded to individual constituent requests. Assisted State Legislator with introducing prime and co-sponsored legislation and maintained records. Created a district-wide Summer Reading Program for 4000 children and supervised program staff.

EDUCATION

**Pace University School of Law, White Plains, NY, J.D., 1995; PACE ENVIRONMENTAL LAW REVIEW
State University of New York at Stony Brook, Stony Brook, NY, B.A. in Political Science, 1992**

PUBLICATION

New York City's Drinking Water—Champagne or Beer?, 12 PACE ENVTL. L. REV. 2 (1995)

BAR MEMBERSHIPS

Westchester County Bar Association
Westchester Women's Bar Association
Hudson Valley Hispanic Bar Association
Westchester Black Bar Association
New York State Defenders Association

LANGUAGE SKILLS

Conversational in Spanish

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the Assigned Counsel Board of Directors, with the approval of the County Executive, having appointed Stephanie Perez as the Assigned Counsel Administrator of the Independent Office of Assigned Counsel, effective April 4, 2025 to fill the unexpired four (4) year term of the previous Assigned Counsel Administrator, such term to expire on August 7, 2026, in accordance with the terms and provisions of the Laws of Westchester County, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: _____, 2025
White Plains, New York



Kenneth W. Jenkins
County Executive

May 7, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration and approval is a proposed Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an amendment (“First Amendment”) to a lease agreement (“Lease”) dated June 12, 2021 with Zita Associates LLC (“Landlord”), for the leasing of approximately 3,240 square feet of space known as “Suite 204” located at 10 County Center Road, White Plains, New York (“Premises”), for an initial term of thirty-six (36) months (“Initial Term”), in order to extend the term of the Lease through December 31, 2029 (“First Extended Term”).

Pursuant to the Lease, the Initial Term was to commence upon mutual execution and delivery of the Lease and substantial completion of Landlord’s initial construction to the Premises and expire thirty-six (36) months thereafter. I have been advised that the Initial Term ultimately commenced on November 15, 2021 and expired on November 14, 2024. Accordingly, the First Extended Term will be deemed to commence retroactively on November 15, 2024 and expire on December 31, 2029.

The Premises are currently used by the County’s Veterans Affairs Office. By extending the term of the Lease, the County will be able to continue to provide a more centralized and updated Veterans’ Affairs Office to more effectively serve its constituent population. Negotiations have recently been completed with the Landlord for the terms of this proposed First Amendment.

Pursuant to the First Amendment, the County will pay rent during the First Extended Term at the annual rates and in the monthly installments set forth below:

Extension Year	Yearly Rent	Monthly Rent Payment	Yearly Increase
11/15/2024—12/31/2024	\$11,171.28	\$7,447.52	Same as in 2024
01/01/2025 – 12/31/2025	\$ 89,370.22	\$ 7,447.52	Same as in 2024
01/01/2026 – 12/31/2026	\$ 92,051.33	\$ 7,670.94	3%
01/01/2027 – 12/31/2027	\$ 94,812.87	\$ 7,901.07	3%
01/01/2028 – 12/31/2028	\$ 97,657.25	\$ 8,138.10	3%
01/01/2029 – 12/31/2029	\$ 100,586.97	\$ 8,382.25	3%

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

Telephone: (914)995-2900

E-mail: cco@westchestercountyny.gov

In addition, in the event the County changes from a self-insurance program to a traditional insurance program, the County's minimum limits of liability shall be a combined single limit with respect to each occurrence in an amount of not less than \$ 2,000,000.00 for injury (or death) and damage to property or such greater amount as Landlord may, from time to time, reasonably require. Such coverage may be maintained by a combined single limit policy in the amount of \$3,000,000.00 and an "umbrella" or excess coverage policy in the amount of \$4,000,000.00.

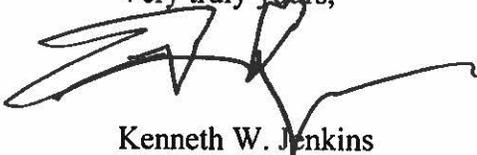
Lastly, pursuant to the First Amendment, all of the County's water, electricity and gas consumption used by the County at the Premises will be measured by submeter(s) installed by the Landlord, and actual utility costs incurred by the County shall be invoiced by Landlord and paid by the County as additional rent, on the first day of each month.

All other terms and conditions of the Lease will remain in full force and effect.

I have been advised that in accordance with Section 104.11(5)(c) of the Laws of Westchester County ("LWC"), leases of property of others for County purposes for terms not exceeding five years may be made with the approval of the County's Board of Acquisition and Contract ("BAC"). On August 26, 2021, BAC authorized the County to enter into the Lease and the Lease was subsequently executed. I have been further advised that pursuant to LWC Section 104.11(5)(d) leases of property of other for County purposes for terms not exceeding ten years may only be made by local law. Accordingly, your Honorable Board's approval of the proposed First Amendment extending the term of the Lease is required.

I believe that the proposed First Amendment is in the County's best interests, and I therefore urge approval of the attached Local Law.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', written over a horizontal line.

Kenneth W. Jenkins
Westchester County Executive

KWJ/CS/cmc
Attachment

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive wherein he requests that your Honorable Board adopt a Local Law which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”), to enter into an amendment (“First Amendment”) to a lease agreement (“Lease”) dated June 12, 2021 with Zita Associates LLC (“Landlord”), for the leasing of approximately 3,240 square feet of space known as “Suite 204” located at 10 County Center Road, White Plains, New York (“Premises”), for an initial term of thirty-six (36) months (“Initial Term”), in order to extend the term of the Lease through December 31, 2029 (“First Extended Term”).

Pursuant to the Lease, the Initial Term was to commence upon mutual execution and delivery of the Lease and substantial completion of Landlord’s initial construction to the Premises and expire thirty-six (36) months thereafter. I have been advised that the Initial Term ultimately commenced on November 15, 2021 and expired on November 14, 2024. Accordingly, the First Extended Term will be deemed to commence retroactively on November 15, 2024 and expire on December 31, 2029.

The Premises are currently used by the County’s Veterans Affairs Office. By extending the term of the Lease, the County will be able to continue to provide a more centralized and updated Veterans’ Affairs Office to more effectively serve its constituent population. Negotiations have recently been completed with the Landlord for the terms of this proposed First Amendment.

Pursuant to the First Amendment, the County will pay rent during the First Extended Term at the annual rates and in the monthly installments set forth below:

Extension Year	Yearly Rent	Monthly Rent Payment	Yearly Increase
11/15/2024–12/31/2024	\$11,171.28	\$7,447.52	Same as in 2024
01/01/2025 – 12/31/2025	\$ 89,370.22	\$ 7,447.52	Same as in 2024
01/01/2026 – 12/31/2026	\$ 92,051.33	\$ 7,670.94	3%
01/01/2027 – 12/31/2027	\$ 94,812.87	\$ 7,901.07	3%
01/01/2028 – 12/31/2028	\$ 97,657.25	\$ 8,138.10	3%
01/01/2029 – 12/31/2029	\$ 100,586.97	\$ 8,382.25	3%

In addition, In the event the County changes from a self-insurance program to a traditional insurance program, the County's minimum limits of liability shall be a combined single limit with respect to each occurrence in an amount of not less than \$ 2,000,000.00 for injury (or death) and damage to property or such greater amount as Landlord may, from time to time, reasonably require. Such coverage may be maintained by a combined single limit policy in the in the amount of \$3,000,000.00 and an "umbrella" or excess coverage policy in the amount of \$4,000,000.00.

Lastly, pursuant to the First Amendment, all of the County's water, electricity and gas consumption used by the County at the Premises will be measured by submeter(s) installed by the Landlord, and actual utility costs incurred by the County shall be invoiced by Landlord and paid by the County as additional rent, on the first day of each month.

All other terms and conditions of the Lease, will remain in full force and effect.

Your Committee has been advised that in accordance with Section 104.11(5)(c) of the Laws of Westchester County ("LWC"), leases of property of others for County purposes for terms not exceeding five years may be made with the approval of the County's Board of Acquisition and Contract ("BAC"). On August 26, 2021, BAC authorized the County to enter into the Lease and the Lease was subsequently executed. I have been further advised that pursuant to LWC Section 104.11(5)(d) leases of property of other for County purposes for terms not exceeding ten years may only be made by local law. Accordingly, your Honorable Board's approval of the proposed First Amendment extending the term of the Lease is required.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed Local Law 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.

The proposed First Amendment requires the adoption of the proposed Local Law by an affirmative vote of a majority of all members or your Honorable Board.

Upon careful consideration, your Committee finds the proposed First Amendment to be in the County's best interest as it provides for a Veterans' Affairs Office and therefore your Committee recommends approval of the proposed Local Law.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON:

c/dlv.cmc.04.29.2025

FISCAL IMPACT STATEMENT

SUBJECT: Veterans Lease Extension & Amendt NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 89,370

Total Current Year Revenue \$ 89,370

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101_22_4000_4000_5280

Potential Related Operating Budget Expenses: Annual Amount 20,555.00

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount 20,555.00

Describe: _____
Federal- 23%
State- 0%

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$87,782.93(savings) / \$68,815

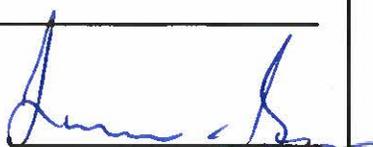
Next Four Years: \$296,533.00

Prepared by: Shine George

Title: Budget Specialist II

Department: Dept. of Social Services

Date: April 22, 2025

Reviewed By: 

Budget Director

Date: 4/30/25

TO: Carla Chaves, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner



DATE: March 19, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR:
VETERANS AFFAIRS OFFICE LEASE EXTENSION
10 COUNTY CENTER ROAD, WHITE PLAINS**

PROJECT/ACTION: Extension of a lease agreement for approximately 3,240 square feet of office space at 10 County Center Road in White Plains for use by the County's Veterans Affairs Office. The original 3-year lease, which began in 2021, has expired. The new lease will allow the Veterans Affairs Office to remain in this space until December 31, 2029.

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 because the project/action may be classified as a TYPE II action pursuant to section(s):

- **617.5(c)(32):** license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Claudia Maxwell, Principal Environmental Planner

RESOLUTION NO. - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2025 entitled "A LOCAL LAW authorizing the County of Westchester to enter into an amendment to the lease agreement dated June 12, 2021 with Zita Associates LLC for space located at 10 County Center Road, Suite 204, White Plains, New York, for an initial term of thirty-six (36) months, in order to extend the term of the Lease through December 31, 2029." The public hearing will be held at m. on the day of , 2025, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Dated: , 2025
White Plains, New York

A LOCAL LAW authorizing the County of Westchester to enter into an amendment to the lease agreement with Zita Associates LLC for space located at 10 County Center Road, Suite 204, White Plains, New York, in order to extend the term of the Lease through December 31, 2029.

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

Section 1. The County of Westchester is hereby authorized to enter into an amendment (“First Amendment”) to the lease agreement (“Lease”) dated June 12, 2021 with Zita Associates LLC, for space located at 10 County Center Road, Suite 204, White Plains, New York (“Premises”), in order to extend the term of the Lease through December 31, 2029 (“First Extended Term”), commencing retroactively on November 15, 2024 and expiring on November 14, 2029.

§2. During the First Extended Term, the County will pay rent at the annual rates and in the monthly installments set forth below:

Extension Year	Yearly Rent	Monthly Rent Payment	Yearly Increase
11/15/2024–12/31/2024	\$11,171.28	\$7,447.52	Same as in 2024
01/01/2025 – 12/31/2025	\$ 89,370.22	\$ 7,447.52	Same as in 2024
01/01/2026 – 12/31/2026	\$ 92,051.33	\$ 7,670.94	3%
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01/01/2028 – 12/31/2028	\$ 97,657.25	\$ 8,138.10	3%
01/01/2029 – 12/31/2029	\$ 100,586.97	\$ 8,382.25	3%

§3. In the event the County changes from a self-insurance program to a traditional insurance program, the County’s minimum limits of liability shall be a combined single limit with respect to each occurrence in an amount of not less than \$ 2,000,000.00 for injury (or death) and damage to property or such greater amount as Landlord may, from time to time, reasonably require. Such coverage may be maintained by a combined single limit policy in the in the amount of \$3,000,000.00 and an “umbrella” or excess coverage policy in the amount of \$4,000,000.00.

§4. All of the County's water, electricity and gas consumption used by the County at the Premises shall be measured by submeter(s) installed by the Landlord, and actual utility costs incurred by the County shall be invoiced by Landlord and paid by the County as additional rent, on the first day of each month.

All other terms and conditions of the Lease, shall remain in full force and effect.

§4. The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments necessary and appropriate to effectuate the purposes of this Local Law.

§5. This Local Law shall take effect immediately.



Kenneth W. Jenkins
Westchester County Executive

May 13, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$10,000,000 to finance the following capital project, subject to pending approval from the Office of the Comptroller of the State of New York (“State Comptroller”):

WD103 – County Water District #1 – Alternate Water Supply (“WD103”).

The proposed Amended Bond Act, in the total amount of \$16,000,000, which includes \$6,000,000 in previously authorized bonds of the County, is necessary to finance the cost of design and construction management of an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof, all for the use and benefit of Water District No. 1. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connection to the southern portion of the existing Kensico-Bronx Pipeline.

The Department of Environmental Facilities (“Department”) has advised that the alternate water supply connection will need to be completed by 2030 which is the date that the New York City Department of Environmental Protection will begin planned shutdowns of the Catskill Aqueduct in order to support its CAT-431 project to restore the aqueduct. This compressed timeframe has resulted in increased costs for completion of this project.

Your Honorable Board will recall that, by Act No. 209-2024, your Honorable Board found, after holding a public hearing, that the project was in the public’s best interest at a maximum estimated cost of \$105,000,000. Further, by Act No. 210-2024, your Honorable Board authorized that the Chairman of your Honorable Board execute all instruments and take all actions reasonable, necessary and appropriate to petition the State Comptroller pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County’s issuance of bonds up to \$105,000,000 for the maximum estimated cost of the project. Subsequently, the Chairman of your Honorable Board submitted a verified application to the State Comptroller for such approval. Currently, the verified application is being reviewed by the State Comptroller.

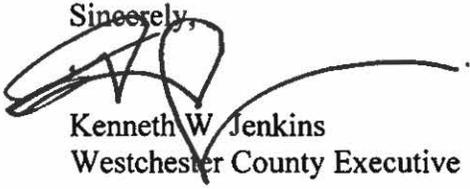
It should be further noted that your Honorable Board has previously authorized the County to issue bonds for WD103 as follows: Bond Act No. 211-2024 in the amount of \$6,000,000, which partially financed the cost of design and construction management of an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers. No obligations have been issued under Bond Act No. 211-2024. Accordingly, it is now requested that Bond Act No. 211-

2024 be amended to increase the amount authorized by \$10,000,000 for a total authorized amount, as amended, of \$16,000,000, subject to the approval of the State Comptroller.

Following bond authorization and approval of the State Comptroller, design is anticipated to take twenty-four (24) months to complete and will be performed by consultants. It is anticipated that construction will take approximately forty (40) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

Based on the importance of this project to the County, favorable action on the annexed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
Westchester County Executive

KWJ/VK/LAC

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (the “Amended Bond Act”) in the total amount of \$16,000,000, which includes \$6,000,000 in previously authorized bonds of the County, to finance capital project WD103 - County Water District #1 – Alternate Water Supply. The Amended Bond Act, which was prepared by Norton Rose Fulbright is necessary to finance the cost of design and construction management of an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, subject to pending approval of the Office of the New York State Comptroller (“State Comptroller”).

Your Committee is advised that the proposed Amended Bond Act, in the total amount of \$16,000,000, which includes \$6,000,000 in previously authorized bonds of the County, is necessary to finance the cost of design and construction management of an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof, all for the use and benefit of Water District No. 1. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connection to the southern portion of the existing Kensico-Bronx Pipeline.

The Department of Environmental Facilities (“Department”) has advised that the alternate water supply connection will need to be completed by 2030 which is the date that the New York City Department of Environmental Protection will begin planned shutdowns of the Catskill Aqueduct in order to support its CAT-431 project to restore the aqueduct. This compressed timeframe has resulted in increased costs for completion of this project.

Your Honorable Board will recall that, by Act No. 209-2024, your Honorable Board found, after holding a public hearing, that the project was in the public’s best interest at a maximum estimated cost of \$105,000,000. Further, by Act No. 210-2024, your Honorable Board authorized that the Chairman of your Honorable Board execute all instruments and take all actions reasonable, necessary and appropriate to petition the State Comptroller pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County’s issuance of bonds up to \$105,000,000 for the maximum estimated cost of the project. Subsequently, the Chairman of your

Honorable Board submitted a verified application to the State Comptroller for such approval. Your Committee is advised that, currently, the verified application is being reviewed by the State Comptroller.

It should be further noted that your Honorable Board has previously authorized the County to issue bonds for WD103 as follows: Bond Act No. 211-2024 in the amount of \$6,000,000, which partially financed the cost of design and construction management of an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers. No obligations have been issued under Bond Act No. 211-2024. Accordingly, it is now requested that Bond Act No. 211-2024 be amended to increase the amount authorized by \$10,000,000 for a total authorized amount, as amended, of \$16,000,000, subject to the approval of the State Comptroller.

Following bond authorization and approval of the State Comptroller, design is anticipated to take twenty-four (24) months to complete and will be performed by consultants. It is anticipated that construction will take approximately forty (40) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

The Department of Planning has advised your Committee that based on its review, WD103 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 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 your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee has carefully considered the Amended Bond Act and recommends approval of same, subject to the approval of the State Comptroller.

Dated: _____, 2025
White Plains, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD103

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 \$ 16,000,000 **PPU** 5 **Anticipated Interest Rate** 2.96%

Anticipated Annual Cost (Principal and Interest): \$ 3,493,125

Total Debt Service (Annual Cost x Term): \$ 17,465,625

Finance Department: Interest rates from May 9, 2025 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

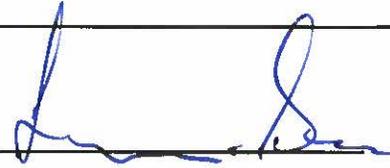
Number of Full Time Equivalent (FTE) Jobs Funded: 174

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 5/12/25


 Reviewed By: _____
Budget Director

Date: 5/13/25

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 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WD103 COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 12-10-2024 (Unique ID: 2767)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/mvc

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AMENDING AND SUPERSEDING ACT NO. 211-2024, WHICH AUTHORIZED THE ISSUANCE OF \$6,000,000 BONDS TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR AN ALTERNATE WATER SUPPLY CONNECTION TO THE DELAWARE AQUEDUCT AT SHAFT 23 IN THE CITY OF YONKERS, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$16,000,000, AN INCREASE OF \$10,000,000.

WHEREAS, pursuant to Act No. 211-2024, dated October 21, 2024, the Board previously authorized the issuance of \$6,000,000 bonds to finance the cost of design and construction management of an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1; and

WHEREAS, no obligations have been issued under Act No. 211-2024; and

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid class of objects or purposes thereof is now \$16,000,000, an increase of \$10,000,000, and

WHEREAS, it is now desired to authorize a total of \$16,000,000 bonds to pay for such revised cost, an increase of \$10,000,000 over the \$6,000,000 previously authorized under Act No. 211-2024; and

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, except for required proceedings to be completed in compliance with Section 268 of the County Law, all conditions precedent to the financing of the capital project hereinafter

described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such improvement;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the design and construction management costs for the for an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes, there are hereby authorized to be issued \$16,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$16,000,000, and that the plan for the financing thereof is by the issuance of the \$16,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall

be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount

in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary

to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators, provided, however, that no such bonds or notes shall be issued prior to the determination that the aforesaid class of objects or purposes is in the public interest and the consent of the State Comptroller is obtained as required by Section 268 of the County Law.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This bond act amends and supersedes Act No. 211-2024, dated October 21, 2024, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

Section 16. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 17. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to County Water District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

BOND ACT DATED _____, 2025.

A BOND ACT AMENDING AND SUPERSEDING ACT NO. 211-2024, WHICH AUTHORIZED THE ISSUANCE OF \$6,000,000 BONDS TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR AN ALTERNATE WATER SUPPLY CONNECTION TO THE DELAWARE AQUEDUCT AT SHAFT 23 IN THE CITY OF YONKERS, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$16,000,000, AN INCREASE OF \$10,000,000.

class of objects or purposes: design and construction management costs for the for an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof

period of probable usefulness: five years

amount of obligations to be issued: \$16,000,000

Dated: _____, 2025
 White Plains, New York

Clerk of the County Board of Legislators of the County of
Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* WD103	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY	Legislative District ID: 5, 17, 16, 15, 14, 13,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2767

Overall Project Description

This is a multi-phased project that first provided for the installation of two Ultraviolet (UV) facilities at the northern portion the 48" Kensico Bronx Pipeline (KBP) in County Water District (CWD) #1 and now will provide for an alternate water supply connection at the southern end of the KBP. This project is being coordinated with WD105.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	97,082	16,857	10,000	0	70,225	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	97,082	16,857	10,000	0	70,225	0	0	0

Expended/Obligated Amount (in thousands) as of : 10,817

Current Bond Description: This request will provide the design and construction management funding for an alternate water supply connection to the New York City Department of Environment Protection (NYCDEP) Delaware Aqueduct at Shaft 23, located in the City of Yonkers. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing KBP.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:
TYPE II

Amount Requested:
10,000,000

Comments:

NYCDEP has announced that they will be conducting a series of shutdowns of the Delaware Aqueduct for maintenance. The southern connection portion funding of this project needs to be expedited in order to provide an alternate water source for the KB pipeline when the Delaware Aqueduct water supply is unavailable.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2003	200,000	STUDY OF ALTERNATE SUPPLY FROM HILLVIEW RESERVOIR, CITY OF MT, VERNON AND YONKERS TO STUDY
2014	9,219,000	DESIGN & CONSTRUCTION OF ULTRA-VIOLET TREATMENT FACILITIES
2016	1,438,000	ADDITIONAL CONSTRUCTION COSTS
2020	1,000,000	COST ESCALATION
2021	5,000,000	DESIGN AND CONSTRUCTION MANAGEMENT OF SOUTHERN CONNECTION.
2025	10,000,000	DESIGN AND CONSTRUCTION MANAGEMENT OF SOUTHERN CONNECTION

Total Appropriation History:

26,857,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
11	3	200,000	178,891	COUNTY DISTRICT #1 FEASABILITY STUY
14	187	0	0	ALTERNATE WATER SUPPLY FOR COUNTY WATER DISTRICT NO. 1 FOR UVL TREATED WATER
15	65	9,219,000	9,188,329	COUNTY WATER DISTRICT NO. 1 IMPROVEMENTS
24	211	6,000,000	0	DESIGN & CONST ALTERNATE WATER SUPPLY TO DELAWARE AQUEDUCT

Total Financing History:

15,419,000

Recommended By:

Department of Planning	Date
MLLL	12-10-2024
Department of Public Works	Date
RJB4	12-13-2024
Budget Department	Date
DEV9	12-13-2024
Requesting Department	Date
JCL1	12-13-2024

COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY (WD103)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; 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	2025	2026	2027	2028	2029	Under Review
Gross	97,082	16,857	10,817	10,000		70,225			
Non County Share									
Total	97,082	16,857	10,817	10,000		70,225			

Project Description

This is a multi-phased project that has provided for the installation of two Ultraviolet (UV) facilities at the northern portion of the 48 inch Kensico-Bronx pipeline (KBP) for County Water District #1. This project will also provide for an alternate water supply connection at the southern end of the KBP. This project is being coordinated with WD105.

Current Year Description

The current year request funds Phase II design and construction management.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	10,000,000			10,000,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2003	200,000	Study of alternate supply from Hillview Reservoir, City of Mt, Vernon and Yonkers to study	COMPLETE
2014	9,219,000	Design & Construction of Ultra-Violet Treatment Facilities	DESIGN
2016	1,438,000	Additional construction costs	DESIGN
2020	1,000,000	Cost escalation	DESIGN
2021	5,000,000	Design and construction management of southern connection.	DESIGN
Total	16,857,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	15,419,000	9,365,403	6,053,597
Funds Revenue	1,438,000	1,438,000	
Total	16,857,000	10,803,403	6,053,597

**COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY
(WD103)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
3 11	200,000	11/19/15	164,723	21,109
		11/19/15	13,277	
		11/19/15	891	
		11/30/23		
		11/30/23		
187 14				
65 15	9,219,000	12/15/16	1,440,364	30,671
		12/15/17	5,567,592	
		12/15/17	922,588	
		12/15/17	12,063	
		12/10/18	955,659	
		12/10/19	149,870	
		12/10/19	11,093	
		11/30/23	128,937	
		11/30/23	163	
211 24	6,000,000			6,000,000
Total	15,419,000		9,367,220	6,051,780



Kenneth W. Jenkins
County Executive

May 9, 2025

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 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 \$2,100,000 to finance a component of the following capital project:

SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades ("SY009").

The Amended Bond Act, in the total amount of \$29,291,000, which includes \$27,191,000 in previously authorized bonds of the County, would fund design, construction management, and construction associated with odor control and HVAC upgrades at the Yonkers Joint Water Resource Recovery Facility (YJWRRF). Work will include various improvements related to HVAC and odor control, including upgrades to the HVAC mechanical equipment in accordance with a redesign which was completed to accommodate future electrical power distribution equipment for a separate Department of Environmental Facilities (the "Department") project (SY028) currently in design phase.

The Department has advised that prior HVAC and odor control studies of the YJWRRF recommended replacement and upgrade of various HVAC and odor control equipment and related systems which were installed in 1979 and have been operated beyond their useful life.

Following bonding authorization, construction will be scheduled and is estimated to take six (6) 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 bonding in connection with prior phases of SY009 as follows: Bond Act No. 49-2018 in the amount of \$5,000,000 which funded construction and construction management associated with odor control and HVAC upgrades (Phase IV); Bond Act No. 132-2020, which amended Bond Act No. 49-2018 to increase the initial amount authorized thereunder by \$7,191,000 to a new total amount authorized of \$12,191,000 and revised the scope of the project to include additional construction services; and Bond Act No. 51-2022, which further amended Bond Act No. 49-2018, as amended by Bond Act No. 132-2020, to increase the amount authorized thereunder by \$15,000,000, to a new total amount authorized of \$27,191,000 and revised the scope of the project to add design, construction management, and construction services for the additional phase of the project. The bonds authorized by Bond Act No. 51-2022 have not been sold.

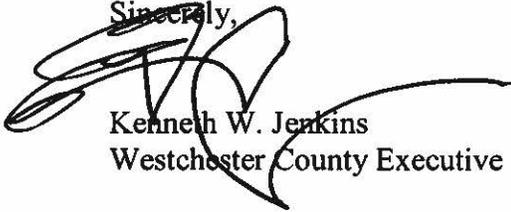
Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900

Accordingly, authority of your Honorable Board is now requested to further amend Bond Act No. 49-2018, as amended by Bond Act No. 132-2020 and Bond Act No. 51-2022, in order to further increase the amount authorized thereunder by \$2,100,000, to a new total amount authorized of \$29,291,000 and to revise the scope of the project to include design, construction management and construction associated with upgrades to the HVAC mechanical equipment in accordance with the aforementioned redesign.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'KWJ', is written over the word 'Sincerely,' and extends to the right.

Kenneth W. Jenkins
Westchester County Executive

KWJ/VK/JL/jpg/nn

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

Your Committee is in receipt of an amended bond act (the “Amended Bond Act”) in the total amount of \$29,291,000, which includes \$27,191,000 in previously authorized bonds of the County of Westchester (“County”), to finance a component of Capital Project SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades (“SY009”).

The Amended Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund design, construction management, and construction associated with odor control and HVAC upgrades at the Yonkers Joint Water Resource Recovery Facility (YJWRRF). Work will include various improvements related to HVAC and odor control, including upgrades to the HVAC mechanical equipment in accordance with a redesign which was completed to accommodate future electrical power distribution equipment for a separate Department of Environmental Facilities (the “Department”) project (SY028) currently in design phase.

The Department has advised your Committee that prior HVAC and odor control studies of the YJWRRF recommended replacement and upgrade of various HVAC and odor control equipment and related systems which were installed in 1979 and have been operated beyond their useful life.

Your Committee is advised that following bonding authorization, construction will be scheduled and is estimated to take six (6) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized bonding in connection with prior phases of SY009 as follows: Bond Act No. 49-2018 in the amount of \$5,000,000 which funded construction and construction management associated with odor control and HVAC upgrades (Phase IV); Bond Act No. 132-2020, which amended Bond Act No. 49-2018 to increase the initial amount authorized thereunder by \$7,191,000 to a new total amount authorized of \$12,191,000 and revised the scope of the project to include additional construction services; and Bond Act No. 51-2022, which further amended Bond Act No. 49-2018, as amended by Bond Act No. 132-2020, to increase the amount authorized thereunder by \$15,000,000, to a new total amount authorized of \$27,191,000 and revised the scope of the

project to add design, construction management, and construction services for the additional phase of the project. The bonds authorized by Bond Act No. 51-2022 have not been sold. Accordingly, authority of your Honorable Board is now requested to further amend Bond Act No. 49-2018, as amended by Bond Act No. 132-2020 and Bond Act No. 51-2022, in order to further increase the amount authorized thereunder by \$2,100,000, to a new total amount authorized of \$29,291,000 and to revise the scope of the project to include design, construction management and construction associated with upgrades to the HVAC mechanical equipment in accordance with the aforementioned redesign.

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 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: _____, 2025
White Plains, New York

COMMITTEE ON

k/jpg/4/24/2025

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY009

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 \$ 29,291,000 PPU 30 Anticipated Interest Rate 4.12%

Anticipated Annual Cost (Principal and Interest): \$ 1,614,001

Total Debt Service (Annual Cost x Term): \$ 48,420,030

Finance Department: Interest rates from May 9, 2025 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: 318

Prepared by: Jazmin Logan

Title: Environmental Project Director

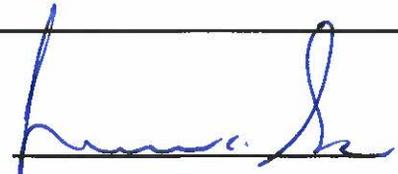
Department: Environmental Facilities

Date: 5/12/25

Reviewed By:

WJL
5/13/25

Date:



Budget Director

5/13/25

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: April 23, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY009 Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04/21/2025 (Unique ID: 2915)

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)(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/oav

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
Melissa-Jean Rotini, Assistant Commissioner, Department of Environmental Facilities
Jazmin Logan, Environmental Project Director - Capital Programs
Robert Zambardino, Program Coordinator – Capital Programs
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 51-2022, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$29,291,000, AN INCREASE OF \$2,100,000, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HVAC UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY, CONSTITUTING PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

WHEREAS, pursuant to Act No. 49-2018, dated May 7, 2018 (the "2018 Bond Act"), the Board previously authorized the issuance of \$5,000,000 bonds to pay the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant (now known as the Yonkers Joint Water Resource Recovery Facility), constituting Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts; and

WHEREAS, pursuant to Act No. 132-2020, dated August 3, 2020 (the "2020 Bond Act"), the Board amended Act No. 49-2018 to increase the estimated maximum cost of the aforementioned project and the amount of bonds authorized to \$12,191,000 an increase of \$7,191,000; and

WHEREAS, pursuant to Act No. 51-2022, dated May 9, 2022 (such act together with the 2018 Bond Act and the 2020 Bond Act, the "Prior Bond Acts"), the Board further increased the estimated maximum cost of said project and the amount of bonds authorized to \$27,191,000, an increase of \$15,000,000; and

WHEREAS, no obligations have been issued under the Prior Bond Acts; and

WHEREAS, it has now been determined it would be beneficial to increase the estimated maximum cost of said project and the amount of bonds authorized to \$29,291,000, an increase of \$2,100,000; and

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

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. For the class of objects or purposes of paying the cost of design, construction management and construction of heating, ventilation, cooling and air conditioning (HVAC) upgrades and odor control improvements at the Yonkers Joint Water Resource Recovery Facility, constituting Phase IV of such improvements, including incidental expenses in connection therewith, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, and which may include, but is not limited to, replacement of the odor control and heating, ventilation, cooling and air conditioning systems in the Dissolved Air Flotation building; repairs and upgrades to the sludge loading bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers serving the primary settling tanks,

replacement of the grit tank wash down system, installation of new bar screens, turbo blowers and waste gas flare equipment, there are hereby authorized to be issued \$29,291,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$29,291,000, and that the plan for the financing thereof is by the issuance of the \$29,291,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, or other sources, there shall annually be levied on

all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said

Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said

bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This bond act amends and supersedes the Prior Bond Acts, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

Section 16. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspaper and/or other news media as follows:

Newspaper and/or other news media

Date given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 51-2022, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$29,291,000, AN INCREASE OF \$2,100,000, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HVAC UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY, CONSTITUTING PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

Class of object or purpose: design, construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Water Resource Recovery Facility, including incidental expenses in connection therewith, and which may include replacement of the odor control and heating, ventilation, cooling and air conditioning systems in the Dissolved Air Flotation building; repairs and upgrades to the sludge loading bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers serving the primary settling tanks, replacement of the grit tank wash down system, installation of new bar screens, turbo blowers and waste gas flare equipment

period of probable usefulness: thirty years
amount of obligations to be issued: \$29,291,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of
Legislators of the County of Westchester, New York



CAPITAL PROJECT FACT SHEET

Project ID:* SY009	<input type="checkbox"/> CBA	Fact Sheet Date:* 04-09-2025
Fact Sheet Year:* 2025	Project Title:* YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2915

Overall Project Description

This multi-phased project funds the replacement of the heating, ventilation and air conditioning equipment, as well as odor control equipment and gas flaring system, at the Yonkers Joint Wastewater Resource Recovery Facility installed in 1979.

- | | | |
|---|---|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	78,685	78,685	0	0	0	0	0	0
Less Non-County Shares	6,203	6,203	0	0	0	0	0	0
Net	72,482	72,482	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 51,419

Current Bond Description: This bond authorization request will fund the Design, Construction Management, and Construction for the Yonkers Joint (YJ) Water Resource Recovery Facility (WRRF) Odor Control and HVAC Upgrades. Work will include various improvements related to HVAC and Odor Control including the upgrades of the HVAC mechanical equipment in accordance with a redesign which was completed to accommodate future electrical power distribution equipment in a separate DEF project (SY028) currently in design phase.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	2,100,000
Cash:	0
Total:	\$ 2,100,000

SEQR Classification:

TYPE II

Amount Requested:

2,100,000

Comments:

This HVAC upgrades will lower energy consumption, reduce maintenance requirements, and lower power costs.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2004	825,000	DESIGN SCREEN AND GRIT BUILDING PHASE I
2005	2,550,000	CONSTRUCTION FOR ABOVE
2007	6,260,000	ADDITIONAL DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION HVAC AND ODOR CONTROL PHASE I
2008	1,475,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR REPLACEMENT/REHABILITATION OF THE BLOWER AND ADMIN BUILDING PHASE II
2010	151,000	ADDITIONAL DESIGN AND CONSTRUCTION MANAGEMENT - PHASE II
2013	8,274,000	ADDITIONAL WORK ON PHASE II
2014	8,500,000	CONSTRUCTION FOR THE PRIMARY & SECONDARY END OF PLANT - PHASE III
2016	5,650,000	ADDITIONAL FUNDING FOR CONSTRUCTION AND ADDITIONAL WORK - PHASE IV
2020	5,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2022	15,000,000	ADDITIONAL ODOR CONTROL MEASURES
2024	25,000,000	FUNDS PHASE IVB CONSTRUCTION

Total Appropriation History:

78,685,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
04	126	0	0	D&C YONKERS WWTP HVAC EQUIP. REPLACE.
08	189	9,635,000	6,664,514	DESIGN & CON. MGT. - YJTP REPLACE HVAC
08	E-189	-2,191,000	-2,191,000	
11	183	5,142,580	5,142,580	YONKERS JOINT WASTEWATER TREATMENT PLANT HEATING, VENTILATION, COOLING, AND A/C IMPREOVEMENTS
13E	131	0	0	YONKERS JOINT TREATMENT PLANT - ODOR CONTROL AND HVAC UPGRADES
16	209	9,150,000	8,852,806	YONKERS JOINT TREATMENT PLANT ODOR CONTROL HVAC UPGRADES DESIGN, CONTS, PASE III LEED
18	49	0	0	ODOR CONTROL & HVAC UPGRADES AT YONKERS JOINT WASTEWATER TREATMENT PLANT
20	132	0	0	CONSTRUCTION ASSOCIATED WITH ODOR CONTROL AND HVAC UPGRADES AT YJWTP
22	51	27,191,000	0	CONSTRUCTION ASSOCIATED WITH ODOR CONTROL AND HVAC UPGRADES AT YJWTP

Total Financing History:

48,927,580

Recommended By:

Department of Planning
MLLL

Date
04-21-2025

Department of Public Works
RJB4

Date
04-23-2025

Budget Department
DEV9

Date
04-23-2025

Requesting Department
JCL1

Date
04-23-2025

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; 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	2025	2026	2027	2028	2029	Under Review
Gross	78,685	78,685	51,419						
Non County Share	(6,203)	(6,203)							
Total	72,482	72,482	51,419						

Project Description

This multi-phased project funds the replacement of the heating, ventilation and air conditioning equipment, as well as odor control equipment and gas flaring system, at the Yonkers Joint Wastewater Resource Recovery Facility installed in 1979.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History			
Year	Amount	Description	Status
2004	825,000	Design Screen and Grit building Phase I	COMPLETE
2005	2,550,000	Construction for above	COMPLETE
2007	6,260,000	Additional design, construction management and construction HVAC and odor control Phase I	COMPLETE
2008	1,475,000	Design and construction management for replacement/rehabilitation of the Blower and Admin Building Phase II	COMPLETE
2010	151,000	Additional design and construction management - Phase II	COMPLETE
2013	8,274,000	Additional work on Phase II	CONSTRUCTION
2014	8,500,000	Construction for the Primary & Secondary End of Plant - Phase III	CONSTRUCTION
2016	5,650,000	Additional funding for construction and additional work - Phase IV	CONSTRUCTION
2020	5,000,000	Design, construction and construction management	CONSTRUCTION
2022	15,000,000	Additional odor control measures	CONSTRUCTION
2024	25,000,000	Funds Phase IVB construction	\$6,203,000 NCS; \$18,797,000 AWAITING BOND AUTHORIZATION
Total	78,685,000		

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	72,482,000	23,258,573	49,223,427
State Funds	6,203,000	1,594,750	4,608,250
Total	78,685,000	24,853,323	53,831,677

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
126 04				
189 08	9,635,000	12/02/10	470,000	2,970,486
		12/02/10	(470,000)	
		11/30/11	757,096	
		11/30/11	12,904	
		10/24/12	1,312,682	
		10/24/12	45,318	
		10/24/12	12,115	
		08/01/13	4,524,398	
183 11	5,142,580	12/01/16	6,863,000	
		11/09/17	(6,863,000)	
		11/09/17	5,142,580	
131 13	3,037,000	12/01/16	153,000	3,037,000
		11/09/17	(153,000)	
209 16	9,150,000	07/19/18	7,620,000	297,194
			(373,000)	
		11/30/23	1,465,276	
		11/30/23	140,530	
49 18				
E-189 08	(2,191,000)			(2,191,000)
132 20				
51 22	27,191,000			27,191,000
Total	51,964,580		20,659,900	31,304,680



Kenneth W. Jenkins
County Executive

May 9, 2025

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 an amended bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue an additional \$1,000,000 in bonds to finance the following capital project:

BCR64 – Correctional Facility Replace Fire Alarm System ("BCR64").

The Amended Bond Act, in the total amount of \$1,665,000, which includes \$665,000 in previously authorized bonds of the County, would finance the cost of construction associated with "first phase" system testing of the proposed replacement fire alarm system at the Westchester County Jail in Valhalla (the "Jail").

The Department of Correction ("Department") has advised that the existing fire alarm system has reached the end of its useful life and is in need of replacement. The new system will replace existing devices and use existing wiring with a fiber network between panels connected to a Fireworks graphic work station. It will also include the installation of a Vesda/Xtralis Vea system for Blocks 1-3.

Following bonding authorization, design will be scheduled and is estimated to take eight (8) months to complete and will be performed by in house staff. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with project BCR64, as follows: Bond Act No. 96-2024 in the amount of \$665,000 which financed the cost of design for the replacement of the existing fire alarm system at the Jail. No bonds were issued under Bond Act No. 96-2024. Authority is now requested to amend Bond Act No. 96-2024 to increase the initial amount authorized by \$1,000,000, to a new total amount of \$1,665,000, to expand the scope of the project to include construction services, and to increase the period of probable usefulness of said bonds.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "KWJ", written over a horizontal line. The signature is stylized and extends to the right.

Kenneth W. Jenkins
Westchester County Executive

KWJ/JKS/jpg/nn

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (the “Amended Bond Act”) in the total amount of \$1,665,000, which includes \$665,000 in previously authorized bonds of the County, to finance capital project BCR64 – Correctional Facility Replace Fire Alarm System (“BCR64”). The Amended Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of construction associated with “first phase” system testing of the proposed replacement fire alarm system at the Westchester County Jail in Valhalla (the “Jail”).

The Department of Correction (“Department”) has advised that the existing fire alarm system has reached the end of its useful life and is in need of replacement. The new system will replace existing devices and use existing wiring with a fiber network between panels connected to a Fireworks graphic work station. It will also include the installation of a Vesda/Xtralis Vea system for Blocks 1-3.

Following bonding authorization, design will be scheduled and is estimated to take eight (8) months to complete and will be performed by in house staff. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with project BCR64, as follows: Bond Act No. 96-2024 in the amount of \$665,000 which financed the cost of design for the replacement of the existing fire alarm system at the Jail. No bonds were issued under Bond Act No. 96-2024. Authority is now requested to amend Bond Act No. 96-2024 to increase the initial amount authorized by \$1,000,000, to a new total amount of \$1,665,000, to expand the scope of the project to include construction services, and to increase the period of probable usefulness of said bonds.

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 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: _____, 2025
White Plains, New York

COMMITTEE ON

c/jpg/4-28-2025

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR64

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 \$ 1,665,000 PPU 10 Anticipated Interest Rate 3.18%

Anticipated Annual Cost (Principal and Interest): \$ 196,173

Total Debt Service (Annual Cost x Term): \$ 1,961,730

Finance Department: Interest rates from May 9, 2025 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

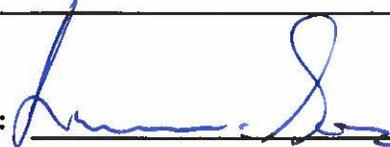
Number of Full Time Equivalent (FTE) Jobs Funded: 18

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 5/12/25

Reviewed By: 

Budget Director

Date: 5/13/25

*DV 5/12/25
5/13/25*

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: May 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR64 CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04/23/2025 (Unique ID: 2923)

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)(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/oav

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Maximilian Zorn, Assistant 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 AUTHORIZING THE ISSUANCE OF \$1,665,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF CONSTRUCTION OF THE REPLACEMENT OF THE FIRE ALARM SYSTEM AT THE CORRECTIONAL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,665,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,665,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

WHEREAS, this Board has heretofore duly authorized the issuance of \$665,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the existing fire alarm system at the Correctional Facility (the "Project"), pursuant to Act No. 96-2024 duly adopted on May 20, 2024; and

WHEREAS, it is now appropriate to authorize the Project, 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 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, \$1,665,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the planning and construction of "first phase" system testing in connection with the replacement of the existing fire alarm system at the Correctional Facility, all as set forth in the County's Current Year Capital Budget, as amended, 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 of purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,665,000. The plan of financing includes the issuance of \$1,665,000 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 of said specific object or purpose, within the limitations of Section 11.00 a. 56 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

\$1,665,000. 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 \$1,665,000 as the estimated total 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.

* * *

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

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 \$1,665,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF CONSTRUCTION OF THE REPLACEMENT OF THE FIRE ALARM SYSTEM AT THE CORRECTIONAL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,665,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,665,000 BONDS HEREIN AUTHORIZED; 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 the planning and construction of "first phase" system testing in connection with the replacement of the existing fire alarm system at the Correctional Facility, 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: \$1,665,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:* BCR64	<input type="checkbox"/> CBA	Fact Sheet Date:* 04-18-2025
Fact Sheet Year:* 2025	Project Title:* CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* CORRECTION	CP Unique ID: 2923

Overall Project Description

This project funds the replacement of the existing Fire alarm system throughout the entire Correctional Facility complex.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" 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	2025	2026	2027	2028	2029	Under Review
Gross	9,625	665	8,960	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,625	665	8,960	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 101

Current Bond Description: Bonding is requested for \$1 million in construction funding for the "first phase" system testing of the proposed replacement fire alarm system

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

1,000,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	665,000	DESIGN
2025	8,960,000	CONSTRUCTION

Total Appropriation History:

9,625,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
24	96	665,000		0 CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM

Total Financing History:
665,000

Recommended By:

Department of Planning
MLLL

Date
04-23-2025

Department of Public Works
RJB4

Date
04-25-2025

Budget Department
DEV9

Date
04-25-2025

Requesting Department
WPF4

Date
04-28-2025

CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM (BCR64)

User Department : Correction
Managing Department(s) : Correction ; 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	2025	2026	2027	2028	2029	Under Review
Gross	9,625	665	94	8,960					
Non County Share									
Total	9,625	665	94	8,960					

Project Description

This project funds the replacement of the existing Fire alarm system throughout the entire Correctional Facility complex.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	8,960,000			8,960,000

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
2024	665,000	Design	DESIGN
Total	665,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	665,000		665,000
Total	665,000		665,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
96 24	665,000			665,000
Total	665,000			665,000



Kenneth W. Jenkins
County Executive

May 13, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Pursuant to New York State Correction Law sections 500-c and 500-d, the County of Westchester ("County") is required to transport at its own expense prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York ("Westchester County Jail"). In addition, the County is required to provide meals to such prisoners. The County relies on assistance from local municipalities to carry out these functions and by so doing saves taxpayer funds.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into intermunicipal agreements ("IMAs") with twenty-one (21) municipalities in order to reimburse each municipality for costs incurred to transport prisoners who have been arraigned in local courts, between each municipality and the Westchester County Jail. The term of the IMAs will commence retroactively on January 1, 2025 and terminate December 31, 2026. The total annual reimbursement to all of the municipalities will not exceed \$745,000, for a total aggregate amount not to exceed \$1,490,000 for the two-year term. Each municipality shall be reimbursed by the County for prisoner transportation services at the agreed upon rates, plus mileage per round trip, as indicated in the Zone Rate Plan attached to the Act as Appendix "A". The proposed IMAs will allow the County to reimburse the municipalities for the costs they incur in transporting prisoners, who have been arraigned in local courts, between each municipality and the Westchester County Jail.

Reimbursement to the municipalities will be pursuant to four zone rates which are fixed fees plus the mileage to and from the Westchester County Jail multiplied by the then current Internal Revenue Service mileage rate. The zone rates represent an increase of 3.00% each year. The County will also reimburse the municipalities for the actual and reasonable cost of meals provided to post-arraignment prisoners.

Office of the County Executive

Michaelian Office Building

148 Martine Avenue

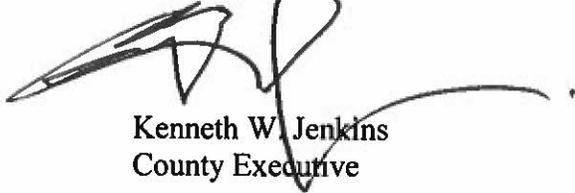
White Plains, New York 10601

Telephone: (914)995-2900

E-mail: ceo@westchestergov.com

I believe that these agreements are in the best interests of the County and I therefore, recommend that your Honorable Board approve the annexed legislation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KWJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
County Executive

KWJ/mb
Attachments

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee has been advised that pursuant to sections 500-c and 500-d of the New York State Correction Law, the County of Westchester (“County”) is required at its own expense to transport prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York (“Westchester County Jail”). In addition, the County is required to provide meals to such prisoners. The County relies on assistance from local municipalities to carry out these functions and by so doing saves taxpayer funds.

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act, which, if adopted, would authorize the County to enter into intermunicipal agreements (“IMAs”) with twenty-one (21) municipalities in order to reimburse each municipality for costs incurred to transport prisoners who have been arraigned in local courts, between each municipality and the Westchester County Jail. The term of the IMAs will commence retroactively on January 1, 2025 and terminate December 31, 2026. The total annual reimbursement to all of the municipalities will not exceed \$745,000, for a total aggregate amount not to exceed \$1,490,000 for the two-year term. Each municipality shall be reimbursed by the County for prisoner transportation services at the agreed upon rates, plus mileage per round trip, as indicated in the Zone Rate Plan attached to the Act as Appendix “A”. The proposed IMAs will allow the County to reimburse the municipalities for the

costs they incur in transporting prisoners, who have been arraigned in local courts, between each municipality and the Westchester County Jail.

Reimbursement to the municipalities will be pursuant to four zone rates which are fixed fees plus the mileage to and from the Westchester County Jail multiplied by the then current Internal Revenue Service mileage rate. The zone rates represent an increase of 3.00% each year. The County will also reimburse the municipalities for the actual and reasonable cost of meals provided to post-arraignment prisoners.

The Department of Planning has advised that the proposed IMAs do not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the Memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that a majority of the voting strength of the Board of Legislators is required in order to adopt the annexed Act. After review

and careful consideration, your Committee recommends favorable action upon the proposed annex Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON:

C/mb 4/23/25

FISCAL IMPACT STATEMENT

SUBJECT: Pris. Transport Zones 2025-2026

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 745,000

Total Current Year Revenue \$ _____

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ 745,000

Describe: 2025- \$ 745,000 (to reimburse the municipalities for transporting prisoners based on zone rates.

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

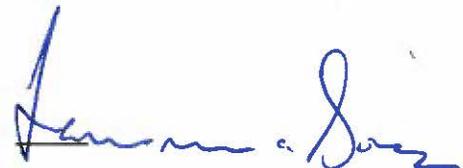
Current Year: 2025 - \$745,000

Next Four years: 2026 - \$745,000

Prepared by: William Fallon

Title: Director Of Administrative Services

Department: Correction

Reviewed By: 

Budget Director

5/7/25

If you need more space, please attach additional sheets.

ACT NO. – 2025

AN ACT authorizing the County of Westchester to enter into Intermunicipal Agreements with twenty-one (21) municipalities in order to provide reimbursement for prisoner transportation to the Westchester County Jail.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into Intermunicipal Agreements (“IMAs”) with the twenty-one (21) municipalities indicated in Appendix “A”, which is attached hereto and made a part hereof, in order to reimburse each of the municipalities for the cost to transport prisoners round trip between each municipality and the Westchester County Jail located at Valhalla, New York.

§2. The term of each IMA shall commence retroactively on January 1, 2025 and continue through December 31, 2026.

§3. The County will reimburse each municipality for the costs for round trip prisoner transportation at the rates indicated in Appendix “A”. Reimbursement will also be made for the actual and reasonable costs of meals provided to post-arraignment prisoners. The total annual reimbursement to all of the municipalities pursuant to the IMAs will not exceed \$745,000, for a total aggregate amount not to exceed \$1,490,000 for the two-year term.

§4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

§5. This Act shall take effect immediately.

APPENDIX "A"

**ZONE PLAN REIMBURSEMENT RATES
WITH DISTANCE TRAVELED TO AND FROM**

WESTCHESTER COUNTY DEPARTMENT OF CORRECTION

(Effective Term: January 1, 2025 through December 31, 2026)

2025 / 2026 ZONES RATES

ZONE #1	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$238.56
1/1/26 - 12/31/26	\$245.72
Elmsford, Village	
Pleasantville, Village	
Sleepy Hollow, Village	
Tarrytown, Village	

ZONE #3	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$262.50
1/1/26 - 12/31/26	\$270.48
Port Chester, Village	
Mamaroneck, Village	
Pelham Town	
Rye Brook, Village	
Tuckahoe, Village	
Eastchester, Town	

ZONE #2	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$251.11
1/1/26 - 12/31/26	\$259.28
Ardsley, Village	
Briarcliff Manor, Village	
Dobbs Ferry, Village	
Hastings-on-Hudson, Village	
Irvington, Village	
New Castle, Town	
North Castle	
Ossining, Village	
Scarsdale, Village	

ZONE #4	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$267.03
1/1/26 - 12/31/26	\$275.04
Pelham Manor (Village)	

The above Zone Rates will be reimbursed plus mileage to be reimbursed at \$.70 (or the then current IRS mileage rate) times distance.

PRISONER TRANSPORTATION--ZONE RATE

THIS AGREEMENT, made this _____ day of _____, 2025

by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601

(hereinafter referred to as the “County”)

and

[MUNICIPALITY NAME] _____
a municipality of the State of New York having its office and place of
business at _____

(hereinafter referred to as the “Municipality”)

(each of the County and the Municipality may be referred to individually as a “Party” and together as the “Parties”)

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law prisoners are required to be transported from local municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the County and the Municipality agree as follows:

1. **PRISONER TRANSPORTATION**: Except for prisoners arrested by the Westchester County Department of Public Safety Services (the “Department”), the Municipality shall provide round trip prisoner transportation using its own police department

personnel and vehicles between the Municipality and the Westchester County Department of Correction (“Department”) for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local court within the Municipality. The County will reimburse the Municipality for the actual number of round trips. All municipalities, where possible, shall hold prisoners for one daily trip to the Westchester County Jail.

2. **PAYMENT**: The Municipality shall be reimbursed by the County for prisoner transportation services at the agreed upon rates, plus mileage per round trip, indicated in the Zone Rate Plan attached hereto as Appendix “A” and made a part hereof. The rate will be paid as follows:

For transportation to County Jail subsequent to arrest - 1 round trip plus mileage;

For Transportation from County Jail to local court; no return - 1 round trip plus mileage;

For Transportation from County Jail to local court; remand to County Jail, where the time expended does not exceed three (3) hours - 2 round trips plus mileage. Time expended does not include time prisoner spends in local court;

Only in the following circumstances will an hourly rate and mileage fee be paid, as an alternative to the zone rate set forth above:

- a. Transportation of female prisoners (1 officer and 1 matron). A minimum of four (4) hours will be reimbursed for a matron; or
- b. Transportation of seven (7) or more prisoners (requiring an additional officer); or
- c. Transportation of prisoners charged with Class A felonies OR classified by Department of Correction as an “A” or “AA” prisoner considered to present danger may warrant (requiring an additional officer); or
- d. Transportation from County Jail to local court and remand to County Jail where time expended exceeds three (3) hours, only if time expended is result of delays at the County Jail. Time expended does not include time prisoner spends in local court.

In the event that any one of conditions “a” through “d” above are met, then the actual per hour personnel costs incurred by the Municipality will be paid at the hourly wage as determined in the applicable collective bargaining agreement between the Municipality and the Municipal Police Association for police officers and/or matrons plus a mileage.

Reimbursement for mileage shall be at the rate of Seventy cents (\$.70) per mile, or at the then current Internal Revenue Service mileage rate, multiplied by the mileage indicated in Appendix “A”.

The total aggregate cost to the County annually under this Agreement and the agreements with the other municipalities for zone rate prisoner transportation pursuant to the Act No. of the Westchester County Board of Legislators approved on , 2025, will be in an amount not to exceed \$745,000. The total aggregate cost to the County under this Agreement and the agreements with the other municipalities for the two-year term will be in an amount not to exceed \$1,490,000.

Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of Department. The number of round trips made, prisoners transported and dates should be listed on the claim forms submitted to the Department. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

3. **MEALS**: The County shall reimburse the Municipality for meals provided to post-arraignment prisoners for the actual and reasonable costs incurred and receipts submitted as part of the Municipality's monthly voucher submitted to the Department.

4. **TERM**: This Agreement shall commence retroactively on January 1, 2025 and shall terminate on December 31, 2026. The County may, upon thirty (30) days written notice to the Municipality, terminate this Agreement in whole or in part when it deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services rendered prior to the effective date of termination.

5. **INSURANCE AND INDEMNIFICATION**: All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule "B" of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out of the transportation of prisoners for which reimbursement is sought hereunder for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

6. **ENTIRE AGREEMENT**: This Agreement constitutes the entire and integrated agreement between and among the Parties hereto and supersedes any and all prior negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties. Any modification or amendment to this Agreement shall be void unless it is in writing and subscribed by the party to be charged.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the Parties.

7. **APPLICABLE LAW**: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

8. **APPROVALS**: This Agreement is subject to the approval of the Westchester County Board of Legislators and the governing legislative bodies of the Municipality.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement on the _____ day of _____, 2025.

THE COUNTY OF WESTCHESTER

By: _____
Joseph K. Spano
Commissioner of Correction

By: _____
(Name)
(Title)

Approved by the Westchester County Board of Legislators by Act No. 2025 - _____ on the day of _____, 2025.

Approved:

Approved as to form and manner of execution:

Assistant County Attorney
The County of Westchester
K/MB/DCR/137712/Zone Rate Agmt. 2025-26

MUNICIPALITY'S ACKNOWLEDGEMENT

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

On this _____ day of _____, 2025, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by me
duly sworn did depose and say that he, the said _____ resides at

and that he is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the _____
(Title)

(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _____
(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution _____
(Title of such person),
of the Municipality,

that said agreement was duly signed for on behalf of said Municipality by authority of its _____
(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this _____ day of _____, 2025, before me personally came _____
_____ whose signature appears above, to me known, and know to be the _____
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he, the said _____
resides at _____, and that he is
the _____ of said municipal corporation.
(title)

Notary Public County

APPENDIX "A"

**ZONE PLAN REIMBURSEMENT RATES
WITH DISTANCE TRAVELED TO AND FROM**

WESTCHESTER COUNTY DEPARTMENT OF CORRECTION

(Effective Term: January 1, 2025 through December 31, 2026)

2025 / 2026 ZONES RATES

ZONE #1	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$238.56
1/1/26 - 12/31/26	\$245.72
Elmsford, Village	
Pleasantville, Village	
Sleepy Hollow, Village	
Tarrytown, Village	

ZONE #3	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$262.50
1/1/26 - 12/31/26	\$270.48
Port Chester, Village	
Mamaroneck, Village	
Pelham Town	
Rye Brook, Village	
Tuckahoe, Village	
Eastchester, Town	

ZONE #2	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$251.11
1/1/26 - 12/31/26	\$259.28
Ardsley, Village	
Briarcliff Manor, Village	
Dobbs Ferry, Village	
Hastings-on-Hudson, Village	
Irvington, Village	
New Castle, Town	
North Castle	
Ossining, Village	
Scarsdale, Village	

ZONE #4	ROUND TRIP REIMBURSEMENT
1/1/25 - 12/31/25	\$267.03
1/1/26 - 12/31/26	\$275.04
Pelham Manor (Village)	

The above Zone Rates will be reimbursed plus mileage to be reimbursed at \$.70 (or the then current IRS mileage rate) times distance.

SCHEDULE "B"

STANDARD INSURANCE PROVISIONS **(Municipality - LEO)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$5,000,000 (c.s.1) per occurrence limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: This policy can be utilized to supplement the General Liability policy so as to yield a minimum total combined single limit of \$5,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and property damage unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage (and can be provided within a Law Enforcement Liability or offered as a stand-alone policy) the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

- e) Law Enforcement Liability/Police Liability insurance - The Municipality shall provide proof of such insurance naming the County as additionally insured. (Limits of \$5,000,000 per occurrence). This policy shall include but not be limited to: coverage for moon lighting, assault and battery, excessive force, failure to render medical attention, failed CPR, false arrest, deliberate indifference, misuse of fire arms, Abuse and Molestation, sexual, racial and other forms of harassment and discrimination, auto liability, mistakes resulting in harm.
- f) Professional Liability. The Municipality shall provide proof of such insurance. (Limits of \$5,000,000 per occurrence). This policy can be provided as a stand-alone policy or can be provided within a Law Enforcement Liability policy.
- g) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy, or can be provided within a Law Enforcement Liability policy. (Limits of \$5,000,000.00 per occurrence). This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:
 - (i) Misconduct
 - (ii) Abuse (including both physical and sexual)
 - (iii) Molestation

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



Kenneth W. Jenkins
County Executive

Department of Finance

Karin Hablow
Commissioner of Finance

May 12, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, NY 10601

Members of the Board of Legislators:

Attached for your consideration is an Act which would authorize and direct the Commissioner of Finance to pay the Mortgage Tax Receipts, apportioned according to and as mandated by Section 261(3) of the New York State Tax Law, to the cities, town and villages listed in the attached report. The Mortgage Taxes received by the County Clerk during the period October 1, 2024 through March 31, 2025 totaled \$15,652,167.96.

Very truly yours,

A handwritten signature in black ink, appearing to be "KWJ", written over a horizontal line.

Kenneth W. Jenkins
County Executive

KWJ/MA/db
Attachments

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act authorizing and directing the Commissioner of Finance of the County of Westchester to pay Mortgage Tax receipts to cities, towns and villages. The Mortgage Taxes to be distributed to the cities, town and villages for the period from October 1, 2024 through March 31, 2025 totals \$15,652,167.96 and will be apportioned as prescribed in the attached report of the County Clerk and the Commissioner of Finance in accordance with the requirements of Section 261(3) of the New York State Tax Law.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617(2)(b). Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

Approval of this Act requires an affirmative vote by a majority of all members of the Board of Legislators. After due consideration, your Committee recommends the adoption of the attached Act.

Dated: _____ 2025
White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATION

s/cmc/05.12.2024

FISCAL IMPACT STATEMENT

SUBJECT: Mtge Tax Receipts to Cities, Towns & Villages

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts:

_____ Potential Related Operating Budget Expenses: Annual Amount \$ none

Describe: 731-5574

_____ Potential Related Revenues: Annual Amount \$ _____

Describe: Pass Through

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: None

Next Four years: None

Prepared by: Mario Arena 5-12-25

Title: Deputy Finance Commissioner

Department: Finance

Ⓢ Reviewed By: _____

Budget Director

If you need more space, please attach additional sheets.

2024 FIXED-DOLLAR PARTIAL EXEMPTIONS ADDED BACK TO ADJUSTED COUNTY TAXABLE VALUE

MUNICIPALITY	REPORTED TAXABLE	VETERANS	CLERGY	VOLUNTEER	ADJUSTED
	ASSESSED VALUE			FIRE COMPANIES	TAXABLE VALUE
City of Mount Vernon	\$ 145,568,417	\$ 188,692	\$ 48,000	\$ -	\$ 145,805,109
City of New Rochelle	\$ 265,914,356	\$ 132,186	\$ 30,000	\$ -	\$ 266,076,542
City of Peekskill	\$ 64,618,253	\$ 28,510	\$ 6,000	\$ -	\$ 64,652,763
City of Rye	\$ 148,257,867	\$ 82,392	\$ 3,000	\$ -	\$ 148,343,259
City of White Plains	\$ 277,465,127	\$ 161,280	\$ 30,000	\$ -	\$ 277,656,407
City of Yonkers	\$ 469,021,610	\$ 701,514	\$ 21,000	\$ -	\$ 469,744,124
Town of Bedford	\$ 604,498,822	\$ -	\$ 1,500	\$ -	\$ 604,500,322
Town of Cortlandt	\$ 110,902,625	\$ 307,211	\$ 10,500	\$ -	\$ 111,220,336
Town of Eastchester	\$ 101,038,667	\$ 133,003	\$ 7,500	\$ -	\$ 101,179,170
Town of Greenburgh	\$ 26,314,866,823	\$ 23,883,448	\$ 25,500	\$ -	\$ 26,338,775,771
Town of Harrison	\$ 126,271,039	\$ 91,800	\$ 1,500	\$ -	\$ 126,364,339
Town of Lewisboro	\$ 295,673,876	\$ 21,600	\$ 1,500	\$ -	\$ 295,696,976
Town of Mamaroneck	\$ 12,460,694,431	\$ 10,916,786	\$ -	\$ -	\$ 12,471,611,217
Town of Mount Kisco	\$ 290,802,018	\$ -	\$ 1,500	\$ -	\$ 290,803,518
Town of Mount Pleasant	\$ 146,124,199	\$ 239,940	\$ 4,500	\$ -	\$ 146,368,639
Town of New Castle	\$ 1,085,534,650	\$ -	\$ -	\$ -	\$ 1,085,534,650
Town of North Castle	\$ 121,874,641	\$ 34,450	\$ 1,500	\$ -	\$ 121,910,591
Town of North Salem	\$ 1,847,867,260	\$ 35,978	\$ 1,500	\$ -	\$ 1,847,904,738
Town of Ossining	\$ 6,708,261,349	\$ 2,613,004	\$ 7,500	\$ -	\$ 6,710,881,853
Town of Pelham	\$ 4,435,331,123	\$ 1,317,063	\$ 1,500	\$ -	\$ 4,436,649,686
Town of Pound Ridge	\$ 382,114,985	\$ -	\$ -	\$ -	\$ 382,114,985
Town of Rye	\$ 9,674,500,098	\$ 8,344,304	\$ 6,000	\$ -	\$ 9,682,850,402
Town of Scarsdale	\$ 9,298,864,022	\$ 8,100,588	\$ -	\$ 4,052,970	\$ 9,311,017,580
Town of Somers	\$ 493,277,883	\$ 23,658	\$ 3,000	\$ -	\$ 493,304,541
Town of Yorktown	\$ 130,297,900	\$ 341,455	\$ 4,500	\$ -	\$ 130,643,855
TOTALS:	\$ 75,999,642,041			\$ -	\$ 76,061,611,373

NOTE:
 Chapter 280 of the Laws of 1985 requires that counties wishing to use equalization rates calculated by the then Office of Real Property Services add certain "fixed-dollar" exemptions back to stated taxable value when apportioning the county tax levy. Individual municipalities will, however, continue to use the stated taxable value to set the tax rate.

County of Westchester
Mortgage Tax Allocation - Dept of Finance
10-01-24 thru 3-31-25

Town/City	Village	2024 Taxable Assessed Value	2024 Detail taxable Village/town Outside Breakdown	6/15/2025 Tax to be Distributed	% of Distribution	6/15/2025 Distribution
Bedford		604,498,822		472,869.76	1.000000	\$ 472,869.76
Cortlandt		110,902,625	82,513,228	851,107.93	0.872008	\$ 742,172.54
	Buchanan		6,910,725		0.031157	\$ 26,517.74
	Croton		21,478,672		0.096836	\$ 82,417.65
Eastchester		101,038,667	54,428,047	544,276.87	0.769343	\$ 418,735.42
	Bronxville		33,351,924		0.165045	\$ 89,830.37
	Tuckahoe		13,258,696		0.065612	\$ 35,711.09
Greenburgh		26,314,866,823	13,251,637,677	2,006,144.91	0.751790	\$ 1,508,199.57
	Ardsley		1,426,139,110		0.027098	\$ 54,361.70
	Dobbs Ferry		2,659,423,756		0.050531	\$ 101,372.15
	Elmsford		1,347,308,321		0.025600	\$ 51,356.82
	Hastings		2,499,740,709		0.047497	\$ 95,285.34
	Irvington		2,330,535,219		0.044282	\$ 88,835.55
	Tarrytown		2,800,082,031		0.053203	\$ 106,733.78
Harrison		126,271,039		662,451.32	0.500000	\$ 331,225.66
	Harrison				0.500000	\$ 331,225.66
Lewisboro		295,673,876		264,800.45	1.000000	\$ 264,800.45
Mamaroneck		12,460,694,431	5,435,953,003	609,925.87	0.718124	\$ 438,002.40
	Larchmont		3,794,818,856		0.152272	\$ 92,874.37
	Mamaroneck		3,229,922,572		0.129604	\$ 79,049.10
Mt. Kisco		290,802,018		149,192.58	0.500000	\$ 74,596.29
	Mt. Kisco				0.500000	\$ 74,596.29
Mt. Pleasant		146,124,199	104,490,193	828,741.57	0.857539	\$ 710,678.20
	Briarcliff Manor		2,479,455		0.008484	\$ 7,031.10
	Pleasantville		20,852,918		0.071353	\$ 59,133.53
	Sleepy Hollow		18,301,633		0.062624	\$ 51,898.74
Mt. Vernon		145,568,417		776,719.74	1.000000	\$ 776,719.74
New Castle		1,085,534,650		502,987.44	1.000000	\$ 502,987.44
New Rochelle		265,914,356		954,248.87	1.000000	\$ 954,248.87
No. Castle		121,874,641		354,070.25	1.000000	\$ 354,070.25
No. Salem		1,847,867,260		172,420.08	1.000000	\$ 172,420.08
Ossining		6,708,261,349	1,260,672,668	418,073.93	0.593964	\$ 248,320.94
	Briarcliff Manor		2,447,756,641		0.182443	\$ 76,274.85
	Ossining		2,999,832,040		0.223592	\$ 93,478.14
Peekskill		64,618,253		216,209.34	1.000000	\$ 216,209.34
Pelham		4,435,331,123	1,992,367,086	295,313.66	0.500000	\$ 147,656.83
	Pelham		1,992,367,086		0.224602	\$ 66,327.99
	Pelham Manor		2,442,964,037		0.275398	\$ 81,328.84
Pound Ridge		382,114,985		151,973.41	1.000000	\$ 151,973.41
Rye City		148,257,867		496,103.89	1.000000	\$ 496,103.89
Rye Town		9,674,500,098	3,978,636,970	604,318.90	0.500000	\$ 302,159.45
	Mamaroneck		3,978,636,970		0.205625	\$ 124,263.04
	Port Chester		2,091,740,125		0.108106	\$ 65,330.41
	Rye Brook		3,604,123,003		0.186269	\$ 112,566.00
Scarsdale		9,298,864,022		561,855.31	0.500000	\$ 280,927.66
	Scarsdale				0.500000	\$ 280,927.66
Somers		493,277,883		329,190.46	1.000000	\$ 329,190.46
White Plains		277,465,127		915,114.73	1.000000	\$ 915,114.73
Yonkers		469,021,610		1,868,137.05	1.000000	\$ 1,868,137.05
Yorktown		130,297,900		645,919.64	1.000000	\$ 645,919.64
		<u>75,999,642,041.00</u>	<u>59,951,719,315.00</u>	<u>15,652,167.96</u>		<u>\$ 15,652,167.96</u>

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**2024 VILLAGE/TOWN-OUTSIDE BREAKDOWN
OF COUNTY TAXABLE ASSESSED VALUE**

MUNICIPALITY		TAXABLE ASSESSED VALUE (\$)
TOWN	VILLAGE	
Cortlandt	Buchanan	6,910,725
	Croton	21,478,672
	Unincorporated Area	82,513,258
Eastchester	Bronxville	33,351,924
	Tuckahoe	13,258,696
	Unincorporated Area	54,428,047
Greenburgh	Ardsley	1,426,139,110
	Dobbs Ferry	2,659,423,756
	Elmsford	1,347,308,321
	Hastings	2,499,740,709
	Irvington	2,330,535,219
	Tarrytown	2,800,082,031
	Unincorporated Area	13,251,637,677
Mamaroneck	Larchmont	3,794,818,856
	Mamaroneck	3,229,922,572
	Unincorporated Area	5,435,953,003
Mt. Pleasant	Briarcliff Manor	2,479,455
	Pleasantville	20,852,918
	Sleepy Hollow	18,301,633
	Unincorporated Area	104,490,193
Ossining	Briarcliff Manor	2,447,756,641
	Ossining	2,999,832,040
	Unincorporated Area	1,260,672,668
Pelham	Pelham	1,992,367,086
	Pelham Manor	2,442,964,037
Rye Town	Mamaroneck	3,978,636,970
	Port Chester	2,091,740,125
	Rye Brook	3,604,123,003

NOTE:

(1) Harrison, Mt. Kisco and Scarsdale are coterminous town/villages; therefore, there is no village/town outside breakdown for these municipalities.

(2) Unincorporated area represents area outside villages. Pelham and Rye Town do not have unincorporated areas.

PART II

DISTRIBUTION STATEMENT

(Columns 1 through 5)

The "taxes collected" shown in column 2 were produced by managers on real property in the respective tax districts. Additions and deductions to make adjustments and correct errors are recorded in columns 3 and 4, respectively. Authority for these additions and deductions is given by the orders of the Tax Department noted on the bottom of this page.

CREDIT STATEMENT

(Column 6)

This column is the net amount due each tax district for which the Board of Supervisors shall issue its warrant or warrants.

1	2	3	4	5	6
Tax districts	Taxes collected	*Additions	*Deductions	Amount of "Taxes Collected" as adjusted and corrected	Net Amount due each tax district
BEDFORD	477,583.57			477,583.57	472,869.76
CORTLANDT	859,592.21			859,592.21	851,107.93
EASTCHESTER	549,702.50			549,702.50	544,276.87
GREENBURGH	2,026,143.19			2,026,143.19	2,006,144.91
HARRISON	669,054.97			669,054.97	662,451.32
LEWISBORO	267,440.12			267,440.12	264,800.45
MAMARONECK	616,005.92			616,005.92	609,925.87
MT. KISCO	150,679.80			150,679.80	149,192.58
MT. PLEASANT	837,002.89			837,002.89	828,741.57
MT. VERNON	786,515.71		2,053.23	784,462.48	776,719.74
NEW CASTLE	508,001.48			508,001.48	502,987.44
NEW ROCHELLE	963,761.31			963,761.31	954,248.87
NORTH CASTLE	357,599.80			357,599.80	354,070.25
NORTH SALEM	174,138.85			174,138.85	172,420.08
OSSINING	422,241.50			422,241.50	418,073.93
PEEKSKILL	218,364.63			218,364.63	216,209.34
PELHAM	298,257.50			298,257.50	295,313.66
POUND RIDGE	153,488.36			153,488.36	151,973.41
RYE CITY	501,049.31			501,049.31	496,103.89
RYE TOWN	610,343.06			610,343.06	604,318.90
SCARSDALE	567,456.17			567,456.17	561,855.31
SOMERS	332,472.00			332,472.00	329,190.46
WHITE PLAINS	924,237.06			924,237.06	915,114.73
YONKERS	1,886,374.40	385.20		1,886,759.60	1,868,137.05
YORKTOWN	652,358.50			652,358.50	645,919.64
Total tax districts					
Totals	15,809,864.81	\$385.20	2,053.23	15,808,196.78	15,652,167.96

*see refund, adjustment and special adjustment orders of Commissioner of Taxation and Finance, case numbers.





NEW YORK STATE MORTGAGE TAX SEMI-ANNUAL REPORT
 COUNTY OF WESTCHESTER FOR THE PERIOD
 CASH STATEMENT FOR TAXES COLLECTED PURSUANT TO ARTICLE 11

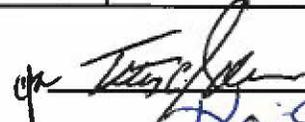
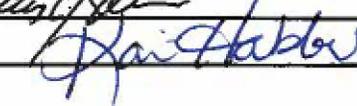
PART I

10/01/2024

THROUGH

03/31/2025

Months	BASIC TAX DISTRIBUTED					TREASURER			ALL OTHER TAXES DISTRIBUTED				
	1 Basic tax collected	2 Interest received by recording officer	3 Recording officer's expense	4 Refunds or adjustments	5 Amount paid treasurer (Col 1 + Col 2 - Col 3 - Col 4)	6 Interest received by treasurer	7 Treasurer's expense	8 Tax deficits share (Col 5 + Col 6 - Col 7)	9 Local tax	10 Additional tax	11 Special assistance fund	12 Special additional tax	13 County Tax
Oct-24	\$3,135,801.39	\$5,406.13	\$31,185.52	(\$1,428.23)	\$3,108,593.77				\$248,398.35	\$1,844,837.30	\$1,025,463.92	\$454,339.64	\$1,555,011.00
Nov-24	\$2,277,383.68	\$3,694.45	\$29,841.26	\$0.00	\$2,251,236.87				\$282,618.06	\$1,512,741.52	\$813,834.88	\$246,078.69	\$1,126,543.08
Dec-24	\$3,278,168.50	\$4,982.71	\$30,240.38	\$0.00	\$3,252,910.83				\$467,855.39	\$1,985,698.94	\$1,065,226.07	\$489,394.30	\$1,626,455.42
Jan-25	\$2,843,739.50	\$4,797.11	\$30,343.20	\$0.00	\$2,818,193.41				\$264,403.76	\$1,821,867.53	\$1,080,038.19	\$275,500.40	\$1,412,618.53
Feb-25	\$2,029,495.90	\$3,471.19	\$29,231.22	\$0.00	\$2,003,735.87				\$347,601.17	\$1,350,764.08	\$829,002.42	\$128,760.08	\$1,003,706.82
Mar-25	\$2,245,275.84	\$3,280.63	\$30,819.46	(\$239.80)	\$2,217,497.21				\$263,902.13	\$1,306,563.11	\$904,189.80	\$143,925.24	\$1,108,748.61
Totals	\$15,809,864.81	\$25,632.22	\$181,661.04	(\$1,668.03)	\$15,652,167.96	\$0.00	\$0.00	\$0.00	\$1,874,778.86	\$9,822,472.48	\$5,717,755.28	\$1,737,998.35	\$7,833,083.46


 Recording Officer

 Treasurer

County of Westchester
Mortgage Tax
5 year comparison

Town/City Village	June 6 Mth 2025 vs 2024	June 6 Mth 2025 vs 2024	June 6 Mth 2025	June 6 Mth 2025	June 6 Mth 2023	June 6 Mth 2022	June 6 Mth 2021	December 6 Mth 2024 vs 2023	December 6 Mth 2024 vs 2023	December 6 Mth Dec-24	December 6 Mth Dec-23	December 6 Mth Dec-22	December 6 Mth Dec-21	December 6 Mth Dec-20
Bedford	60%	177,594.38	472,869.76	295,275.38	428,127.79	\$ 820,443.51	\$ 924,258.68	-9%	(\$ 35,936.76)	\$ 370,000.69	\$ 405,937.45	\$ 903,164.63	\$ 946,264.34	\$ 664,593.75
Cortlandt	34%	187,969.90	742,172.54	554,202.64	494,960.75	\$ 1,061,565.55	\$ 1,131,820.20	3%	\$ 18,915.46	\$ 631,439.12	\$ 612,523.66	\$ 974,902.42	\$ 1,179,926.55	\$ 717,194.48
Buchanan	33%	6,593.60	26,517.74	19,924.13	18,000.56	\$ 38,469.86	\$ 41,014.39	2%	\$ 424.82	\$ 22,700.86	\$ 22,276.04	\$ 35,329.29	\$ 42,757.65	\$ 25,974.79
Croton	34%	20,985.96	82,417.65	61,431.69	54,540.75	\$ 115,868.44	\$ 123,086.33	4%	\$ 2,374.12	\$ 69,993.12	\$ 67,619.00	\$ 106,409.28	\$ 128,317.93	\$ 77,729.92
Eastchester	30%	96,368.07	418,735.42	322,367.35	414,032.24	\$ 932,253.27	\$ 911,920.52	18%	\$ 94,427.88	\$ 607,080.19	\$ 512,652.31	\$ 919,402.38	\$ 1,054,178.05	\$ 760,861.99
Bronxville	30%	20,753.32	89,830.37	69,077.04	89,282.50	\$ 200,264.60	\$ 195,926.26	18%	\$ 19,536.39	\$ 130,085.46	\$ 110,549.07	\$ 197,504.00	\$ 226,490.31	\$ 163,793.29
Tuckahoe	31%	8,370.80	35,711.09	27,340.29	35,212.74	\$ 79,266.19	\$ 78,047.50	18%	\$ 7,886.85	\$ 51,487.06	\$ 43,600.21	\$ 78,173.52	\$ 90,222.73	\$ 64,416.11
Greenburgh	42%	449,745.26	1,508,199.57	1,058,454.31	1,351,567.09	\$ 2,326,237.07	\$ 2,316,076.41	-2%	(\$ 24,258.15)	\$ 1,410,104.62	\$ 1,434,362.77	\$ 3,319,292.31	\$ 2,531,580.28	\$ 1,551,503.78
Ardley	42%	15,943.63	54,361.70	38,418.07	49,652.95	\$ 84,488.34	\$ 83,327.32	-3%	(\$ 1,512.93)	\$ 51,181.71	\$ 52,694.64	\$ 120,555.85	\$ 91,080.68	\$ 55,964.20
Dobbs Ferry	41%	29,326.23	101,372.15	72,045.92	91,602.26	\$ 160,380.45	\$ 155,744.25	-1%	(\$ 1,231.98)	\$ 95,981.74	\$ 97,213.73	\$ 228,845.80	\$ 170,235.78	\$ 103,863.76
Elmsford	43%	15,536.05	51,356.82	35,820.77	44,559.47	\$ 75,967.19	\$ 74,066.67	1%	\$ 432.37	\$ 47,721.51	\$ 47,289.14	\$ 108,397.09	\$ 80,958.35	\$ 47,936.51
Hastings	43%	28,478.87	95,285.34	66,806.47	83,505.88	\$ 143,356.28	\$ 142,535.03	0%	\$ 380.21	\$ 89,001.58	\$ 88,621.37	\$ 204,554.13	\$ 155,797.49	\$ 95,711.40
Irvington	42%	26,359.20	88,835.55	62,476.35	78,970.30	\$ 136,507.54	\$ 140,517.83	-1%	(\$ 575.07)	\$ 83,232.87	\$ 83,807.94	\$ 194,781.71	\$ 153,592.58	\$ 96,046.38
Tarrytown	44%	32,614.81	106,733.78	74,118.97	94,432.82	\$ 162,907.92	\$ 159,157.69	-1%	(\$ 1,474.17)	\$ 98,743.51	\$ 100,217.69	\$ 232,452.23	\$ 173,966.83	\$ 107,792.29
Harrison	37%	88,646.25	331,225.66	242,579.41	308,423.11	\$ 817,802.10	\$ 604,137.67	-15%	(\$ 62,395.06)	\$ 367,487.20	\$ 429,882.26	\$ 662,884.83	\$ 660,634.80	\$ 411,998.85
Lewisboro	38%	72,360.37	264,800.45	192,440.08	261,033.32	\$ 535,854.80	\$ 637,664.05	52%	\$ 128,846.06	\$ 377,943.89	\$ 249,097.83	\$ 423,577.17	\$ 679,365.66	\$ 441,262.61
Mamaroneck	-14%	(68,610.55)	438,002.40	506,612.95	528,004.21	\$ 844,150.49	\$ 884,110.79	28%	\$ 178,734.15	\$ 809,510.00	\$ 630,775.85	\$ 1,244,121.39	\$ 1,416,421.85	\$ 946,981.68
Larchmont	-13%	(13,367.96)	92,874.37	106,242.32	109,254.28	\$ 171,840.08	\$ 179,001.05	30%	\$ 39,243.45	\$ 169,763.17	\$ 130,519.72	\$ 253,260.43	\$ 286,775.14	\$ 191,271.83
Mamaroneck	-14%	(13,254.56)	79,049.10	92,303.66	96,072.38	\$ 158,639.05	\$ 164,840.15	26%	\$ 30,329.42	\$ 147,490.78	\$ 117,161.36	\$ 233,804.55	\$ 264,088.16	\$ 176,596.28
Mt. Kisco	27%	15,697.18	74,596.29	58,899.12	104,546.87	\$ 149,036.66	\$ 148,222.03	-47%	(\$ 45,356.08)	\$ 50,210.99	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	\$ 87,334.14
Mt. Kisco	27%	15,697.18	74,596.29	58,899.12	104,546.87	\$ 149,036.66	\$ 148,222.03	-47%	(\$ 45,356.08)	\$ 50,210.99	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	\$ 87,334.14
ML Pleasant	70%	291,618.27	710,678.20	419,059.93	665,119.34	\$ 1,933,925.89	\$ 1,450,583.37	9%	\$ 76,500.10	\$ 940,734.39	\$ 864,234.28	\$ 1,067,723.54	\$ 1,294,467.33	\$ 966,621.90
Briarcliff	69%	2,879.31	7,031.10	4,151.79	6,541.10	\$ 20,042.55	\$ 14,952.86	10%	\$ 820.92	\$ 9,320.21	\$ 8,499.30	\$ 11,065.52	\$ 13,343.59	\$ 9,851.15
Pleasantville	71%	24,474.88	59,133.53	34,658.65	54,479.49	\$ 156,689.62	\$ 117,860.86	10%	\$ 7,015.25	\$ 77,804.12	\$ 70,788.87	\$ 86,508.59	\$ 105,176.33	\$ 77,429.01
Steeply Hollow	67%	20,912.80	51,698.74	30,985.94	47,423.60	\$ 127,292.35	\$ 92,979.54	13%	\$ 7,938.68	\$ 69,559.35	\$ 61,620.67	\$ 70,278.31	\$ 82,972.81	\$ 60,579.85
Mt. Vernon	-2%	(16,071.44)	776,719.74	792,791.18	665,439.66	\$ 1,538,484.38	\$ 829,898.66	-13%	(\$ 87,320.31)	\$ 598,044.39	\$ 685,364.70	\$ 980,169.24	\$ 1,008,261.23	\$ 643,995.13
New Castle	28%	109,533.67	502,987.44	393,453.77	458,882.39	\$ 1,076,092.68	\$ 883,929.63	2%	\$ 12,492.04	\$ 714,179.62	\$ 701,687.48	\$ 1,149,321.21	\$ 1,232,397.38	\$ 831,430.00
New Rochelle	31%	226,081.16	954,248.87	728,167.71	901,372.78	\$ 1,721,141.67	\$ 2,010,465.97	9%	\$ 82,528.43	\$ 953,854.23	\$ 871,325.80	\$ 1,377,875.47	\$ 1,718,628.58	\$ 1,242,438.38
No. Castle	7%	23,684.44	354,070.25	330,385.81	521,687.11	\$ 689,525.93	\$ 653,564.10	28%	\$ 123,265.22	\$ 564,399.63	\$ 441,134.41	\$ 792,652.27	\$ 1,009,961.25	\$ 657,934.27
No. Salem	164%	107,194.95	172,420.08	65,225.13	65,220.90	\$ 195,642.07	\$ 232,458.71	-8%	(\$ 6,439.00)	\$ 74,556.61	\$ 80,995.51	\$ 158,837.27	\$ 209,113.01	\$ 146,661.63
Ossining	9%	20,021.33	248,320.94	228,299.61	280,650.94	\$ 594,101.22	\$ 525,073.26	-4%	(\$ 11,493.65)	\$ 259,365.93	\$ 270,859.47	\$ 598,442.03	\$ 520,575.30	\$ 408,718.61
Briarcliff	10%	6,945.19	76,274.85	69,329.66	85,418.78	\$ 185,902.32	\$ 168,614.63	-4%	(\$ 3,674.83)	\$ 78,763.82	\$ 82,438.65	\$ 187,260.62	\$ 167,170.22	\$ 132,616.71
Ossining	9%	7,578.48	93,478.14	85,899.66	105,174.98	\$ 215,452.10	\$ 188,187.27	-4%	(\$ 3,916.97)	\$ 97,588.62	\$ 101,505.59	\$ 217,026.30	\$ 186,575.19	\$ 144,591.88
Peekskill	21%	37,274.31	216,209.34	178,935.03	214,563.57	\$ 530,957.79	\$ 425,865.24	101%	\$ 172,357.37	\$ 342,471.54	\$ 170,114.17	\$ 436,815.82	\$ 405,091.06	\$ 238,377.26
Peiham	-1%	(993.32)	147,656.83	148,650.15	140,445.37	\$ 306,781.54	\$ 304,822.24	-6%	(\$ 10,403.63)	\$ 158,201.27	\$ 168,604.90	\$ 275,048.91	\$ 410,597.38	\$ 249,793.45
Peiham	0%	(212.82)	66,327.99	66,540.81	62,895.17	\$ 137,643.92	\$ 136,691.70	-6%	(\$ 4,689.54)	\$ 70,816.21	\$ 75,505.75	\$ 123,406.41	\$ 184,124.53	\$ 111,745.17
Peiham Manor	-1%	(780.50)	81,328.84	82,109.34	77,550.20	\$ 169,137.62	\$ 168,130.54	-6%	(\$ 5,714.09)	\$ 87,385.06	\$ 93,099.14	\$ 151,642.50	\$ 226,472.84	\$ 138,048.27
Pound Ridge	16%	20,912.42	151,973.41	131,060.99	169,202.82	\$ 348,740.67	\$ 319,158.82	-29%	(\$ 59,893.43)	\$ 144,726.75	\$ 204,620.18	\$ 379,499.59	\$ 362,456.76	\$ 284,094.21
Rye City	-16%	(95,764.51)	496,103.89	591,868.40	658,263.94	\$ 1,114,245.95	\$ 915,632.58	24%	\$ 179,455.10	\$ 928,156.06	\$ 748,700.96	\$ 1,406,095.00	\$ 1,490,742.72	\$ 1,088,605.81
Rye Town	24%	58,851.11	302,159.45	243,308.35	595,192.23	\$ 533,913.61	\$ 544,707.53	0%	(\$ 1,137.51)	\$ 324,290.09	\$ 325,427.60	\$ 611,997.47	\$ 673,462.95	\$ 483,302.54
Mamaroneck	24%	24,156.93	124,263.04	100,106.11	128,472.99	\$ 114,754.03	\$ 117,427.53	90%	\$ 63,181.05	\$ 133,425.01	\$ 70,243.96	\$ 131,536.59	\$ 145,184.50	\$ 107,041.20
Port Chester	24%	12,645.03	65,330.41	52,685.38	249,266.55	\$ 222,664.63	\$ 224,998.10	-48%	(\$ 66,068.14)	\$ 70,220.96	\$ 136,289.10	\$ 255,228.92	\$ 278,182.09	\$ 186,856.52
Rye Brook	24%	22,049.14	112,566.00	90,516.86	217,452.68	\$ 196,494.95	\$ 202,281.90	1%	\$ 1,749.58	\$ 120,644.12	\$ 118,894.54	\$ 225,231.96	\$ 250,096.35	\$ 189,405.83
Scarsdale	6%	15,234.81	280,927.66	265,692.85	433,606.14	\$ 527,268.87	\$ 704,615.84	-8%	(\$ 45,162.92)	\$ 515,505.30	\$ 560,668.22	\$ 922,353.80	\$ 915,981.17	\$ 584,610.54
Scarsdale	6%	15,234.81	280,927.66	265,692.85	433,606.14	\$ 527,268.87	\$ 704,615.84	-8%	(\$ 45,162.92)	\$ 515,505.30	\$ 560,668.22	\$ 922,353.80	\$ 915,981.17	\$ 584,610.54
Somers	-12%	(45,495.11)	329,190.46	374,685.57	342,564.55	\$ 630,835.72	\$ 758,399.18	3%	\$ 10,998.89	\$ 356,240.01	\$ 345,241.12	\$ 576,607.00	\$ 748,462.88	\$ 498,796.68
White Plains	39%	256,476.97	915,114.73	658,637.76	784,532.81	\$ 1,855,572.73	\$ 1,201,960.15	-40%	(\$ 407,259.48)	\$ 622,124.19	\$ 1,029,383.67	\$ 1,314,449.49	\$ 1,245,079.85	\$ 832,206.78
Yonkers	9%	153,113.51	1,868,137.05	1,715,023.54	1,982,870.72	\$ 3,557,376.55	\$ 2,898,193.55	-5%	(\$ 83,927.12)	\$ 1,769,818.54	\$ 1,853,745.66	\$ 3,062,072.05	\$ 3,209,000.34	\$ 2,059,751.87
Yorktown	50%	216,139.95	645,919.64	429,779.69	513,063.54	\$ 1,032,980.70	\$ 1,325,658.36	-4%	(\$ 22,467.98)	\$ 566,856.80	\$ 589,324.78	\$ 848,375.50	\$ 1,266,108.43	\$ 751,856.61
	22%	\$ 2,816,150.02	15,652,167.96	12,836,017.94	16,011,812.75	\$ 30,243,069.05	\$ 27,969,562.47	1%	\$ 114,611.05	\$ 17,263,416.16	\$ 17,148,805.11	\$ 29,614,380.43	\$ 31,499,449.20	\$ 21,000,131.79



ACT NO. - 2025

An act to authorize the Commissioner of the Westchester County Department of Finance to pay Mortgage Tax Receipts to Cities, Towns and Villages

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

Section 1. The County of Westchester is hereby authorized and directed to pay, pursuant to Section 261(3) of the New York State Tax Law, as amended, from money on hand applicable for distribution to the Cities, Towns and Villages, an amount totaling \$15,652,167.96 in accordance with the attached report of the County Clerk and Commissioner of Finance representing the statement of mortgage taxes received and expenses incurred by the County Clerk for the period of October 1, 2024 through March 31, 2025.

§2. The Commissioner of Finance, or her duly authorized designee is hereby authorized and directed to pay the amount set forth in Section 1 of this Act to the Cities, Towns and Villages, as set forth in the attached report.

§3. This Act shall take effect immediately.



Kenneth W. Jenkins
County Executive

May 9, 2025

Westchester County Board of Legislators
Westchester County
800 Michaelian Office Building
White Plains, New York 10601

Honorable Members:

Pursuant to Chapter 209 of the Laws of Westchester County, enclosed for filing please find a copy of my written consent to accept a gift from the Eastchester Veterans Foundation of 110 tickets to the New York Mets baseball game on Sunday, June 1, 2025, valued at approximately \$2,000.00. The tickets will be used exclusively for the enjoyment of local veterans and their families.

Acceptance of this gift requires no expenditure of County capital or non-recurring funds to house or make it operative.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "K. W. Jenkins", written over the typed name and title.

Kenneth W. Jenkins
Westchester County Executive

KWJ/JG/jpg

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

Telephone: (914) 995-2900



Kenneth W. Jenkins
County Executive

May 9, 2025

Robert Foster
Principal Officer
Eastchester Veterans Foundation
433 White Plains Road
Eastchester, N.Y. 10709

Dear Mr. Foster,

Pursuant to Chapter 209 of the Laws of Westchester County, I hereby consent to the County's acceptance of a gift of 110 tickets to the New York Mets baseball game on Sunday, June 1, 2025 from the Eastchester Veterans Foundation, valued at approximately \$2,000.00. The tickets will be used exclusively for the enjoyment of local veterans and their families.

On behalf of the citizens of Westchester County, I thank you and the Eastchester Veterans Foundation for your generosity.

Sincerely,

A handwritten signature in black ink, appearing to be "KWJ", written over a large, stylized, circular scribble. The signature is positioned above the printed name and title of the sender.

Kenneth W. Jenkins
Westchester County Executive

KWJ/JG/jpg

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

Telephone: (914) 995-2900

FISCAL IMPACT STATEMENT

SUBJECT: Veteran's Admin- Gift Acceptance NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 0 -

Total Current Year Revenue \$ 0 -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts:

N/A

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe:

N/A

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe:

N/A

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

N/A

Next Four Years:

N/A

Prepared by: Shine George

Title: Budget Specialist II

Department: Social Services

Date: May 6, 2025

Reviewed By: [Signature]

Budget Director

Date: 5/9/25



Eastchester Veterans Foundation
433 White Plains Road
Eastchester, New York 10709
(914) 263-0222

April 25, 2025

Office of the County Executive
County of Westchester
148 Martine Avenue
White Plains, NY 10601

Dear County Executive,

On behalf of the Eastchester Veterans Foundation (EVF), I am delighted to announce a special opportunity for veterans and their families in Westchester County. The EVF has received a generous donation from the New York Mets, offering us 110 tickets to their baseball game on Saturday, June 1, 2025. These tickets have been provided to us at no cost, and we, in turn, wish to donate them to the County of Westchester exclusively for the enjoyment of our local veterans and their families. This donation holds an approximate value of \$2,000.00.

We hope that this experience will bring joy and lasting memories to our veterans and their loved ones. Please let us know how we can assist in facilitating the distribution of these tickets. We are more than willing to collaborate with your team to ensure that this generous offering reaches those it is meant to honor.

Thank you for your continued support and dedication to our veteran community.

Sincerely,

Robert Foster

Robert Foster
Principal Officer
Eastchester Veterans Foundation



Kenneth W. Jenkins
County Executive

May 9, 2025

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 an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Social Services ("Department"), to enter into an intermunicipal agreement ("IMA") with the County of Putnam ("Putnam"). Pursuant to the proposed IMA, the County and Putnam will agree to organize and implement programs and activities in accordance with the Workforce Innovation and Opportunity Act of 2014 ("WIOA"), in order to maintain the designation of Westchester-Putnam Local Workforce Development Area as a Local Workforce Development Area, as required under the WIOA, to cover Westchester County (exclusive of the City of Yonkers) and Putnam County. The proposed IMA would be for a term commencing on July 1, 2025 and continuing until either: 1.) both the County and Putnam act to rescind the IMA, 2.) federal or state authority ceases for the Westchester-Putnam Local Workforce Development Area to serve as the local implementation means for job-training programs, or 3.) June 30, 2030; whichever comes first.

On July 22, 2014, the WIOA was signed into law, as successor to the Workforce Investment Act of 1998, as amended ("WIA"), and became effective on July 1, 2015. With the implementation and administration of WIOA, the then existing Local Workforce Investment Areas ("LWIAs") under the prior WIA were subsequently designated as Local Workforce Development Areas ("LWDAs"), upon the submission by the local entities of a request for initial designation of their local areas as LWDAs, as required by the WIOA.

On April 14, 2015, the New York State Department of Labor ("NYSDOL"), on behalf of the Governor of New York State, issued a technical advisory entitled the "Workforce Development System Technical Advisory #15-5" (the "Technical Advisory") which established policies and procedures necessary for the initial designation of LWDAs. Pursuant to the WIOA, the local entities' requests for initial designation had to satisfy three (3) separate and specific criteria set forth in the WIOA. One of the three (3) specific criteria required by the WIOA, was that an agreement would have to be in place between the chief elected official(s) of a single or multi-jurisdictional LWDA, such as the Westchester-Putnam Local Workforce Development Area. Pursuant to the WIOA, the NYSDOL would then approve such requests for LWDA designation in consultation with the State Workforce Investment Board, in order for such LWDA to receive

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@WestchestCountyNY.gov

Telephone: (914)995-2900

federal funds. It should be noted that under the prior WIA, there had been a multi-jurisdictional LWIA covering Westchester County (exclusive of the City of Yonkers, which has had its own LWIA) and Putnam County.

In connection with the foregoing, on July 13, 2015, pursuant to Act 2015-126, your Honorable Board approved an intermunicipal agreement between the County and Putnam for the initial designation of the Westchester-Putnam Workforce Development Area (“WPWDA”) as an LWDA for the purposes of WIOA, to continue to cover Westchester County (exclusive of the City of Yonkers) and Putnam County. Such inter-municipal agreement subsequently executed by the County and Putnam (“2015 IMA”).

Thereafter, on May 18, 2020, pursuant to Act No. 2020-88, your Honorable Board approved a subsequent intermunicipal agreement between the County and Putnam for the County and Putnam to continue to organize and implement WPWDA programs and activities pursuant to WIOA (the “2020 IMA”) for the continued designation of WPWDA as an LWDA to cover Westchester County (exclusive of the City of Yonkers) and Putnam County.

The 2020 IMA is set to expire on June 30, 2025 and the County and Putnam desire to enter into the proposed IMA to continue to organize and implement WPWDA programs and activities pursuant to the WIOA.

The proposed IMA with Putnam is in the best interests of the County because it not only promotes economic development and reduces unemployment within the regions, but it will also permit WPWDA to continue to organize and implement WPWDA programs and initiatives to the benefit of its residents. I respectfully request your Honorable Board’s approval of the annexed Act.

Very truly yours,



Kenneth W. Jenkins
County Executive

MV/cmc/mb
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending that your Honorable Board adopt an Act which, if adopted would authorize the County of Westchester ("County"), acting by and through its Department of Social Services ("Department"), to enter into an intermunicipal agreement ("IMA") with the County of Putnam ("Putnam"). Pursuant to the proposed IMA, the County and Putnam will agree to continue to organize and implement programs and activities in accordance with the Workforce Innovation and Opportunity Act of 2014 ("WIOA"), in order to maintain the designation of Westchester-Putnam Local Workforce Development Area as a Local Workforce Development Area, as required under the WIOA, to cover Westchester County (exclusive of the City of Yonkers) and Putnam County. The proposed IMA would be for a term commencing on July 1, 2025 and continuing until: either 1.) both the County and Putnam act to rescind the IMA, 2.) federal or state authority ceases for the Westchester-Putnam Local Workforce Development Area to serve as the local implementation means for job-training programs, or 3.) June 30, 2030; whichever comes first.

Your Committee is advised that on July 22, 2014, the WIOA was signed into law, as successor to the Workforce Investment Act of 1998, as amended ("WIA"), and became effective on July 1, 2015. With the implementation and administration of WIOA, the then existing Local Workforce Investment Areas ("LWIAs") under the prior WIA were subsequently designated as Local Workforce Development Areas ("LWDAs"), upon the submission by local entities of a request for initial designation of their local areas as LWDAs, as required by WIOA.

Your Committee is further advised that, on April 14, 2015, the New York State Department

of Labor (“NYSDOL”), on behalf of the Governor of New York State, issued a technical advisory entitled the “Workforce Development System Technical Advisory #15-5” (the “Technical Advisory”) which established policies and procedures necessary for the initial designation of said LWDA. The local entities’ requests for initial designation had to satisfy three (3) specific criteria set forth in the WIOA. One of the three (3) specific criteria was that an agreement would have to be in place between the chief elected officials of a single or multi-jurisdictional LWDA, such as the Westchester-Putnam Local Workforce Development Area. It should be noted that under WIA, there had been a multi-jurisdictional LWIA covering Westchester County (exclusive of the City of Yonkers, which has had its own LWIA) and Putnam County. Pursuant to the WIOA, the NYSDOL would then approve such requests for LWDA designation in consultation with the State Workforce Investment Board, in order for such LWDA to receive federal funds. It should be noted that under the prior WIA, there had been a multi-jurisdictional LWIA covering Westchester County (exclusive of the City of Yonkers, which has had its own LWIA) and Putnam County.

In connection with the foregoing, your Committee is also advised that on July 13, 2015, pursuant to Act 2015-126, your Honorable Board approved an intermunicipal agreement between the County and Putnam for the initial designation of the Westchester-Putnam Workforce Development Area (“WPWDA”) as a LWDA for the purposes of WIOA, to continue to cover Westchester County (exclusive of the City of Yonkers) and Putnam County. Such inter-municipal agreement subsequently executed by the County and Putnam (“2015 IMA”).

Your Committee is also advised that, on May 18, 2020, pursuant to Act No. 2020-88, your Honorable Board approved a subsequent intermunicipal agreement between the County and

Putnam for the County and Putnam to continue to organize and implement WPWDA programs and activities pursuant to WIOA (the “2020 IMA”) for the continued designation of WPWDA as LWDA to cover Westchester County (exclusive of the City of Yonkers) and Putnam County.

Your Committee is advised that the 2020 IMA is set to expire on June 30, 2025 and the County and Putnam desire to enter into the IMA to continue to organize and implement WPWDA programs and activities pursuant to WIOA.

The Department of Planning has advised that the actions under the IMA do not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR, Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

Your Committee believes that the proposed IMA with Putnam is in the best interests of the County because it not only promotes economic development and reduces unemployment within the regions, but it will also permit WPWDA to continue to organize and implement WPWDA programs and initiatives to the benefit of its residents.

Your Committee has been advised that an affirmative vote of a majority of the voting strength of your Honorable Board is required to adopt the annexed Act. After review and careful consideration, your Committee recommends favorable action upon the proposed Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON:

c/mb.4/15/25

FISCAL IMPACT STATEMENT

SUBJECT: IMA InterMunicipal Agreement with Putnam County

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ -----0-----

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: N/A

Potential Related Revenues: Annual Amount \$ _____

Describe: N/A

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: No Fiscal Impact

Next Four years: No Fiscal Impact

Prepared by: Mary Skirchak

Title: Accountant III

Department: Social Services

2/0
Reviewed By: 

Budget Director

5/9/05

If you need more space, please attach additional sheets.

TO: Kenneth Jenkins, County Executive
John Nonna, County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: January 14, 2025

SUBJECT: **ACTIVITIES NOT SUBJECT TO STATE ENVIRONMENTAL QUALITY
REVIEW**

As required by the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (“SEQR”), the Board of Legislators (“BOL”) is the body that must assess the environmental significance of all actions that the BOL has discretion to approve, fund or directly undertake. The Planning Department has historically conducted the necessary environmental review for the BOL to undertake its responsibility under SEQR. Additionally, contracts going before the Board of Acquisition and Contracts (“BAC”) must be reviewed for conformance with SEQR.

Pursuant to Section 617.2(b) of SEQR, “Actions” are defined as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

As has been done in prior years, the Planning Department, in an attempt to streamline the process for SEQR review and related document preparation for the BOL and BAC, has created a list of categories of activities **that do not meet the definition of an “action”** as defined in SEQR. This list (attached) references activities that are routine and which do not change the use, appearance or condition of any natural resource or structure, nor do they involve policies or regulations that may affect the environment. The creation of this list in no way eliminates the BOL’s or BAC’s responsibilities under SEQR. Rather, it establishes a workflow for items that are routine and do not, under the law, require environmental review.

Accordingly, the Planning Department advises that no environmental review is required and no SEQR documentation is necessary for submission with BOL legislation or with resolutions or contracts requiring BAC approval regarding activities on the attached list.

County departments and agencies may reference this memorandum in the legislation in order to document compliance with SEQR for actions listed herein. This memorandum should be considered in effect until rescinded or replaced, with replacements typically occurring annually in mid-January. As such, this memorandum should be kept on file with the Clerk of the Board of Legislators. Legislation should include a statement similar to the following: "The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators."

This memorandum will be distributed to all Commissioners as part of County operations.

Please contact me if you have any questions.

Att.

cc: Malika Vanderberg, Clerk and Chief Administrative Officer to the Board of Legislators
Joan McDonald, Director of Operations
Stacey Dolgin-Kmetz, Chief Deputy County Attorney
Tami Altschiller, Assistant Chief Deputy County Attorney
Andrew Ferris, Chief of Staff
Steve Bass, Director of Intergovernmental Relations
Paula Friedman, Assistant to the County Executive
Emily Saltzman, Deputy Director of Operations
Blanca Lopez, Commissioner of Planning

**ACTIVITIES THAT DO NOT MEET THE DEFINITION OF AN “ACTION”
PURSUANT TO SEQR AND ARE, CONSEQUENTLY, NOT SUBJECT TO SEQR**

1. **BUDGETS AND AMENDMENTS**

- Municipal budgets and amendments to them – The budgeting process merely sets aside funds without a commitment to their expenditure. Operating expenditures are typically for government-related activities that would also not meet the definition of an action. Even the establishment of the Capital Budget is not subject to SEQR because many of the capital projects are usually not definitive enough with respect to potential impacts to be reviewable at the time the budget is adopted. However, any subsequent authorization, such as bonding, to undertake a particular capital project is an action that requires SEQR compliance before it may be approved.
- The transfer of funds within the County operating and capital budgets for the purpose of balancing accounts – it is understood that these actions are purely budgetary, where accounts with excess funds are moved to accounts with existing or anticipated deficits. It is further understood that the activities covered by these accounts have either already occurred or been reviewed in accordance with SEQR, are Type II actions or actions that are not subject to SEQR, or are actions that will require future approval prior to being undertaken, at which time further SEQR review may be appropriate.
- Rescissions or reduction of bond acts to cancel unspent funds.

2. **SERVICES**

- Consultant services – Contracts or agreements that provide for administrative services, training, reports for Boards and Commissions, but not including studies or design of physical improvements, which has been listed under SEQR as Type II.
- Social Services – Actions or agreements that provide services to persons in need, such as employment assistance, financial counseling, family/domestic intervention and respite care.
- Youth services – Actions or agreements that provide for youth services, such as a Resource Allocation Plan, Invest-in-Kids Program, after-school programs, camp programs and head-start programs.
- Senior programs & services – Actions or agreements that provide for services to seniors, such as provision of information/education, home care, nutrition & transportation assistance, caregiver support, and acceptance of federal and state grants providing for such services (e.g., OAA Title III grants and NYSOFA grants, including CSE, CSI, CRC, EISEP, NYSTP, WIN & NSIP).
- Public Safety services – programs that promote public safety, such as STOP-DWI and Police Night Out; intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies, including E-911; acceptance and administration of grants for law enforcement programs (e.g., JAG).
- Fire services – Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services – Contracts for outside counsel, litigation or associated monetary settlements and collections.

- Medical Services – Contracts with medical providers for medical examinations, testing, vaccinations or medical treatment of County employees or the public.
- Mental Health Services – Contracts with agencies to provide treatment, services or education related to mental health.

3. PERSONNEL MATTERS

- Actions related to employment or employees.
- Contracts for temporary staff assistance.
- Legislation pertaining to establishment and membership of boards and commissions.

4. FINANCES

- Tax Anticipation Notes.
- Bond acts to finance tax certiorari payments.
- Banking contracts/agreements for money management services.
- Mortgage tax receipts disbursements (County Clerk).
- Refinancing of affordable housing mortgages.
- Payment in Lieu of Taxes (PILOT) agreements.

5. LAWS

New laws or amendments of existing laws that:

- Regulate the sale or use of products for the protection of public health.
- Regulate businesses for the protection of consumers.
- Pertain to consumer protection, not including professional licensing, which have been classified as Type II.
- Pertain to animal welfare, excluding regulations involving habitat management.
- Pertain to public safety.
- Pertain to taxation, such as establishment of new taxes or tax exemptions.
- Pertain to establishment or modification of fees.
- Pertain to notices, publications and record keeping.
- Pertain to hiring or contracting procedures.
- Pertain to the functioning of County government, such as term limits, board appointments, etc. that do not impact the environment.

6. MISCELLANEOUS

- Amendments to existing agreements for changes in name or consultants.
- Education/training programs, contracts for clinical instruction.
- Prisoner Transport IMAs.
- Tourism Promotion Agency designation.
- Software licenses.
- IMAs for temporary housing in existing facilities (homeless, inmate, troubled youths, domestic violence victims).

- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP
JAN 2025

ACT NO. ____ - 2025

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the County of Putnam, pursuant to which Westchester and Putnam will agree to organize and implement activities pursuant to the Workforce Innovation and Opportunity Act of 2014, for the continued designation of the Westchester-Putnam Local Workforce Development Area as a Local Workforce Development Area, to cover Westchester County (exclusive of the City of Yonkers) and Putnam County.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an intermunicipal agreement (“IMA”) with the County of Putnam (“Putnam”), pursuant to which the County and Putnam will agree to organize and implement programs and activities pursuant to the Workforce Innovation and Opportunity Act of 2014 (“WIOA”), for the continued designation of the Westchester-Putnam Local Workforce Development Area as a Local Workforce Development Area, to cover Westchester County (exclusive of the City of Yonkers) and Putnam County. The IMA shall be for a term commencing on July 1, 2025 and continuing until either: 1.) both the County and Putnam act to rescind the IMA, 2.) federal or state authority ceases for the Westchester-Putnam Local Workforce Development Area to serve as the local implementation means for job-training programs, or 3.) June 30, 2030; whichever comes first.

§2. The County Executive or his authorized designee is hereby authorized to execute and deliver all documents and take such actions as he deems necessary or desirable to accomplish the purposes hereof.

§3. This Act shall take effect immediately.

Multi Jurisdictional Chief Elected Officials Inter-Municipal Agreement

Local Workforce Development Area Westchester-Putnam

The County Executive of Westchester and the County Executive of Putnam, acting on their authority as the Chief Elected Officials entered into this inter-municipal agreement on the last date set forth below ("Agreement") in accordance with the Workforce Innovation and Opportunity Act (herein referred to as "WIOA") § 107 [c] [1] [B] in order to organize and implement initiatives and activities pursuant to WIOA and otherwise as proposed by the Governor of the State of New York for the purpose of administering and implementing WIOA in Westchester and Putnam counties.

Part 1- Designation of the Chief Elected Officials

1. For purposes of administering WIOA and for entering into and implementing agreements in accordance with that Act, the Chief Elected Officials, as defined in WIOA § 3 [9], shall be designated from the respective counties in the following manner: The County Executive of Westchester and the County Executive of Putnam.
2. Non-concurrence between the Counties shall be resolved as expeditiously as possible. Representatives of the two Counties shall meet and confer with one another to resolve issues of non-concurrence. If concurrence cannot be reached within a reasonable amount of time, steps shall be taken towards resolution through the State.

Part 2- Designation of Grant Recipient and Local Governmental Grant Sub recipient/ Fiscal Agent

1. The Chief Elected Officials recognize they are jointly responsible for WIOA Funds and agree to the appointment of Westchester County Executive, as the grant recipient ("Grant Recipient") who bears the fiduciary responsibility for these funds with the New York State Department of Labor.
2. The Grant Recipient designates Westchester County Department of Social Services ("DSS" or "local governmental grant sub recipient/fiscal agent"), to be the local grant sub recipient/fiscal agent to assist the Grant Recipient with the administration of the grant funds.
3. The local grant sub recipient/fiscal agent shall disburse such funds for grant activities at the direction of the Local Board (as defined below).
4. The Chief Elected Officials agree that the designated local governmental grant sub recipient/fiscal agent has reliable internal controls for financial management and disbursement of funds.
5. The name of the area is the "Westchester-Putnam Workforce Development Area."
6. This Agreement becomes effective on July 1, 2025. This Agreement (including any subsequent amendments) shall stay in effect until such time as: 1) both parties act to rescind the Agreement; 2) federal or state authority ceases for the Westchester-Putnam Workforce Development Area to serve as the local implementation means for job-training

programs; or 3.) June 30, 2030, whichever comes first. Should either party wish to rescind this Agreement, formal action seeking a rescission must be taken at least six months prior to the conclusion of the then current program year. The effective date of the rescission would then be the close of the then current program year.

6. No unilateral alteration of this Agreement shall be made. Modification to the Agreement by either county must be mutually negotiated and all requests to modify the Agreement must be presented in writing to the Chief Elected Officials.

Part 3- Composition of and Designation of Workforce Development Board

1. The Chief Elected Officials, as set forth in Part 1.1 above, will establish and appoint members to The Westchester-Putnam Workforce Development Board ("LWDB" or "Local Board" or "Workforce Development Board") to assist and carry out provisions of WIOA §§107 [a] & [b].
2. Every effort will be made to balance the selection geographically throughout the Westchester-Putnam Workforce Development Area as well as balance the selection of large and small business, and other related factors to as accurately as possible reflect the landscape of the Westchester-Putnam Workforce Development Area.

Modification of membership may be completed at any time by the LWDB once established subject to the confirmation and concurrence of the Chief Elected Officials, as set forth in Part 1.1 above.

Part 4 – Designation of One Stop Services and other responsibilities

1. As required by Section 121 (a) of WIOA, the Chief Elected Officials in cooperation with the Workforce Development Board, shall develop, administer, and approve the appropriate Memoranda of Understanding in establishing no less than one facility known as One Stop Center in the Westchester-Putnam Workforce Development Area.
2. The Chief Elected Officials shall also:
 - Review and approve the 4-year local plan developed by the Local Board, as required by WIOA § 108(a);
 - Review and approve actions taken by the Local Board to designate One Stop Operators as required by WIOA § 121 (d) (1);
 - Review and approve monitoring activities by the Local Board as required by WIOA § 121 (a)(3);
 - Review and approve the budget of the Local Board, as required by WIOA § 107(d)(12)(A); and
 - Negotiate and reach agreement on local performance accountability measures with the Local Board and the Governor of the State of New York as required under WIOA § 107(d) (9).
 - Comply, at their own expense, with the provisions of all applicable local, state and federal laws, rules and regulations relating to this Agreement. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In

May 15, 2025

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins
County Executive 

RE: Message Requesting Immediate Consideration: **Bond Act – BPL26 (2925) – Flood Mitigation.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 19, 2025 Agenda.

Transmitted herewith for your review and approval is a bond act (the “Bond Act”) which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to \$1,250,000.00 in bonds of the County to finance a component of capital project BPL26.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 19, 2025 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



Kenneth W. Jenkins
County Executive

May 13, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to \$1,250,000.00 in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26").

The Bond Act, in the amount of \$1,250,000.00, would fund the County's share of additional costs associated with design of this flood mitigation project contemplated in the United States Army Corps of Engineers' ("USACE") General Reevaluation Report ("GRR") in the Village of Mamaroneck for the Mamaroneck and Sheldrake Rivers Basin. In 2009, the County entered into an agreement with the New York State Department of Environmental Conservation ("DEC"), whereby the County would partially fund USACE's design of the Mamaroneck and Sheldrake Rivers Flood Risk Reduction Project (the "Agreement"). Under the Agreement the estimated design cost of the project was \$6,651,000.00, of which \$500,000.00 was 100% federally funded. The remaining cost of \$6,151,000.00 was to be apportioned between a Federal share (75%) and a non-Federal share (25%). The County and DEC were each to pay half of the non-Federal share, or approximately \$768,875.00 each. Your Honorable Board approved Bond Act 79-2009 authorizing the issuance of \$900,000.00 to fund the County's share of the project's design.

In 2021, the Agreement was amended in order to increase the County share from \$768,875.00 by \$62,648.33 for a new total amount of \$831,523.33 (the "First Amendment"). DEC recently informed the County that the project's design is ongoing, the cost has exceeded the estimated amount as set for the in the First Amendment, and that in order to complete the project the County share will increase by \$1,187,500.00 for a new total amount of \$2,019,023.33. Your Honorable Board will note that the bonding request is \$1,250,000.00 to include additional County costs for staff hours and administration of the project.

In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML

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

Telephone: (914)995-2900

E-mail: ceo@westchestercountyny.gov

provides for the evaluation of flooding within the County through preparation of watershed “reconnaissance plans”, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

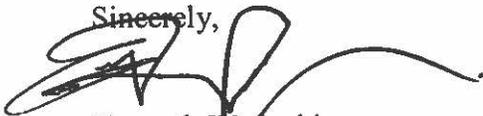
By Act No. 134-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed.

It should be noted that since BPL26 is a “general fund” project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County’s Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2025 Capital Budget to reflect the specific location of this project component.

The Department of Planning has advised that the Planning Board has previously reviewed BPL26 and issued a report, and that since there are no substantial changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act.

Sincerely,



Kenneth W. Jenkins
County Executive

KWJ/BL/MLLL/cmc
Attachments

**THE HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue up to \$1,250,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, in the amount of \$1,250,000.00, would fund the County’s share of additional costs associated with design of this flood mitigation project contemplated in the United States Army Corps of Engineers’ (“USACE”) General Reevaluation Report (“GRR”) in the Village of Mamaroneck for the Mamaroneck and Sheldrake Rivers Basin. In 2009, the County entered into an agreement with the New York State Department of Environmental Conservation (“DEC”), whereby the County would partially fund USACE’s design of the Mamaroneck and Sheldrake Rivers Flood Risk Reduction Project (the “Agreement”). Under the Agreement the estimated design cost of the project was \$6,651,000.00, of which \$500,000.00 was 100% federally funded. The remaining cost of \$6,151,000.00 was to be apportioned between a Federal share (75%) and a non-Federal share (25%). The County and DEC were each to pay half of the non-Federal share, or approximately \$768,875.00 each. Your Honorable Board approved Bond Act 79-2009 authorizing the issuance of \$900,000.00 to fund the County’s share of the project’s design.

Your Committee is advised that in 2021, the Agreement was amended in order to increase the County share from \$768,875.00 by \$62,648.33 for a new total amount of \$831,523.33 (the “First Amendment”). DEC recently informed the County that the project’s design is ongoing, the cost has exceeded the estimated amount as set for the in the First Amendment, and that in order to complete the project the County share will increase by \$1,187,500.00 for a new total amount of \$2,019,023.33. Your Honorable Board will note that the bonding request is \$1,250,000.00 to include additional County costs for staff hours and administration of the project.

Your Committee is further advised that this Honorable Board enacted the Westchester County Storm Water Management Law (“SWML”) in 2011 to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed “reconnaissance plans”, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 134-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed.

It should be noted that since BPL26 is a “general fund” project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County’s Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2025 Capital Budget to reflect the specific location of this project component. Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth in the attached fact sheet.

The Department of Planning 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 SEQRA documentation and concurs with this conclusion.

In addition, the Department of Planning has further advised your Committee that the Planning Board has previously reviewed BPL26 and issued a report, and that since there are no substantial changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act.

Dated: _____, 2025

White Plains, New York

COMMITTEE ON

cmc 5-12-25

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL26

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 \$ 1,250,000 PPU 5 Anticipated Interest Rate 2.93%

Anticipated Annual Cost (Principal and Interest): \$ 272,669

Total Debt Service (Annual Cost x Term): \$ 1,363,345

Finance Department: Interest rates from May 15, 2025 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: 14

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 5/15/25

Reviewed By: *Dianne Vanadia*

Associate Budget Director
for Budget Director

Date: 5/15/25

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: April 23, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL26 FLOOD MITIGATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04/22/2025 (Unique ID: 2925)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: The current request is for design only.

DSK/oav

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING A FLOOD MITIGATION PROJECT IN THE VILLAGE OF MAMARONECK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,250,000 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, an Intermunicipal Agreement between the County and the Village of Mamaroneck, and to the provisions of other laws applicable thereto; \$1,250,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance a portion of the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and

estimates necessary for the planning of a flood mitigation project by the US Army Corps of Engineers in the Village of Mamaroneck, 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 total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,250,000. The plan of financing includes the issuance of \$1,250,000 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 of the specific object or purpose for which said \$1,250,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) of the Law, is five (5) 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 \$1,250,000. 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 \$1,250,000 as the estimated total cost of the aforesaid 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 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, 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 \$1,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING A FLOOD MITIGATION PROJECT IN THE VILLAGE OF MAMARONECK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,250,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____, 20____)

object or purpose: to finance a portion of the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the planning of a flood mitigation project by the US Army Corps of Engineers in the Village of Mamaroneck, 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: \$1,250,000; five (5) 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:* BPL26	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 04-18-2025
Fact Sheet Year:* 2025	Project Title:* FLOOD MITIGATION	Legislative District ID: 7
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 2925

Overall Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	155,750	76,500	44,250	5,000	5,000	5,000	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	155,750	76,500	44,250	5,000	5,000	5,000	0	20,000

Expended/Obligated Amount (in thousands) as of: 13,361

Current Bond Description: Current request is for additional \$1,250,000 in funding for the County's share of the design of a flood mitigation project by the US Army Corps of Engineers (USACE) in the Village of Mamaroneck. The project is still in design and requires additional funding to complete the design phase.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,250,000
Cash:	0
Total:	\$ 1,250,000

SEQR Classification:

TYPE II

Amount Requested:

1,250,000

Comments:

The County entered into an initial design agreement in 2009 with the NYSDEC for the USACE project and provided \$768,875 towards the project, funded through BA 79-2009 (\$900,000). The agreement was amended in 2021 to increase the County share by \$62,648.33 to a total of \$831,523.33. The current request will fund the current increased cost share (\$1,187,500) as well as administrative costs (\$62,500) for County staff time associated with the project.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS
2023	17,500,000	\$10,300,000 CONTINUATION OF THIS PROJECT; \$7,000,000 FOR MAMARONECK/SHELDRAKE RIVERS, AND \$200,000 FOR CITY OF YONKERS SCOTTI FIELD FLOOD PROJECT
2024	27,250,000	CONTINUATION OF THIS PROJECT
2025	44,250,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

120,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,875	2,502,239	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	0	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	107	300,000	188,960	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	0	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	62,236	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	221,546	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)
22	85	130,000	0	FLOOD MITIGATION-DOBBS FERRY (UNIQUES ID# 1948)
22	92	2,200,000	0	FLOOD MITIGATION-MAMARONECK (UNIQUE ID# 1857)
22	54	1,200,000	0	FLOOD MITIGATION-PEEKSKILL (UNIQUES ID# 1999)
22	95	0	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953)
23	23	2,500,000	533,219	RECONSTRUCT HILLSIDE AVENUE BRIDGE, VILLAGE OF MAMARONECK (UNIQUE ID#2001)
23	196	150,000	0	FLOOD MITIGATION (ID 2235)
23	198	3,870,000	0	FLOODING IN RYE BROOK, AVON CIRCLE AREA - (ID 2236)
23	206	121,250	0	FLOOD MITIGATION - HARRISON AVE YONKERS (ID 2324)
23	208	128,750	0	FLOOD MITIGATION - CLUNIE AVE YONKERS (ID 2326)
24	81	2,000,000	0	FLOOD MITIGATION STUDY - ID 2448
24	30	0	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953) (RECIND BOND ACT 95-22)
24	186	450,000	0	HARTSDALE BROOK AREA STUDY

Total Financing History:

19,986,499

Recommended By:

Department of Planning
MLLL

Date
04-22-2025

Department of Public Works
RJB4

Date
04-23-2025

Budget Department
DEV9

Date
04-23-2025

Requesting Department
MLLL

Date
04-23-2025

FLOOD MITIGATION (BPL26)

User Department : Planning

Managing Department(s) : Planning ;

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	2025	2026	2027	2028	2029	Under Review
Gross	155,750	76,500	13,347	44,250	5,000	5,000	5,000		20,000
Non County Share									
Total	155,750	76,500	13,347	44,250	5,000	5,000	5,000		20,000

Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	44,250,000			44,250,000

Impact on Operating Budget

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

FLOOD MITIGATION (BPL26)

Appropriation History

Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	\$850,000 DESIGN; \$4,150,000 CONSTRUCTION
2013	5,000,000	Flood related projects	\$1,500,000 COMPLETE; \$3,350,000 CONSTRUCTION; \$150,000 DESIGN
2015	150,000	Design of a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	\$3,113,500 DESIGN; \$1,886,500 CONSTRUCTION; \$863,500 AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
2022	11,000,000	The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers	AWAITING BOND AUTHORIZATION
2023	17,500,000	\$10,300,000 continuation of this project; \$7,000,000 for Mamaroneck/Sheldrake Rivers, and \$200,000 for City of Yonkers Scotti Field flood project	AWAITING BOND AUTHORIZATION
2024	27,250,000	Continuation of this project	AWAITING BOND AUTHORIZATION
Total	76,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	76,500,000	6,891,825	69,608,175
Total	76,500,000	6,891,825	69,608,175

FLOOD MITIGATION (BPL26)

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
79 09	900,000	12/02/10	358,000	499
		12/02/10	(358,000)	
		11/30/11	522,141	
		11/30/11	77,859	
		11/19/15	250,434	
		11/19/15	48,566	
		11/19/15	501	
140 09	2,441,625	10/24/12	740,494	
		10/24/12	75,506	
		10/24/12	6,240	
		12/10/13	852,989	
		12/10/13	104,011	
		12/10/13	2,925	
		11/19/15	334,212	
		11/19/15	64,813	
		11/19/15	669	
		12/15/16	259,766	
11 17	2,974,875	12/15/17	31,948	472,636
		12/15/17	5,866	
		12/15/17	50	
		12/15/17	29,606	
		12/15/17	5,436	
		12/15/17	46	
		12/10/18	660,625	
		12/10/19	959,846	
		12/10/19	189,546	
		12/10/19	117,641	
171 18	300,000	12/10/19	23,231	
		04/30/20	478,398	
		12/01/21	123,508	
107 19	300,000	11/30/23	59,583	111,040
		11/30/23	5,869	
247 19				

**FLOOD MITIGATION
(BPL26)**

171	21	350,000	11/30/23	56,656	287,764
			11/30/23	5,581	
175	21	270,000	11/30/23	201,681	48,454
			11/30/23	19,866	
85	22	130,000			130,000
92	22	2,200,000			2,200,000
95	22				
54	22	1,200,000			1,200,000
23	23	2,500,000	11/30/23	485,406	1,966,781
			11/30/23	47,813	
196	23	150,000			150,000
198	23	3,870,000			3,870,000
206	23	121,250			121,250
208	23	128,750			128,750
30	24				
81	24	2,000,000			2,000,000
186	24	450,000			450,000
Total		19,986,500		6,849,326	13,137,174



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

May 6, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Re: An Act authorizing the County of Westchester to settle the claims against Costco Wholesale Corporation in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County

Dear Honorable Members of the Board:

Attached for your review is proposed legislation that, if enacted, would authorize the County of Westchester to enter a settlement and general release agreement fully resolving the claims against Costco Wholesale Corporation (“Costco”) in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the “Instant Proceeding”).

The Instant Proceeding

On February 6, 2018, the County commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution

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

Telephone: (914) 995-2600

Website:

and sale of opioids, all of which contributed to a public health crisis. Since the litigation's inception in 2018, many of the County's claims against the Defendants have been resolved through settlement.

Terms of the Proposed Settlement

Defendant Costco was added as a Defendant in April 2023. Costco has offered to settle the claims against it related to opioid use and misuse, including those brought by the County. Pursuant to an allocation formula, if the County participates in the settlement, the County will be paid a lump-sum payment of approximately \$200,000. There are no requirements or limitations on how these funds can be used and there are no reporting requirements. There is a Confidentiality provision, in which the County must agree that it will not directly or indirectly issue any press release or the like regarding this Settlement and its terms.

In order to become a party to the Settlement Agreement, Westchester County has to do the following:

1. Sign (or give Napoli Shkolnik permission to sign on Westchester County's behalf) Exhibit "B" to the Costco Master Settlement Agreement (Settling Subdivision Participation and Release Form), attached as Exhibit "A" hereto;

Recommendation of Westchester County Attorney's Office

Litigation concerning the opioid epidemic has been pending for over seven years. Westchester County has suffered tremendous losses and continues to suffer the effects of the epidemic and will for the foreseeable future. The funds it will receive in this settlement will help offset some of those costs and can be used for future abatement purposes. The County Attorney recommends accepting this settlement, as opposed to assuming the risks and burdens of litigating against this Defendant individually.

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to settle the above-referenced matter. I therefore recommend passage of the accompanying Act.

Very truly yours,

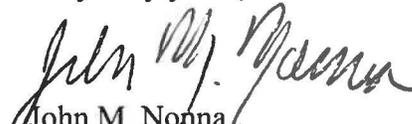

John M. Nonna
County Attorney

EXHIBIT A

Exhibit B

Costco Wholesale Corporation Settling Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Settling Subdivision*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Master Settlement Agreement dated _____, 2025 (“*Costco Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Costco Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Costco Settlement, understands that all terms in this Settling Subdivision Participation and Release Form have the meanings defined therein, and agrees that by executing this Settling Subdivision Participation and Release Form, the Governmental Entity elects to participate in the Costco Settlement and become a Settling Subdivision as provided therein.
2. The Governmental Entity through its counsel shall promptly move to dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Costco Settlement pertaining to Settling Subdivision as defined therein.
4. By agreeing to the terms of the Costco Settlement and becoming a Releasor, the Governmental Entity is entitled to monetary payments.
5. The Governmental Entity, as a Settling Subdivision, hereby becomes a Releasor for all purposes in the Costco Settlement, along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any

Subject to Federal Rule of Evidence 408 and State Equivalents

Released Entity in any forum whatsoever. The releases provided for in the Costco Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Costco Settlement shall be a complete bar to any Released Claim.

6. Nothing herein is intended to modify in any way the terms of the Costco Settlement, to which Governmental Entity hereby agrees. To the extent this Settling Subdivision Participation and Release Form is interpreted differently from the Costco Settlement in any respect, the Costco Settlement controls.

I have all necessary power and authorization to execute this Settling Subdivision Participation and Release Form on behalf of the Governmental Entity.

Signature:

John M. Manna

Name:

John M. Manna

Title:

County Attorney

Date:

5/5/25

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester (“County”) to enter a settlement and general release agreement fully resolving the pending claims of the County against Costco Wholesale Corporation (“Costco”), pending in a proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018 (transferred to the coordinated proceeding in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County) (the “Instant Proceeding”) arising out of the alleged abuse and misuse of opioids.

On February 6, 2018, the County of Westchester commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution and sale of opioids, all of which contributed to a public health crisis. Since the litigation’s inception in 2018, many of the County’s claims against the Defendants have been resolved through settlement.

Defendant Costco was added as a Defendant in the Instant Proceeding in April 2023. Costco has offered to settle the claims against it related to opioid use and misuse including those brought by the County. Pursuant to an allocation formula used in previous national opioid settlements, if the County participates in the settlement, the County will be paid a lump-sum payment of approximately \$200,000. There are no requirements or limitations on how the funds can be used and no reporting requirements. There is a Confidentiality provision, in which the County must agree that it will not directly or indirectly issue any press release or the like regarding this Settlement and its terms.

In order to become a party to the Settlement Agreement, Westchester County has to do the following:

1. Sign (or give Napoli Shkolnik permission to sign on Westchester County's behalf) Exhibit "B" to the Costco Master Settlement Agreement (Settling Subdivision Participation and Release Form), attached as Exhibit "A" hereto;

Your Committee has carefully considered the matter and recommends approval of the annexed Act. The Act, which would authorize the County to enter into the proposed settlement to effectuate the resolution of the lawsuit, is in the best interests of the County.

Your Committee therefore recommends this Honorable Board approve the annexed Act authorizing the County to enter into the proposed settlement of the above-referenced lawsuit. An affirmative vote by a majority of the Board is required to pass this Act.

Dated: White Plains, New York
May 6, 2025

COMMITTEE ON

AN ACT authorizing the County of Westchester to settle the claims against Costco Wholesale Corporation in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the “Instant Proceeding”) arising out of the alleged abuse and misuse of opioids

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

1. The County of Westchester is hereby authorized to settle its claims against Costco Wholesale Corporation in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County arising out of the alleged abuse and misuse of opioids.
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Costco Wholesale Opioid Settlement NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense _____

Total Current Year Revenue \$ 200,000

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101-52-1000-9149

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ 200,000

Describe: Costco Wholesale Corp Opioid Settlement

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

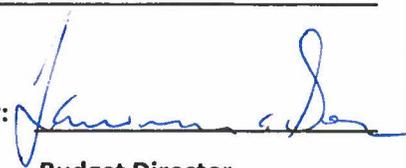
Next Four Years: _____

Prepared by: Christina Rampata

Title: Deputy Director

Department: Budget

Date: May 7, 2025

Reviewed By: 

Budget Director

Date: 5/7/25

SI 2025-224

James Nolan

Minority Whip, Legislator, 15th District
Chair, Committee on Veterans, Seniors & Youth



Committee Assignments:
Labor & Human Rights
Legislation
Parks & Environment

To: Vedat Gashi, Chairwoman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

From: James Nolan, Legislator, District 15

Date: May 15, 2025

Re: First Responder Zone of Protection Act

Please place the attached proposal, First Responder Zone of Protection Act, on the agenda for the May 19, 2025 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees.

Thank you

cc Marcelo Figueroa, Legislative Director
Dylan Tragni, Chief of Staff

BE IT ENACTED by the County Legislature of the County of Westchester as follows:

Section 1. A new title is hereby added to Chapter III of the Administrative Code of Westchester County

FIRST RESPONDER ZONE OF PROTECTION ACT

Section	1	Legislative Intent
Section	2	Definitions
Section	3	Approaching a First Responder Engaged in the Lawful Performance of Their Duties after a Warning

§1 Legislative Intent. This Legislature finds that first responders are often called to work in high stress, crowded and potentially dangerous situations. This Legislature further finds that any attempt to interfere with, harass, or threaten first responders that are engaged in a lawful performance of their duties endangers public safety and potentially hinders timely and effective emergency response, putting the lives of first responders and those they are attempting to aid at substantial risk of injury or death. This Legislature further finds that allowing first responders that are engaged in the lawful performance of their duties to establish a fifteen (15) foot zone whereby non first responder personnel are prohibited from entering will enhance public safety and will protect first responders from threats and physical interference during inherently dangerous or high-stress situations. This Legislature further finds that establishing a fifteen-foot zone of protection balances both the rights of bystanders to view the work of first responders while ensuring that bystanders do not intentionally or unintentionally endanger or interfere with first responders that are performing their lawful duties.

§ 2 Definitions. As used in this title:

- (a) "First Responder" shall mean a Police Officer as defined by Criminal Procedure Law §1.20(34), a certified first responder, emergency medical technician, or advanced emergency medical technician as defined by §3001 of the Public Health Law, supervising fire inspectors, fire inspectors, the fire marshal and assistant fire marshals, firefighters, and probation officers.

§3. Approaching a First Responder Engaged in the Lawful Performance of Their Legal Duties After a Warning.

- (a) A First Responder may issue a warning to keep a distance of 15 feet to a person who approaches such First Responder who reasonably believes that such person presents a threat to the safety of the First Responder, bystanders, or others or otherwise may interfere with or obstruct the First Responder's lawful performance of his or her duties.
- (b) It shall be unlawful for a person, after receiving a warning not to approach, pursuant to subsection (a) above, from a person he or she knows or reasonably should know is a First Responder who is actively engaged in the lawful performance of an arrest, emergency response, rescue, investigation, interrogation, traffic stop, while securing property, establishing a safe perimeter, or maintaining public order, to knowingly and willfully violate such warning and approach or remain within 15 feet of the First Responder.
- (c) Nothing in this section shall prevent the right of the public to photograph or video a First Responder who is engaged in the performance of the acts set forth in paragraph (b).
- (d) Any person that violates any provision of this law shall be guilty of a misdemeanor punishable by a fine of not more than one thousand (\$1,000) dollars or imprisonment of not more than one (1) year, or both.

§ 4. Severability

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§ 5. SEQRA Determination

As you know, this Honorable Board must comply with the requirements of the State Environment Quality Review Act ("SEQRA"). The proposed Act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617.

§ 6. Effective Date

This law shall take effect immediately after becoming a law.



CITY OF YONKERS

LEGISLATIVE DEPARTMENT - OFFICE OF THE CITY CLERK

VINCENT E. SPANO

CITY CLERK

E-MAIL:VINCENT.SPANO@YONKERSNY.GOV

CITY HALL, ROOM 107

40 SOUTH BROADWAY

YONKERS, NEW YORK 10701-3884

(914) 377-6022

FAX: (914) 377-6029

SEQRA

**NOTICE OF INTENT TO SERVE AS LEAD AGENCY
THE ALIENATION OF CERTAIN PARKLAND WITHIN
UNTERMYER PARK AND GARDENS
YONKERS, NY
April 29, 2025**

The City of Yonkers City Council issues this notice for the purpose of determining lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 (6NYRR Part 617), the Statewide implementing regulations pertaining to SEQRA. If no written objections are received the City Council will assume lead agency 30 days after the date of this notice. This notice has been prepared pursuant to Article 8 of the Environmental Conservation Law.

Project Title: Alienation of certain parkland within Untermyer Park and Gardens

Project Location: Section 3, Block 3535, Lot 56

SEQRA Type: Unlisted Action

Project

Description: The City Council is proposing resolution requesting preparation by the NYS Legislation authorizing the alienation of certain parkland within and composing Untermyer Park and Gardens consisting of a certain portion of the tax lot designated the Official Tax Map of the City of Yonkers (the "Official Tax Map") as Section 3, Block 3535, Lot 56 measuring 10, 535 square feet, which is identified as Parcel 2 and described more fully on the survey and legal description annexed hereto as Appendix A – Survey and incorporated herein by reference (the "Alienated Parcel")

Contact Person: Vincent E. Spano
City Clerk
City of Yonkers
40 South Broadway
Yonkers, NY 10701
Tel (914) 377.6020
FAX (914)377.6029

Attachment: Resolution and SEQRA

Copies of this notice have been sent to:

City of Yonkers, Mayor Mike Spano
City of Yonkers, Deputy Mayor Susan Gerry
City of Yonkers, Corporation Counsel, Matt Gallagher, Esq.
City of Yonkers, City Council via Vincent Spano, City Clerk
City of Yonkers, Parks Department
ATTN: Steve Sansone
City of Yonkers, Corporation Council
Attn: Helen Aggrey
City of Yonkers, Department of Engineering
Attn: Paul Summerfield
City of Yonkers, Department of Planning and Development Commissioner
Attn: Carolina Fonseca
City of Yonkers, Department of Public Works
Attn: Thomas Meier
Westchester County Department of Planning
ATTN: David Kvinge, Director of Environmental Planning
Westchester County Department of Planning
ATTN: Blanca Lopez
Westchester County Legislators
Westchester County Planning Board
NYS Department of
NYS Department of Environmental Conservation,
NYS Department office of Parks, Recreation and Historic Preservation
Attn: Daniel McKay, Linda Cooper, and Daniel McEneny
NYS Senate and Senators
Attn: Majority Leader Andrea Stewart-Cousins
NYS Assembly and Assembly Members
Friends of the Old Croton Aqueduct, Keeper's House

**Untermeyer Gardens Conservancy
St. John's Hospital
Attn: Brian P. Mitchell, Esq.**

RESOLUTION NO.64-2025

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER RUBBO, MAJORITY WHIP ROBINSON, MINORITY LEADER BREEN, COUNCILMEMBERS, PINEDA –ISAAC, DIAZ AND MERANTE:

RESOLUTION OF THE CITY COUNCIL DECLARING THE INTENT OF THE CITY COUNCIL TO SEEK LEAD AGENCY UNDER SEQRA FOR THE ALIENATION OF CERTAIN PARKLAND WITHIN UNTERMYER PARK AND GARDENS

WHEREAS, before the City Council is a proposed resolution requesting preparation by the New York State Legislature of legislation authorizing the alienation of certain parkland within and composing Untermyer Park and Gardens consisting of a certain portion of the tax lot designated the Official Tax Map of the City of Yonkers (the "Official Tax Map") as Section 3, Block 3535, Lot 56 measuring 10,535 square feet, which is identified as Parcel 2 and described more fully on the survey and legal description annexed hereto as Appendix A - Survey and incorporated herein by reference (the "Alienated Parcel"); and

WHEREAS, the parcel identified as replacement parkland to replace the Alienated Parcel is a certain portion of the tax lot designated the Official Tax Map as Section 3, Block 3535, Lot 100 measuring 19,480 square feet, which is identified as Parcel 1 and shown more fully on the survey annexed hereto as Appendix A (the "Replacement Parcel"); and

WHEREAS, the Replacement Parcel is currently owned by St. John's Riverside Hospital ("SJRH"); and

WHEREAS, the City and SJRH anticipate entering into and effectuating a land swap involving the transfer of the Alienated Parcel to SJRH and the Replacement Parcel to the City for dedication as parkland; and

WHEREAS, the Article 8 of the Environmental Conservation Law, known as the New York State Environment Quality Review Act, and the regulations issued thereunder (collectively, "SEQRA") requires the City to consider all environmental factors associated with a proposed action; and

WHEREAS, the proposed action consists of the alienation of the Alienated Parcel, the swap of the Alienated Parcel for the Replacement Parcel, and the dedication of the Replacement Parcel as parkland as described in the full environmental assessment form annexed hereto as Appendix B – Full EAF and incorporated herein by reference (collectively, the "Proposed Action"); and

RESOLUTION NO.64-2025 (CONTINUED)

WHEREAS, the Proposed Action is classified as an Unlisted Action under SEQRA; and

WHEREAS, the City Council of the City desires to establish itself as Lead Agency in accordance with the provisions of SEQRA, in order to initiate the review process for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED by the Yonkers City Council that, the City Council declares its intention to seek Lead Agency status for purposes of the environmental review of the Proposed Action and will assume Lead Agency of the Park project in accordance with SEQRA regulations; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed, on behalf of this Council, to initiate Lead Agency notification and coordinated review with all other involved agencies in this action. If no other involved agency seeks to be Lead Agency within 30 days of the effective date of notice, or if we are notified that no other involved agency seeks to be Lead Agency prior to the expiration of the thirty day period, the City Council shall assume Lead Agency status for purposes of review of this matter; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 22, 2025. BY A VOTE OF 7-0.

J. Bellamy
COUNCIL PRESIDENT

4/23/2025
DATE

SENT TO MAYOR 4/23/2025
DATE

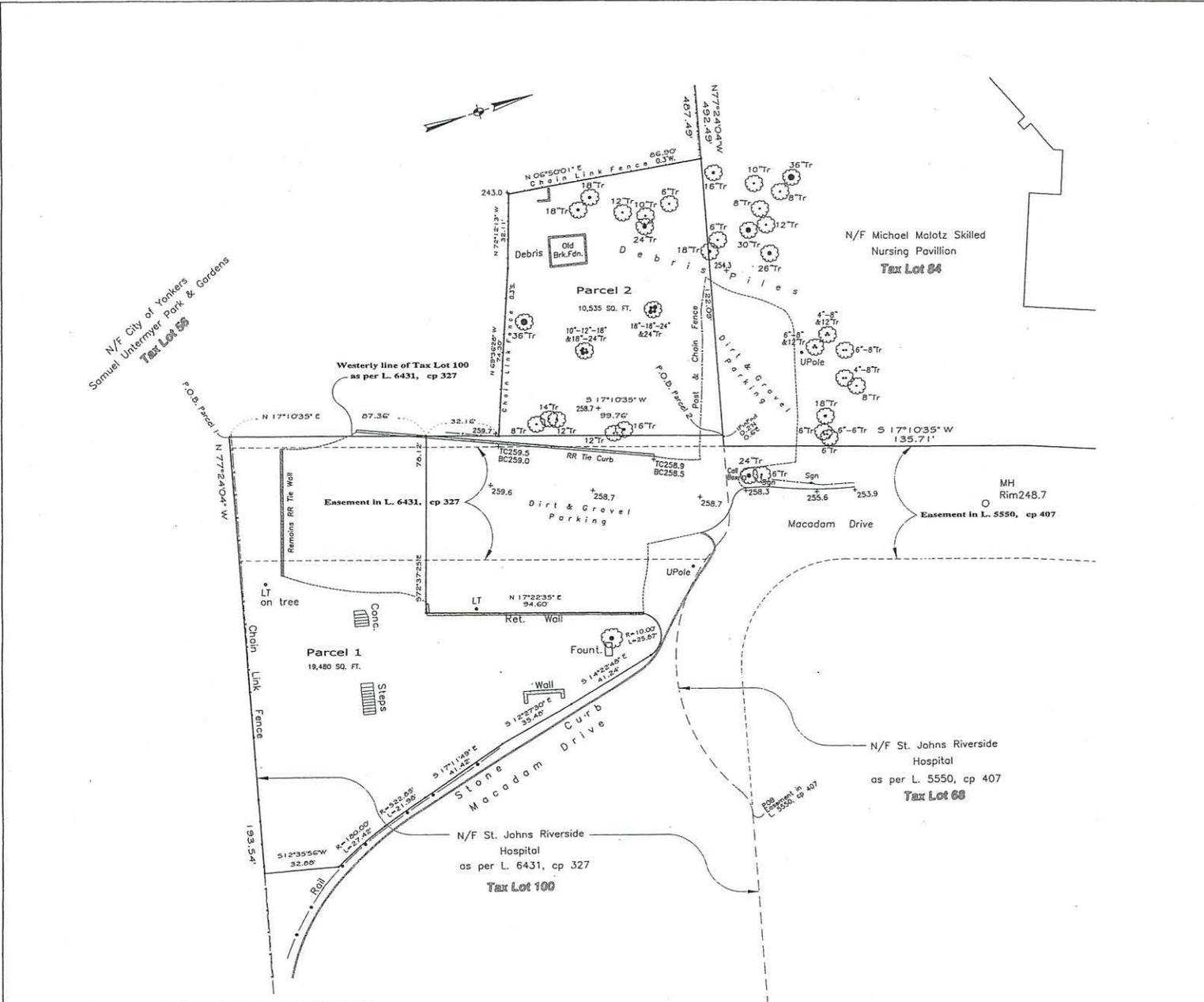
[Signature]
MAYOR

APPROVED 4/24/25
DATE

ATTEST:

Michael Parnell
ACTING CITY CLERK

4/25/25
DATE



TOPOGRAPHIC SURVEY
 of
 a portion of Lot 56 (Untermyer Park),
 a portion of Lot 84 (Malotz Nursing Pavilion),
 and portions of Lots 68 & 100 (St. Johns Riverside),
 Block 3535, Section 3 as shown on
 the Tax Maps of the City of Yonkers,
 Westchester County, New York
 Survey completed: April 11, 2018
 Map drafted: May 31, 2018 on scale of one inch to 20 feet.
 Parcel 2 added: Aug. 1, 2019
 Parcel 2 property lines changed: Sept. 27, 2019
 New Parcel 1 added: Oct. 9, 2019
 Parcel 1 property lines changed: Oct. 10, 2019
 Point of Beginnings for Parcels 1 & 2 added: Feb. 24, 2021

William J. D...
 N.Y.S. Lic. 49586

Unauthorized alteration or additions to this survey map is a violation of section 7209 sub-section 2, of the New York State Education Law.
 No guarantee is implied by this map as to the existence or non-existence of any encumbrances of record that would affect subject property, unless
 surveyor has been furnished a complete copy of the title report.
 Dimensions shown from structures to property lines are not intended to be used for construction of fences, structures or other improvements.

DESCRIPTION

Parcel 2

(Portion of Tax Lot 56, Block 3535)

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Yonkers, County of Westchester and State of New York, being a portion of Lot 56, Block 3535, Section 3 as shown on the City of Yonkers Tax Maps, and being more particularly bounded and described as follows:

BEGINNING at a point which is the northwesterly corner of Lot 100 as described in Liber 6431 page 327;

RUNNING THENCE along the division line between Lot 100 (St. Johns Riverside Hospital) on the east and Lot 56 (Samuel Untermeyer Park & Gardens) on the west, South 17 degrees 10' 35" West 99.76 feet to a point;

RUNNING THENCE through Lot 56 the following courses and distances:

North 69 degrees 36' 28" West 74.30 feet to a point;

North 72 degrees 12' 13" West, 32.11 feet to a point; and

North 06 degrees 50' 01" East, 86.90 feet to a point on the southerly line of land now or Formerly of Michael Malotz Skilled Nursing Pavillion, known as Tax Lot 84, Block 3535, Section 3;

RUNNING THENCE along the southerly line of said Tax Lot 84, South 77 degrees 24' 04" East, 122.09 feet to the point or place of BEGINNING.

Contains 10,535 Square Feet

February 24, 2021

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Swap of a portion of Untermeyer Park for a portion of St. Johns Riverside property		
Project Location (describe, and attach a general location map): See attached survey.		
Brief Description of Proposed Action (include purpose or need): The City of Yonkers is working with St. Johns Riverside hospital to swap a portion of Untermeyer Parkland (10,535 sq ft) for a larger portion of land currently owned by St. Johns riverside hospital (19,480 sq ft).		
Name of Applicant/Sponsor: City of Yonkers		Telephone:
		E-Mail:
Address: 40 South Broadway		
City/PO: Yonkers	State: NY	Zip Code: 10701
Project Contact (if not same as sponsor; give name and title/role): Steve Levy, Deputy Mayor		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Yonkers City Council, Parkland alienation and Land Swap Legislation	April 22, 2025
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	City of Yonkers Parks Board; Parkland alienation recommendation	?
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	State Legislature; Parkland Alienation, Home Rule legislation	?
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Yonkers City Park Map, Untermeyer Park	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
S-100

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Yonkers Public Schools

b. What police or other public protection forces serve the project site?
Yonkers Police Department

c. Which fire protection and emergency medical services serve the project site?
Yonkers Fire Department, Empress Ambulance Services

d. What parks serve the project site?
Untermeyer Park, Old Croton Aqueduct Trail,

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
 b. Total acreage to be physically disturbed? _____ acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will a line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 546031, V00687
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 Tidal River
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ 74248.64 acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Shortnose Sturgeon, Atlantic Sturgeon

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Untermeyer Park

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

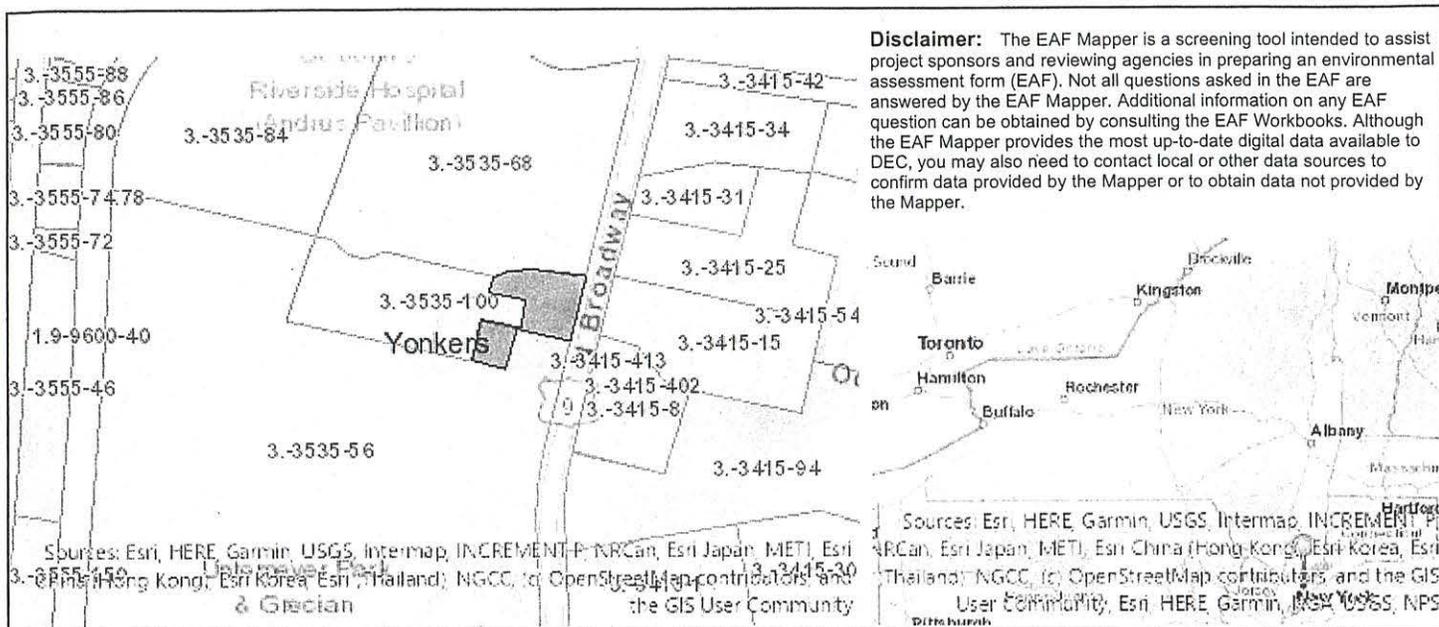
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name City of Yonkers/Steve Sansone Date 4/25/25

Signature Stephey Sansone, Commissioner Title Commissioner - Parks and Recreation

PRINT FORM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546031, V00687
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.ii [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.iii [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes

E.2.n.i [Natural Communities - Name]	Tidal River
E.2.n.i [Natural Communities - Acres]	74248.64
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Shortnose Sturgeon, Atlantic Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Untermeyer Park
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

RESOLUTION NO.56-2025

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER RUBBO, MAJORITY WHIP ROBINSON, MINORITY LEADER BREEN, COUNCILMEMBERS, PINEDA –ISAAC, DIAZ AND MERANTE:

RESOLUTION TO URGE THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, THE COUNTY EXECUTIVE AND THE WESTCHESTER COUNTY HEALTH DEPARTMENT TO STUDY, IDENTIFY AND PROVIDE STANDARDS AND RESOURCES FOR THE SAFE AND EFFECTIVE INSTALLATION, MAINTENANCE AND MITIGATION OF POTENTIALLY DANGEROUS AND CONTAMINATING BATTERY ENERGY STORAGE SYSTEMS THROUGHOUT WESTCHESTER COUNTY

WHEREAS, The City Council of the City of Yonkers (the "City Council") has long been concerned with the impact of battery energy storage systems ("BESS") on, among other things, surrounding properties, neighborhoods, the environment, and public health and safety.

WHEREAS, BESS are a relatively new technology that could serve an important role in facilitating the production and use of clean energy.

WHEREAS, However, there are issues and concerns related to the safety, security and externalities of BESS, including fire, chemical release, standard energy hazards, and noise.

WHEREAS, the City of Yonkers and other responsible municipalities are carefully studying BESS in order to implement appropriate regulations to mitigate or avoid the negative impacts of BESS as necessary to protect public health, safety, and quality of life for their residents.

WHEREAS, Yonkers is the largest City in Westchester County and desires to create and implement appropriate comprehensive county-wide regulations for BESS.

WHEREAS, the Westchester County Department of Health is charged with protecting, maintaining and improving the overall health safety and welfare of all the residents of Westchester County.

WHEREAS, over the years the County has produced and enforced safety standards for many substances and facilities including but not limited to Toxic Substances, Lead, Radon, Mercury, Hazardous waste, Radiological Health and Bulk Petroleum Storage.

WHEREAS, currently, County Environmental health professionals investigate potential exposures from environmental contaminants at inactive hazardous waste sites and from petroleum and chemical spills, fires and other environmental incidents.

RESOLUTION NO.56-2025 (CONTINUED)

WHEREAS, Annually, the Westchester County Department of Health regularly has responded to hundreds of chemical and toxic spills throughout the County.

WHEREAS, moreover, The County Chemical Emergency Response van enables the Westchester County Department of Health to respond on a 24-hour basis to numerous chemical emergencies and hazardous spills, making available a high level of specialized knowledge and technology county-wide.

WHEREAS, The County Office of Emergency Services is the lead agency for Westchester's Local Emergency Planning Committee (LEPC). The LEPC is responsible for developing emergency response plans for all chemical emergencies within Westchester County.

WHEREAS, by direct contrast, neither the City of Yonkers nor any of the municipalities in Westchester County, possess the knowledge, technology or equipment to respond to, assess and remediate these chemical emergencies.

WHEREAS, with the rapid rise in the installation and operation of BESS in Westchester County the County Department of Health must expand the scope of its existing emergency response plans to include the chemical emergencies and hazards that are associated with these types of BESS facilities in order to protect the residents and sensitive natural and environmental features and resources of the County.

RESOLVED, that the Yonkers City Council hereby urges the Westchester County Board of Legislators, the County Executive and the Westchester County Department of Health to expand the scope of its existing emergency response plans to identify and include the chemical emergencies and hazards that are associated with these types of BESS facilities in order to protect the residents and sensitive natural and environmental features and resources of the County in response to the rapid rise of these BESS facilities in the County.

RESOLUTION NO.56-2025 (CONTINUED)

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to submit a certified copy of the Resolution to the Westchester County Board of Legislators, the County Executive and the Westchester County Department of Health.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 22, 2025. BY A VOTE OF 7-0.

J. Galt Bellamy
COUNCIL PRESIDENT

4/23/2025
DATE

SENT TO MAYOR 4/23/2025
DATE

THE ABOVE LEGISLATION WAS NOT SIGNED BY THE MAYOR

MAYOR APPROVED _____
DATE

ATTEST:

ACTING: Michael Dammell
CITY CLERK

4/25/25
DATE

STATE OF NEW YORK
CITY OF YONKERS

This is to certify that this is a true copy of the information recorded on the original local record on file with the City Clerk of the City of Yonkers, State of New York.

Vincent E. Sparr
City Clerk

APR 29 2025
Date

Do not accept this copy unless the raised seal of the issuing locality is affixed thereon.

ANY ALTERATIONS OR ERASURE VOIDS THIS TRANSCRIPT



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

6 NYCRR Part 617
State Environmental Quality Review

Notice of Intent to Serve as Lead Agency

Date: May 6, 2025

To: Involved and Interested Agencies

From: Common Council of the City of White Plains
Municipal Building
255 Main Street
White Plains, New York 10601

Proposed Action: Proposed 141 Unit Residential Development
Court Street and Quarropas Street, White Plains, New York

Lead Agency Coordination

This notice is issued by the Common Council of the City of White Plains (the "Council") pursuant to the implementing regulations pertaining to Article 8 of the Environmental Conservation Law ("SEQRA"), which regulations are promulgated at part 617 of Title 6 of the New York Codes, Rules and Regulations (the "SEQR Regulations").

The Council is considering the development a 146,000 square foot, 14-story building that will contain 141 affordable rental units for low income seniors, with 12,000 square feet dedicated to a combination of amenity and social services spaces and approximately 7,338 square feet to be dedicated to office and clinic space for the new headquarters for the LOFT: Lesbian & Gay Community Services Center Inc. The project is to be located at the intersection of Court Street and Quarropas Street, White Plains, New York, designated as Section 125.83, Block 4, Lots 1, 2, 3, 4, and 5 on the Tax Assessment Map of the City of White Plains. The proposed development is proposed to occur on a 0.55-acre portion (Lots 2, 3, 4 and 5) of the project site (currently improved by a 31,800 square foot parking lot) with ancillary improvements on the remainder of the project site. The project described in this paragraph is known as the "Proposed Action."

The Council has declared its intent to serve as Lead Agency to conduct a coordinated SEQRA environmental review to assess the potential impacts of the Proposed Action. If no written objections are received within 30 days of the above date of this notice, the Council will assume the role of Lead Agency. Note that all Involved Agencies will continue to be notified of any SEQRA determinations or hearings and will receive copies of all relevant application documents.

A copy of an Environmental Assessment Form, Part I, dated November 11, 2024 pertaining to the Proposed Action, is attached to this Notice.

Contact Person: Christopher N. Gomez, AICP, Executive Director, 70 Church St., White Plains, NY 10601, Phone: (914) 422-1300. Fax: 914-422-1301. E-mail: cgomez@whiteplainsny.gov.

Project Location:

The project is to be located at the intersection of Court Street and Quarropas Street, White Plains, New York, designated as Section 125.83, Block 4, Lots 1, 2, 3, 4, and 5 on the Tax Assessment Map of the City of White Plains.

SEQR Status:

The Proposed Action represents Type I Action under Section 617.4(b)(5)(iii) and (9) of the SEQR Regulations, as the Proposed Action is adjacent to the offices of the County of Westchester Board of Elections, a building deemed eligible for inclusion on the State Register of Historic Places by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation.

Use and Zoning:

The Proposed Action includes a change of use of the property from parking to multi-family residential and commercial.

The premises is situated within the CB-2 (Core Business District-2) Zoning District. The proposed development is compliant with the requirements of the White Plains Zoning Ordinance, except that the application does not show the minimum number of parking spaces that would otherwise be required for the proposed development (72 spaces required versus 47 spaces proposed). As such, the applicant has requested that the Council approve of the payment of a fee-in-lieu of required parking pursuant to the Zoning Ordinance.

Requested Approvals:

The development of the site involves site plan approval by the Council pursuant to the Zoning Ordinance, as well as the approval of the payment of a fee-in-lieu of required parking.

In addition, the project would involve approvals from the County of Westchester and New York State Department of Environmental Conservation, as well as several agencies within the City of White Plains. The project would also involve referral to various governmental agencies for comment, including the County of Westchester, the White Plains Planning Board, and the various departments and agencies of the City.

A copy of this Notice has been sent to the following Approval Agencies and Interested parties:

	SEQRA Agency Status	Approval Action	
<u>City of White Plains</u>			
Mayor Thomas M. Roach	Approval		troach@whiteplainsny.gov
White Plains Common Council	Approval	Site Plan Approval, Fee-in-Lieu of Required Parking	commoncouncil@whiteplainsny.gov
White Plains City Clerk	Referral		cityclerk@whiteplainsny.gov
Corporation Counsel John Callahan	Referral		jcallahan@whiteplainsny.gov
Planning Board John Ioris, Chairman	Referral		Jloris@completegolfer.us
Planning Department Christopher N. Gomez, AICP, Commissioner	Referral		cgomez@whiteplainsny.gov
Building Department Damon Amadio, Commissioner	Approval	Building Permit	damadio@whiteplainsny.gov
Public Works Department Stefania A. Mignone, Commissioner	Approval	SWPPP, Utility & Street Permits	smignone@whiteplainsny.gov
Department of Public Safety David Chong, Commissioner	Referral		dchong@whiteplainsny.gov
Parking Department Kevin P. Livingston, Commissioner	Referral		klivingston@whiteplainsny.gov
Traffic Commission	Referral		tsoyk@whiteplainsny.gov
Assessor's Office Lloyd Tasch	Approval	Potential Administrative Lot Line Adjustment	ltasch@whiteplainsny.gov
Environmental Officer Rod Johnson	Referral		rjohnson@whiteplainsny.gov
White Plains Board of Appeals: Allison Walsh	Referral		awalsh@whiteplainsny.gov
<u>Westchester County</u>			
Westchester County Department of Health Bureau of Environmental Quality 25 Moore Avenue Mount Kisco, New York 10549 Attn: Chris Ericson, Deputy Commissioner Delroy Taylor, P.E. Assistant Commissioner C/O of Jennifer Hayes	Approval	Water supply and sanitary sewer systems	cger@westchestercountyny.gov dat5@westchestercountyny.gov
Westchester County Planning Board, 432 Michaelian Office Building Blanca Lopez, Planning Commissioner 148 Martine Avenue, White Plains, NY 10601	Referral		BLopez@westchestercountyny.gov mvvv@westchestercountyny.gov
Westchester County Department of Environmental Facilities 270 North Avenue, 6th Floor New Rochelle, NY 10801 Attn: Vincent F. Kopicki, P.E.	Referral		Vxk2@westchestercountyny.gov

	<u>SEQRA Agency Status</u>	<u>Approval Action</u>	
Westchester Co. Board of Legislators 148 Martine Avenue White Plains, New York 10601 Attn: Sunday Vanderberg, Clerk Lisa Hochman, Legislative Counsel	Approval	Potential Affordable Housing Funding	SundayV@westchesterlegislators.com lahc@westchestergov.com
<u>New York State</u>			
NYS Dept. of Environmental Conservation, Commissioner 50 Wolf Road Albany, NY 12233-4500	SEQR Referral		contact@dec.ny.gov
NYS Dept. of Environmental Conservation, Regional Director 21 South Putt Corners Road New Paltz, NY 12561	SEQR Referral		dep.r3@dec.ny.gov
Regional Permit Administrator Department of Environmental Conservation, Region 3 21 South Putt Corners Road New Paltz, New York 12561-1620	Approval	SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-20-001)	dep.r3@dec.ny.gov
MTA Headquarters 2 Broadway New York, NY 10004 Attn: Louis Oliva, Deputy General Counsel - Environmental	Expressed Interest		loliva@mtahq.org

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Court Street Senior Living		
Project Location (describe, and attach a general location map): 23-29 Quarropas Street, 112-122 Court Street, White Plains, NY		
Brief Description of Proposed Action (include purpose or need): This project is the redevelopment of an existing parking lot to construct a 14 story Senior Living facility with surface and below grade parking. Surface features will include exterior landscaping, walkways, amenity spaces, etc. The project will include new utility connections to public water and sewer systems located in the surrounding streets.		
Name of Applicant/Sponsor: 23 Quarropas LLC		Telephone: 718-875-8160 E-Mail: LPizano@monadnockdevelopment.com
Address: 240 Huntington Street, 3rd Floor		
City/PO: Brooklyn	State: NY	Zip Code: 11231
Project Contact (if not same as sponsor; give name and title/role): Luis Miguel Pizano - Project Developer, Monadnock Development		Telephone: 718-875-8160 E-Mail: LPizano@monadnockdevelopment.com
Address: 240 Huntington Street, 3rd Floor		
City/PO: Brooklyn	State: NY	Zip Code: 11231
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Common Council	Fall 2024
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City DPW	Fall 2024
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Department of Health - Sewer Connection	Winter 2025
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES Permit	Spring 2025
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
CB-2 Core Business -2 zone

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? White Plains School District

b. What police or other public protection forces serve the project site?
White Plains Police Department

c. Which fire protection and emergency medical services serve the project site?
White Plains Fire Department

d. What parks serve the project site?
Tibbits Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Mixed use consisting of affordable senior residential development and business

b. a. Total acreage of the site of the proposed action? 1.22 acres
b. Total acreage to be physically disturbed? 1.22 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.22 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: 24 months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	141

g. Does the proposed action include new non-residential construction (including expansions)? Yes No

If Yes,

- i. Total number of structures 1
- ii. Dimensions (in feet) of largest proposed structure: 149.33 height; 59.33 width; and 152.67 length
- iii. Approximate extent of building space to be heated or cooled: 9,058 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No

If Yes,

- i. Purpose of the impoundment: _____
- ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
- iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

- i. What is the purpose of the excavation or dredging? Soil export for basement level
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): 4,000 cy
 - Over what duration of time? 2 months
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
In-situ soil
- iv. Will there be onsite dewatering or processing of excavated materials? Yes No
If yes, describe. _____
- v. What is the total area to be dredged or excavated? _____ 0.21 acres
- vi. What is the maximum area to be worked at any one time? _____ 0.21 acres
- vii. What would be the maximum depth of excavation or dredging? _____ 12 feet
- viii. Will the excavation require blasting? Yes No
- ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 16,211 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: City of White Plains
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 16,211 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: Mamaroneck Treatment Plant
- Name of district: Mamaroneck Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will a line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 1.15 acres (impervious surface)
 _____ Square feet or 1.22 acres (parcel size)
 ii. Describe types of new point sources. Catch basins, roof leaders, drainage system overflows, etc.

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 on-site stormwater management structures

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed 72 Net increase/decrease + 72

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	<u>7a-3p</u>	• Monday - Friday:	<u>24 hrs, 7 days</u>
• Saturday:	<u>7a-3p</u>	• Saturday:	<u>24 hrs, 7 days</u>
• Sunday:	<u>N/A</u>	• Sunday:	<u>24 hrs, 7 days</u>
• Holidays:	<u>N/A</u>	• Holidays:	<u>24 hrs, 7 days</u>

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ TBD tons per _____ TBD (unit of time)
- Operation : _____ TBD tons per _____ TBD (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: On-site recycling will be provided and privately hauled to a recycling facility. _____
- Operation: On-site recycling will be provided and privately hauled to a recycling facility. _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Solid waste will be handled by a private contractor. _____
- Operation: Solid waste will be handled by a private contractor. _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.96	1.15	+0.19
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.26	0.07	-0.19
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities:
 White Plains Hospital Emergency Room

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): C360131, C360073, V00438, C360177, C360221, C36...
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 Appears most of the above remediation projects have been completed

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 6+ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: urban _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ 6+ feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.
 iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

 Song birds _____ Squirrels _____
 Raccoons _____ chipmunks _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Peregrine Falcon
 Project is redevelopment of a parking lot. Impacts to threatened and endangered species are not expected.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Eligible property: Board of Elections / Former U.S. Post Office - White Plains, Eligible property: Michaelian Office Bu...

iii. Brief description of attributes on which listing is based:
 Building listed above is on corner of Grand Street and Quarrapos Street and has been designated eligible in the SHPO CRIS system

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

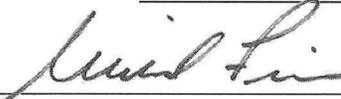
Attach any additional information which may be needed to clarify your project.

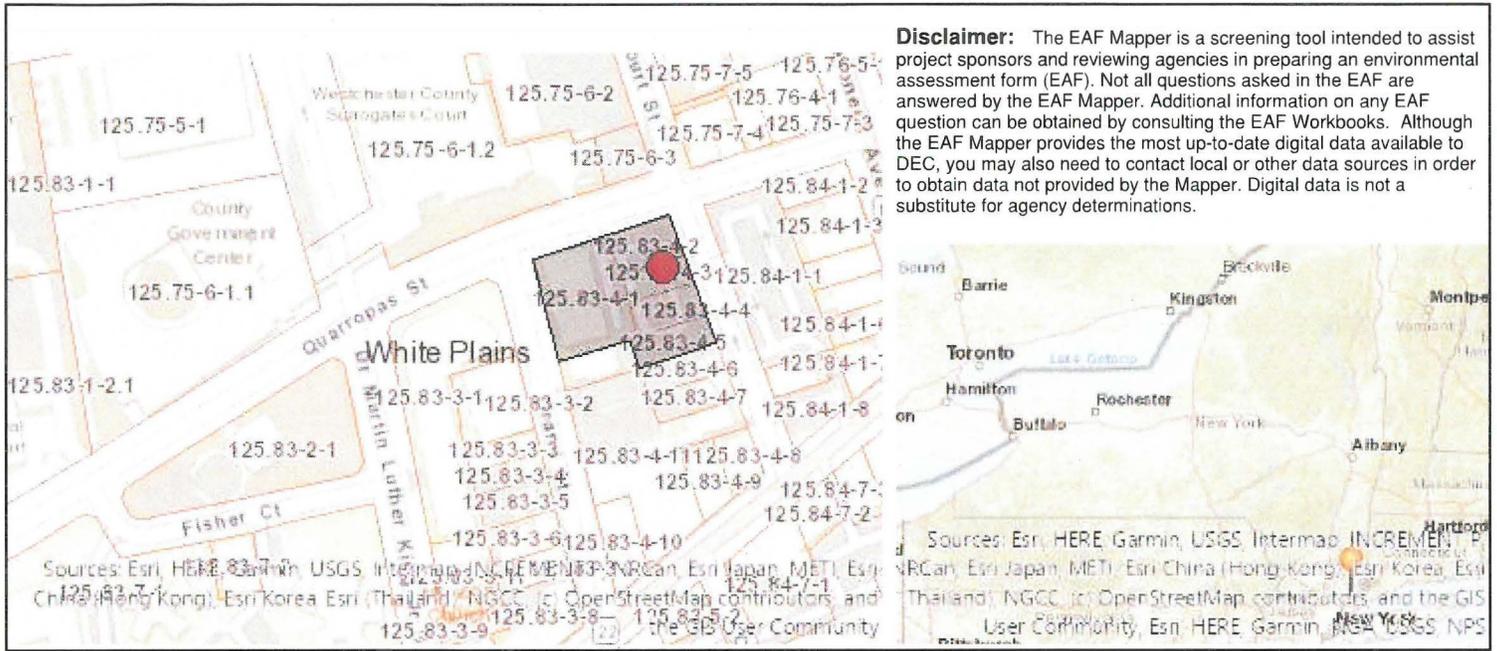
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Michael Finan, PE/LEED-AP Date 11/11/2024

Signature  Title Principal/VP



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C360131, C360073, V00438, C360177, C360221, C360246, C360219, C360206
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.b. [Endangered or Threatened Species - Name]	Peregrine Falcon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Board of Elections / Former U.S. Post Office - White Plains, Eligible property:Michaelian Office Building
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

ADRIANA M. BARANELLO
ASSOCIATE
DIRECT: (914).298.3023
FAX: 914.683.1210
ABARANELLO@HARRISBEACHMURTHA.COM

April 29, 2025

ASSIGNMENT OF RETAIL PILOT AGREEMENT

VIA FEDERAL EXPRESS

#2880-1912-9703

Ms. Stephanie Vanderpool, Commissioner
City of Mount Vernon Department of Assessment
1 Roosevelt Square
City Hall, Room 8
Mount Vernon, New York 10550

Re: City of Mount Vernon Industrial Development Agency
Property: 203 Gramatan Avenue (a/k/a 122 Third Avenue North)
Tax Map Number: (Section 165.54, Block 1122, Lot 1.102)

Dear Ms. Vanderpool:

Reference is made to that certain a certain "Payment in Lieu of Taxes Agreement 203 Gramatan Avenue Retail Space Portion of Project", dated November 13, 2014 (the "Retail PILOT Agreement"), by and between the City of Mount Vernon Industrial Development Agency (the "IDA") and Blue Rio, LLC d/b/a N&I Blue Rio, LLC ("Blue Rio"), a copy of which Retail PILOT Agreement is enclosed for your reference.

Pursuant to the terms of, among other documents, a certain Partial Termination and Partial Assignment and Assumption Agreement, dated as of April 25, 2025, by and among the IDA, Duck Soup Enterprises, LLC ("Duck Soup") and Blue Rio (the "Partial Termination and Partial Assignment"), with Acknowledgment and Consent of the City of Mount Vernon, **the Retail PILOT Agreement has been assigned from Blue Rio to Duck Soup**. A copy of the Partial Termination and Partial Assignment is enclosed for your reference.

We ask that future real property tax bills be sent to Duck Soup at:

Duck Soup Enterprises, LLC
Attn: Peter Fine, Manager
450 West 14th Street, 8th Floor
New York, New York 10014.

Ms. Stephanie Vanderpool, Commissioner
April 29, 2025
Page 2

Should you have questions, please contact me at (914) 298-3023.

Very truly yours,

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal flourish extending to the right.

Adriana M. Baranello

AMB:aa

Enclosures

cc: Affected Tax Jurisdictions and School District Clerk Listed on Schedule A Attached Hereto

Schedule A

Via Certified Mail

#9489-0090-0027-6674-8706-79

The Honorable Ken Jenkins
Westchester County Executive
148 Martine Avenue, 9th Floor
White Plains, New York 10601

Via Certified Mail

#9489-0090-0027-6674-8692-08

The Honorable Vedat Gashi, Chair
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Via Certified Mail

#9489-0090-0027-6674-8655-69

The Honorable Shawyn Patterson-Howard
Mayor of the City of Mount Vernon
Mt. Vernon City Hall
1 Roosevelt Square North
Mount Vernon, New York 10550

Via Certified Mail

#9489-0090-0027-6674-8655-83

Dr. K. Veronica Smith
Acting Superintendent of Schools
Mount Vernon City School District
165 North Columbus Avenue
Mount Vernon, New York 10553

Via Certified Mail

#9489-0090-0027-6674-8656-06

Mount Vernon City School District
Attn: District Clerk
165 North Columbus Avenue
Mount Vernon, New York 10553

Via Certified Mail

#9489-0090-0027-6674-8706-86

Karin E. Hablow, Finance Commissioner
Westchester County Department of Finance
148 Martine Avenue, Suite 720
White Plains, New York 10601

Via Certified Mail

#9489-0090-0027-6674-8691508

Victor Mallison, Executive Director
Westchester County Tax Commission
110 Dr. Martin Luther King Jr. Blvd.
Room L-222
White Plains, New York 10601

Via Certified Mail

#9489-0090-0027-6674-8655-76

County Attorney
Westchester County Attorney's Office
Contracts and Real Estate Bureau
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Via Certified Mail

#9489-0090-0027-6674-8655-90

Adriane Saunders, President
Board of Education
Mount Vernon City School District
165 North Columbus Avenue
Mount Vernon, New York 10553

PAYMENT IN LIEU OF TAXES AGREEMENT

203 Gramatan Avenue Retail Space Portion of Project

THIS AGREEMENT ("Agreement") made as of the 13th day of November, 2014, by and between the CITY OF MOUNT VERNON INDUSTRIAL DEVELOPMENT AGENCY, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation duly organized and existing under the laws of the State of New York, having its office at City Hall, One Roosevelt Square, 2nd Floor, Mount Vernon, New York 10550 (the "Agency"), and BLUE RIO, LLC, a limited liability company organized and existing under the laws of the State of Connecticut, having its principal office at 183 Madison Avenue, Suite 1601, New York, New York 10016 (together with its successors and assigns, "Blue Rio").

WHEREAS, the New York State Industrial Development Agency Act, constituting Title I of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act"), authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns on the State of New York and empowers such agencies to acquire, construct, reconstruct, lease, maintain, equip, furnish and dispose of one or more projects for the purpose of promoting, developing, encouraging and assisting in the acquisition, construction, reconstruction, improvement, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, civic, research and recreational facilities, thereby advancing the job opportunities, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Enabling Act authorizes each such agency to make contracts and leases, and to execute all instruments necessary or convenient to or with any person, firm, company or corporation; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act and Chapter 786 of the Laws of 1976 of the State of New York (together with the Enabling Act, hereinafter referred to as the "Act"), the Agency, which has been created and established pursuant thereto for the benefit of the City of Mount Vernon, New York (the "City"), proposes to undertake the acquisition of the project described below; and

WHEREAS, an introductory application dated March 9, 2010, as supplemented by letter dated April 20, 2010, has been submitted to the Agency by Atlantic Development Group, LLC (the "Applicant") requesting financial assistance in the form of, among other things, property tax relief and corresponding "payments in lieu of taxes" in place of real property taxes, related to the proposed project to be located at 203 Gramatan Avenue in the City consisting of the acquisition of existing properties and the construction of a mixed-use building that will consist of: dwelling units for singles, couples and families; retail space; and a parking facility on the second floor that will be dedicated to the City for municipal use as a replacement for existing onsite city surface parking (the "Project"), as more fully described in the application; and

WHEREAS, the Project will be owned by Blue Rio and leased by Blue Rio, as lessor, to the Agency, as lessee, pursuant to a Ground Lease Agreement, dated as of November 13, 2014 (the "Ground Lease Agreement"); and

WHEREAS, the Agency's leasehold interest in the Project will be subleased by the Agency, as lessor, to Blue Rio, as lessee, pursuant to a Project Lease Agreement, dated as of November 13, 2014 (the "Project Lease Agreement"); and

WHEREAS, the Project comprises three types of use: (i) residential rental use, (ii) parking facilities and (iii) retail use (the retail use comprising less than one-third of the total Project cost);

WHEREAS, pursuant to a condominium declaration to be filed (the "Condominium Declaration") the Project will be subdivided into three condominium units as follows: (i) one condominium unit (the "Residential Unit) which will include all of the residential space (the "Residential Space"), (ii) one condominium unit (the "Parking Unit) which will include all of the parking space (the "Parking Space") and (iii) one condominium unit (the "Retail Unit") which will include all of the retail space (the "Retail Space"); and

WHEREAS, the portion of the Project that will comprise the Retail Unit will be sub-subleased by Blue Rio to Duck Soup Enterprises, LLC ("Duck Soup"); and

WHEREAS, upon filing of the Condominium Declaration, the Parking Unit will be severed and released from the demise of the Ground Lease Agreement and the Project Lease Agreement, and the Ground Lease Agreement and the Project Lease Agreement will each be severed to reflect separate and distinct ground leases and lease agreements for each of the Residential Unit and the Retail Unit, Blue Rio will transfer title to the Retail Unit to Duck Soup, and Duck Soup will assume all of Blue Rio's obligations under this Agreement; and

WHEREAS, the Agency has determined that the Project will advance the job opportunities, health, general prosperity, and economic welfare of the people of the City, and improve their prosperity and standard of living, and that in implementing the Project the Agency is carrying out the purpose for which it was created; and

WHEREAS, the Agency has determined that the Project will (i) provide construction jobs during the period of the Project construction and (ii) create and maintain both permanent and seasonal jobs relating to the operation of the Project; and

WHEREAS, the Agency has adopted Resolution No. 2010-03 on June 3, 2010 inducing the Applicant to proceed with the Project; and

WHEREAS, the Agency has adopted Resolution No. 2010-05 on June 16, 2010 amending Resolution No. 2010-03; and

WHEREAS, following notice and a public hearing, on December 6, 2010 the agency adopted Resolution No. 2010-12 approving the amounts and duration of payments in lieu of taxes described herein; and

WHEREAS, the Applicant has designated Blue Rio to be the owner of the Project; and

WHEREAS, the Agency has adopted Resolution No. 2011-03 on September 22, 2011, approving a straight lease transaction for the Project and the financial assistance

contemplated by the Agency, including the terms of the Project agreement, including this Agreement; and

WHEREAS, the Agency has adopted Resolution No. 2014-10 on September 26, 2014 ratifying the resolutions previously adopted with respect to the Project and authorizing modifications to the Project agreements to reflect requirements of the proposed financing; and

WHEREAS, pursuant to Section 874(1) of the Act and Section 412-a of the Real Property Tax Law, the Agency is exempt from payment of taxes and assessments imposed on real property and improvements owned by it or under its jurisdiction, supervision or control (the "Tax Exemption"), including taxes and assessments imposed by the State of New York, the County of Westchester (the "County"), the City, and the City of Mount Vernon School District (each a "Taxing Jurisdiction" and collectively, the "Taxing Jurisdictions") other than special ad valorem levies and special assessments; and

WHEREAS, the Agency is willing to confer certain benefits of the Tax Exemption on Blue Rio in accordance with the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing, and the actions to be taken by Blue Rio with respect to the Project, the Agency and Blue Rio agree as follows:

Section 1. Property Affected by this Agreement.

This Agreement applies exclusively to the property and improvements to be designated as the Retail Unit, more fully described in Appendix A hereto, which is located on those parcels of real property described in Appendix B hereto (the "Existing Premises"). This Agreement does not apply to any of the property and improvements to be designated as the Residential Unit or Residential Space, or the Parking Unit or Parking Space, each of which will be governed by a separate payment in lieu of taxes agreement. It is the intent of the parties hereto that the aggregate of the payments in lieu of taxes on the Retail Unit, the Residential Unit and the Parking Unit shall be the sole payments in lieu of taxes payable with respect to the Project as long as the respective payment in lieu of taxes agreements relating to such portions of the Project remain in effect, and no additional amounts shall be due with respect to areas designated as "common areas" described and set forth in the Condominium Declaration.

Section 2. Definitions.

Terms used in this Agreement but not defined herein shall have the meanings ascribed to them in the Project Lease Agreement. As used herein, the following terms have the meanings set forth below:

"First PILOT Year" means the one-year period commencing on January 1, 2016 and ending on December 31, 2016.

"Land Acquisition and Development Agreement" means the Land Acquisition and Development Agreement, dated as of November __, 2013, by and among the City, Atlantic-Development Group, LLC, Blue Rio, and Hartley Park Towers, LLC, and executed by all parties as of May 14, 2014.

“Payment Due Date” means, during each PILOT Year, January 1 and July 1.

“PILOT Year” means the First PILOT Year and each succeeding calendar year.

“Project Lease Agreement” means, as of the date hereof, the Project Lease Agreement as in effect as of the date of this Agreement, and following the filing of the Condominium Declaration, that portion of the original Project Lease Agreement, as split in accordance with the terms thereof, that relates solely to the Retail Unit.

“Retail Space Occupancy Date” means the date of issuance of either a temporary or permanent certificate of occupancy for the Retail Space, whichever is earlier.

“Retail Unit” means, upon filing of the Condominium Declaration, that condominium unit designated as the Retail Unit therein and in Appendix A hereto, and prior to the filing of the Condominium Declaration, that portion of the Project that is intended to become the Retail Unit upon filing of the Condominium Declaration.

“Taxing Jurisdiction” has the meaning set forth in the Recitals hereto.

Section 3. Effective Date of Agreement.

This Agreement shall become effective as of the effective date of the Project Lease Agreement.

Section 4. Term of Agreement.

The term of this Agreement shall expire on the earlier to occur of (i) December 31, 2052 and (ii) the date of termination of the Project Lease Agreement. Notwithstanding the foregoing, the provisions of subsection (B) of Section 5, and Sections 6, 7, 8 and 9 shall survive the termination of this Agreement until all amounts payable hereunder have been paid in full.

Section 5. Payment Amounts; Payment Due Dates.

(A) Payments During Term of Project Lease Agreement.

As long as the Project Lease Agreement remains in effect, Blue Rio hereby covenants and agrees to make payments in lieu of real property taxes with respect to the Retail Unit portion of the Project (“payment-in-lieu-of-taxes”) to the Agency on each January 1 and July 1, commencing January 1, 2016, at the times and in the respective amounts determined as set forth in this Section 5.

(B) Amounts of Payments in Lieu of Taxes.

(1) Retail Space. Payments in lieu of taxes for the Retail Space shall be calculated as follows:

(a) During the first PILOT Year, and during each PILOT Year thereafter until adjusted pursuant to clause (b) below, payments in lieu of taxes shall be equal to

the product of (x) \$1.75 and (y) 19,675 square feet of retail or commercial space (whether occupied or not), adjusted (i) as set forth in clause (d) below, and (ii) by such greater or lesser number of square feet of retail or commercial space as may be specified in the certificate of occupancy.

(b) During the first full year following the Retail Space Occupancy Date, payments in lieu of taxes shall be equal to the product of (x) \$1.75 and (y) 19,675 square feet of retail or commercial space (whether occupied or not), adjusted (i) as set forth in clause (d) below, and (ii) by such greater or lesser number of square feet of retail or commercial space as may be specified in the certificate of occupancy.

(c) On each anniversary of the Retail Space Occupancy Date, the amount payable as payments in lieu of taxes for the succeeding 365-day period (or 366-day period if it includes a February 29) shall be adjusted to be the product of (x) the amount that was payable as payments in lieu of taxes during the immediately preceding 365-day period (or 366-day period if it includes a February 29) and (y) 1.03.

(d) The amount of square feet to be used in calculating the payments to be made pursuant to paragraphs (b) and (c) above shall be reduced by the number of square feet of space within the Retail Space (currently expected to be 750 square feet) that is leased or subleased to the City pursuant to Section 1.2(d) of the Land Acquisition and Development Agreement, but only for such time as such lease or sublease to the City is in effect.

(e) Within 30 days following the Retail Space Occupancy Date, the parties shall agree on a schedule of payments reflecting any adjustments required to be made pursuant to paragraphs (b) and (c) above based on the number of square feet of retail or commercial space specified in the certificate of occupancy.

(2) Payment Due Dates. With respect to amounts due in any PILOT Year, half shall be due and payable on January 1 of that PILOT Year and half shall be due and payable on July 1 of that PILOT Year. Amounts that are due on a day that is not a business day shall be due on the immediately following business day.

(C) Adjustment of Payments Upon Termination of the Project Lease Agreement.

It is the intention of the Agency and Blue Rio that, as soon as is legally permissible following the termination of the Project Lease Agreement, the Retail Unit be restored to the tax rolls and all applicable real property taxes shall apply, without abatement, offset or reduction. If the Project Lease Agreement should be terminated, whether at or prior to the scheduled end of the term, then, with respect to such period of time (i) from and after the date on which the Project Lease Agreement terminates through (ii) the date on which the Retail Unit is restored to the tax rolls and the real property taxes coming due shall become subject to tax liens (the "Restoration Period"), Blue Rio shall pay an amount equal to 100% of the taxes and assessments that would have been levied during the Restoration Period if the Retail Unit had been not been subject to the Project Lease Agreement and there had been no Agency

participation in the Retail Unit, and such entire amount shall be due and payable by Blue Rio promptly upon the determination by the Assessor of the City of the proper amount therefor.

(D) Prorating for PILOT Year Less Than a Full Year.

If any amounts are due hereunder pursuant to this Section 5 for a period that is less than a full 365 days (366 days in leap years), whether due to a termination of this Agreement or an adjustment to the amount payable pursuant to clause (A)(1)(b) of this Section 5 or pursuant to Section 9, the amount allocated to each period shall be prorated to reflect such shorter period of time.

(E) Application of PILOT Payments by the Agency.

The amounts received by the Agency as payments-in-lieu-of-taxes pursuant to this Agreement shall be paid by the Agency to the Taxing Jurisdictions within 30 days following receipt by the Agency of such payments. Such payments shall be allocated among the Taxing Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the Retail Unit not been tax exempt due to the Agency's involvement in the Project.

Section 6. Billing: Payments.

For each Payment Due Date, the Agency shall deliver an invoice to Blue Rio one month prior to such Payment Due Date, setting forth amounts due pursuant to this Agreement on such Payment Due Date. The Agency shall notify each Taxing Jurisdiction of the amounts payable and the Payment Due Date. The Agency will forward amounts received by it pursuant to this Agreement as payments in lieu of taxes to the applicable Taxing Jurisdictions in accordance with the Act and with the allocation set forth in Subsection 5(D).

Section 7. Late Payments.

If Blue Rio fails to pay any amount due hereunder by the applicable due date, the amount or amounts so in default shall continue as an obligation of Blue Rio until fully paid. Anything in this Agreement to the contrary notwithstanding (a) amounts which are delinquent shall be subject to a late payment penalty of five percent (5%) of the amount due which shall be paid to the Agency to be forwarded to the affected Taxing Jurisdiction at the time that the amount is paid, and (b) for each month, or part thereof, that an amount is delinquent beyond the first month, interest shall accrue to and be paid to the affected Taxing Jurisdiction on the total amount due plus a late payment penalty in the amount of one percent (1%) per month until the payment is made. Blue Rio and the Agency agree that the respective Taxing Jurisdictions and their officials shall be third party beneficiaries of this section of this Agreement, and are authorized by the parties hereto to enforce the provisions hereof. However, the Taxing Jurisdictions are not authorized to enforce any other provisions of this Agreement.

Section 8. Special Assessments and Benefits.

Blue Rio shall also make payments in respect of special and/or benefit assessments duly made against the Retail Unit (or that portion of the Project that will become the Retail Unit upon filing of the Condominium Declaration) by governmental authorities from

the date the Agency is conveyed leasehold interest or title to the Project as required as if the Agency had no involvement in the Project. Nothing contained herein shall exempt Blue Rio from paying all fire district taxes, special district benefit assessments or user charges, including sewer and water charges, rents, assessments or fees imposed or that would be imposed if the Agency had no involvement in the Project.

Section 9. Adjustments.

It is understood and agreed by the parties to this Agreement that the Agency is entering into this Agreement in order to provide assistance to Blue Rio for the Project and to accomplish the public purposes of the Act. In consideration therefor, Blue Rio hereby agrees that if there shall occur an "Adjustment Event" (as hereinafter defined), upon prior written notice by the Agency to Blue Rio of the occurrence of such Adjustment Event, the amounts payable by Blue Rio pursuant to Section 5 of this Agreement shall thereafter be adjusted upward such that in each year thereafter the amount payable by Blue Rio shall be an amount equal to 100% of the real property taxes and assessments that would be levied upon the Project if the Agency had no involvement in the Project.

Blue Rio covenants and agrees to furnish the Agency with written notification upon any Adjustment Event or disposition of the Retail Unit or any portion thereof made during the term of this Agreement, which notification shall set forth the terms of such Adjustment Event or disposition.

The provisions of this Section 9 shall survive the termination of this Agreement for any reason whatsoever, notwithstanding any provision of this Agreement to the contrary.

For the purposes of this Section 9, "Adjustment Event" shall with respect to the Retail Unit mean any of the following events:

- (a) There shall be an Event of Default with respect to a material obligation under the Project Lease Agreement which continues and remains uncured beyond the expiration of any applicable notice and cure period; or
- (b) Blue Rio shall be in default of any payment obligation beyond any applicable grace and/or cure period or any other material obligation under this Agreement and such default shall remain uncured thirty (30) days following delivery to Blue Rio by the Agency or any Taxing Jurisdiction of written notice of such default.

Notwithstanding the foregoing, an Adjustment Event shall not be deemed to have occurred if the Adjustment Event shall have arisen as a direct result of (i) a taking or condemnation by a governmental authority of all or substantially all of the Project, or (ii) the inability of Blue Rio to rebuild, repair, restore or replace the Project after the occurrence of a Loss Event to substantially its condition prior to such Loss Event, which inability shall have arisen in good faith through no fault on the part of Blue Rio.

Section 10. Mortgage Securing Payments.

Blue Rio, as fee owner of the Retail Unit, shall grant the Agency a first mortgage lien on the Retail Unit to secure all present and future payments in lieu of taxes due under this

Agreement (however, not in an amount in excess of the amount of payments in lieu of taxes due for each then current PILOT Year) along with late payment penalties as described in Section 7 of this Agreement.

Section 11. Assignment.

The duties and obligations of Blue Rio under this Agreement shall not be assigned without the written consent of the Agency, except to a permitted successor to or assignee of Blue Rio under the Project Lease Agreement.

Section 12. Restoration to Tax Rolls.

Upon the expiration of the Project Lease Agreement, or in the event that the Project Lease Agreement is terminated, such expiration or termination shall be deemed a transfer for purposes of §520 of the New York State Real Property Tax Law, and the provisions of New York State Real Property Tax Law §520 shall apply.

Section 13. Change in Law.

In the event that the Retail Unit is declared to be subject to taxation by an amendment to the Act, by other legislative change, or by a final judgment of a court of competent jurisdiction, the obligation of Blue Rio to pay amounts pursuant to this Agreement with respect to the Project shall be reduced in each PILOT Year by the amount paid by Blue Rio as property taxes with respect to the Retail Unit.

Section 14. Non-Recourse to Agency.

Obligations arising out of this Agreement to make payments to the respective Taxing Jurisdictions are payable by the Agency solely out of receipts, funds or other monies received by the Agency as payments in lieu of taxes from Blue Rio.

Section 15. Governing Law.

This Agreement shall be governed by, and construed in accordance with, the laws of the State of New York, without regard or giving effect to the principles of conflicts of laws thereof.

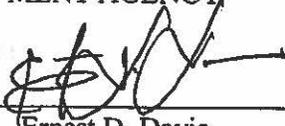
Section 16. Counterparts.

This Agreement may be executed by one or more parties in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names and on their behalf by their duly authorized officers, all as of the day and year first above written.

CITY OF MOUNT VERNON INDUSTRIAL
DEVELOPMENT AGENCY

By: 
Name: Ernest D. Davis
Title: Chairman

BLUE RIO, LLC

By: ~~Blue Rio Kenwood, LLC,
Its Managing Member~~

By: _____
Name: Peter Fine
Title: Manager

APPENDIX A

Description of the Retail Space

[The Retail Space shall be as described in the Condominium Declaration.]

APPENDIX B

Description of the Existing Premises

Located at (i) 1 Oakley Avenue, Mount Vernon, New York; (ii) 203 Gramatan Avenue, Mount Vernon, New York; and (iii) 6 Oakley Avenue, Mount Vernon, New York; Section 165.54, Block 1122, Lots 1, 19 and 20 on the Tax Map of the City of Mount Vernon, New York.

**PARTIAL TERMINATION AND PARTIAL ASSIGNMENT AND ASSUMPTION
AGREEMENT WITH ACKNOWLEDGEMENT AND CONSENT**

THIS TERMINATION AND PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT WITH ACKNOWLEDGMENT AND CONSENT (herein, this “Agreement”) is dated as of April 25, 2025 (the “Amendment Date”), and is made by and between **CITY OF MOUNT VERNON INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation of the State of New York, with offices at Mount Vernon City Hall, One Roosevelt Square North, Mount Vernon, New York 10550 (the “Agency”), **DUCK SOUP ENTERPRISES, LLC**, a limited liability company duly formed and validly existing under the laws of the State of New York, having an office at 450 West 14th Street, 8th Floor, New York, New York 10014 (“Duck Soup”), and **BLUE RIO, LLC d/b/a N&I BLUE RIO, LLC**, a limited liability company duly formed and validly existing under the laws of the State of Connecticut, having an office at 450 West 14th Street, 8th Floor, New York, New York 10014 (“Blue Rio”), with acknowledgment and consent of **CITY OF MOUNT VERNON**, a municipal corporation of the State of New York, with offices at City Hall, One Roosevelt Square, 2nd Floor, Mount Vernon, New York 10550 (the “City”). All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Project Documents (as defined below).

WITNESSETH:

WHEREAS, the City previously entered into negotiations with Blue Rio, LLC (“Blue Rio”), Atlantic Development Group, LLC (“Atlantic”), and the Hartley Park Towers, LLC (“Hartley Park”; and, together with Blue Rio and Atlantic, collectively, the “Developer”) for certain projects (the “Atlantic Project”) within the territorial boundaries of the City, as set forth in a certain Land Acquisition and Development Agreement among the City, Atlantic, Blue Rio, and Hartley Park, dated as of November 13, 2013, and executed by all parties as of May 14, 2014 and recorded in the office of the Westchester County Clerk on November 26, 2014 at Control No. 54306319 (the “LADA”); and

WHEREAS, a portion of the Atlantic Project consists of the “LaPorte Project” as provided for in the LADA (referred to herein as the “Project”) which is located on that certain lot, piece or parcel of land generally known as and by the street address 203 Gramatan Avenue (a/k/a 122 Third Avenue, North) (Section 165.54, Block 1122, Lots 1.101, 1.102, and 1.103, f/k/a Lots 1, 19 and 20), Mount Vernon, New York 10550 (the “Land”); and

WHEREAS, the Project consists of the development, construction, equipping operation and maintenance of mixed use building with (1) 159 dwelling units on (the “Residential Space”), (2) approximately 20,000 square feet of ground floor retail space (the “Retail Space”), and (3) a second story municipal garage of 57 parking spaces (the “Garage Space”) located on the Land (collectively, the “Improvements”; and together with the Land, the “Project Facility”); and

WHEREAS, to facilitate the Project and pursuant to the LADA, the Agency and Blue Rio entered into various agreements, including a certain Ground Lease Agreement, dated as of November 13, 2014 (the "Original Ground Lease"), a memorandum of which was recorded in the Office of the Westchester County Clerk on December 5, 2014, at Control Number 543063008, (ii) a certain Project Lease Agreement, dated as of November 13, 2014 (the "Original Project Lease"), a memorandum of which was recorded in the Office of the Westchester County Clerk on December 5, 2014, at Control Number 543063011, (iii) a certain Payment in Lieu of Taxes Agreement 203 Gramatan Avenue Retail Space Portion of Project, dated November 13, 2014 (the "Retail PILOT"), (iv) a certain Payment in Lieu of Taxes Agreement 203 Gramatan Avenue Garage Unit Portion of Project, dated November 13, 2014 (the "Garage PILOT"), (v) a certain Payment in Lieu of Taxes Agreement 203 Gramatan Avenue Residential Space Portion of Project, dated November 13, 2014 (the "Residential PILOT"), and (vi) a certain PILOT Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing, dated November 13, 2014, and recorded in the Office of the Westchester County Clerk on December 17, 2014, at Control Number 543513144 (the "Original PILOT Mortgage"; and, together with the LADA, the Original Ground Lease, the Original Project Lease, the Residential PILOT, the Garage PILOT and the Retail PILOT, the "Project Documents"); and

WHEREAS, the Project Documents contemplated that as soon as practicable, Blue Rio would subject the Project Facility to a condominium ownership regime under which the Garage Space would constitute a separate and distinct condominium unit and is situate on that portion of the Land designated as Lot 1.103 (the "Garage Unit"), the Residential Space would constitute a separate and distinct condominium unit and is situate on that portion of the Land designated as Lot 1.101 (the "Residential Unit") and the Retail Space would constitute a separate and distinct condominium unit and is situate on that portion of the Land designated as Lot 1.102 (the "Retail Unit"); and

WHEREAS, the Project Documents contemplated that upon filing of the declaration of condominium: (i) the Garage Unit would be transferred by Blue Rio to the City and severed and released from the lien of the Original PILOT Mortgage and the demise of the Original Ground Lease and the Original Project Lease and would be conveyed to the City free and clear of any mortgages or other liens or encumbrances, (ii) the lien of the Original PILOT Mortgage with respect to Residential Unit and the Retail Unit would be split into two liens to create two separate and distinct mortgages to secure the respective obligations of the Residential PILOT for the Residential Unit and the Retail PILOT for the Retail Unit; and

WHEREAS, Blue Rio executed the Declaration of Condominium, dated July 24, 2018 (the "Declaration of Condominium"), which was recorded in the Office of the Westchester County Clerk on July 30, 2018, at Control Number 582083207; and

WHEREAS, the Project Documents were never amended as of record; and

WHEREAS, the conveyance of the Garage Unit, if executed following the Declaration of Condominium, was not recorded by the City; and

WHEREAS, Duck Soup intends to enter into certain financing agreements with Symetra Life Insurance Company (“Symetra”) by which Symetra will make a loan to Duck Soup (the “Symetra Loan”); and

WHEREAS, pursuant to the Project Documents and the Symetra Loan, Duck Soup, the Agency, and Blue Rio, with the consent of the City, desire to (i) amend and partially terminate the Original Ground Lease and the Original Project Lease, and Original PILOT Mortgage, each with respect to the Retail Unit and Garage Unit, (ii) assign the Retail PILOT to Duck Soup, (iii) execute (a) a certain Ground Lease Agreement (Retail Unit) from Duck Soup to the Agency (“Retail Ground Lease”), (b) a certain Project Lease Agreement (Retail Unit) from the Agency to Duck Soup (“Retail Project Lease”), (c) a certain Environmental Indemnity Agreement from Duck Soup to the Agency (“Retail Environmental Indemnity”) and (d) a certain PILOT Mortgage, Assignment of Rents, Security Agreement and Fixture Filing for the Retail Space, from Duck Soup to the Agency as contemplated in the Project Documents (“Retail PILOT Mortgage”; and, together with the Retail PILOT, Retail Ground Lease, Retail Project Lease and Retail Environmental Indemnity, “Retail Documents”), (iv) to re-execute and record the conveyance of the Garage Unit to the City, and (v) execute and deliver all other necessary and proper documents, certificates and/or agreements (collectively the “Amendment”).

NOW THEREFORE, for and in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Amendment to Original Ground Lease and Original Project Lease; Assignment of Retail PILOT. The Agency and Blue Rio hereby agree:

(a) The Original Ground Lease shall be amended by partial termination to release the Retail Unit and Garage Unit and shall remain in full force and effect with respect to the Residential Unit (as so amended, the “Residential Ground Lease”).

(b) The Original Project Lease shall be amended by partial termination to release the Retail Unit and Garage Unit and shall remain in full force and effect with respect to the Residential Unit (“Residential Project Lease”; and, together with the Residential Ground Lease and Residential PILOT, the “Residential Documents”).

(c) Schedule A to the Residential Ground Lease and Schedule A to the Residential Project Lease are amended by deletion and replaced with Exhibit A attached hereto.

(d) The Retail PILOT is hereby assigned to Duck Soup.

(e) The Garage PILOT is hereby terminated and cancelled as of the Amendment Date, except for provisions therein that specifically survive such termination.

(f) The Original PILOT Mortgage shall be amended (i) to conform Schedule A thereto with the Declaration of Condominium, and (ii) to release the Garage Unit and Retail Unit from the lien of the Original PILOT Mortgage. The Original PILOT Mortgage, as amended, will remain in full force and effect with respect to the Residential Unit (as so amended, the “Residential PILOT Mortgage”);

2. Partial Assignment by Blue Rio.

(a) Blue Rio hereby sells, assigns, transfers, conveys and sets over unto Duck Soup all of Blue Rio's rights, title, interest, duties, obligations and liability in, to and under the Retail PILOT first arising from and after the Amendment Date.

(b) Duck Soup hereby accepts the Amendment, and Duck Soup hereby covenants to operate and maintain the Retail Unit such that it constitutes a "project" under by Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended (hereinafter collectively called the "Act").

(c) Blue Rio hereby agrees and consents that this Agreement shall in no way be construed as a waiver or release of any claims or rights that the Agency may have at any time against Blue Rio, and the Agency expressly reserves any such claims or rights and the right to pursue the same at law or in equity.

3. Assumption by Duck Soup.

(a) Duck Soup hereby assumes the performance of all of the obligations, terms, covenants and conditions of the Retail Documents on Blue Rio's part first to be performed thereunder first arising from and after the Amendment Date and will perform all of the obligations, terms, covenants and conditions of the Retail Documents on Duck Soup's part to be performed from and after the Amendment Date, all with the same force and effect as though the Duck Soup had signed the Retail Documents as a party named therein.

(b) In accordance with Section 1.5(d) of the Original Project Lease, Duck Soup hereby certifies and agrees that the Retail Unit shall continue to constitute a "project" as such term is defined in the Act.

4. Indemnity of Duck Soup. Duck Soup does hereby agree, for Duck Soup and for Duck Soup's legal representatives, successors and assigns, to indemnify, defend and save Blue Rio and Blue Rio's successors and assigns harmless from and against any and all claims, losses, suits and expenses (including, but not limited to, reasonable attorneys' fees and litigation expenses) asserted or first arising in connection with the performance by Duck Soup under the Retail Documents from and after the Amendment Date. This in no way limits the Agency's rights to indemnification under the Project Documents, Retail Documents or Residential Documents.

5. Indemnity of Blue Rio. Blue Rio does hereby agree, for Blue Rio and for Blue Rio's successors and assigns, to indemnify, defend and save Duck Soup and Duck Soup's legal representatives, successors and assigns harmless from and against any and all claims, losses, suits and expenses (including, but not limited to, reasonable attorneys' fees and litigation expenses) asserted or first arising in connection with the performance by Blue Rio under the Project Documents prior to the Amendment Date. This in no way limits the Agency's rights to indemnification under the Project Documents, Retail Documents or Residential Documents.

6. Consent of Agency; Indemnity of Blue Rio and Duck Soup to Agency. Pursuant to the terms and provisions of the Project Documents, as amended, the Residential Documents and the Retail Documents, the Agency hereby consents to the Amendment and acknowledges its consent

below by and through its duly authorized officer. It being expressly understood and agreed that each of Blue Rio and Duck Soup, jointly and severally, agree and covenant that each of Blue Rio and Duck Soup hereby releases the Agency and its members, officers, agents (except Duck Soup and Blue Rio) and employees from, agrees that the Agency and its members, officers, agents (except Duck Soup and Blue Rio) and employees shall not be liable for, and agrees to indemnify, defend and hold the Agency and its members, officers, agents (except Duck Soup and Blue Rio) and employees harmless from and against, any and all costs or liabilities that may be occasioned, directly or indirectly, by any cause whatsoever pertaining to this Agreement, including without limitation, all causes of action and reasonable attorneys' fees and litigation expenses incurred in connection with any suits or actions which may arise as a result of any of the foregoing.

7. Representations and Warranties of Blue Rio. Blue Rio hereby represents and warrants to Duck Soup, the Agency and the City, that (a) the representations and warranties contained in the Project Documents are true and correct in all material respects at and as of the date made and at and as of the Amendment Date, except to the extent relating to representations and warranties that expressly are limited to an earlier date, in which case such representations and warranties were true and correct in all material respects at and as of such earlier date; (b) there have been no prior assignments of the Project Documents made by Blue Rio to any other party; (c) that the Retail PILOT is being assigned to Duck Soup free and clear of all liens and encumbrances, except as may have been previously authorized by the Agency; (d) Blue Rio has complied with all provisions of the Project Documents, with respect to the Amendment; and (e) to the best of Blue Rio's knowledge, Blue Rio is not now in breach or default of any Project Documents, nor are there any facts that, with the passage of time, may constitute a breach or default under the Project Documents, as amended by this Agreement. The representations and warranties of Blue Rio set forth herein shall survive the closing of the transactions contemplated by the Project Documents and the delivery of this Agreement. The Agency hereby acknowledges Blue Rio's compliance with the provisions of the Project Documents regarding the Amendment.

8. Representations and Warranties of Duck Soup. Duck Soup hereby represents and warrants to Blue Rio, the Agency and the City, that (a) the representations and warranties contained in the Project Documents are true and correct in all material respects at and as of the date made and at and as of the Amendment Date, except to the extent relating to representations and warranties that expressly are limited to an earlier date, in which case such representations and warranties were true and correct in all material respects at and as of such earlier date; (b) there have been no prior assignments of the Project Documents and/or Retail Documents made by Duck Soup to any other party; (c) that the Retail PILOT is being assigned to Duck Soup free and clear of all liens and encumbrances, except as may have been previously authorized by the Agency; (d) Duck Soup has complied with all provisions of the Project Documents and Retail Documents, with respect to the Amendment; and (e) to the best of Duck Soup's knowledge, Duck Soup is not now in breach or default of any Project Documents or Retail Documents, nor are there any facts that, with the passage of time, may constitute a breach or default under the Project Documents as amended by this Agreement. The representations and warranties of Blue Rio set forth herein shall survive the closing of the transactions contemplated by the Retail Documents and the delivery of this Agreement. The Agency hereby acknowledges Duck Soup's compliance with the provisions of the Project Documents and Retail Documents regarding the Amendment.

9. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which together shall constitute one and the same instrument.

10. Binding Effect. Each reference herein to a party hereto shall be deemed to include its successors and assigns, all of whom shall be bound by this Agreement and in whose favor the provisions of this Agreement shall inure.

11. Entire Agreement. This Agreement represents the entire agreement between the parties hereto with respect to the subject hereof and supersedes all prior negotiations, either written or oral.

12. Further Assurances. The Agency, Blue Rio and Duck Soup agree to deliver to each other such further instruments and/or documents as reasonably requested and for the purpose of carrying out or consummating the transactions contemplated by this Agreement.

[Remainder of Page Intentionally Left Blank]

**[Signature Page to Assignment and Assumption Agreement
with Acknowledgment and Consent 1 of 3]**

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the date first above written.

**BLUE RIO, LLC
d/b/a N&I BLUE RIO, LLC**

By: Blue Rio Kenwood, LLC, its Manager

By: _____
Name: Peter Fine
Title: Manager

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

On the 23rd day of April, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter Fine, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Rosemarie Kaneleos
Notary Public

ROSEMARIE KANELOS Notary Public, State of New York No. 01KA6021860 Qualified in Queens County Commission Expires March 22, 2027

**[Signature Page to Assignment and Assumption Agreement
with Acknowledgment and Consent 2 of 3]**

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the date first above written.

DUCK SOUP ENTERPRISES, LLC

By: _____
Name: Peter Fine
Title: Manager

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

On the 23rd day of April, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter Fine, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Rosemarie Kanelos
Notary Public

ROSEMARIE KANELOS Notary Public, State of New York No. 01KA6021860 Qualified in Queens County Commission Expires March 22, 2027

**[Signature Page to Assignment and Assumption Agreement
with Acknowledgment and Consent 3 of 3]**

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the date first above written.

**CITY OF MOUNT VERNON
INDUSTRIAL DEVELOPMENT AGENCY**

By: 
Name: Shawyn Patterson-Howard
Title: Chair

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

On the 14th day of March, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Shawyn Patterson-Howard, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

JOHAN S. POWELL
NOTARY PUBLIC, New York State
No. 02P06345179
Commission Expires July 18, 2023

**ACKNOWLEDGMENT AND CONSENT TO
ASSIGNMENT AND ASSUMPTION AGREEMENT**

The undersigned, on behalf of the City of Mount Vernon, hereby acknowledges receipt of notice of and consents to the within Amendment by and between Blue Rio and Duck Soup, pursuant to which Blue Rio assigns all of Blue Rio's rights, title, interest, duties, obligations and liabilities under the Retail Documents (as defined herein) first arising from and after the Amendment Date (as defined in the Agreement) and Duck Soup accepts such assignment and assumes all of Blue Rio's rights, title, interest, duties, obligations and liability into and under the Retail Documents first arising from and after the Amendment Date. The foregoing shall not be construed, however, as a waiver or release of any claims or rights that the undersigned may have at any time against Blue Rio, and the undersigned expressly reserves any such claims or rights and the right to pursue the same at law or in equity.

[Remainder of Page Intentionally Left Blank]

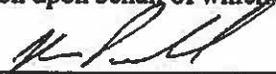
IN WITNESS WHEREOF, the undersigned has caused this Acknowledgment to be duly executed as of the date first written above.

CITY OF MOUNT VERNON

By: 
Shawn Patterson-Howard
Mayor

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

On the 13th day of March, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared **Shawn Patterson-Howard**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

Faint, illegible notary seal text.

JOHAN S. POWELL
NOTARY PUBLIC, New York State
No. 02P06345179
Commission Expires July 18, 2028

EXHIBIT A-1

**Legal Description of the Land
Residential Unit**

EXHIBIT A - 1

THE CONDOMINIUM UNIT (THE "UNIT") KNOWN AS RESIDENTIAL UNIT IN THE PREMISES KNOWN AS 203 GRAMATAN CONDOMINIUM, SAID UNIT BEING DESIGNATED AND DESCRIBED IN THE DECLARATION ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP OF SAID PREMISES UNDER ARTICLE 9-B OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK (THE "NEW YORK CONDOMINIUM ACT") DATED JULY 24, 2018 AND RECORDED JULY 30, 2018 IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK AS CONTROL NO. 582083207 AND ALSO DESIGNATED AS TAX LOT 1.103, BLOCK 1122 ON THE CITY OF MT. VERNON, COUNTY OF WESTCHESTER AND STATE OF NEW YORK AND ON THE TAX MAP OF THE CITY OF MT. VERNON AND ON THE FLOOR PLANS OF SAID BUILDING CERTIFIED BY DAVID E. GROSS, ARCHITECT, ON APRIL 6, 2018 AND FILED WITH THE OFFICE OF THE WESTCHESTER COUNTY CLERK ON JULY 30, 2018 AS MAP NO. 29202.

TOGETHER WITH AN UNDIVIDED 81.5923% INTEREST IN THE COMMON ELEMENTS (AS SUCH TERM IS DEFINED IN THE DECLARATION).

THE PREMISES WITHIN WHICH THE UNIT IS LOCATED ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PLOT, PIECE OR PARCEL OF LAND IN THE CITY OF MOUNT VERNON, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, BEING LOT NOS. 511 & 512 AND A PORTION OF LOT NOS. 551, 552, 553 & 554 ON A FILED MAP ENTITLED "MAP OF CENTRAL MT. VERNON", FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE ON JANUARY 14, 1854 AS MAP NUMBER 206 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF SOUTHERLY SIDE OF OAKLEY AVENUE, FORMERLY NORTH STREET, WITH THE WESTERLY SIDE OF NORTH 3RD AVENUE, SAID POINT ALSO BEING THE DIVISION LINE BETWEEN LOTS 553 AND 510 ON AFOREMENTIONED FILED MAP NO. 206;

THENCE FROM SAID POINT OF BEGINNING RUNNING EASTERLY AND SOUTHERLY ALONG THE SAID WESTERLY SIDE OF NORTH 3RD AVENUE THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

1. SOUTH 58° 50' 00" EAST 6.79 FEET;
2. ON A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET A CENTRAL ANGLE OF 39° 39' 56" FOR A DISTANCE OF 121.15 FEET;
3. SOUTH 17° 16' 20" EAST, 101.15 FEET;
4. SOUTH 2° 10' 40" EAST 1.25 FEET TO THE DIVISION LINE BETWEEN LOT NOS. 551 & 550 ON SAID FILED MAP NO. 206;

THENCE SOUTH 87° 49' 20" WEST ALONG THE DIVISION LINE BETWEEN LOTS NOS. 551 & 552 AND LOT NOS. 550 & 513 ON SAID FILED MAP NO. 206, 175.00 FEET TO THE EASTERLY SIDE OF GRAMATAN AVENUE AS WIDENED;

THENCE NORTH 02° 10' 40" WEST ALONG THE SAID EASTERLY SIDE OF GRAMATAN AVENUE, AS WIDENED, 200.00 FEET TO THE SOUTHERLY SIDE OF OAKLEY AVENUE, FORMERLY NORTH STREET;

THENCE NORTH 87° 49' 20" EAST 75.00 FEET TO THE POINT OR PLACE OF BEGINNING.

EXHIBIT A-2

Legal Description of the Land
Retail Unit

Title No.: 5188566-F-NY-CR-KV

Exhibit A - 2

The Unit (the "Unit") known as Unit No. Retail Unit in the premises known as 203 Gramatan Condominium (the "Condominium") and by the Street Number 203 Gramatan Avenue (a/k/a 122 North Third Avenue) City of Mount Vernon, County of Westchester and State of New York, said Unit being designated and described as Unit No. Retail Unit in the Declaration ("Declaration") establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act"), dated July 24, 2018 and recorded in the Westchester County Clerk's Office on July 30, 2018 as Control No. 582083207 and also designated as Section 165.54 Tax Lot No. 1.102 in Block No. 1122 in the County of Westchester and on the Floor Plans of said building. The premises within which the Unit is located are more particularly described below. All capitalized terms herein which are not separately defined herein shall have the meanings given to those terms in the Declaration or in the By-Laws of the Condominium. (Said By-Laws, as the same may be amended from time to time, are hereinafter referred to as the "By-Laws".)

TOGETHER with an undivided 8.1098% interest in the Common Elements. The land on which the building lies is described as follows:

ALL that plot, piece or parcel of land in the City of Mount Vernon, County of Westchester and State of New York, being Lot Nos. 511 & 512 and a portion of Lot Nos. 551, 552, 553 & 554 on a filed map entitled "Map of Central Mt. Vernon", Filed in the Westchester County Clerk's Office on January 14, 1854 as Map Number 206 and being more particularly described as follows:

BEGINNING at the corner formed by the intersection of southerly side of Oakley Avenue, formerly North Street, with the westerly side of North 3rd Avenue, Said point also being the division line between Lots 553 and 510 on aforementioned Filed Map No. 206;

THENCE from said point of beginning running easterly and southerly along the said westerly side of North 3rd Avenue the following four (4) courses and distances:

1. South 58 degrees 50 minutes 00 seconds East, 6.79 feet;
2. On a curve to the right having a radius of 175.00 feet a central angle of 39 degrees 39 minutes 56 seconds, for a distance of 121.15 feet;
3. South 17 degrees 16 minutes 20 seconds East, 101.15 feet;
4. South 2 degrees 10 minutes 40 seconds East, 1.25 feet to the division line between Lot Nos. 551 & 550 on said filed Map No. 206;

THENCE South 87 degrees 49 minutes 20 seconds West along the division line between Lots Nos. 551 & 552 and Lot Nos. 550 & 513 on said filed Map No. 206, 175.00 feet to the easterly side of Gramatan Avenue as widened;

THENCE North 02 degrees 10 minutes 40 seconds West along the said easterly side of Gramatan Avenue, as widened, 200.00 feet to the southerly side of Oakley Avenue, formerly North Street;

THENCE North 87 degrees 49 minutes 20 seconds East, 75.00 feet to the point or place of BEGINNING.

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

Your Committee is in receipt of a transmittal from the County Executive recommending adoption of a Local Law which would authorize the County of Westchester (the “County”) to amend and restate the current ten (10) year lease agreement (the “Original Lease”) with the Westchester Children’s Museum (the “Children’s Museum”) for the operation of a children’s museum on approximately 21,390 square feet of County property which was formerly utilized as a men’s bathhouse (the “Leased Premises”) located in Playland Park, Rye, New York, in order to extend the term by an additional twenty (20) years and to amend and clarify certain other provisions of the Lease relating to the maintenance and repair of the Leased Premises (“Amended and Restated Lease”).

As your Honorable Board may recall, the Leased Premises was discontinued as parkland pursuant to Chapter 183 of the 2003 Laws of the State of New York (the “State”), as amended (the “State Legislation”), and the County was authorized to enter into a lease with the Children’s Museum for a term of up to thirty (30) years. The State, in its authorizing legislation, conditioned its approval on the following:

1. State authorization is effective only upon condition that the County dedicate an amount equal to the fair market value of those interests being transferred for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities;
2. should the Leased Premises cease to be operated as a children’s museum, the Lease shall terminate and revert to the County for public park and recreational purposes;
3. the children’s museum shall be made available to the general public on an equitable basis; and
4. where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Westchester Children’s Museum in conjunction with the County, which provides priority use to the general public.

As your Honorable Board may further recall, Local Law 9-2011 subsequently authorized County to enter into the Original Lease with the Children's Museum, having a term of ten (10) years for \$1 per year. Pursuant to the terms of the Original Lease, the Children's Museum agreed to maintain the Leased Premises and to perform capital improvements to the Leased Premises totaling approximately \$6,441,300. In addition, the requirements and conditions of the State Legislation were incorporated into the Original Lease. I have been advised that the Original Lease commenced on December 14, 2015 and, to date, the Children's Museum has continuously operated the museum and has completed approximately \$4,605,000.00 in capital improvements.

Under the terms of the proposed Amended and Restated Lease, the termination date shall be extended an additional twenty (20) years to December 13, 2045 and the Children's Museum shall continue paying rent of \$1 per year to the County. In addition, the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease and at its sole cost and expense, and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. However, the County shall provide propane, electricity, and other certain utility services to the Children's Museum at a cost of \$1,500.00 per month for the first five (5) years of the Amended and Restated Lease extension ("First Five Year Period"), adjusted annually for changes in CPI. At the end of the First Five Year Period and on each five (5) year anniversary thereafter, the Commissioner of the County's Department of Parks, Recreation and Conservation (the "Department") shall determine, in her sole discretion, whether or not the County will continue providing these services and, if so, the future costs for these services.

In addition, under the terms of the proposed Amended and Restated Lease, the Children's Museum shall invest a minimum of an additional \$10,000,000.00 in capital improvements to the Leased Premises during the remaining term. All improvements shall be subject to the approval of the Department and the County's Department of Public Works & Transportation. The County has further agreed that the County may, in its sole discretion, fund exterior repairs to the Leased Premises, including but not limited to roof repairs up to \$1,000,000.00, subject to appropriations

and receipt of all future necessary legal approvals. Finally, the requirements and conditions of the State Legislation will remain expressly incorporated into the Amended and Restated Lease.

In compliance with the first condition of the State Legislation, the Department has advised that a market rental analysis prepared by Property Valuation, Inc. dated May 24, 2023, determined that the value of the proposed extension is approximately \$10,627,506.00 total over the twenty (20) year extension period. The Department has further advised that since the commencement of the Original Lease in 2015, the County has spent over \$150,000,000.00 on capital improvements at Playland Park alone, including over \$20,000,000.00 on the Playland Pool Complex and South Bathhouse. In addition, all other conditions of the State Legislation have been and are currently being met and the County is therefore authorized, subject to approval by your Honorable Board, to extend the Lease for an additional twenty (20) years.

The Department has advised that the Children's Museum has provided the public with an educational resource and age-appropriate museum for children that provides educational, recreational and economic value to the residents of Westchester County and is consistent with the Department's mission: *To create life-enriching experiences at safe, clean, affordable parks and preserve our natural resources through responsible leadership.*

The Planning Department has advised that, based on its review, the proposed Amended and Restated Lease constitutes a "Type II" under the State Environmental Quality Review Act, 6 NYCRR Part 617 ("SEQRA), which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. A copy of the SEQRA documentation is annexed hereto. Your Committee concurs with this recommendation.

It should be noted that in accordance with Section 104.11(5)(b) of the Laws of Westchester County, an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the attached local law.

Your Committee has carefully considered the proposed local law and therefore recommends that your Honorable Board adopt the proposed local law authorizing County to enter into an Amended and Restated Lease with the Children's Museum in order to extend the

term of the Original Lease by an additional twenty (20) years and clarify certain other provisions relating to the maintenance and repair of the Leased Premises.

Dated: April 28th, 2025
White Plains, New York

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<p>c/jpi/3.21.25 COMMITTEE ON Budget & Appropriations</p>	<p>Public Works & Transportation</p>	<p>Parks & Environment</p>
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Dated: April 28, 2025
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.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive style with a large, stylized "S" at the end.

COMMITTEE ON

Budget & Appropriations

TO: Tami Altschiller, Assistant Chief Deputy County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 27, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
AMENDMENT OF THE WESTCHESTER CHILDREN'S MUSEUM
LEASE AGREEMENT**

PROJECT/ACTION: Legislation to amend and restate the 10-year lease agreement with the Westchester Children's Museum for the building formerly utilized as a men's bathhouse in Playland Park to extend the term by an additional 20 years. Pursuant to the terms of the proposed lease amendment, the Children's Museum shall make all required repairs to the leased premises, including exterior and structural repairs, as well as invest in capital improvements to the leased premises subject to the approval of the County's departments of Parks, Recreation & Conservation and Public Works & Transportation.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the proposed action, may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(1):** maintenance or repair involving no substantial changes in an existing structure or facility; and
- **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; and
- **617.5(c)(32):** license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

COMMENTS: All repairs and improvements will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Future capital improvements by the Children's Museum will be subject to County department approvals and any further environmental review as may be required by SEQRA.

DSK/oav

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
John Paul Iannace, Senior Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

LOCAL LAW INTRO. NO. – 2025

A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement.

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

Section 1. The County of Westchester ("County") is hereby authorized to enter into an amended and restated lease agreement ("Amended and Restated Lease") with the Westchester Children's Museum ("Children's Museum") for the operation of a children's museum on approximately 21,390 square feet of County property in Playland Park, Rye, New York (the "Leased Premises") in order to extend the term an additional twenty (20) years for a new termination date of December 13, 2045. Lease fees shall be paid at the rate of \$1 per year for the term and the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease at its sole cost and expense and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. Additionally, the Children's Museum shall make capital improvements over the remaining term of the Amended and Restated Lease to the Leased Premises totaling approximately Ten Million Dollars (\$10,000,000). All improvements shall be subject to the approval of the County's Department of Parks, Recreation and Conservation and the Department of Public Works.

§2. The County Executive or his authorized designee is authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Local Law.

§3. This Local Law shall take effect immediately.

day of **THIS RESTATED AND AMENDED LEASE AGREEMENT** made this
, 2025 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 (hereinafter referred to as the "County" or the "Landlord"),

and

WESTCHESTER CHILDREN'S MUSEUM, an educational corporation having an office and place of business 100 Playland Parkway, Rye, New York 10580 (hereinafter referred to as the "Lessee" or the "Children's Museum").

WITNESSETH:

WHEREAS, the County, acting through its Department of Parks, Recreation and Conservation, and Lessee executed a ten (10) year lease dated January 25, 2017 (the "Initial Lease Document") for approximately 23,856 square feet of property which was formerly utilized as a men's bathhouse at Playland Park, Rye, New York for the operation of a children's museum; and

WHEREAS, pursuant to Chapter 83 of the 2003 Laws of the State of New York, as amended by Chapter 376 of the Laws of 2010 ("State Law"), the Leased Premises were discontinued as parkland and the County was authorized to enter into a Lease with the Lessee for a term not in excess of thirty (30) years, subject to certain conditions and

WHEREAS, the County and Lessee desire to restate and amend the Initial Lease Document and extend the Term of the lease from ten years to thirty years which mirrors the term authorized by the State Law; and

NOW, THEREFORE, in consideration of the agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree the Initial Lease Document shall be amended and restated in its entirety and as more particularly set forth herein, as follows:

ARTICLE 1

DESCRIPTION AND USE

1.1 The County hereby leases to the Lessee and the Lessee hereby accepts from the County all those certain premises formerly the men's bathhouse located at Playland Park, Rye, New York ("Lease"), consisting of the premises as more particularly defined on Schedule "A" annexed hereto (hereinafter the "Leased Premises"), and made a part hereof.

1.2 The Lessee shall occupy and use the Leased Premises for the operation of a children's museum, which shall be made available to the general public on an equitable basis.

1.3 Pursuant to the State Law, the Lessee agrees as follows:

- (a) Should the Leased Premises cease to be operated as a children's museum, the Lease shall immediately terminate and the Leased Premises shall revert to the County for public park and recreational purposes;
- (b) The children's museum shall be made available to the general public on an equitable basis; and
- (c) Where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Children's Museum in conjunction with the County, which provides priority use to the general public.

ARTICLE 2

TERM

2.1. The lease term ("Lease Term") shall be deemed to have commenced at 12:00 a.m. on December 14, 2015, (the "Commencement Date"), and shall terminate at 11:59 p.m. on December 13, 2045, unless sooner terminated in accordance with the terms contained in this Lease.

ARTICLE 3

FEES

3.1 As consideration for the rights granted to the Lessee pursuant to Article "1", supra, the Lessee shall pay to the County during the term hereof the following:

(a) Beginning with the Commencement Date and continuing through the Lease Term, the annual sum of ONE DOLLAR, payable in advance on the anniversary of the Commencement Date.

(b) In addition to the aforesaid fees payable to the County, Lessee shall be solely responsible for and shall pay and discharge, when due and payable, any and all real property assessments, water meter and sewer rents, utility charges, all other utilities, internet, telephone, refuse removal and recycling, sprinkler servicing, dehumidifier servicing, burglary and fire protection services, exterminator services, etc. and all other charges which may become due and payable to any party Lessee contracts with in connection with the Leased Premises during the term of this Lease.

3.2 It is the intention of the parties hereto that all costs, expenses and obligations of every kind relating to the Leased Premises or the Children's Museum (except as otherwise specifically provided in this Lease) which may arise or become due during the Lease Term, shall be paid by the Lessee, and that the County shall be indemnified by the Lessee against such costs, expenses and obligations.

3.3 Notwithstanding anything to the contrary contained herein, for the period of December 14, 2025 to December 13, 2030 ("Five Year Period"), the County shall provide propane (LNG) and electricity services (collectively the "LNG/Electricity Utilities") to the Children's Museum at a cost of \$1,500.00 per month ("Utility Fee") payable to the County monthly on the first day of the month. The Utility Fee shall be adjusted yearly starting December 14, 2026 by the percentage change in the Consumer Price Index over the immediately preceding calendar year. "Consumer Price Index" means the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, All Items, New York, New York – Northeastern New Jersey Area, all urban consumers (1982-84 = 100), or a successor index ("CPI"). At the end of the Five Year Period and on each five (5) year anniversary from the Five Year Period thereafter through the Lease Term, the Commissioner of the County's Department of Parks, Recreation and Conservation or his/her duly authorized designee (collectively the "Commissioner"), in his/her sole discretion, whether or not the County will continue providing the LNG/Electricity Utilities to Lessee. If it is determined that the County shall continue to provide PNG/Electricity Utilities to the Children's Museum the new monthly fee for the LNG/Electricity Utilities shall be calculated at that time by the Commissioner in his/her sole discretion (subject to ongoing annual CPI adjustments). . If it is determined that such utilities will be discontinued then the Children's Museum must procure and contract for LNG/Electricity Utilities directly.

3.4 All fees due to the County under the Lease shall be payable at the Office of the Commissioner when due, or at such other office as the County may designate by notice. An interest charge shall be assessed on any late or overdue payment at a rate of 1.5% per month.

3.5 All fees due to the County in this Article 3 shall be considered additional rent.

ARTICLE 4

ACCOUNTS

4.1 The Lessee shall keep the books of accounts and records of all operations and establish a system of bookkeeping and accounts in a manner considered to be good accounting practice according to the American Institute of Certified Public Accountants and satisfactory to the Commissioner, and shall permit inspection of said books and records by the County as often as deemed necessary in the opinion of the Commissioner. The Lessee shall, within one hundred twenty (120) days of the end of each calendar year, submit a certified, audited annual report, or as required by the Commissioner, a profit and loss statement of operations under the terms of this Lease, in a form considered to be good accounting practice according to the American Institute of Certified Public Accountants and satisfactory to the Commissioner. The County, its employees and agents, shall have the right to inspect the Lessee's operation at any time and for any reason provided such inspections shall not unreasonably interfere with Lessee's business operations.

ARTICLE 5

PROPOSED ALTERATIONS

5.1.1 The parties acknowledge and agree that, as of the date hereof, the Lessee has invested a total of FOUR MILLION SIX HUNDRED FIVE THOUSAND (\$4,605,000.00) DOLLARS in capital improvements to the Leased Premises.

The parties further acknowledge and agree that during the remaining Lease Term, the Lessee shall invest a minimum of an additional TEN MILLION (\$10,000,000.00) DOLLARS in future capital improvements.

5.1.2 Lessee may make capital improvements which comprise changes or alterations to the interior or exterior of the Leased Premises (collectively "Proposed Alterations"), subject to Landlord's prior written approval and subject to necessary legal approvals, if any. Lessee, at its own expense, shall engage an engineer to prepare plans of any Proposed Alterations in sufficient detail to demonstrate that same are in compliance with Applicable Laws, and then current construction techniques and applicable engineering standards and requirements. All such plans shall be delivered to the Commissioner for the County's review and approval.

Landlord shall notify Lessee within sixty (60) days after receipt of any such plans of its approval or disapproval of the proposed plans, and, in the event of its disapproval, shall specifically identify Landlord's objection and state its reasons therefor, in which event Lessee shall have the right to re-submit revised plans for Landlord's approval, and Landlord shall notify Lessee within thirty (30) days after receipt of any such revised plans of its approval or disapproval of the revised plans, and, in the event of its disapproval, shall specifically identify Landlord's objection and state its reasons therefor. The parties agree that Lessee shall have the right to continue to submit further revised plans to Landlord until the revised plans are approved.

Any Proposed Alterations pursuant to this Article 5 shall be subject to the following conditions which Lessee covenants to observe and perform:

(a) Any structural change or alteration shall be conducted under the supervision of a licensed architect or engineer selected by Lessee.

(b) All changes and alterations shall be of such a character that, when completed, the value and utility of the changes and alterations shall not be less than the value and utility thereof immediately prior to any such change or alteration.

(c) All work done in connection with any change or alteration shall be done in a good and workmanlike manner and will be of the highest quality and will be consistent with the overall quality of the materials and workmanship employed throughout the Leased Premises.

(e) Copies of all "as built" drawings, if applicable, (which shall be deemed to include final architectural and engineering plans with field notations thereon) and equipment and building system operating and maintenance manuals, for the Proposed Alterations, shall be delivered to the Commissioner to complete the County's records. Final "as built" drawings must be signed and sealed by a licensed New York design professional.

5.1.3 All Proposed Alterations shall comply with all applicable laws, ordinances, regulations or orders of any Federal, State, Municipal or other public authority affecting the same, including Local, County, and State building and fire codes, New York's State Environmental Quality Review Act ("SEQRA") and all requirements of the New York Board of Fire Underwriters or other similar bodies having jurisdiction. All work will be subject to further environmental review pursuant to SEQRA, and Lessee shall cooperate with the County in connection with the preparation of any necessary environmental assessment and other supporting documentation necessary to carry out the improvements in accordance with SEQRA.

In addition, Lessee shall ensure that any contractors or consultants engaged by it to perform any work pursuant to this Lease, including Proposed Alterations, repairs and/or maintenance, in addition to any prior approvals required by the County hereunder, shall comply with the material terms and conditions of the Lease including but not limited to providing the required insurance naming the County as additional insured as set forth in Schedule "B", as applicable to the work being performed by said contractor or consultant.

5.2 Proposed Alterations shall be scheduled so that there shall be no interruption in the use of Playland Park. Any determination with respect to whether particular items of work should be deemed complete shall be made by the Commissioner in good faith after taking into consideration the customary practices and procedures employed at similar facilities throughout the area.

5.3.1 Lessee shall further comply with any County laws and regulations concerning permitting and construction on County property, which now exist or shall hereafter be enacted or promulgated, including, but not limited to any acts, rules or regulations establishing a County building code and its enforcement and administration (the “County Code”) and ensure that its permitted use(s), and any modifications thereto, comply with the County Code, including, but not limited, where applicable, filing an application for and obtaining any and all permits required by the County Code and being subject to inspections and County approvals as required by the County Code.

5.4.1 The County shall cooperate with and assist the Lessee in obtaining any necessary permits and approvals including when reasonably necessary or appropriate authorizing application for such permits in the name of or on behalf of the County. Nothing contained herein shall be construed to obligate the County to expend any money or pay any permit fees, charges or penalties (whether or not such permit shall be held in the name of the County), it being the intent of the parties that all cost and obligations incurred in obtaining any necessary permits or approvals shall be borne solely by the Lessee.

5.4.2 The Lessee, at its sole cost and expense, shall apply for and obtain all permits as may be required.

5.5 Title to the improvements and to all supplies and materials expended or utilized in connection with the construction of any Proposed Alterations or repairs shall be vested in the County immediately upon their incorporation into the Leased Premises. Except as expressly set forth herein to the contrary, title to any equipment which is incorporated into the improvements and permanently affixed to the Leased Premises shall vest in the County immediately upon its installation.

5.6 During construction of an Proposed Alterations, and in addition to inspections performed in accordance with the County Code, the County may, from time to time, and at reasonable times, inspect the facilities being modified hereunder, provided that conduct of

such inspection shall not interfere with Lessee's construction activities. In the event that during such construction, the County reasonably determines that the construction is not being performed substantially in accordance with approved plans or the County Code, then the County shall give prompt written notice to the Lessee, specifying in detail the particular deficiency, omission, or other respect in which the County claims construction is not in accord with the approved plans or the County Code and the Lessee shall remedy the deficiency within a commercially reasonable time. In the event the Lessee disputes the County's objection that the construction is not being performed in accordance with the approved plans then the Lessee may respond in writing within five (5) business days setting forth with specificity the reason or reasons why it believes the construction conforms to the plans. Within a reasonable time thereafter the Commissioner, after such reasonable consultation and review as he may deem appropriate, shall advise the Lessee in writing as to whether the County's original objection shall be withdrawn, upheld or modified.

5.7 Before the Lessee or any contractor employed by Lessee undertakes any construction activities hereunder, the person responsible for performing the work shall furnish a performance and payment bond in form reasonably satisfactory to the County, having as surety a United States Treasury Listed surety company authorized to do business in New York and of recognized responsibility, in an amount equal to the estimated cost of construction as estimated by Lessee's architect or general contractor and approved as to amount by the County. Said bond shall be conditioned, without exception or proviso, upon the completion in accordance with the terms of this Lease and, substantially in accordance with the approved plans, in compliance with all applicable legal requirements, free and clear of all liens; and shall also be conditioned for the payment of the entire cost thereof.

ARTICLE 6

LIENS

6.1 Except as otherwise expressly provided herein, Lessee will not create or permit to be created, and will discharge within thirty (30) days after notice of the filing thereof, any lien, encumbrance or charge upon the Leased Premises or any equipment affixed to thereof,

having priority over or parity with the estate, title, right and/or interest of the County in the Leased Premises or such equipment.

ARTICLE 7
FOOD AND BEVERAGE HANDLING

7.1 If a restaurant or cafeteria is to be constructed at the Leased Premises, the Lessee's employees shall wear clean, washable uniforms or clothing and shall wear caps or nets where required. The employees shall be clean in their habits and shall thoroughly wash their hands before beginning work and immediately after each trip to the lavatories and shall keep them clean throughout the entire work period. The food service establishment shall at all times comply with New York State Department of Health laws, rules and regulations and the Lessee shall obtain all required food permits.

7.2 All food and beverages shall be clean, fresh, pure, of first class quality and safe for human consumption.

7.3 The Leased Premises and all equipment and materials used by the Lessee shall at all times be clean, sanitary and free from rubbish, refuse, dust, dirt, offensive or unclean material, flies and other insects, rodents and vermin. All apparatus, utensils, devices, machines and piping used by the Lessee shall be constructed so as to facilitate the cleaning and inspection thereof and shall be properly cleaned after each period of use. All trays, dishes, crockery, glassware, cutlery and other equipment of such type shall be properly cleaned and sanitized before each use. No chipped or cracked dishes, crockery, or glassware shall be used. The County reserves the right to require other sanitizing procedures that it deems reasonable and necessary.

ARTICLE 8
QUALITY AND PRICE

8.1 The Lessee warrants that admission fees, products, food and beverages shall be made available to the public at reasonable prices and further warrants that they shall be of first quality. For purposes of this Lease, "reasonable prices" shall mean prices that are comparable to prices for similar items sold at museums within a fifteen (15) mile radius of the Leased Premises. The County reserves the right of final approval on all prices charged for products, food and beverages and on the items to be offered for sale at the Leased Premises.

ARTICLE 9
EQUIPMENT

9.1 Lessee shall install all equipment necessary for the proper operation of the Children's Museum and shall make full payment for the same, and shall maintain all equipment, fixed and expendable, in good order and repair at Lessee's sole cost and expense during the term of this Lease. Plans and specifications for any additional and fixed equipment shall be submitted to the Commissioner for approval before being installed at the Leased Premises, and the installation shall be subject to inspection and approval of the Commissioner.

9.2 All air conditioning, fire sprinkling, electrical, plumbing and ventilating equipment, apparatus and devices, any and all fixtures, and all structural and non-structural physical improvements approved by the Commissioner for installation at the Leased Premises shall, immediately upon installation, be deemed to be attached to the realty and shall become property of the County to the same extent as if the same had been installed by the County prior to the commencement of the Lease.

9.3.1 The Lessee agrees to supply, maintain and replace at the sole cost and expense of Lessee all equipment required for the proper operation of the Children's Museum including, without limitation, food preparation equipment, serving equipment, eating utensils, dishes, glasses, barware, linens, and uniforms. All such equipment must be of first quality and approved by the Commissioner before being delivered to the Leased Premises.

9.3.2 Title to equipment that is affixed to the Leased Premises shall vest immediately in the County upon installation. Title to equipment provided by Lessee and not

affixed to the Leased Premises shall remain in Lessee, and such equipment shall be removed by Lessee at the termination or expiration of this Lease except as otherwise provided for herein. Should any such property remain on the Leased Premises after such expiration or termination, Commissioner may deal with such as though same had been abandoned and charge all cost and expense incurred in the removal thereof to Lessee. Lessee's obligation to observe and perform all of the terms and covenants and conditions of this Lease shall survive the expiration or other termination hereof.

ARTICLE 10
MAINTENANCE AND ALTERATIONS

10.1.1 (a) Lessee, at its sole cost and expense, shall keep the Leased Premises in clean and in good order and shall make all required repairs to the Leased Premises, including all exterior and structural repairs.

(b) Except as otherwise provided for herein, Lessee, at its sole cost and expense, shall further maintain and keep the area within fifteen (15) feet of the boundaries of the Leased Premises (the "Buffer Area"), clean and in good order, and shall make all required repairs in and to the Buffer Area, except for structural repairs which shall be the responsibility of the County.

(c) Notwithstanding anything to the contrary contained elsewhere herein, the County shall provide snow removal and salting services at no cost to the Lessee in the following areas of the Leased Premises and immediately adjacent to the Leased Premises: 1) Loading dock area; 2) the two (2) stairs located at rear of the Leased Premises; 3) the two (2) door areas located at the sides of the Leased Premises; and 4) Shoveling and salting of a footpath from the main boardwalk to the front door of the Leased Premises.

10.1.2 In the event Lessee fails to commence to maintain, clean, repair, replace, rebuild or repaint within a period of thirty (30) days after written notice from the County requesting such work, or in the event Lessee fails to diligently continue to completion any such work, the County may, at its sole option, and in addition to any other remedies available to it, enter the Leased Premises and clean, repair, replace, rebuild or repaint all or any part of the

Leased Premises or the improvements thereon at the cost and expense of Lessee. However, if in the sole opinion of the County, the failure of Lessee to perform such maintenance endangers the safety of the public, the employees or the property of the County, and the County states same in its notice, the County may, at its sole option, and in addition to any other remedies available to it, enter the Leased Premises and performs such maintenance at any time after giving of notice. Lessee agrees to pay all costs and expense associated with such maintenance.

10.2 The Lessee acknowledges that it does not and shall not have any claim against the County, its agents, or contractors for interference in or interruption of its operations as a result of any improvements made by the County. The County shall use reasonable efforts to minimize such interruptions or interference in operations without waiving its right to make improvements to the Playland Park property or its buildings.

10.3 It is the intention of the parties hereto that the Lessee shall pay all costs associated with the maintenance and repair of the Leased Premises, including, but not limited to costs of any necessary capital improvements/repairs to the exterior or interior of the Leased Premises, as well as routine maintenance. Any such capital improvements/repairs shall be subject to the prior approval of the County.

10.4 All upkeep and maintenance required to be performed by Lessee shall be subject to approval of the Commissioner in his or her sole discretion. Copies of all maintenance agreements and schedules shall be provided to Commissioner prior to commencement of any work other than routine maintenance such as cleaning.

10.5 The Parties acknowledge that the County may propose a one-time capital project of up to \$1,000,000.00 to fund exterior repairs to the Leased Premises, including but not limited to roof repairs. Notwithstanding anything to the contrary contained elsewhere herein, the County, may in its sole discretion and subject to the receipt of all necessary legal appropriations and approvals including those approvals from the County Board of Legislators and Board of Acquisition and Contract, perform such work.

ARTICLE 11
MANAGEMENT

11.1 The Lessee shall employ a manager to supervise and manage the Children's Museum. The Lessee shall employ a sufficient number of trained, knowledgeable personnel to insure the safe and proper operation of the Children's Museum. The Lessee shall provide, and its employees shall wear, appropriate employee identification and, if required by the Commissioner, uniforms. Employee identification and apparel shall be subject to the approval of the Commissioner.

11.2 The operation of the Children's Museum shall be conducted in an orderly and proper manner so as not to annoy, disturb or offend others using the County's park facilities. The Lessee shall immediately remove the cause of any objection made by the Commissioner regarding the demeanor, conduct and appearance of any Lessee employees, invitees or business guests.

ARTICLE 12
ASSIGNMENT

12.1 The Lessee shall not assign, sublet, subcontract or otherwise dispose of this Lease, or any right, duty or interest herein, without the prior written consent of the Commissioner, nor shall this Lease be transferred by operation of law, it being the purpose and spirit of this instrument to grant this Lease and privilege solely to the Lessee named herein. No assignment, subcontracting, subletting or other such disposition of this Lease, either with or without such consent of the Commissioner, shall serve to relieve the Lessee of its obligations hereunder.

ARTICLE 13

INSURANCE, DAMAGE, DESTRUCTION

13.1 To safeguard the interest and property of the County, the County in its own name as the insured, will procure and maintain throughout the term of this Lease insurance protection for fire and extended risks on the structure and improvements of which the Leased Premises are a part. Lessee agrees that it will reimburse County for the proportionate share of insurance premium costs applicable to the Leased Premises upon the presentation to Lessee of a bill.

13.2 In the event the Leased Premises or any building or structure thereon, are wholly or partially destroyed by any cause not the fault of the Lessee, the County shall have the option, exercisable for a period of sixty (60) days, to repair, rebuild or restore the damaged or destroyed premises. If the County elects to repair or restore the premises, the Lessee shall be entitled, during the period commencing with the date of damage and ending upon the completion of repairs by the County, and at the discretion of the Commissioner, to a reduction in fees payable to the County based upon the extent to which the Lessee's operations are prevented or diminished during such period.

13.3 If the County elects not to repair or restore the Leased Premises, it shall promptly so notify the Lessee, in which event the Lessee shall have the option, at its sole cost and expense, of repairing and restoring the premises or of forthwith, upon written notice, terminating this Lease.

13.4 If such damage results from any act or omission of the Lessee, then this Lease shall continue in full force and effect, without any abatement or reduction in fees payable hereunder, and the Lessee, at its sole cost and expense, shall repair the damage and return the Leased Premises to the condition existing at the commencement of the term hereof. Upon the failure of the Lessee to make such repairs, the County may repair such damage at the Lessee's cost and expense.

13.5 Lessee shall ensure that the County is named as an additional insured on all insurance obtained by any contractor(s) performing any work, including but limited to construction work, at the Leased Premises. All contracts pertaining to any work at the Leased Premises shall provide that the County shall be indemnified and held harmless against and from all liability arising from the work in a form reasonably acceptable to the County. All contracts pertaining to any work shall make the County a third party beneficiary thereunder so as to afford to the County the same rights and remedies afforded to the Lessee for breach of contract.

ARTICLE 14
INDEMNIFICATION

14.1 In addition to, and not in limitation of, the insurance requirements contained in Schedule "B" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Lessee agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the sole negligence of the County, the Lessee shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of acts or omissions of the Lessee or third parties under the direction or control of the Lessee; and

(b) to provide defense for and defend, at Lessee's sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Lease and to bear all other costs and expenses related thereto; and

(c) in the event the Lessee does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Lessee shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Lease.

ARTICLE 15
BANKRUPTCY

15.1 If at any time during the term of this Lease, any petition in bankruptcy shall be filed by or against the Lessee or if the Lessee shall be adjudicated a bankrupt; or if a Receiver shall be appointed to take possession of the Lessee's property; or if the Lessee shall make any assignment for the benefit of creditors, this Lease shall, at the option of the County, immediately cease, terminate and expire. Nothing hereunder shall relieve the Lessee from any liability incurred under this Lease and the Lessee covenants and agrees to yield and deliver to the County possession of the Leased Premises promptly and in good condition on the date of the cessation of this Lease, whether such cessation be by termination, expiration or otherwise.

ARTICLE 16
TERMINATION

16.1 In the event that the Lessee defaults in the performance of any term, condition or covenant herein contained, the County, at its option and in addition to any other remedy it might have, may terminate this Lease upon thirty (30) days' written notice to Lessee. The Lessee shall have the notice period to cure such default. If such default remains uncured, County, at its sole option, may extend the period to cure. Upon the expiration of the extension, absent further extension, termination becomes effective.

16.2 In the event that the County defaults in the performance of any term, condition or covenant herein contained, the Lessee, at its option and in addition to any other remedy it might have, may terminate this Lease upon ninety (90) days' written notice to County. The County shall have the notice period to cure such default. If such default remains uncured, Lessee, at its sole option, may extend the period to cure. Upon the expiration of the extension, absent further extension, termination becomes effective.

16.3 In the event of termination, Lessee agrees to peaceably surrender the Leased Premises to County. Upon such surrender, the County may re-enter and reoccupy the Leased Premises and use any property of the Lessee located at the Leased Premises on the date of termination.

16.4 No holding over by Lessee after the termination or expiration of this Lease shall operate to extend or renew this Lease for any further term whatsoever. Continued occupancy thereof by Lessee shall constitute trespassing by Lessee. In addition to any other remedy available to the County, any holding over by Lessee without the written consent of the County shall make Lessee liable to the County for damages equal to a good faith estimate made by the Commissioner of the actual value of the leasehold over time.

ARTICLE 17

MISCELLANEOUS PROVISIONS

17.1 **LEGAL COMPLIANCE**: The Lessee shall, at its sole cost and expense, procure and maintain in full force and effect for the term of this Lease, all permits and approvals from all applicable governmental authorities. The Lessee shall further obey, perform and comply with any and all federal, state and local laws, rules, regulations, orders, ordinances and requirements of every kind and nature affecting the Leased Premises, which now exist or shall hereafter be enacted or promulgated, including, but not limited to, local zoning, SEQRA, state or County executive orders, and requirements of the New York Board of Fire Underwriters, the New York Fire Insurance Rating Organization or other entity with similar functions. All repairs and improvements will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

17.2 **NON-DISCRIMINATION**: The Lessee expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability,

marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Lease, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Lessee acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

17.3 FORCE MAJEURE: Neither the County nor the Lessee, as the case may be, shall be deemed in breach hereof if it is prevented from performing any of the obligations hereunder by reason of acts of God, acts of the public enemy, acts of superior governmental authority, strikes or labor disputes, floods, riots, rebellion, sabotage, public health emergencies, utility service disruptions, or any similar other circumstances not within its reasonable control.

17.4 INSPECTION: The Commissioner shall be entitled to enter the Leased Premises for the purposes of inspecting, observing and monitoring any aspect of Lessee's operations. The Lessee shall also permit inspection of same by any federal, state, County or municipal officer having jurisdiction. The Lessee, at its sole cost and expense, shall promptly remedy any and all violations issued as a result of such inspection.

17.5 FLAMMABLES: The Lessee shall not use or store any explosives, toxic materials or flammables on or about the Leased Premises.

17.6 ADVERTISING: All signs, advertising and promotions to be employed by the Lessee in connection with operation of the Concession shall be subject to prior written approval of the Commissioner.

17.7 CONDEMNATION: In the event that the space assigned to Lessee hereunder, or such a substantial part thereof so as to render impossible the operation of the Children's Museum, be taken by eminent domain, this Lease shall terminate on the date upon which title vests in the condemnor and neither party shall have any liability to the other on account of such termination. The parties agree that this clause shall not be interrupted or

construed to permit the County, acting solely for itself, to exercise any power of eminent domain with respect to Lessee's property without just compensation.

17.8 UTILITY AND SEWER LINES: The County reserves the right to lay, erect, construct, use, operate and maintain utility and sewer lines in, through, under and across the Leased Premises provided that such activity does not unreasonably interfere with the operation of the Children's Museum.

17.9 RISK OF OPERATION: The Lessee assumes all risks in the operation of the Children's Museum. The Lessee shall comply with any and all rules and regulations prescribed by the County for the operation of the Leased Premises. Upon request, the County shall furnish a copy of such rules and regulations to the Lessee.

17.10 AMBIGUITY: In the event of any ambiguity in any of the terms of this Lease, it shall not be construed for or against any party hereto based on which party was the author of the term in question.

17.11 BEST MANAGEMENT PRACTICES: In addition to all the other requirements of this Lease, the Lessee recognizes and understands that it is an essential element of this Lease that the Lessee insure that any work it does under this Lease, including but not limited to any plans, specifications, drawings, designs, management and advice, complies with the County's policy of Best Management Practices for Water Quality Protection. Therefore, the Lessee shall, at a minimum, incorporate the NYS Department of Environmental Protection (hereinafter "NYSDEC") technical standards for erosion and sediment control contained in the document, "*New York Standards and Specifications for Erosion and Sediment Control*," as the same may be amended from time to time. In addition, the Lessee shall incorporate for the design of water quality and water quality controls (post-construction stormwater control practices), the NYSDEC standards detailed in the "*New York State Stormwater Management Design Manual*," as the same may be amended from time to time. Both documents should be obtained from the NYSDEC website to insure that the Lessee has the latest versions of such documents. In addition, the Lessee shall apply these standards to ALL work done for the County, regardless of

the size of the project. For example, if the State standards applies only to projects of 1 acre or greater and the County's project is less than one acre, then the Lessee shall utilize the State standard for the larger project. To the extent that there is any conflict between the County standards and the standards required by any other regulatory agency, the Lessee shall utilize the stricter standard. The Lessee shall determine if the project shall require any permits from regulatory agencies, including, but not limited to, permits that concern stormwater management. To the extent that the services rendered by the Lessee involve design of the project and to the extent that any permits are required for the project, the Lessee shall complete the permit application and prepare the necessary information required by the permitting agency, including, but not limited to, the preparation of a Stormwater Pollution Prevention Plan. To the extent that the services rendered by the Lessee involve Construction Management, the County shall require such consultant to review plans and specifications and inspect the construction site to insure that the aforementioned standards are being met.

17.12 REQUIRED SCHEDULES: Attached hereto and forming parts hereof are the schedules listed below. Simultaneous with its execution of this Lease, the Lessee shall provide the County with a completed copy of each schedule. The Lessee agrees that the terms of each of these schedules has been accepted and agreed-to by the Lessee by virtue of its execution of this Lease, and the Lessee represents and warrants that it has completed each of these schedules accurately and completely.

1.) Schedule "C" — "Business Enterprises Owned and Controlled by Women or Persons of Color". Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by women or persons of color in contracts and projects funded by all departments of the County.

2.) Schedule "D" — "Required Disclosure of Relationships to County". In the event that any information provided in Schedule "D" must be changed during the term of this Lease, the Lessee agrees to notify the County in writing within ten (10) business days and provide an updated version of the schedule.

3.) Schedule “E” — “Criminal Background Disclosure”. This schedule is required pursuant to Executive Order No. 1-2008.

4.) Schedule “F” — “Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans”

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. This schedule is required as part of the County’s program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 3 of the New York State Veterans’ Service Law.

17.13 REMEDIES CUMULATIVE: The failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment for the future of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of payment of any fee due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

17.14 TAXES: It is the intention of the County and the Lessee that the Lease Fees herein referred to shall be net to the County in each year of the Lease Term and that all costs, expenses and obligations of every kind relating to the Leased Premises (except as otherwise specifically provided in this Lease) which may arise or become due during the Lease Term, including, but not limited to, any and all real property assessments or taxes, water meter and sewer rents, utility charges, shall be paid by the Lessee without set-off and the Lessee shall indemnify the County against such costs, expenses and obligations

17.15 APPROVALS: This Lease shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

17.16 CHOICE OF LAW: This Lease shall be performed and enforceable in Westchester County, New York, and shall be governed by the laws of the State of New York.

ARTICLE 18

NOTICES

18.1 NOTICES: All notices of any nature referred to in this Lease shall be in writing and sent by registered or certified mail postage pre-paid to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Westchester County Executive
Michaelian Office Building, Room 900
148 Martine Avenue
White Plains, New York 10601

with copies to:

Commissioner
Department of Parks, Recreation and Conservation
450 Saw Mill River Road
Ardsley, New York 10502

and

Commissioner
Department of Public Works and Transportation
Michaelian Office Building, Room 500
148 Martine Avenue
White Plains, New York 10601

and

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Lessee:

Westchester Children's Museum
100 Playland Parkway
Rye, New York 10580

ARTICLE 19
ENTIRE AGREEMENT

19.1 This Lease and its Schedules constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Name:
Title:

WESTCHESTER CHILDREN'S MUSEUM

By _____
Name:
Title:

Approved by the Board of Legislators of the County of Westchester by Local Law No. 9 - 2011 approved on the 8th day of August, 2011 and on the 24th day of August, 2011, and by Local Law ____-2024 on the _____ Day of _____, 2024.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 11th day of July, 2013 and on the _____ of _____, 2024.

Approved:

Sr. Assistant County Attorney
The County of Westchester

c.:JPI/PRC/Children's.Museum.Amended&Restated.Lease.3.31.25

ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 20____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

CERTIFICATE OF AUTHORITY

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(the "Corporation")

a corporation duly organized and in good standing under the (Law under which organized, e.g., the New York Business Corporation Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the Corporation was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

(Signature)

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

On the _____ day of _____ in the year 20____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgement

SCHEDULE "A"

Description of Leased Premises

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SCHEDULE "B"

STANDARD INSURANCE PROVISIONS Children's Museum at Playland

1. Prior to commencing work, and throughout the term of the Agreement, the Lessee shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Lessee shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Lessee and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Lessee shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Lessee to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Lessee to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Lessee from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Lessee concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Lessee's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Lessee until such time as the Lessee shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Lessee maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Lessee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Lessee shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

- e) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy. (Limits

of \$3,000,000.00 per occurrence. This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:

- i. Misconduct
 - ii. Abuse (including both physical and sexual)
 - iii. Molestation
- f) Pollution Control Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Automobile Policy. Minimum Limit: \$1,000,000.00. This insurance shall indicate the following coverages:
- (i) Transit
 - (ii) Sudden and Accidental
 - (iii) Clean-up
- g) Builder's Risk –Contractor at their own cost and expense shall provide and maintain a Builder's Risk Form, All Risk Insurance Contract. The coverage shall be written for 100% of the completed value of the construction work, with the County of Westchester named as loss payee as its interest may appear
- h) Owners Protective Liability Policy naming the County as insured, with a minimum limit of liability per occurrence of \$3,000,000 (**All work requiring elevated work and/or the use of scaffolding** where applicable, or as determined by the Director, Risk Management)

If applicable:

- i) Crane, Rigging, & Crane Operator (Rigger Liability) Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and a minimum limit of \$500,000 per occurrence for property damage or a combined single limit of \$5,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured.
- j) Installation Floater coverage may suffice for construction work not requiring Builders Risk Coverage and shall serve to insure materials, tools, and equipment of the contractor while such items are in transit and/or in the process of being installed.

3. All policies of the Lessee shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Lessee.

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SCHEDULE "C"

QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR

As part of the County's program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, and in furtherance of Section 308.01 of the Laws of Westchester County, completion of this form is required.

A "business enterprise owned and controlled by women or persons of color" means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability company, or corporation, that either:

- 1.) meets the following requirements:
 - a. is at least 51% owned by one or more persons of color or women;
 - b. is an enterprise in which such ownership by persons of color or women is real, substantial and continuing;
 - c. is an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
 - d. is an enterprise authorized to do business in this state which is independently owned and operated.

- 2.) is a business enterprise certified as a minority business enterprise ("MBE") or women business enterprise ("WBE") pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code of Rules and Regulations subtitle N Part 540 et seq., **OR**

- 3.) is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term "persons of color", as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

- (a) Black persons having origins in any of the Black African racial groups;
- (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
- (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

_____ No

_____ Yes

Please note: If you answered “yes” based upon certification by New York State and/or the Federal government, official documentation of the certification must be attached.

2. If you answered “Yes” above, please check off below whether your business enterprise is owned and controlled by women, persons of color, or both.

_____ Women

_____ Persons of Color (*please check off below all that apply*)

_____ Black persons having origins in any of the Black African racial groups

_____ Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race

_____ Native American or Alaskan native persons having origins in any of the original peoples of North America

_____ Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "D"

REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY

1.) Are any of the employees that the Consultant will use to carry out this contract also a County officer or employee, or the spouse, child, or dependent of a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

2.) Are any of the owners of the Consultant or their spouses a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

3.) Do any County officers or employees have an **interest**¹ in the Consultant or in any approved subconsultant that will be used for this contract?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

[NO FURTHER TEXT ON THIS PAGE]

¹ "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer or employee, his/her spouse, child or dependent, whether as the result of a contract with the County or otherwise. For the purpose of this form, a County officer or employee shall be deemed to have an "interest" in the contract of:

- 1.) His/her spouse, children and dependents, except a contract of employment with the County;
- 2.) A firm, partnership or association of which such officer or employee is a member or employee;
- 3.) A corporation of which such officer or employee is an officer, director or employee; and
- 4.) A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

SCHEDULE "E"

CRIMINAL BACKGROUND DISCLOSURE

INSTRUCTIONS

Pursuant to Executive Order 1-2008, the County is required to maintain a record of criminal background disclosure from all persons providing work or services in connection with any County contract, including leases of County-owned real property and licenses:

- a.) If any of the persons providing work or services to the County in relation to a County contract are not subject to constant monitoring by County staff while performing tasks and/or while such persons are present on County property pursuant to the County contract; and
- b.) If any of the persons providing work or services to the County in relation to a County contract may, in the course of providing those services, have access to sensitive data (for example SSNs and other personal/secure data); facilities (secure facilities and/or communication equipment); and/or vulnerable populations (for example, children, seniors, and the infirm).

In those situations, the persons who must provide a criminal background disclosure ("Persons Subject to Disclosure") include the following:

- a.) Consultants, Contractors, Licensees, Lessees of County-owned real property, their principals, agents, employees, volunteers or any other person acting on behalf of said Contractor, Consultant, Licensee, or Lessee who is at least sixteen (16) years old, including but not limited to Subconsultants, Subcontractors, Sublessees, or Sublicensees who are providing services to the County, and
- b.) Any family member or other person, who is at least sixteen (16) years old, residing in the household of a County employee who lives in housing provided by the County located on County property.

Under Executive Order 1-2008, it is the duty of every County Consultant, Contractor, Licensee, or Lessee to inquire of each and every Person Subject to Disclosure and disclose whether they have been convicted of a crime or whether they are subject to pending criminal charges, and to submit this form with that information.¹ Accordingly, the attached Criminal Background Disclosure Form and Certification must be completed and agreed-to as part of this Agreement.

Please note that under no circumstances shall the existence of a language barrier serve as a basis for the waiver of or an exception from the disclosure requirements of Executive Order 1-2008. If translation services are required by the Consultant, Contractor, Licensee, or Lessee to fulfill this obligation, it shall be at the sole cost and expense of the Consultant, Contractor, Licensee, or Lessee.

¹ For these disclosures, a "crime" or "pending criminal charge" includes all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State.

Please also note that the conviction of a crime(s) and/or being subject to a pending criminal charge(s) will not automatically result in a denial of a person's right to work on a County contract, right to be on County property, or license, but may, if the County determines that the prior conviction(s) or pending criminal charge(s) create an unacceptable risk. However, if a person fails to list or falsifies any part of his/her conviction history or any pending criminal charge(s) for any reason, he/she may be prohibited from working or being on County property without any risk assessment. If it is later determined that a Person Subject to Disclosure failed to disclose a criminal conviction or pending criminal charge for any reason, his/her right to work on a County contract, be on County property, or license may be terminated at any time.

Please further note that, pursuant to Executive Order 1-2008, and subject to the applicable provisions of New York Correction Law §§ 752 and 753, the County has the right to bar a Person Subject to Disclosure from providing work or services to the County or from being on County property if any such person has:

- a.) A conviction of a crime(s);
- b.) A pending criminal proceeding for a crime(s); or
- c.) Refused to answer questions concerning his/her criminal background

Please finally note that any failure by a County Consultant, Contractor, Licensee, or Lessee to comply with the disclosure requirements of Executive Order 1-2008 may be considered by the County to be a material breach and shall be grounds for immediate termination by the County of the related County contract.

Exemptions

Executive Order 1-2008 exempts from the aforementioned disclosure requirements Persons Subject to Disclosure:

- a.) for whom the County has already conducted a background check and issued a security clearance that is in full force and effect; and
- b.) for whom another state or federal agency having appropriate jurisdiction has conducted a security and/or background clearance or has implemented other protocols or criteria for this purpose that apply to the subject matter of a County contract that is in full force and effect.

If you are claiming an exemption for one or more Persons Subject to Disclosure, you must notify the Procuring Officer². The Procuring Officer will then determine whether the Person(s) Subject to Disclosure are actually exempt, and provide written notification of his/her determination. If the Procuring Officer determines that a Person Subject to Disclosure is not exempt, the Procuring Officer will notify you of that determination, and you will have to include disclosures for that person on your Criminal Background Disclosure Form and Certification.

² Procuring Officer" shall mean the head of the department or the individual or individuals authorized by the head(s) of the department(s) undertaking the procurement and with respect to those matters delegated to the Bureau of Purchase and Supply pursuant to Section 161.11(1)(a) of the Laws of Westchester County, the Purchasing Agent.

Subconsultants, Subcontractors, Sublessees, or Sublicensees

Under Executive Order 1-2008, it is your duty to ensure that any and all approved subconsultants, subcontractors, sublessees, or sublicensees complete and submit the attached Criminal Background Disclosure Form and Certification for all of their respective Persons Subject to Disclosure. This must be done before such a subconsultant, subcontractor, sublessees, or sublicensees can be approved to perform work on a contract.

New Persons Subject to Disclosure

Under Executive Order 1-2008, you have a **CONTINUING OBLIGATION** to maintain the accuracy of the Criminal Background Disclosure Form and Certification (and any accompanying documentation) for the duration of this contract, including any amendments or extensions thereto. Accordingly, it is your duty to complete and submit an updated Criminal Background Disclosure Form and Certification whenever there is a new Person Subject to Disclosure for this contract. **NO NEW PERSON SUBJECT TO DISCLOSURE SHALL PERFORM WORK OR SERVICES OR ENTER ONTO COUNTY PREMISES UNTIL THE UPDATED CRIMINAL BACKGROUND DISCLOSURE FORM AND CERTIFICATION IS FILED WITH THE PROCURING OFFICER.** You shall also provide the County with any other updates that may be necessary to comply with the disclosures required by Executive Order 1-2008.

PLEASE CONTINUE TO THE

Criminal Background Disclosure Form and Certification

BEGINNING ON THE NEXT PAGE

CRIMINAL BACKGROUND DISCLOSURE

FORM AND CERTIFICATION

If this form is being completed by a subconsultant, subcontractor, sublessee, or sublicensee, please consider all references in this form to "consultant, contractor, lessee, or licensee" to mean "subconsultant, subcontractor, sublessee, or sublicensee" and check here: _____

By executing this Agreement, I, as the signatory for the Contractor, certify that I am a principal or a representative of the Consultant, Contractor, Lessee, or Licensee and I am authorized to agree to and provide this completed Criminal Background Disclosure Form and Certification. I certify that each Person Subject to Disclosure has been asked the following questions:

- **Have you or your company ever been convicted of a crime (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State) including, but not limited to, conviction for commission of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property?**

- **Are you or your company subject to any pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State)?**

I certify that the names and titles of Persons Subject to Disclosure who refused to answer **either** of the questions above are as follows:

If none, check this box:

1. _____
2. _____
3. _____

(If more space is needed, please attach separate pages labeled "REFUSED to Answer - Continued.")

I certify that the names and titles of Persons Subject to Disclosure who answered "Yes" to **either** of the questions above are as follows:

If none, check this box:

1. _____
2. _____
3. _____

(If more space is needed, please attach separate pages labeled "YES Answers - Continued")

Each Person Subject to Disclosure listed above who has either **been convicted of a crime(s)** and/or **is subject to a pending criminal charge(s)** must answer additional questions. Those questions are below.

A Person Subject to Disclosure who has **been convicted of a crime(s)** must respond to the following (please attach separate pages with responses for each person, with their name and title):

- 1.) Describe the reason for being on County property if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please list all criminal convictions along with a brief description of the crime(s) (including all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please provide the date and place of each conviction.
- 4.) Please provide your age at the time of each crime for which you were convicted.
- 5.) Please provide the legal disposition of each case.
- 6.) Please provide any information either produced by yourself or someone on your behalf in regards to your rehabilitation and good conduct.

A Person Subject to Disclosure who **is subject to a pending criminal charge(s)** must respond to the following (please attach separate pages with responses for each person, with their name and title):

- 1.) Describe the reason for being on County property and if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please identify all pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please briefly describe the nature of the pending charges and the date upon which it is alleged that a crime was committed.

I hereby certify that all of the information provided herein (and in any and all attachments) is true and accurate and that all disclosures required by Executive Order 1-2008 and this Criminal Background Disclosure Form and Certification have been completed. By executing this Agreement, I hereby affirm that all of the facts, statements and answers contained herein (and in any and all attachments) are true and correct. I understand that providing false or incomplete information or withholding by omission or intention pertinent information will be cause for refusing further consideration of my being utilized under this contract.

It is understood and agreed that no Person Subject to Disclosure shall perform work or services or enter onto County property until this required Criminal Background Disclosure Form and Certification is filed with the Procuring Officer.

It is understood and agreed that to the extent that new Persons Subject to Disclosure are proposed to perform work or provide services under this contract after filing of this Criminal Background Disclosure Form and Certification with the Procuring Officer, such new Persons Subject to Disclosure shall not perform work or provide services or enter into County property until an updated Criminal Background Disclosure Form and Certification has been filed with the Procuring Officer.

It is further understood and agreed that the consultant, contractor, lessee, or licensee has a continuing obligation to maintain the accuracy of the Criminal Background Disclosure Form and Certification for the duration of this contract, including any amendments or extensions thereto, and shall provide any updates to the information to the County as necessary to comply with the requirements of Executive Order 1-2008.

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "F"

For Informational Purposes Only

**QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES
OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS**

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. As part of the County's program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 3 of the New York State Veterans' Service Law, we request that you answer the questions listed below.

The term "Certified Service-Disabled Veteran-Owned Business Enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is a certified service-disabled veteran-owned business enterprise under Article 3 of the New York State Veterans' Service Law.

1. Are you a business enterprise that is owned and controlled by a service-disabled veteran in accordance with the standards listed above?

_____ No
_____ Yes

2. Are you certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business?

_____ No
_____ Yes

If you are certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business, please attach a copy of the certification.

[NO FURTHER TEXT ON THIS PAGE]

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities (the “Commissioner”) has advised him that the Town of Cortlandt (“Town”) has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District (“District”) be modified to add one (1) parcel of property more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (hereinafter the “Parcel”), which Parcel is not currently in any County Sanitary Sewer District, having been removed from the District in 1998 for the 1999 tax year.

Your Committee is informed that the feasibility report prepared by the Department of Environmental Facilities (the “Department”) dated December 30, 2024 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.048% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Parcel to County facilities (i.e., gravity sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the “Facility”) has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the Parcel will generate after inclusion is 105 GPD. Therefore, the Facility and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the Laws of Westchester County (“LWC”) authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board

shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, LWC Sections 237.131 and 237.141 confer authority to determine what charges, if any, will be assessed against the Parcel. Your Committee has been informed that the Department recommends that an aggregate surcharge of \$14,910.00 to be paid in each of ten equal annual installments of \$1,491.00, be assessed against the Parcel. This surcharge reflects capital costs incurred by the District from 1999 through 2024. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Parcel may constitute a Type II action under the State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13), (26) and (33), and therefore no further environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Based on the above facts and the Feasibility Report prepared by the Department, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Laws of Westchester County in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Parcel to the District.

Dated: April 28th, 2025

White Plains, New York

Amey Zeller Johnson
Z. W.
Smith
Jedat Gadi
Jedat Gadi
Doris Tubio

Jedat Gadi
Amey Zeller Johnson
Z. W.
Smith
Jedat Gadi

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: April 28, 2025
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.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

COMMITTEE ON

Budget & Appropriations

FISCAL IMPACT STATEMENT

SUBJECT: 44 Regina Peekskill SSD, Cortlandt (T)

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 236-60-1610-9012

Potential Related Operating Budget Expenses: Annual Amount \$ _____ -

Describe: Operating expenses related to process and treatment

plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ _____ 1,491

Describe: "Buy-in" revenue for parcel added to the Peekskill Sewer District each year

for the next 10 years

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

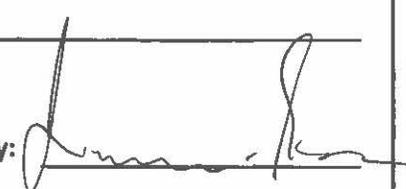
Next Four Years: Please see descriptions above

Prepared by: Steve Elie-Pierre, P.E.

Title: Director Of Wastewater Treatment

Department: Environmental Facilities

Date: December 4, 2024

wo
Reviewed By: 

Budget Director

Date: 4/8/2025

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner



DATE: April 1, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF PROPERTY TO PEEKSKILL SANITARY SEWER DISTRICT –
44 REGINA AVENUE, TOWN OF CORTLANDT**

PROJECT/ACTION: The reinstatement of one parcel (Section 24.10, Block 1, Lot 4) located at 44 Regina Avenue in the Town of Cortlandt to the County's Peekskill Sanitary Sewer District. The property is approximately 18 acres in size and was consolidated from multiple parcels following approval for development as a self-storage facility. The owner is seeking reinstatement into the district in order to discharge sanitary sewage associated with restroom/office facilities on the premises.

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 because the project/action may be classified as a TYPE II action pursuant to section(s):

- **617.5(c)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- **617.5(c)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The subject property was removed from the County sewer district in 1998, along with many other parcels that were not connected to sanitary sewers, at the request of the Town of Cortlandt. The parcel to be reinstated will be able to access the County sewer system via a connection to an existing local sewer line located at the north end of the property. The parcel is in the M-1 zoning district, is almost fully developed and a force main has been installed within the development and in a 15-foot wide sewer easement on the west side of Regina Avenue. The estimated sewage contribution for the parcel is 105 gallons per day (GPD) based on seven employees or up to 195 GPD at full buildout with a total of 13 employees. Sewage from the

Peekskill Sanitary Sewer District is treated at the Peekskill Water Resource Recovery Facility (WRRF). Since the Peekskill WRRF has a design flow of 10 million gallons per day (MGD) and the present average flow is 6.1 MGD, the treatment plant, as well as the County trunk sewer, have sufficient capacity to accommodate the additional flow.

DSK/cnm
Att.

cc: Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner of Planning
Marian Pompa, Director of Wastewater Treatment, Dept. of Environmental Facilities
Steve Elie-Pierre, Director – Maintenance, Dept. of Environmental Facilities
Jeffrey Goldman, Senior Assistant County Attorney
Sean Curtin, Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

RESOLUTION

NUMBER 243-23

(RE: AUTHORIZE REQUEST TO HAVE A PARCEL LOCATED WITHIN THE TOWN REINSTATED INTO THE PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO WESTCHESTER COUNTY FOR CONSIDERATION)

WHEREAS, by letter dated June 22, 2023 from Mark Giordano, Owner of Section 24.10, Block 01, Lot 04 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held July 26, 2023 for a parcel located at 44 Regina Avenue, Cortlandt Manor, New York 10567; and

WHEREAS, the owner(s) has requested the Town of Cortlandt petition the County of Westchester to have said property reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 24.10, Block 01, Lot 04
44 Regina Avenue
Cortlandt Manor, NY 10567

Owner(s): Mark Giordano

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt, on behalf of the above-mentioned owner and contract vendee in the Town of Cortlandt, does hereby petition the County of Westchester to reinstate said parcel designated above into the Peekskill Sanitary Sewer District; and

BE IT FURTHER RESOLVED, the Town Clerk shall notify the Town's Receiver of Taxes and Town Assessor upon reinstatement of the parcel in the County and Town sewer districts.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted July 26, 2023
At a Regular Meeting
Held at Town Hall**

Certified Copy
07/31/23 Date
YRouba
Town Clerk and Registrar

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

December 30, 2024

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PROPERTY
IN THE
PEEKSKILL SANITARY SEWER DISTRICT
TOWN OF CORTLANDT



Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Town of Cortland has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be returned to the Peekskill Sanitary Sewer District. This parcel was removed from the County Sewer District in 1998 for the 1999 tax year.

A. The identification of the property not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is contained in the attached Resolution prepared by the Town Clerk, Town of Cortlandt. Said property is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The property is known as 44 Regina Avenue, designated as Section 24.10, Block 1, Lot 4.

B. EFFECT ON SEWER DISTRICT TAX RATE:

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2024 tax levy pertinent to the subject property:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 14,893,985	1.22%	\$1,220,818,443
Peekskill	123,230,717	2.39	5,156,096,946
Somers	64,641,224	9.71	665,718,064
Yorktown	53,940,666	1.72	3,136,085,233
Total			\$10,178,718,686
(Town of Cortlandt) Total Value of the parcels to be added			+ <u>4,932,377</u>
Total Full Value of District as Amended:			\$10,183,651,063

* represents a 0.048% increase in the FEV of the District

C. The Surcharge Calculation for the property which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2024 Rolls

D = District f.e.v., 2024 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, for the period 1999 through 2024.

Then: $e = \frac{A}{D+A} \times E$

$$e = \frac{4,932,377}{10,178,718,686 + 4,932,377} \times 30,805,869$$

$$e = \frac{4,932,377}{10,183,651,063} \times 30,805,869$$

$$e = 0.000484 \times \$30,805,869$$

$$e = \$14,910.040 \text{ (rounded to } \$14,910.00)$$

and: in each of 10 annual installments, a total surcharge of \$1,491.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Town of Cortlandt.
2. The facilities necessary to connect the property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Town of Cortlandt.
3. Maintenance of the completed facilities will be the responsibility of the Town of Cortlandt but not the Peekskill Sanitary Sewer District.
4. The Peekskill Water Resource Recovery Facility has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the parcels will generate is 105 gallons per day. The Facility and the County Trunk Sewer have sufficient capacity to accommodate this property.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: FEAS 44 Regina_Lot_4.docx

ACT NO. 2025 -

AN ACT to Modify the Peekskill Sanitary Sewer District by the Addition of one (1) Parcel of Property Located in the Town of Cortlandt.

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

Section 1. The following property known and designated as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (the "Parcel") on the assessment maps of the Town of Cortlandt (the "Town") is hereby added to the Peekskill Sanitary Sewer District (the "District").

§ 2. Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Parcel the aggregate sum of Fourteen Thousand Nine Hundred Ten Dollars (\$14,910.00) which amount shall be payable in ten equal annual installments of One Thousand Four Hundred Ninety-One Dollars (\$1,491.00) and shall be credited to the remaining portion of the District.

§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act, shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

§ 4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute any and all instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the additional amount of \$10,000,000 to finance capital project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance a portion of the \$28,760,000 estimated maximum cost of the design, construction management and construction for various improvements to the County’s Refuse Disposal District No. 1 (“District”) transfer stations and the Materials Recovery Facility in and for the District, including, but not limited to replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar panels, and incidental expenses.

The Department of Environmental Facilities (“Department”) has advised that financing is required to continue upgrades to the facility and processing systems at the District transfer stations and Material Recovery Facility, for which design is and/or will be undertaken by a consultant, and procurement will be managed in-house. It is estimated that the projects will be completed in 2025.

It should be noted that pursuant to §268 of the New York State County Law, no obligations may be issued under the Bond Act until the County has completed proceedings and determined, after a public hearing, that undertaking the above-described improvements is in the public interest. No expenditure may be made unless the New York State Comptroller (“Comptroller”) has consented thereto as required by §268. The Comptroller is currently reviewing the Department’s November 4, 2024 request and accordingly, the authorization to be made by the Bond Act is subject to the Comptroller’s approval.

It should also be noted that the plan of financing for RD017 includes the issuance of (i) \$18,760,000 bonds previously authorized by your Honorable Board as indicated in the annexed Capital Project Fact sheet, which prior authorization received Comptroller approval, and (ii) \$10,000,000 bonds to be issued pursuant to the proposed Bond Act, which is subject to the Comptroller’s approval.

The Planning Department has advised your Committee that based on its review, RD017 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 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 Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: May 12th, 2025
White Plains, New York

James J. Zellerbach
John De
John De
David J. Tubiolo
Nancy Barr
Vedat Fadli
John De

John De
James J. Zellerbach
John De
Nancy Barr
Vedat Fadli

COMMITTEE ON

c/mg/2-18-25

Budget & Appropriations

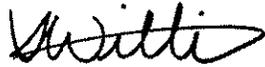
Public works & Transportation

Dated: May 12, 2025
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 #: RD017

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 \$ 10,000,000 PPU 25 Anticipated Interest Rate 4.16%

Anticipated Annual Cost (Principal and Interest): \$ 620,567

Total Debt Service (Annual Cost x Term): \$ 15,514,175

Finance Department: Interest rates from April 9, 2025 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: 109

Prepared by: Jazmin Logan

Title: Environmental Project Director

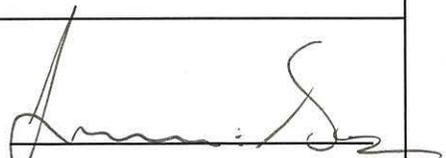
Department: Environmental Facilities

Date: 4/11/25

Reviewed By:

*OV 4/11/25
CP 4/15/25*

Date:


Budget Director
4/15/25

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: March 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD017 Material Recovery Facility and Transfer Station Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-12-2025 (Unique ID: 2836)

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)(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;
 - **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/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
Melissa-Jean Rotini, Assistant Commissioner, Department of Environmental Facilities
Dianne Vanadia, Associate Budget Director
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$10,000,000 BONDS TO PAY FOR A PORTION OF THE \$28,760,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, pursuant to Act No. 22-2025, dated January 27, 2025, the Board previously authorized the issuance of \$18,760,000 bonds to pay the costs of design, construction management, and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, in and for the County's Refuse Disposal District No. 1; and

WHEREAS, it has now been determined that the estimated maximum cost for said project is now \$28,760,000 (an increase of \$10,000,000); and

WHEREAS, it has now been determined that an additional \$10,000,000 bonds shall be authorized to pay for such increased cost; and

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the 2025 fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Refuse Disposal District No. 1; NOW, THEREFORE,

NOW, THEREFORE,

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. There are hereby authorized to be issued \$10,000,000 bonds of the County to finance a portion of the \$28,760,000 estimated maximum cost of the design, construction management and construction for various improvements to District transfer stations and the Materials Recovery Facility, a class of objects or purposes, in and for the County's Refuse Disposal District No. 1, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar panels. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$28,760,000, and that the plan for the financing thereof is by the issuance of (i) \$18,760,000 bonds of said County authorized to be issued pursuant to Act No. 22-2025, dated January 27, 2025 and (ii) \$10,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years pursuant to subdivision six of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall

be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount

in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary

to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to the County's Refuse Disposal District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____

STATE OF NEW YORK)
) ss.:
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 _____, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

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

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____ and approved by the County Executive on _____ 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 DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$10,000,000 BONDS TO PAY FOR A PORTION OF THE \$28,760,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

class of objects or purposes: costs of design, construction management and construction for various improvements to District transfer stations and the Materials Recovery Facility, in and for the County's Refuse Disposal District No. 1, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar panels

period of probable usefulness: twenty-five years

amount of obligations to be issued: \$10,000,000

Dated: _____
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* RD017	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-31-2025
Fact Sheet Year:* 2025	Project Title:* MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* REFUSE DISPOSAL	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2836

Overall Project Description

Bonding authorization is requested to fund the design, construction management and construction costs for various improvements to the District Transfer Stations and Material Recovery Facility, including, but not limited to incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar.

- | | | |
|---|---|---|
| <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 type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	73,680	37,680	6,000	10,000	0	0	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	73,680	37,680	6,000	10,000	0	0	0	20,000

Expended/Obligated Amount (in thousands) as of : 6,750

Current Bond Description: Bonding authorization is requested to fund the design, construction management and construction costs for various improvements to the District Transfer Stations and Material Recovery Facility, including replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar, as well as incidental expenses in connection therewith.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:

TYPE II

Amount Requested:

10,000,000

Expected Design Work Provider:

- County Staff
 Consultant
 Not Applicable

Comments:

Energy Efficiencies:

ENERGY EFFICIENCIES TO BE ACHIEVED INCLUDE MAKING ROOFS SOLAR PANEL READY. UPGRADES TO THE MECHANICAL AND ELECTRICAL SYSTEMS ARE EXPECTED TO RESULT IN ENERGY SAVINGS.

Appropriation History:

Year	Amount	Description
2013	450,000	DESIGN AND CONSTRUCTION MANAGEMENT - YONKERS
2014	1,700,000	CONSTRUCTION - YONKERS
2015	5,800,000	FUNDS ADDITIONAL CONSTRUCTION COSTS
2018	6,000,000	DESIGN, CONSTRUCTION MANAGEMENT, CONSTRUCTION
2019	13,730,000	DESIGN, CONSTRUCTION MANAGEMENT, CONSTRUCTION
2024	10,000,000	DESIGN AND CONSTRUCTION OF TRANSFER STATIONS' INFRASTRUCTURE REPLACEMENT AND REHABILITATION
2025	6,000,000	DESIGN AND CONSTRUCTION OF TRANSFER STATIONS INFRASTRUCTURE REPLACEMENT AND REHABILITATION

Total Appropriation History:

43,680,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	58	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
17	32	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
19	99	4,005,147	4,005,147	DESIGN/CONSTRUCTION FOR LEACHATE COLLECTION SYSTEM AT MRF IN YONKERS
19	100	0	0	NARROWS SCOPE OF WORK TO DESIGN AND CONSTRUCTION AT WHITE PLAINS TRANSFER STATION ONLY
20	85	0	0	COST OF STUDY TO EVALUATE ALL BUILDING SYSTEMS AND EQUIPMENTS AT MATERIAL RECOVERY FACILITY, YONKERS
22	118	4,050,000	630,313	WHITE PLAINS TRANSFER STATION BROCKWAY
22	156	0	0	ROOFS-DESIGN
23	215	234,234	234,234	MATERIALS RECOVERY FACILITY AND TRANSFER STATION
25	20	694,853	0	
25	21	170,000	0	
25	22	18,525,766	0	

Total Financing History:

27,679,998

Recommended By:

Department of Planning
MLLL

Date
02-12-2025

Department of Public Works
RJB4

Date
02-12-2025

Budget Department
DEV9

Date
02-18-2025

Requesting Department
JCL1

Date
02-18-2025

MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION (RD017)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

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	2025	2026	2027	2028	2029	Under Review
Gross	73,680	37,680	6,750	6,000	10,000				20,000
Non County Share									
Total	73,680	37,680	6,750	6,000	10,000				20,000

Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

Current Year Description

The current year request funds continued transfer stations infrastructure replacement and rehabilitation. The Department will perform upgrades of the MRF and all the transfer stations, including the material sorting and handling equipment and the buildings.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	6,000,000			6,000,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2013	450,000	Design and construction management - Yonkers	COMPLETE
2014	1,700,000	Construction - Yonkers	COMPLETE
2015	5,800,000	Funds additional construction costs	COMPLETE
2018	6,000,000	Design, Construction Management, Construction	\$4,900,000 IN PROGRESS; \$1,100,000 AWAITING BOND AUTHORIZATION
2019	13,730,000	Design, Construction Management, Construction	DESIGN
2024	10,000,000	Design and construction of transfer stations' infrastructure replacement and rehabilitation	AWAITING BOND AUTHORIZATION
Total	37,680,000		

MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION (RD017)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	37,680,000	4,869,693	32,810,307
Total	37,680,000	4,869,693	32,810,307

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17				
99 19	4,005,147	12/10/19	398,154	
		12/10/19	29,471	
		04/30/20	669,372	
		12/01/21	2,643,072	
		12/01/21	100,731	
		11/30/23	149,964	
		11/30/23	14,383	
100 19				
85 20				
118 22	4,050,000	11/30/23	575,152	3,419,687
		11/30/23	55,161	
156 22				
215 23	234,234	11/30/23	213,735	
		11/30/23	20,499	
20 25	694,853			694,853
21 25	170,000			170,000
22 25	18,525,766			18,525,766
Total	27,680,000		4,869,693	22,810,307

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following Acts in connection Capital Project SY044 – YJ WRRF Primary Sludge Gravity Thickener Piping Replacement and Process Improvements (“SY044”):

- (1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);
- (2) a bond act amending, in part, prior Bond Act No. 69-2025 in order to remove \$1,700,000 allocable to Capital Project SY044, and to decrease the estimated maximum amount of bonds authorized to \$600,000 (the “Amending Bond Act”); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Wastewater Resource Recovery Facility (the “Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$10,000,000. The increase is needed to fund design, construction management, and construction costs associated with the replacement of the primary sludge gravity thickener collectors at the Yonkers Joint Wastewater Resource Recovery Facility (“YJ WRRF”). The additional \$10,000,000 in appropriations will bring the total 2025 appropriations for this project to \$15,700,000.

The Amending Bond Act, prepared by the law firm of Norton Rose Fulbright, is required to remove the design and construction management bond authorization related to SY044 from Bond Act 69-2025 so that those authorizations may be included in the Consolidated Bond Act for SY044.

The Consolidated Bond Act, prepared by the law firm of Norton Rose Fulbright, would authorize the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the YJ WRRF. This \$15,700,000 proposed Consolidated Bond Act represents a \$14,000,000

increase to the amount previously authorized for SY044, and includes the \$1,700,000 previously authorized for SY044 by Bond Act 69-2025.

The Department of Environmental Facilities (“Department”) has advised that this project funds the replacement of the mechanical components of the primary sludge gravity thickener collector equipment, including, but not limited to, the piping and valves. The sludge gravity thickener collector equipment consists of scrapers that remove thickened sludge from the bottom of a gravity thickener tank. This is a critical request, as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system has recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure.

Your Committee is advised that, design is underway and anticipated to be completed by May 2025. Following bonding authorization and completion of design, it is estimated that construction will take two (2) years 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 SY044 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.

Additionally, as your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY044 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

Dated: May 12th, 2025.
White Plains, New York

Henry Zeller Jones
[Signature]
[Signature]
David J. Lubick
Manu Khan
Vedat Gadhi

Cjpp 2-21-25

[Signature]

[Signature]
Henry Zeller Jones
[Signature]
Manu Khan
Vedat Gadhi

Budget & Appropriations

Public Works & Transportation

Dated: May 12, 2025
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



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: March 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY044 YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING
REPLACEMENT AND PROCESS IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-12-2025 (Unique ID: 2754)

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)(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;
- **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/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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in blue ink, appearing to be "SD", written over the name Susan Darling.

Date: March 31, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – SY044 Yonkers Joint WRRF Sludge Gravity Thickener Piping Replacement and Process Improvements (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **SY044 Yonkers Joint WRRF Sludge Gravity Thickener Piping Replacement and Process Improvements (2025 CBA)** will increase the County share by \$10,000,000 due to increase costs associated with the project. The existing appropriation amount of \$5.7M combined with 2025 CBA request will result in a total financing request of \$15.7M.

The Department of Environmental Facilities has advised that the Capital Budget Amendment is necessary to fund the improvements to the sludge thickener equipment including, but not limited to the piping and valves. The deterioration of this system have recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure. Because of the recent failures, an additional \$10M is being requested.

This project was classified as a PL2 in the Planning Board Report for the 2022 Capital Budget adopted July 6, 2021. There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SY044 YJ WRRF
 PRIMARY SLUDGE GRAVITY
 THICKENER PIPING
 REPLACEMENT AND PROCESS
 IMPROVEMENTS

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$5,700,000	\$10,000,000	\$15,700,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$5,700,000	\$10,000,000	\$15,700,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$5,700,000	\$10,000,000	\$15,700,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 69-2025, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$1,700,000, LEAVING \$600,000 BONDS AUTHORIZED TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), AND (III) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

WHEREAS, pursuant to Bond Act No. 211-2021, dated November 22, 2021, the Board previously authorized the issuance of \$5,900,000 bonds to finance the cost of design and construction management costs for (i) the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District (SNY95), (ii) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (iii) replacement of roofs at the Port Chester Water Resource Recovery Facility (SPC11), (iv) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (v) the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill (SPK26), (vi) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (vii) the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery

Facility (SY045), and (viii) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), including incidental expenses in connection therewith;

WHEREAS, pursuant to Bond Act No. 147-2022, dated November 14, 2022, the Board amended Bond Act No. 211-2021 to remove the authorization for SPC11 (\$2,000,000); and

WHEREAS, pursuant to Bond Act No. 83-2023, dated May 15, 2023, the Board amended Bond Act No. 211-2021 to remove the authorization for SNY95 (\$600,000); and

WHEREAS, pursuant to Bond Act No. 95-2024, dated May 20, 2024, the Board amended Bond Act No. 83-2023 to remove the authorization for SPK26 (\$400,000); and

WHEREAS, pursuant to Bond Act No. 69-2025 (such bond act and, together with all the prior bond acts described above, the "Prior Bond Acts"), the Board amended and superseded Bond Act No. 95-2024 to remove the authorization for SY045 (\$600,000); and

WHEREAS, no obligations have been issued under the Prior Bond Acts described above for SY044; and

WHEREAS, it has now been determined that it would be beneficial to amend and supersede Bond Act No. 69-2025 with this Bond Act to remove the authorization for SY044 (\$1,700,000) and, accordingly, to decrease the estimated aggregate maximum cost and bonds authorized to an aggregate \$600,000 for the remaining projects SOS07, SPK23, SY044, and SY053; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (by the affirmative vote of not less than two-thirds of the voting strength of said Board), as follows:

Section 1. For the specific objects or purposes of paying design and construction management costs of (i) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (ii) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), and (iii) the rehabilitation of several large diameter sewer

tunnels in the Yonkers Joint Sewer Districts (SY053), and including incidental expenses in connection therewith, each such specific object or purpose as described in Exhibit A constituting a "Project" herein, there are hereby authorized to be issued an aggregate amount of \$600,000 bonds of said County pursuant to the provisions of the Local Finance Law, in the amounts described in Exhibit A for each respective Project. Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified in Exhibit A for such Project. To the extent that the details of the Projects set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of each Project is as described in Exhibit A, and that the plan for the financing of each Project is by the issuance of bonds of said County in the amount described in Exhibit A and authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that each Project may include preliminary studies to determine feasibility, design parameters, costs and benefits and other work useful for determining the proposed timing and scope of the Project and whether the Project should be undertaken in the form proposed, and that the period of probable usefulness of each Project is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due

and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for the respective Project in the respective district(s) described in Exhibit A, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to

the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the Projects described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service

and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. This bond act amends and supersedes the Prior Bond Acts, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

EXHIBIT A

Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified below for such Project.

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District or Districts to be Assessed for such Project
SOS07	the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility	\$200,000	Ossining Sanitary Sewer District
SPK23	the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility	\$200,000	Peekskill Sanitary Sewer Districts
SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____

STATE OF NEW YORK)
) ss.:
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 _____, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

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 notices

Date of Posting

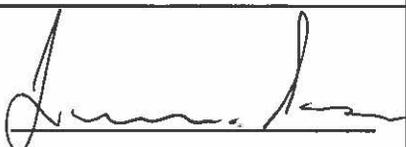
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____.

Clerk of the County Board of Legislators of the County of
Westchester, New York

(CORPORATE
SEAL)

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SY044</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	
		<input type="checkbox"/> Capital Budget Amendment	
REDUCE BA 69-2025 BY \$1.7M TO NEW TOTAL \$600,000			
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$	600,000	PPU 5 Anticipated Interest Rate 3.18%
Anticipated Annual Cost (Principal and Interest):	\$	131,799	
Total Debt Service (Annual Cost x Term):	\$	658,995	
Finance Department:	Interest rates from April 16, 2025 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:	7		
Prepared by:	<u>Jazmin Logan</u>	Reviewed By:	
Title:	<u>Environmental Project Director</u>		<u>Budget Director</u>
Department:	<u>Environmental Facilities</u>		
Date:	<u>4/16/25</u>		<u>4/16/25</u>

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____ and approved by the County Executive on _____ 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 (the "County"), 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 for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2025

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 69-2025, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$1,700,000, LEAVING \$600,000 TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), AND (III) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

object or purpose: financing design and construction management costs of the rehabilitation of various sewer conveyance and treatment facilities in and for the benefit of various County sanitary sewer districts

period of probable usefulness: five (5) years

amount of obligations to be issued: \$600,000 aggregate amount, for the benefit of: Ossining Sanitary Sewer District (\$200,000), Peekskill Sanitary Sewer District (\$200,000), and Yonkers Joint Sanitary Sewer Districts (\$200,000)

Dated: _____
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,700,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AND ASSOCIATED IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER RESOURCE RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

WHEREAS, pursuant to Act No. 69-2025, the Board previously authorized the issuance of \$1,700,000 to pay the cost of the design and construction management of the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility ("SY044"); and

WHEREAS, no obligations have been issued under Act No. 69-2025 for project SY044 or shall be issued to pay costs of SY044; and

WHEREAS, it has now been determined that (i) the description of the aforesaid project should be expanded to include construction costs, (ii) the estimated maximum cost of the project is now \$15,700,000 (an increase of \$14,000,000); and

WHEREAS, it would be beneficial to (i) authorize an additional \$14,000,000 bonds for said project and (ii) consolidate the \$1,700,000 bonds previously authorized in Bond Act No. 69-2025 for SY044 into this bond act, for a total authorized amount of \$15,700,000; and

WHEREAS, by separate amending bond act, the Board shall amend Act No. 69-2025, to remove the authorization therein of \$1,700,000 bonds for SY044; and

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For the class of objects or purposes of paying the cost of the design, construction management and construction for the replacement of the primary sludge gravity thickener collection equipment and associated improvements at the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith, for the joint benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill And Upper Bronx Sanitary Sewer Districts, in the County, there are hereby authorized to be issued \$15,700,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$15,700,000, and that the plan for the financing thereof is by the issuance of the \$15,700,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited

to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of

validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
--	-------------------

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 Notices

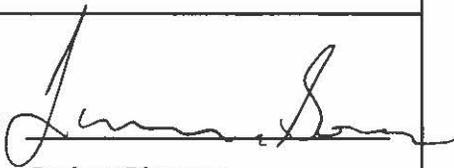
Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SY044</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" 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	\$ 15,700,000	PPU 30	Anticipated Interest Rate 4.27%
Anticipated Annual Cost (Principal and Interest):	\$ 877,226		
Total Debt Service (Annual Cost x Term):	\$ 26,316,780		
Finance Department:	Interest rates from April 16, 2025 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:	171		
Prepared by:	<u>Jazmin Logan</u>	Reviewed By:	
Title:	<u>Environmental Project Director</u>		Budget Director
Department:	<u>Environmental Facilities</u>		
Date:	<u>4/16/25</u>		<u>4/16/25</u>

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,700,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AND ASSOCIATED IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER RESOURCE RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

class of objects or purposes: design, construction management, and construction for the replacement of the primary sludge gravity thickener collection equipment and associated improvements at the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith

period of probable usefulness: forty years

amount of obligations to be issued: \$15,700,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SY044	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-11-2025
Fact Sheet Year:* 2025	Project Title:* YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2754

Overall Project Description

This project funds the replacement of the mechanical components of the three primary sludge gravity thickener collection equipment including, but not limited to, the piping and valves. Other work to improve the sludge thickening process will include: installation of the associated electrical, Instrumentation & Controls systems for integration into SCADA system, and a spray water system.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	20,260	1,700	4,000	4,560	0	0	0	10,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	20,260	1,700	4,000	4,560	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of : 1,582

Current Bond Description: This bond authorization request is to fund the Design, Construction, and Construction Management of the mechanical replacement of the three primary sludge gravity thickener and associated improvements.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	14,000,000
Cash:	0
Total:	\$ 14,000,000

SEQR Classification:

TYPE II

Amount Requested:

14,000,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Capital Budget Amendment is also requested to fund the Construction and Construction Administration costs of the primary sludge gravity thickener collection equipment. This is a critical request as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system have recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure. Being requested is an additional \$10 million in appropriations for year 2025, bringing the total appropriations to \$14 million for 2025.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	1,700,000	DESIGN AND CONSTRUCTION MANAGEMENT
2025	4,000,000	CONSTRUCTION FOR REPLACEMENT OF GRAVITY THICKENER EQUIPMENT

Total Appropriation History:

5,700,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	211	0	0	YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
22	147	0	0	YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
23	83	0	0	YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
25	69	1,700,000	0	

Total Financing History:

1,700,000

Recommended By:

Department of Planning
MLLL

Date
02-12-2025

Department of Public Works
RJB4

Date
02-12-2025

Budget Department
DEV9

Date
02-18-2025

Requesting Department
JCL1

Date
02-18-2025

YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS (SY044)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; 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	2025	2026	2027	2028	2029	Under Review
Gross	10,260	1,700	1,582	4,000	4,560				
Non County Share									
Total	10,260	1,700	1,582	4,000	4,560				

Project Description
 This project funds the replacement of the primary sludge gravity thickener collection equipment.

Current Year Description
 The current year request funds construction for the interim solids train facility.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2025	4,000,000			4,000,000

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

Appropriation History			
Year	Amount	Description	Status
2022	1,700,000	Design and Construction Management	DESIGN
Total	1,700,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	1,700,000		1,700,000
Total	1,700,000		1,700,000

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
211 21				
147 22				
83 23				
95 24	1,700,000			1,700,000
Total	1,700,000			1,700,000

**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 amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$80,000,000 in additional bonds of the County to finance capital project SY057 – Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer (“SY057”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for SY057 by \$80,000,000, for a total revised 2025 appropriation of \$87,000,000. The 2026 programmed amount will not be needed upon approval of the 2025 Capital Budget Amendment requested.

The Amended Bond Act, prepared by the law firm of Norton Rose Fulbright, in the total amount of \$87,000,000, which includes \$7,000,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction associated with the replacement of approximately 10,500 linear feet of 30-inch diameter force main and either the rehabilitation or replacement of the additional 1,300 linear feet section of the 30-inch gravity sewer at the downstream end of the force main.

The Department of Environmental Facilities (“Department”) has advised that the Tarrytown force main carries sewage approximately 2.75 miles under pressure from the Tarrytown Pumping Station in the Village of Tarrytown to the approximately 0.25-mile Route 119 gravity sewer which connects to the Saw Mill trunk sewer in the Village of Elmsford. The first 4,200 linear feet of the Tarrytown force main were replaced under Capital Project SY020 and was completed in 2017. The remaining section of force main and gravity sewer have reached the end of their useful life. A break in an original section of force main occurred on September 2, 2021 during Hurricane Ida and was repaired. A second force main break occurred on January 26, 2022 and was repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation from the New York State Department of Environmental

Conservation on July 13, 2023 which required the submission of a correction action plan. This CBA will help ensure the County meets the timelines specified in the corrective action plan.

Your Committee is advised that design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2025. It is estimated that construction will take forty-two (42) 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 for SY057 as follows: Bond Act No. 222-2023 in the amount of \$5,000,000 which financed design and construction management costs for the replacement or rehabilitation of portions of the Tarrytown force main, including incidental expenses, in and for the County's Saw Mill Sanitary Sewer District; and Bond Act No. 107-2024, which amended Bond Act No. 222-2023 by increasing the amount authorized thereunder by \$2,000,000, for a total authorized amount, as amended, of \$7,000,000, and which further revised the scope of Bond Act No. 222-2023 to include rehabilitation of portions of the Tarrytown force main and the Route 119 Gravity Sewer, including the construction of an emergency bypass to the Tarrytown force main, and which increased the period of probable usefulness of said bonds. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 222-2023, as amended by Bond Act No. 107-2024, be further amended to increase the total amount authorized by \$80,000,000, for a new total authorized amount, as amended, of \$87,000,000.

The Planning Department has advised your Committee that based on its review, SY057 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

The Planning Department has further advised that the Planning Board has previously reviewed SY057 and issued a report, and that since there are no substantial changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts,

noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: May 12th, 2025
White Plains, New York

James Zulu John
MS
J. D.
Donna Tubino
Nancy Pan
Kedat Galin
[Signature]

[Signature]
James Zulu John
J. D.
Nancy Pan
Kedat Galin

Budget & Appropriations

Public Works & Transportation

s/jpg/3-14-25

Dated: May 12, 2025
White Plains, New York

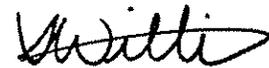
The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations



Public Works & Transportation



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SY057</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" 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	\$ 87,000,000	PPU 30	Anticipated Interest Rate 4.27%
Anticipated Annual Cost (Principal and Interest):	\$ 4,861,063		
Total Debt Service (Annual Cost x Term):	\$ 145,831,890		
Finance Department:	Interest rates from April 16, 2025 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:	946		
Prepared by:	<u>Jazmin Logan</u>	Reviewed By:	
Title:	<u>Environmental Project Director</u>		Budget Director
Department:	<u>Environmental Facilities</u>		
Date:	<u>4/16/25</u>	Date:	<u>4/16/25</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: March 24, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY057 REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND
ROUTE 119 GRAVITY SEWER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
03-10-2025 (Unique ID: 2855)

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)(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;
- **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(6):** street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.

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
Jazmin Logan, Environmental Project Director - Capital Programs, DEF
Robert Zambardino, Program Coordinator – Capital Programs, DEF
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner 

Date: March 27, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – SY057 Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **SY057 Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer (2025 CBA)** will fund the replacement of a section of the Tarrytown force main. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30” diameter force main and 1,300 linear feet of 30” gravity sewer.

The capital budget amendment (CBA) in the amount of \$80M in FY 2025 is needed because portions of this force main are experiencing frequent line breaks. The critical area has been expedited as part of an emergency contract. The 2026 programmed amount of \$85M will be removed with the submission of the 2026 capital budget and show a corrected estimated cost of \$87M.

Over time, the force main has experienced several pipeline failures. More recently, there have been three (3) force main breaks since September 2021. The most notable and recent incident occurred on July 10, 2023, resulting in a sewage spill into the Hudson River. Due to these incidents, a Notice of Violation from the New York State Department of Environmental Conservation (NYSDEC) was received by WCDEF, which prompted the need for the force main and gravity sewer rehabilitation and/or replacement.

This project was classified as a PL2 in the Planning Board Report for the 2023 Capital Budget Amendment (CBA) adopted by the Planning Board on September 6, 2023 as well as a 2024 Capital Budget Amendment (CBA) adopted by the Board on April 19, 2024.

There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SY057
**REPLACEMENT OF TARRYTOWN
 FORCEMAIN (PHASE II) AND
 ROUTE 119 GRAVITY SEWER**

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$7,000,000	\$80,000,000	\$87,000,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$7,000,000	\$80,000,000	\$87,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$7,000,000</u>	<u>\$80,000,000</u>	<u>\$87,000,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING ACT NO. 107-2024, WHICH PROVIDED FOR THE ISSUANCE OF \$7,000,000 BONDS TO PAY THE COSTS OF DESIGN CONSTRUCTION MANAGEMENT, AND CONSTRUCTION FOR THE REPLACEMENT OR REHABILITATION OF PORTIONS OF THE TARRYTOWN FORCE MAIN AND THE ROUTE 119 GRAVITY SEWER, INCLUDING CONSTRUCTION OF AN EMERGENCY BYPASS TO THE TARRYTOWN FORCE MAIN, IN AND FOR THE COUNTY'S SAW MILL SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$87,000,000, AN INCREASE OF \$80,000,000.

WHEREAS, pursuant to Act No. 222-2023, dated October 16, 2023 (the "2023 Bond Act"), the Board previously authorized the issuance of \$5,000,000 bonds to pay the cost of design and construction management for the replacement or rehabilitation of portions of the Tarrytown force main, including incidental expenses in connection therewith, in and for the County's Saw Mill Sanitary Sewer District; and

WHEREAS, pursuant to Act No. 107-2024, dated June 3, 2024 (the "2024 Bond Act" and together with the 2023 Bond Act, the "Prior Bond Acts"), the Board amended and restated Act No. 222-2023 to expand the scope of the above-mentioned project to include construction cost and to include the rehabilitation of portions of the gravity sewer and an emergency bypass to the Tarrytown force main, and to increase the estimated maximum cost and the amount of bonds authorized to \$7,000,000 (an increase of \$2,000,000); and

WHEREAS, no obligations have been issued under the Prior Bond Acts; and

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid project thereof is now \$87,000,000, an increase of \$80,000,000; and

WHEREAS, it is now desired to authorize a total of \$87,000,000 bonds to pay for such revised cost, an increase of \$80,000,000 over the \$7,000,000 bonds previously authorized under the Prior Bond Acts; and

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

NOW, THEREFORE,

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:

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the costs of design, construction management and construction for the replacement or rehabilitation of portions of the Tarrytown force main and Route 119 gravity sewer, including construction of an emergency bypass to the Tarrytown force main, replacement or rehabilitation of associated manholes, air release vents and other appurtenances, and incidental expenses in connection therewith, there are hereby authorized to be issued \$87,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$87,000,000, and that the plan for the financing thereof is by the

issuance of the \$87,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Saw Mill Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said

Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or portions thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of

validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This bond act amends and supersedes the Prior Bond Acts, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

Section 16. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING ACT NO. 107-2024, WHICH PROVIDED FOR THE ISSUANCE OF \$7,000,000 BONDS TO PAY THE COSTS OF DESIGN CONSTRUCTION MANAGEMENT, AND CONSTRUCTION FOR THE REPLACEMENT OR REHABILITATION OF PORTIONS OF THE TARRYTOWN FORCE MAIN AND THE ROUTE 119 GRAVITY SEWER, INCLUDING CONSTRUCTION OF AN EMERGENCY BYPASS TO THE TARRYTOWN FORCE MAIN, IN AND FOR THE COUNTY'S SAW MILL SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$87,000,000, AN INCREASE OF \$80,000,000.

class of objects or purposes: cost of design, construction management and construction for the replacement or rehabilitation of portions of the Tarrytown force main and Route 119 gravity sewer, including construction of an emergency bypass to the Tarrytown force main, replacement or rehabilitation of associated manholes, air release vents and other appurtenances, and incidental expenses in connection therewith

period of probable usefulness: forty years

amount of obligations to be issued: \$87,000,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of
Westchester, New York

285024379.3

CAPITAL PROJECT FACT SHEET

Project ID:* SY057	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-26-2025
Fact Sheet Year:* 2025	Project Title:* REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2855

Overall Project Description

This multi-phased project provides for the replacement of the section of the Tarrytown force main that was not replaced in the previous project under Capital Project SY020. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a ¼ mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford. Portions of this forcemain are experiencing frequent line breaks. The critical area has been expedited as part of an emergency contract.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	172,000	7,000	0	85,000	0	0	0	80,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	172,000	7,000	0	85,000	0	0	0	80,000

Expended/Obligated Amount (in thousands) as of : 4,537

Current Bond Description: This bond authorization request will fund the Design, Construction, and Construction Management of the replacement of approximately 10,500 linear feet of 30-inch diameter force main and either the rehabilitation or replacement of the additional 1,300 linear feet section of the 30-inch gravity sewer at the downstream end of the force main.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	80,000,000
Cash:	0
Total:	\$ 80,000,000

SEQR Classification:

TYPE II

Amount Requested:

80,000,000

Expected Design Work Provider:

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

Comments:

A 2025 Capital Budget Amendment is requested to fund the Design, Construction, and Construction Management costs of the Tarrytown Force Main project. The additional funds needed are shown in "Under Review". The 2026 programmed amount shown above will not be needed upon approval of the 2025 CBA requested. The 2026 programmed amount will be removed with the submission of the 2026 capital budget and show a corrected estimated ultimate cost of \$87M. Over time, the Force Main has experienced several pipeline failures. More recently, there have been three (3) Force Main breaks since September 2021. The most notable and recent incident occurred on July 10th 2023, resulting in a sewage spill into the Hudson River. Due to these incidents, a Notice of Violation from the New York State Department of Environmental Conservation (NYSDEC) was received by WCDEF, which prompted the need for the force main and gravity sewer rehabilitation and/or replacement.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	5,000,000	DESIGN AND CONSTRUCTION MANAGEMENT
2024	2,000,000	DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION.

Total Appropriation History:

7,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	222	0	0	REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER
24	107	7,000,000	0	

Total Financing History:

7,000,000

Recommended By:

Department of Planning
MLLL

Date
03-10-2025

Department of Public Works
RJB4

Date
03-10-2025

Budget Department
DEV9

Date
03-13-2025

Requesting Department
JCL1

Date
03-14-2025

REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER (SY057)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; 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)

	2025	2025	2026	2027	2028	2029	Under Review
Est Ult Cost	92,000	7,000	85,000				
Exp / Obl	4,537						
Gross	92,000	7,000	85,000				
Non County Share							
Total	92,000	7,000	85,000				

Project Description

This multi-phased project provides for the replacement of the section of the Tarrytown force main that was not replaced in the previous project under Capital Project SY020. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a 1/4 mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford. Portions of this force main are experiencing frequent line breaks. The critical area is being expedited as part of an emergency contract.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2023	5,000,000	Design and construction management	DESIGN
2024	2,000,000	Design, construction management, and construction.	DESIGN
Total	7,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,000,000		7,000,000
Total	7,000,000		7,000,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
222 23				
107 24	7,000,000			7,000,000
Total	7,000,000			7,000,000

**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 (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SBB36 – Blind Brook WRRF Facility Evaluation (“SBB36”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SBB36.

The Bond Act, in the amount of \$600,000.00, prepared by the firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the Blink Brook Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Blind Brook sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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.

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SBB36 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: May 12th, 2025
White Plains, New York

Henry Zelen John
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Henry Zelen John
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COMMITTEE ON

k/jpg/03-25-25

Budget & Appropriations

Public Works & Transportation

Dated: May 12, 2025
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 #: SBB36

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 \$ 600,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 131,587

Total Debt Service (Annual Cost x Term): \$ 657,935

Finance Department: Interest rates from April 9, 2025 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: 7

Prepared by: Jazmin Logan

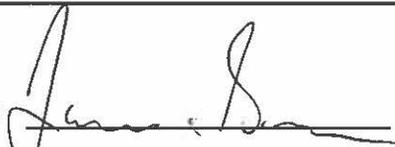
Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By:

*DV 4/14/25
@ 4/15/25*



Budget Director

Date:

4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBB36 BLIND BROOK WRRF FACILITY EVALUATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2890)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION 25- 4
WESTCHESTER COUNTY PLANNING BOARD

**2025 Capital Budget Amendment
 Amendment of Planning Board Report on the 2025 Capital Projects
 Westchester County Sanitary Sewer District Studies
 Four Districts**

WHEREAS, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

WHEREAS, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

WHEREAS, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study

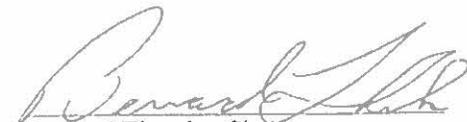
WHEREAS, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

WHEREAS, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1st day of April 2025.


 Bernard Thombs, Chair

SBB36 Blind Brook WRRF Facility Evaluation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross Non-County Share	600							600
County Share	600							600

Project Description

This project aims to assess the Blind Brook Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Blind Brook sanitary sewer district.

Appropriation Requests

2025: \$600,000 for Study.

Justification

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the Blind Brook sanitary sewer district.

Consistency with Programs or Plans

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

Planning Board Analysis

PL1: The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SBB36 BLIND
 BROOK WRRF FACILITY
 EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$600,000	\$600,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE BLIND BROOK WATER RESOURCE RECOVERY FACILITY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Blind Brook Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$600,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$600,000, and that the plan for the financing thereof is by the issuance of the \$600,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall

advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be

prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and,

accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE BLIND BROOK WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Blind Brook Water Resource Recovery Facility, and including incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$600,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SBB36	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-18-2025
Fact Sheet Year:* 2025	Project Title:* BLIND BROOK WRRF FACILITY EVALUATION	Legislative District ID: 3, 7, 6, 4,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2890

Overall Project Description

This project aims to assess the Blink Brook Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Blind Brook sanitary sewer district.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	600	0	0	0	0	0	0	600
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	0	0	0	0	0	600

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

Current Bond Description: This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Blind Brook sanitary sewer district.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
Total:	\$ 600,000

SEQR Classification:

TYPE II

Amount Requested:

600,000

Expected Design Work Provider:

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

Comments:

A 2025 Capital Budget Amendment is requested to fund the Blind Brook WRRF Facility Evaluation. The funds needed are shown in "Under Review."

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
03-20-2025

Department of Public Works
RJB4

Date
03-20-2025

Budget Department
DEV9

Date
03-25-2025

Requesting Department
JCL1

Date
03-25-2025

**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 (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SM036 – Mamaroneck WRRF Facility Evaluation (“SM036”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SM036.

The Bond Act, in the amount of \$600,000.00, prepared by the firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the Mamaroneck Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Mamaroneck sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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 conclusion.

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SM036 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: May 12th, 2025
White Plains, New York

Handwritten signatures in the left column:
Anthony Zullo John
John
Doris Tubil
Vedat Fedir
Nancy Pan
Sally
Paul Kell

Handwritten signatures in the right column:
Sally
Anthony Zullo John
John
Vedat Fedir
Nancy Pan

COMMITTEE ON

k/jpg/03-25-25

Budget & Appropriations

Public Works & Transportation

Dated: May 12, 2025
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

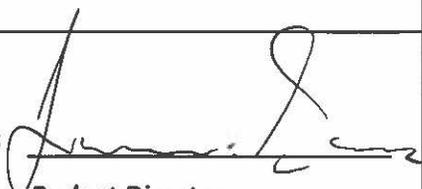


Public Works & Transportation



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SM036</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" 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	\$ 600,000	PPU	5 Anticipated Interest Rate 3.12%
Anticipated Annual Cost (Principal and Interest):		\$	131,587
Total Debt Service (Annual Cost x Term):		\$	657,935
Finance Department:	Interest rates from April 9, 2025 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:	7		
Prepared by:	<u>Jazmin Logan</u>	Reviewed By:	
Title:	<u>Environmental Project Director</u>		Budget Director
Department:	<u>Environmental Facilities</u>		
Date:	<u>4/11/25</u>	Date:	<u>4/15/25</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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM036 MAMRONECK WRRF FACILITY EVALUATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2891)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION 25-4
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment
 Amendment of Planning Board Report on the 2025 Capital Projects
Westchester County Sanitary Sewer District Studies
Four Districts

WHEREAS, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

WHEREAS, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

WHEREAS, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study

WHEREAS, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

WHEREAS, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1st day of April 2025.


 Bernard Thombs, Chair

SM036 Mamaroneck WRRF Facility Evaluation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross	600							600
Non-County Share								
County Share	600							600

Project Description

This project aims to assess the Mamaroneck Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Mamaroneck sanitary sewer district.

Appropriation Requests

2025: \$600,000 for Study.

Justification

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the Mamaroneck sanitary sewer district.

Consistency with Programs or Plans

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

Planning Board Analysis

PL1: The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SM036
 MAMARONECK WRRF FACILITY
 EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$0</u>	<u>\$600,000</u>	<u>\$600,000</u>

Section 3. The ACT shall take effect immediately.

REFERENCE SM036

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Mamaroneck Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$600,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$600,000, and that the plan for the financing thereof is by the issuance of the \$600,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the Mamaroneck Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall

advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be

prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and,

accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Mamaroneck Water Resource Recovery Facility, and including incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$600,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SM036 CBA **Fact Sheet Date:*** 03-18-2025
Fact Sheet Year:* 2025 **Project Title:*** MAMARONECK WRRF FACILITY EVALUATION **Legislative District ID:** 3, 7, 6, 5,
Category* SEWER AND WATER DISTRICTS **Department:*** ENVIRONMENTAL FACILITIES **CP Unique ID:** 2891

Overall Project Description

This project aims to assess the Mamaroneck Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Mamaroneck sanitary sewer district.

- Best Management Practices
- Life Safety
- Security
- Energy Efficiencies
- Project Labor Agreement
- Other
- Infrastructure
- Revenue

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	600	0	0	0	0	0	0	600
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	0	0	0	0	0	600

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

Current Bond Description: This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Mamaroneck sanitary sewer district.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
Total:	\$ 600,000

SEQR Classification:
TYPE II

Amount Requested:
600,000

Expected Design Work Provider:

- County Staff
- Consultant
- Not Applicable

Comments:

A 2025 Capital Budget Amendment is requested to fund the Mamaroneck WRRF Facility Evaluation. The funds needed are shown in "Under Review."

Energy Efficiencies:

Total Financing History:
0

Recommended By:

Department of Planning

MLLL

Date

03-20-2025

Department of Public Works

RJB4

Date

03-20-2025

Budget Department

DEV9

Date

03-25-2025

Requesting Department

JCL1

Date

03-25-2025

**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 (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SNR36 – New Rochelle WRRF Facility Evaluation (“SNR36”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SNR36.

The Bond Act, in the amount of \$600,000.00, prepared by the law firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the New Rochelle Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the New Rochelle sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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.

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SNR36 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

k/jpg/03-25-25

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNR36

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 \$ 600,000 **PPU** 5 **Anticipated Interest Rate** 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 131,587

Total Debt Service (Annual Cost x Term): \$ 657,935

Finance Department: Interest rates from April 9, 2025 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

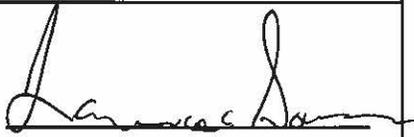
Number of Full Time Equivalent (FTE) Jobs Funded: 7

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By: 

Budget Director

Date: 4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SNR36 NEW ROCHELLE WRRF FACILITY EVALUATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2892)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION 25- 4
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment
Amendment of Planning Board Report on the 2025 Capital Projects
Westchester County Sanitary Sewer District Studies
Four Districts

WHEREAS, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

WHEREAS, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

WHEREAS, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study

WHEREAS, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

WHEREAS, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1st day of April 2025.


Bernard Thombs, Chair

SNR36 New Rochelle WRRF Facility Evaluation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross	600							600
Non-County Share								
County Share	600							600

Project Description

This project aims to assess the New Rochelle Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

Appropriation Requests

2025: \$600,000 for Study.

Justification

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the New Rochelle sanitary sewer district.

Consistency with Programs or Plans

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

Planning Board Analysis

PL1: The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SNR36 NEW
 ROCHELLE WRRF FACILITY
 EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$600,000	\$600,000

Section 3. The ACT shall take effect immediately.

**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 (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SNR36 – New Rochelle WRRF Facility Evaluation (“SNR36”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SNR36.

The Bond Act, in the amount of \$600,000.00, prepared by the law firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the New Rochelle Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the New Rochelle sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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.

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SNR36 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: May 12th, 2025
White Plains, New York

James J. Zullo John
To OP
Doris Tubish
Debra Jedin
Nancy Barr
[Signature]
[Signature]

[Signature]
James J. Zullo John
To OP
Debra Jedin
[Signature]

COMMITTEE ON

k/jpg/03-25-25

Budget & Appropriations

Public Works & Transportation

Dated: May 12, 2025
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 #: SNR36

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 \$ 600,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 131,587

Total Debt Service (Annual Cost x Term): \$ 657,935

Finance Department: Interest rates from April 9, 2025 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: 7

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By:

DV4/14/25
@4/15/25



Budget Director

Date:

4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SNR36 NEW ROCHELLE WRRF FACILITY EVALUATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2892)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION 25-4
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment
 Amendment of Planning Board Report on the 2025 Capital Projects
Westchester County Sanitary Sewer District Studies
Four Districts

WHEREAS, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

WHEREAS, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

WHEREAS, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study

WHEREAS, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

WHEREAS, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1st day of April 2025.


 Bernard Thombs, Chair

SNR36 New Rochelle WRRF Facility Evaluation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross	600							600
Non-County Share								
County Share	600							600

Project Description

This project aims to assess the New Rochelle Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following: the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

Appropriation Requests

2025: \$600,000 for Study.

Justification

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the New Rochelle sanitary sewer district.

Consistency with Programs or Plans

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

Planning Board Analysis

PL1: The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SNR36 NEW
 ROCHELLE WRRF FACILITY
 EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$600,000	\$600,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE NEW ROCHELLE WATER RESOURCE RECOVERY FACILITY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the New Rochelle Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$600,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$600,000, and that the plan for the financing thereof is by the issuance of the \$600,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's New Rochelle Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall

advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be

prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and,

accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
--	-------------------

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE NEW ROCHELLE WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the New Rochelle Water Resource Recovery Facility, and including incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$600,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SNR36	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-18-2025
Fact Sheet Year:* 2025	Project Title:* NEW ROCHELLE WRRF FACILITY EVALUATION	Legislative District ID: 7, 11, 10,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2892

Overall Project Description

This project aims to assess the New Rochelle Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	600	0	0	0	0	0	0	600
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	0	0	0	0	0	600

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

Current Bond Description: This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
Total:	\$ 600,000

SEQR Classification:

TYPE II

Amount Requested:

600,000

Expected Design Work Provider:

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

Comments:

A 2025 Capital Budget Amendment is requested to fund the New Rochelle WRRF Facility Evaluation. The funds needed are shown in "Under Review."

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
03-20-2025

Department of Public Works
RJB4

Date
03-20-2025

Budget Department
DEV9

Date
03-25-2025

Requesting Department
JCL1

Date
03-25-2025

**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 (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$1,000,000.00 in bonds to finance capital project SY036 – Yonkers Joint WRRF Facility Evaluation (“SY036”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$1,000,000.00 to fund SY036.

The Bond Act, in the amount of \$1,000,000.00, prepared by the firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the Yonkers Joint Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Yonkers sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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 conclusion.

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SY036 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: May 12th, 20 25
White Plains, New York

Handwritten signatures:
Lynn J. Kelly
John J. Kelly
Doris J. Subich
Debra J. Kelly
Nancy J. Bar
Lynn J. Kelly
Lynn J. Kelly

Handwritten signatures:
Lynn J. Kelly
John J. Kelly
Debra J. Kelly
Nancy J. Bar

COMMITTEE ON

k/jpg/03-25-25

Budget & Appropriations

Public works & Transportation

Dated: May 12, 2025
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 #: SY036

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 \$ 1,000,000 **PPU** 5 **Anticipated Interest Rate** 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 219,312

Total Debt Service (Annual Cost x Term): \$ 1,096,560

Finance Department: Interest rates from April 9, 2025 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

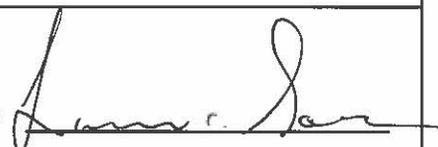
Number of Full Time Equivalent (FTE) Jobs Funded: 11

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By: 
DV 4/14/25
CP 4/15/25
Budget Director
Date: 4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY036 YONKERS JOINT WRRF FACILITY EVALUATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 3/25/2025 (Unique ID: 2906)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION 25-4
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment
Amendment of Planning Board Report on the 2025 Capital Projects
Westchester County Sanitary Sewer District Studies
Four Districts

WHEREAS, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

WHEREAS, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

WHEREAS, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study

WHEREAS, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

WHEREAS, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1st day of April 2025.


 Bernard Thombs, Chair

SY036 Yonkers Joint WRRF Facility Evaluation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross	1,000							1,000
Non-County Share								
County Share	1,000							1,000

Project Description

This project aims to assess the Yonkers Joint Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Yonkers Joint sanitary sewer district.

Appropriation Requests

2025: \$1,000,000 for Study.

Justification

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the Yonkers Joint sanitary sewer district.

Consistency with Programs or Plans

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

Planning Board Analysis

PL1: The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project SY036 YONKERS
 JOINT WRRF FACILITY EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$1,000,000	\$1,000,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$0	\$1,000,000	\$1,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$0</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Yonkers Joint Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$1,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$1,000,000, and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, as allocated by the County, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to

the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any

charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

STATE OF NEW YORK)
) ss.:
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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Yonkers Joint Water Resource Recovery Facility, and including incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$1,000,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York



CAPITAL PROJECT FACT SHEET

Project ID:* SY036	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-24-2025
Fact Sheet Year:* 2025	Project Title:* YONKERS JOINT WRRF FACILITY EVALUATION	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2906

Overall Project Description

This project aims to assess the Yonkers Joint Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Yonkers Joint sanitary sewer district.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	1,000	0	0	0	0	0	0	1,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,000	0	0	0	0	0	0	1,000

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

Current Bond Description: This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Yonkers Joint Sanitary Sewer District.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

1,000,000

Expected Design Work Provider:

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

Comments:

A 2025 Capital Budget Amendment is requested to fund the Yonkers Joint Facility Evaluation. The funds needed are shown in "Under Review."

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

03-25-2025

Department of Public Works

RJB4

Date

03-25-2025

Budget Department

DEV9

Date

03-27-2025

Requesting Department

JCL1

Date

03-27-2025

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

Your Committee is in receipt of an Act authorizing the transfer of appropriations across County departments in the amount of \$50,673,207. These transfers are required to complete the 2024 fiscal year on a sound financial basis, and are fully funded by savings within the 2024 Operating Budget.

Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The attached Act contains an increase in the appropriations for various departments. Increased appropriations are needed primarily for higher than anticipated Disproportionate Share Medicaid transfer to Westchester Medical Center, increased Tuition for Children with Special Needs and increased Employee Health Insurance costs. These increases are fully funded by savings from other departments during fiscal year 2024.

Your Committee is informed that the proposed act does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends the adoption of this Act.

John J. Kelly Jr.
[Signature]
Donald J. Tubic
[Signature]
[Signature]
[Signature]

COMMITTEE ON

Dated: May 12th, 2025

Budget & Appropriations

[Signature]
[Signature]

FISCAL IMPACT STATEMENT

SUBJECT: 2024 BOL Transfers

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: April 21, 2025

Reviewed By: 

Budget Director

Date: 4/21/25

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

SECTION 1. The following transfers in 2024 County Operating Budget are hereby authorized:

	UNIT	OBJECT	AMOUNT
Board of Legislators (101-10)			
Hourly Wages	1000	1200 \$	(50,916)
County Executive (101-11)			
Annual Regular Salaries	0100	1010 \$	(74,213)
Annual Regular Salaries	0400	1010 \$	(175,174)
Contractual Services	0400	4380 \$	(460,461)
Youth Service Project	0400	5430 \$	(24,749)
Membership Fees	0710	4100 \$	(24,025)
Contractual Services	0710	4380 \$	(974,642)
Community Services	0710	5125 \$	(102,043)
Community Services	0720	5125 \$	(1,106,448)
Contractual Services	0900	4380 \$	(423,743)
Human Resources (101-12)			
Annual Regular Salaries	6010	1010 \$	(137,450)
Equipment Service & Rental	6010	4070 \$	(368,679)
Budget (101-13)			
Annual Regular Salaries	1000	1010 \$	(259,064)
Elections (101-14)			
Annual Regular Salaries	1000	1010 \$	(512,665)
Replacement Equipment	1000	2300 \$	(31,967)
Automotive Supplies	1000	3010 \$	(641,034)
Information Technology (101-16)			
Replacement Equipment	2500	2300 \$	(33,219)
General Supplies	2000	3240 \$	(55,815)
Law (101-18)			
Litigation	1000	4923 \$	(811,067)
Osha Safety Program	2000	4225 \$	(38,460)
Insurance	2000	4280 \$	(101,019)
Planning (101-19)			
Annual Regular Salaries	0100	1010 \$	(287,434)
Printing and Office Supplies	0100	3600 \$	(20,511)
Contractual Services	0100	4380 \$	(1,458,208)
Technical Services	0100	4420 \$	(1,005,781)
Advance To Grants	0100	4912 \$	(239,449)
Community Services	0100	5125 \$	(726,242)
Emergency Services (101-20)			
Replacement Equipment	1000	2300 \$	(40,716)
Water Service	1000	3180 \$	(30,000)
Public Utilities Fuel & Power	1000	3200 \$	(59,154)
General Supplies	1000	3240 \$	(225,209)
Equipment Service & Rental	1000	4070 \$	(23,916)
Repairs and Maintenance	1000	4200 \$	(146,435)

	UNIT	OBJECT	AMOUNT
Educational Training	1000	4360 \$	(27,873)
Contractual Services	1000	4380 \$	(114,597)
Svc Information Support Svcs	1000	5205 \$	(50,756)
County Clerk (101-21)			
Annual Regular Salaries	0300	1010 \$	(311,151)
Postage Cost	0300	3700 \$	(22,095)
Svc Information Support Svcs	0300	5205 \$	(37,594)
Social Services (101-22)			
Medicaid - Disproportionate Share (DSH)	8900	5761 \$	28,501,686
Seniors (101-24)			
Svc Information Support Svcs	1000	5205 \$	(95,613)
Consumer Protection (101-25)			
Annual Regular Salaries	0200	1010 \$	(28,477)
Equipment Service & Rental	0200	4070 \$	(52,383)
Mental Health (101-26)			
Annual Regular Salaries	2000	1010 \$	(950,242)
Additional Equipment	2000	2400 \$	(22,367)
Health (101-27)			
Tuition	2700	4538 \$	6,404,688
Human Rights Commission (101-33)			
Annual Regular Salaries	1000	1010 \$	(83,392)
Contractual Services	1000	4380 \$	(64,201)
Correction (101-35)			
Contractual Services	1000	4380 \$	(3,419,185)
Replacement Equipment	2000	2300 \$	(512,255)
General Supplies	2000	3240 \$	(355,997)
Annual Regular Salaries	3000	1010 \$	(118,013)
Services By Public Works Dept	3000	5280 \$	(2,055,279)
District Attorney (101-37)			
Annual Regular Salaries	0010	1010 \$	(1,165,462)
Overtime	0010	1400 \$	(69,719)
Replacement Equipment	0010	2300 \$	(43,513)
General Supplies	0010	3240 \$	(37,003)
Technical Services	0010	4420 \$	(358,546)
Services By Public Works Dept	0010	5280 \$	(43,211)
Public Safety (101-38)			
Equipment Service & Rental	1000	4070 \$	(21,944)
Annual Regular Salaries	2000	1010 \$	(1,359,098)
Holiday Overtime	2000	1490 \$	(1,693,498)
Replacement Equipment	2000	2300 \$	(2,227,612)
General Supplies	2000	3240 \$	(435,908)
Equipment Service & Rental	2000	4070 \$	(531,836)
Employee Travel Expenses	2000	4110 \$	(56,028)
Repairs and Maintenance	2000	4200 \$	(67,840)
Educational Training	2000	4360 \$	(253,050)
Contractual Services	2000	4380 \$	(52,458)
Equipment Service & Rental	3000	4070 \$	(45,074)

	UNIT	OBJECT	AMOUNT
Educational Training	3000	4360 \$	(181,167)
Annual Regular Salaries	4000	1010 \$	(33,894)
Contractual Services	4000	4380 \$	(20,150)
Probation (101-39)			
Annual Regular Salaries	1000	1010 \$	(1,506,989)
Replacement Equipment	1000	2300 \$	(27,790)
Equipment Service & Rental	1000	4070 \$	(19,617)
Electronic Home Device	1000	4130 \$	(24,464)
Repairs and Maintenance	1000	4200 \$	(229,804)
Annual Regular Salaries	2000	1010 \$	(243,887)
Repairs and Maintenance	2000	4200 \$	(40,308)
Contractual Services	2000	4380 \$	(6,958,704)
Services By Public Works Dept	2000	5280 \$	(150,128)
Services By Public Safety Dept	2000	5390 \$	(27,049)
Solid Waste (101-41)			
Equipment Service & Rental	1000	4070 \$	(30,615)
Services By Public Safety Dept	1000	5390 \$	(29,195)
Office of Assigned Counsel (101-43)			
Indigent Defendant Legal Svcs - Felony	1000	4090 \$	396,695
Indigent Defendant Legal Svcs - Misdemeanor	1000	4091 \$	1,492,480
Transportation (101-44)			
Annual Regular Salaries	1000	1010 \$	(144,825)
Replacement Equipment	2100	2300 \$	(115,182)
Public Utilities Fuel & Power	2100	3200 \$	(510,412)
Bus Operating Assist	2100	4924 \$	(1,723,089)
Services By Public Works Dept	2100	5280 \$	(78,083)
Public Works (101-46)			
Overtime	2000	1400 \$	(25,344)
Equipment Service & Rental	2000	4070 \$	(20,209)
Additional Equipment	6000	2400 \$	(18,825)
Annual Regular Salaries	6700	1010 \$	(41,451)
Replacement Equipment	6700	2300 \$	(20,086)
Printing and Office Supplies	6700	3600 \$	(4,600,410)
Contractual Services	6700	4380 \$	(2,689,880)
Services By Public Works Dept	6700	5280 \$	(457,880)
Debt Service (101-51)			
New Issue Expense	2100	4468 \$	(1,413,339)
Miscellaneous Budgets (101-52)			
Employee Health Insurance	1500	1680 \$	13,877,658

	UNIT	OBJECT	AMOUNT
Parks, Recreation and Conservation (165-42)			
Replacement Equipment	1100	2300 \$	(39,527)
Emergency Contractual	1100	4998 \$	(34,286)
Services By Public Works Dept	1100	5280 \$	(26,228)
Service By Dept Of Law	1100	5325 \$	(50,982)
Services By Public Safety Dept	1100	5390 \$	(296,797)
Public Utilities Fuel & Power	2000	3200 \$	(26,838)
Contractual Services	2000	4380 \$	(173,036)
Contractual Services	3010	4380 \$	(32,180)
Water Service	3100	3180 \$	(137,459)
Water Service	3250	3180 \$	(85,977)
Public Utilities Fuel & Power	4175	3200 \$	(465)
Contractual Services	4175	4380 \$	(24,744)
Water Service	4250	3180 \$	(29,862)
Water Service	4500	3180 \$	(40,000)
Public Utilities Fuel & Power	4750	3200 \$	(20,788)
Contractual Services	4750	4380 \$	(21,230)
Repairs and Maintenance	4775	4200 \$	(21,251)
Debt Service: Bond Principal	5520	4461 \$	(307,382)
Debt Service: Bond Interest	5520	4463 \$	(278,808)
Contractual Services	6100	4380 \$	(45,696)
Public Utilities Fuel & Power	7150	3200 \$	(40,328)
Contractual Services	7150	4380 \$	(103,389)
TOTAL TRANSFER AUTHORITY REQUEST		\$	<u>50,673,207</u>

SECTION 2. This ACT shall take effect immediately.

THE HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER, NEW YORK

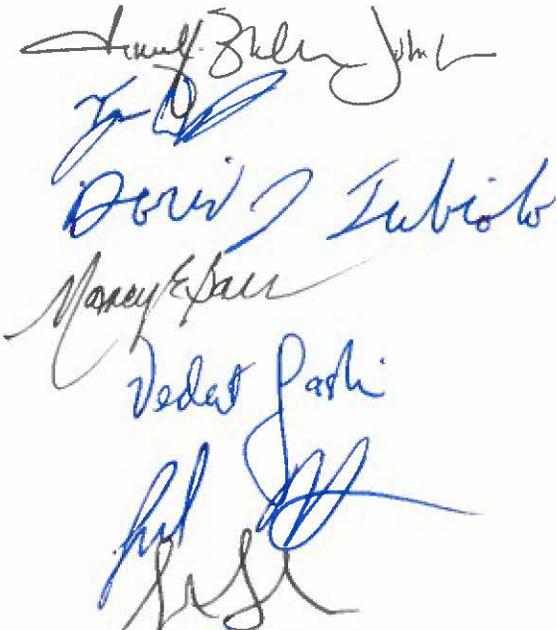
Your Committee is in receipt of an act authorizing the amendment of the 2024 County Special Districts Budget in the amount of \$135,359.

Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The attached Act contains an increase of \$135,359 in the appropriations for increases for debt service within the County's sanitary sewer district funds. This increase is funded by additional revenues received within Fiscal Year 2024 and fund balance from the sanitary sewer districts.

Your Committee is informed that the proposed act does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends the adoption of this Act.



Handwritten signatures of committee members, including names such as David J. Tubiolo, Nancy E. Fair, and Vedat Pasli.

Dated: 5/12/2025

COMMITTEE ON

Budget & Appropriations

FISCAL IMPACT STATEMENT

SUBJECT: 2024 Budget Amendment

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 135,359

Total Current Year Revenue \$ 135,359

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: SEE ATTACHED ACT

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: April 21, 2025

Reviewed By: *Austin Pauls*

Budget Director

Date: 4/21/25

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

SECTION 1. The 2024 County Special Districts Budget shall be amended as follows:

EXPENDITURES:

Central Yonkers SSD (225-60)		
Share of Debt Service (225-60-0510-4465)	+ \$	28,902.00
Saw Mill Valley SSD (231-60)		
Share of Debt Service (231-60-1010-4465)	+ \$	9,382.00
Peekskill SSD (236-60)		
Certiorari Expenses (236-60-1610-5101)	+ \$	97,075.00
TOTAL DISTRICT EXPENDITURES	\$	135,359.00

REVENUES:

Central Yonkers SSD (225-60)		
Interest and Investment 225-60-0510-9522	+ \$	28,902.00
Saw Mill Valley SSD (231-60)		
Interest and Investment 231-60-1010-9522	+ \$	9,382.00
Peekskill SSD (236-60)		
Interest and Investment 236-60-1610-9522	+ \$	31,883.00
Appropriated Fund Balance 236-60-1610-9652	+ \$	65,192.00
TOTAL DISTRICT REVENUES	\$	135,359.00

SECTION 2. This ACT shall take effect immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board.”

Your Committee is aware that the Westchester County Refuse Disposal District No. 1 Advisory Board (“Advisory Board”) advises and consults with the County Board and the Division of Solid Waste Management of the Department of Public Works and Transportation on matters relating to the administration and operation of County Refuse Disposal District No. 1. Presently, the Advisory Board is comprised of eighteen members, with fourteen seats designated to specific municipalities within the County, with each municipality having one designated seat. These fourteen seats are subject to a residency requirement, which mandates that the persons appointment thereto reside in their respective municipalities.

Your Committee is informed that this residency mandate has created challenges in finding candidates with the necessary qualifications to serve on the Advisory Board, especially in municipalities where experienced candidates are limited. Further, this provision has created a barrier to maintaining a roster of qualified candidates for service on the Advisory Board.

Your Committee is advised that this amendment will expand the membership requirements for the Advisory Board by allowing members appointed to those fourteen seats to be employed by their respective municipalities, even if they are not residents. Your Committee believes that amending this Local Law will assist in minimizing the challenges in finding and retaining qualified candidates within each municipality as many municipalities already employ highly qualified individuals with the

expertise necessary to serve on the Advisory Board and municipal employees have unique insight into the operations of their respective districts.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: May 5, 2025
White Plains, New York

Margaret A. Cyio
Celia [Signature]
Dennis [Signature]
Dorinda Tubish
Benjamin [Signature]
Vedat Fakir

Terry [Signature]
[Signature]
[Signature]
Celia [Signature]

COMMITTEE ON

Legislation

Appointments

Dated: May 5, 2025
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.

Emiljana Ulag

COMMITTEE ON

Legislation

FISCAL IMPACT STATEMENT

SUBJECT: Refuse Dist. No. 1 Advisory Board

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

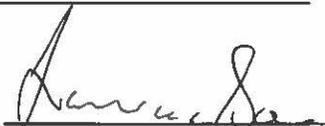
Next Four Years: _____

Prepared by: William Olli

Title: Assistant Budget Director

Department: Budget

Date: April 16, 2025

Reviewed By: 

Budget Director

Date: 4/17/25

LOCAL LAW INTRO. NO. - 2025

A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board.

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

Section 1. Section 277.321 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.321. Board established.

1. There shall be a Westchester County Refuse Disposal District No. 1 Advisory Board which shall consist of 18 members. 14 members shall be appointed by the County Executive with the approval of the County Board and such appointments shall be made so that six members shall reside in or be employed by cities, one in each of the six cities in the district, five members shall reside in or be employed by towns, one in each of five different towns in the district, and three members shall reside in or be employed by villages, one in each of three different villages in the district. For the purposes of this section a town/village shall be deemed a town. The Chairman of the County Board shall serve as an ex officio member or may designate another legislator to serve as an ex officio member in the place and stead of the Chairman. The Commissioner of Health, the Commissioner of Public Works and Transportation and the Budget Director shall each designate a person employed in their respective departments at the level of Assistant Commissioner, Deputy Commissioner or equivalent to serve as an ex officio member of the board. Each appointed member of the board shall reside in the district

at the time of appointment and throughout their tenure on the board.

Section 2. Section 277.331 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.331. Terms.

1. A member of the board, other than an ex officio member, shall serve for a term of two years. An ex officio member shall remain a member of the board for so long as such member either holds the office by virtue of which such member serves on the board or retains any required designation as provided in section 277.321. Each appointed member shall serve for the term for which the member was appointed and until a successor shall have been appointed and qualified unless the member shall sooner resign, cease to be a resident of the district, cease to be employed by a municipality within the district, or be removed in the manner provided by law. Vacancies occurring otherwise than by expiration of term shall be filled in the same manner as original appointments and, in the case of a member other than an ex officio member, for the balance of the unexpired term.

Section 3. This Local Law shall take effect immediately.

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending that your Honorable Board adopt an Act which, if approved would 1) authorize the County of Westchester (the “County”), to submit an application to the U.S. Department of Housing and Urban Development (“HUD”) for approximately \$5,771,000 in grant funds (“Grant Funds”) from three (3) federal sources: the Community Development Block Grant (“CDBG”) Program, the HOME Investment Partnerships Program (“HOME”), and the Emergency Solutions Grant (“ESG”) Program (together the “Programs”), on behalf of the thirty-one (31) municipalities that comprise the Westchester Urban County Consortium (the “Consortium”); 2) authorize the County to submit to HUD an amendment to the Five Year 2024-2028 Consolidated Plan (the “Consolidated Plan”) to include the Fiscal Year 2025 Action Plan (“FY 2025 Action Plan”) for the Consortium; and 3) authorize the County to accept and receive the Grant Funds for the purpose of the housing and community development program.

Your Committee is advised that the development of the FY2025 Action Plan began on the local level, included citizen participation, and finalized in consultation with members of the County Planning Board, the Westchester Urban County Council, and the Community Development Advisory Group. Further, your Committee has been advised that prior to the submission of applications to the County for the FY 2025 Action Plan, each local municipality held hearings for public comment. A copy of the FY 2025 draft Action Plan and budget annexed hereto for your Honorable Board’s consideration.

Your Committee is advised that the Grant Funds from HUD will provide approximately \$4,400,000 from CDBG; approximately \$999,000 from HOME and approximately \$372,000 from ESG for Fiscal Year 2025.

Your Committee is further advised that the County Planning Board ("Planning Board"), by Resolution No. 25-5, adopted on April 1, 2025, has recommended approval of the FY 2025 Action Plan. A copy of the Planning Board's Resolution is annexed hereto for your Honorable Board's information.

Your Honorable Board, by Act Nos. 2018-86 and 2021-114, authorized the County to enter into cooperation agreements ("Agreements") with Westchester County communities for the purpose of a housing and community development program pursuant to the Housing and Community Development Act of 1974, as amended. These Agreements qualified the participating municipalities to receive funds from the aforementioned Programs during Fiscal Years 2019-2021 (commencing May 1, 2019 and ending April 30, 2022) and Fiscal Years 2022-2024 (commencing May 1, 2022 and ending April 30, 2025) respectively. Your Committee has been advised that the Agreements were automatically renewed unless the municipality notified the County and the New York HUD field office by letter of its intent to terminate its Agreement at the end of the current qualification period. A list of the municipalities that currently have Agreements with the County is annexed hereto for your Honorable Board's information.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the New York State Environmental Quality Review ("SEQR") Act, which requires your Honorable Board to comply with the regulations promulgated thereunder (6 NYCRR Part 617) have been met. The Department of Planning has advised that, based on its review, these actions may be classified as Type II actions pursuant to Sections 617.5(c)(26), and 617.5(c)(27). Therefore, no environmental review is required of your Honorable Board. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Over the past years, the County has received over \$211,000,000 of non-repayable federal funding to undertake activities such as housing rehabilitation, public improvements in designated target areas, code enforcement, and a complete array of community development activities on behalf of the municipalities that comprise the Consortium.

Your Committee has been informed that passage of the Act requires a majority of the voting members of your Honorable Board. Your Committee has carefully considered this matter and recommends that your Honorable Board adopt the proposed annexed Act.

Dated: *May 19th, 2025*
White Plains, New York

James J. Bell *John J. Smith*
Smith
J. D.
Nancy Sam
J. W. V.
Smith
Smith

James J. Bell *John J. Smith*
Smith
J. D.
Smith *SN*

COMMITTEE ON:

c/mb/4/10/25

Budget & Appropriations

Housing & Planning

Dated: May 19, 2025
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.

Housing & Planning

A handwritten signature in black ink, appearing to read "David Duman". The signature is written in a cursive style with a long horizontal flourish at the end.

FISCAL IMPACT STATEMENT

SUBJECT: Fiscal Year 2025 Action Plan

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense TBD

Total Current Year Revenue TBD

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: TBD

Potential Related Operating Budget Expenses: Annual Amount TBD

Describe: An Act to authorize the County to submit an Application to the U.S. Dept. of Housing & Urban Dev. for grants from Community Dev. Block Grant, Emergency Solutions Grant & HOME programs, under the FY 2025 Action Plan & to accept such grant funds.

Potential Related Operating Budget Revenues: Annual Amount TBD

Describe: Total expected revenue \$5,771,000; \$4,400,000 from CDBG, \$999,000 from HOME and \$372,000 from ESG.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$0

Next Four Years: \$0

Prepared by: Roberto Nascimento 

Title: Sr. Budget Analyst

Department: Budget

Date: 4/11/2025

Reviewed By: 

Budget Director

Date: 4/11/25

ACT NO. - 2025

AN ACT authorizing the County of Westchester to submit an application to the U.S. Department of Housing and Urban Development for grant funds from the Community Development Block Grant Program, HOME Investment Partnerships Program and the Emergency Solutions Grant Program, submit the Fiscal Year 2025 Action Plan and to accept said grant funds.

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

Section 1. The County of Westchester (the "County"), is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development ("HUD") for approximately \$5,771,000 in grant funds ("Grant Funds") from three (3) federal sources: the Community Development Block Grant Program, the HOME Investment Partnerships Program, and the Emergency Solutions Grant Program on behalf of the thirty-one (31) municipalities that comprise the Westchester Urban County Consortium (the "Consortium") including all understandings and assurances contained therein for grant funds from the Community Development Block Grant Program, HOME Investment Partnerships Program and the Emergency Solutions Grant Program.

§2. The County is further authorized to submit to HUD an amendment to the Five Year 2024-2028 Consolidated Plan that includes the Fiscal Year 2025 Action Plan for the Consortium, as required by federal regulations, for the purpose of the housing and community development program pursuant to the Housing and Community Development Act of 1974, as amended.

§3. The County is hereby further authorized to accept and receive the Grant Funds from HUD for the purpose of the housing and community development program.

§4. The County Executive, or his authorized designee, is hereby authorized and empowered

to take all action necessary or appropriate to effectuate the purposes of this Act.

§5. This Act shall take effect immediately.

CDBG Consortium Communities

Members of the Westchester County Urban County Consortium – FY 2025

Ardsley	Bedford	Briarcliff Manor	Bronxville	Cortlandt
Croton on Hudson	Dobbs Ferry	Elmsford	Greenburgh	Hastings on Hudson
Irvington	Larchmont	Lewisboro	Mamaroneck Village	Mamaroneck Town
Mount Kisco	New Castle	North Salem	Ossining Town	Ossining Village
Peekskill	Pelham Village	Pleasantville	Port Chester	Rye Brook
Rye Town	Scarsdale	Sleepy Hollow	Tarrytown	Tuckahoe
Yorktown				

FY 2025 ESTIMATED ALLOCATIONS
 FY 2025 Action Plan (\$5,771,000)
Program Year May 1, 2025 – April 30, 2026

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) - \$4,400,000 31 Consortium Communities		
	15 Public Facility & Infrastructure Improvements (LMA)	\$ 1,845,552
	4 Sidewalk/Streetscape Improvements \$660,000	
	1 Playground/Park \$ 94,050	
	8 Public Facility Improvements \$691,502	
	2 Infrastructure Improvements – sewer & water \$400,000	
	<i>Undesignated</i>	\$ 400,000
Max. 15% = \$660,000	7 Public Services (LMC)	\$ 553,190
	<i>Undesignated</i>	\$ 50,000
	3 Housing Projects (LMH)	
	1 Public Housing Authority - Rehabilitation (PHA)	\$ 200,000
	2 Housing Rehabilitation Projects	\$ 141,351
	<i>Undesignated</i>	\$ 329,907
Max. 20% = \$880,000	Administrative Funds	\$ 730,000
	Program Delivery	\$ 150,000
	FY 2025 TOTAL CDBG	\$4,400,000

HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) - \$999,000		
	Housing – Construction, acquisition, rehabilitation	\$ 749,250
Min. 15%	Community Housing Development Organization (CHDO) Funds	\$ 149,850
Max 10%	Administrative Funds	\$ 99,900

EMERGENCY SOLUTIONS GRANT (ESG) - \$372,000		
	Homelessness Prevention, Emergency Shelter, Street Outreach, Rapid Re-Housing and HMIS	\$ 344,100
Max 7.5%	Administrative Funds	\$ 27,900

TO: Blanca P. Lopez, M.S
Commissioner

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: April 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR ADMENDMENT TO
FY 2024-2028 CONSOLIDATED PLAN TO INCLUDE FY 2025 ACTION
PLAN**

PROJECT/ACTION: Filing of an application to the United States Department of Housing and Urban Development (HUD) for funds from the Community Development Block Grant Program, the HOME Investment Partnership Program and the Emergency Solutions Grant Program. Also, submission of an amendment to the FY 2024-2028 Consolidated Plan to HUD including the Action Plan for FY 2025 for the County's administration of HUD funds.

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 because the project/action may be classified as a TYPE II action pursuant to section(s):

- **617.5(c)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
 - **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: The submission of a Consolidated Plan every five years and an Action Plan every year are prerequisite routine administrative procedures that are required by HUD in order for the County to administer HUD funds for housing and community development programs. Environmental reviews are conducted for the specific projects in the annual Action Plan at the time that they are to be funded. Funds will not be released by HUD until all environmental review requirements pursuant to the National Environmental Policy Act have been met. Additionally, environmental reviews pursuant to the State Environmental Quality Review Act will also be undertaken prior to state or local approvals for each individual project where applicable.

DSK/oav

cc: Theresa Fleischman, Program Director
Kim Holland, Program Administrator
Gaitre Rambharose, Program Administrator
Claudia Maxwell, Principal Environmental Planner

Westchester County

2025 Annual Action Plan

DRAFT

Westchester County Department of Planning
Room 414, 148 Martine Ave.
White Plains, NY 10601

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Westchester County is designated as an entitlement urban county by the U.S. Department of Housing and Urban Development (HUD), allowing it to receive several federal formula grants annually. These include the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grants (ESG), which are designed to address the housing and community development needs of residents. The Westchester County Department of Planning (WCDP) administers the Westchester Urban County Consortium (the Consortium) programs and manages the annual grant funds. The Consortium consists of 31 members and accepts CDBG applications from these members. Applications are considered for funding over the next three years. Each year, funds are awarded based on objective criteria, such as meeting national objectives, conducting cost-benefit analyses, and evaluating the members' compliance with the regulations set for each program.

HUD's CDBG Program provides annual funding on a formula basis to entitlement cities and urban counties to develop viable communities by providing safe, decent and affordable housing; suitable living environments; and expanding economic opportunities, primarily for low- and moderate-income (LMI) persons. The HOME Investment Partnerships Program is the largest federal block grant to state and local governments designed exclusively to create affordable housing for LMI households. The grant funds a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership, or providing direct rental assistance. The ESG Program is designed to assist people with quickly regaining stability in permanent housing after experiencing a housing crisis and/or homelessness.

This plan represents the PY 2025 Annual Action Plan (AAP), which is a subset of the Strategic Plan addressing the overall goals of the five-year Consolidated Plan. The AAP provides a concise summary of the actions, activities, and specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. The AAP also serves as the baseline for measuring program effectiveness, as reported in the Consolidated Annual Performance and Evaluation Report (CAPER) required by HUD for each fiscal year's funding allocation. PY 2025 begins on May 1, 2025, and ends on April 30, 2026.

2. Summarize the objectives and outcomes identified in the Plan

The Consortium has developed its strategic plan based on an analysis of the data presented in the Needs Assessment, the Market Analysis of the Consolidated Plan, and the community participation and stakeholder consultation process. Through these efforts, the Consortium has identified five (5) priority needs and associated goals to address these needs. Over the 5-Year plan period, the Consortium will work to accomplish the following outcomes, which are listed by Priority Need.

Priority Need: Public Facilities and Infrastructure

Goal - 1A Improve & Expand Public Infrastructure

Provide public infrastructure improvements or expand infrastructure in low/mod income areas. These activities may include improvements to streets, sidewalks, water and sewer, and ADA improvements.

Goal - 1B Improve Access to Public Facilities

Provide public facility improvements in low/mod areas. These may include improvements to neighborhood facilities, parks and recreational facilities, and community centers that serve those with special needs.

Priority Need: Public Services

Goal - 2A Provide Supportive Public Services

Provide public supportive services that address the needs of low- to moderate-income communities with particular emphasis on children and youth, unemployed and under-employed individuals. The County may also support special needs groups with programs that provide vital services that offset basic costs such as health services and food programs for the elderly and persons with a disability.

Priority Need: Affordable Housing Development & Preservation

Goal - 3A New Housing Development

Provide new homeownership opportunities such as new construction of affordable homeowner housing and/or direct financial assistance for eligible first-time homebuyers.

Goal - 3B Rental Housing Opportunities

Provide rental housing development activities for low- to moderate-income households. These activities will be carried out by local housing developers under the County housing programs. Rental housing opportunities may also include rental assistance.

Goal - 3C CHDO Housing Development

The County will reserve at least 15% of annual HOME funds to support affordable housing development activities from CHDOs.

Goal - 3D Housing Rehabilitation

Provide homeowner and rental housing rehabilitation activities to help preserve the housing stock of low-to moderate-income households. Small grants or loans will be awarded to make repairs for eligible single-family households.

Priority Need: Addressing Homelessness

Goal - 4A Homeless Prevention, Rapid Rehousing and Street Outreach

Provide homeless prevention rental assistance for individuals at-risk of homelessness, street outreach services for the homeless, and rapid rehousing rental activities to help prevent individuals and families from returning to homelessness.

Goal - 4B Emergency Shelter and Homeless Management Information System (HMIS)

Provide support for emergency shelter operations at local homeless shelters. Homeless individuals and families will receive wraparound services to help them towards stable housing and economic self-sufficiency.

Priority Need: Effective Program Management

Goal - 5A Effective Program Management

Effective program management will include general administration of CPD grant programs, monitoring subrecipients, and keeping strict grant-based accounting. Comprehensive planning requirements will include the development of AAPs, an evaluation of the performance of the programs through annual reports, and meeting citizen participation requirements.

3. Evaluation of past performance

The Westchester Urban County Consortium, with its members and other public, private, and nonprofit community housing providers and community development service agencies, have made significant contributions to provide safe, decent, and affordable housing, improvements to public facilities and infrastructure, and provide for vital public services in the Consortium. There has been considerable progress made; however, addressing homelessness, continued public improvements in low/mod areas, and the need for more affordable housing remain some of the most prolific issues facing Consortium residents, as documented by the current Consolidated Plan and the most recent PY 2022 Consolidated Annual Performance and Evaluation Report (CAPER).

The CAPER provides an assessment of progress towards the five-year goals and the one-year goals of HUD entitlement grants CDBG, HOME, and ESG. The evaluation of the Consortium’s performance is summarized in the annual CAPER report. The following is a summary of accomplishments by priority:

Housing: The Consortium’s CDBG and HOME-funded programs have addressed the housing needs of low-to moderate-income (LMI) residents across the Consortium. According to the PR-23 Summary of Accomplishments, the CDBG program assisted 120 LMI residents through public housing modernization rehabilitation activities, 9 LMI residents with multi-unit residential rehabilitation, and 3 LMI households with homeowner housing rehabilitation. No HOME units were completed in PY 2022; however, several rental and homeowner housing units are in various stages of development. These activities are detailed in the PR-22 Status of HOME Activities report. New rental construction activities at 29 Grant Street in Rye Brook, 100 Beekman Lane in Goldens Bridge, and 1 Dromore Road in Scarsdale will add a total of 25 affordable housing units. Additionally, there are two rental rehabilitation projects currently in development that will assist a total of 28 LMI renter households. Three new homeowner housing development projects will aid 7 LMI households once they are completed.

Public Facilities and Improvements: As of PY 2022, Westchester County UCC has assisted over 9,800 persons living in low/mod areas with park and recreational facilities, water/sewer and sidewalk improvements. These activities will help to improve the quality of life of LMI residents in the Consortium.

Public Services: The Consortium continues to fund activities that provide vital services that meet the needs of LMI residents in the Consortium. There were 658 LMI and special needs residents assisted in PY 2022 with senior services, transportation services and health services.

Homelessness: The Consortium funds homeless prevention and emergency shelter operations with ESG funds. These activities help assist homeless individuals and families in times of crisis and also help them to avoid returning to homelessness. ESG activities are now reported in the ESG Sage Reporting system.

CARES Act Accomplishments

The Consortium received Federal CARES Act funds in the amount of \$5,469,396 for CDBG-CV and \$5,375,902 for ESG-CV to assist communities in their efforts to prevent, prepare for, and respond to the coronavirus (COVID-19) pandemic. For CDBG-CV, the Consortium continued to support food banks which assisted 6,300 LMI persons in PY 2022. As of the program year, the Consortium has expended a total of \$2,962,164 in CDBG-CV funds, leaving a remaining balance of \$2,507,232 for CV programs – or 46% remaining. ESG-CV funds went to successfully assist with homeless prevention and homeless shelter operations during the pandemic. As of PY 2022, all ESG-CV funds have been spent and the program has been completed. In regard to CDBG-CV, \$5,294,106 has been committed to activities; the balance of \$175,290 is expected to be committed in 2025.

4. Summary of Citizen Participation Process and consultation process

The Consortium has adopted its HUD approved Citizen Participation Plan (CPP) as per 24 CFR 91.105, which sets forth the Consortium’s policies and procedures for citizen participation in the PY 2025 AAP. The CPP provides guidance for public notices for the various stages of Consolidated Plan development,

public hearings, and the public review of the proposed plan. Details of the Consortium's outreach efforts are provided below:

PUBLIC MEETINGS: The Consortium held a series of public meetings to review and present the PY 2025 AAP. The following public meetings were held:

- A working session with the Westchester County Planning Board was held on March 27, 2025 at 10:00 am at the Michaelian Office Building located at 148 Martine Ave., Conference Room #420, White Plains, NY 10601.
- A Community Development Advisory Group (CDAG) meeting was held virtually on April 2, 2025 to discuss the plan;
- An Urban County Council (UCC) meeting was held virtually on April 3, 2025 to discuss the plan;
- A Westchester County Housing Opportunity Commission meeting was held on April 8, 2025 to discuss the plan (at the Michaelian Office Building located at 148 Martine Ave., Conference Room #420, White Plains, NY 10601).

PUBLIC HEARING: The Consortium held a public hearing on **April 3, 2025 at 6:00 pm** at the Michaelian Office Building located at 148 Martine Ave., Conference Room #420, White Plains, NY 10601.

PUBLIC COMMENT PERIOD: The Consortium held a public comment period from **April 7, 2025 to May 7, 2025** to give citizens an opportunity to review and make comments on the recommended FY 2025 projects.

A summary citizen participation efforts can also be viewed in AP-12 Participation.

5. Summary of public comments

PUBLIC HEARING: A summary of comments will be included after the public hearing.

PUBLIC COMMENT PERIOD: A summary of comments will be included after the public comment period.

All comments and views will be accepted. A summary citizen participation efforts can also be viewed in AP-12 Participation.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments and views are welcome.

7. Summary

The PY 2025 AAP is the second program year of the 2024-2028 Consolidated Plan. The activities funded address the needs of the community and further build on the accomplishments of the goals established in the 5-Year Strategic Plan. The Consortium anticipates receiving \$4,400,000 in CDBG funds, \$999,000 in HOME program funds, and \$372,000 in ESG funds. The Consortium proposes to fund the following projects:

CDBG Administration (20%): \$880,000

CDBG Public Services: \$603,190

CDBG Public Facilities & Infrastructure: \$2,245,552

CDBG Housing Programs: \$671,258

HOME Administration (10%): \$99,900

HOME CHDO Set-Aside 15%: \$149,850

HOME Housing Development Projects: \$749,250

ESG25-Westchester County: \$372,000

Contingency Provision for FY 2025 Grant Allocations

At this time HUD has not yet announced the PY 2025 CDBG, HOME and ESG grant allocations. The grant allocations listed above for are only an estimate of the anticipated PY 2025 grant allocations based on prior year awards. Westchester County has a contingency provision per HUD notice CDP-25-02 to align final allocations with actual funding. Project budgets will be proportionally adjusted to match the announced allocation while ensuring compliance with grant regulations.

- For CDBG, the allocation of funds will be 20% for admin, no more than 15% for public services (including homeless services), and the balance of funds for affordable housing and public facilities and infrastructure improvements.
- HOME funds will be allocated 10% for admin, 15% for CHDO housing developments as required by the program, and the balance of funds for non-CHDO housing developments including rental development and housing rehabilitation.
- ESG will fund admin at 7.5%, homeless prevention and rapid rehousing at 32.5% and emergency shelter services at 60%.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	WESTCHESTER COUNTY	Department of Planning
HOME Administrator	WESTCHESTER COUNTY	Department of Planning
ESG Administrator	WESTCHESTER COUNTY	Department of Planning

Table 1 – Responsible Agencies

Consolidated Plan Public Contact Information

Blanca P. Lopez, Commissioner

Westchester County Department of Planning

Room 414, 148 Martine Ave.

White Plains, NY 10601

Phone: (914) 995-4007

Email: Blopez@westchestercountyny.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The Westchester County Department of Planning (WCDP), representing the Consortium, organized a series of meetings to engage as many community stakeholders as possible during the citizen participation process. Additionally, WCDP remains in contact with the Westchester County Continuum of Care (CoC) to address the homeless needs within the Consortium. As part of the application process, WCDP encourages non-profit organizations in the Consortium municipalities to participate by submitting an application and attending meetings to discuss planning.

In preparation for the 2025 AAP, WCDP conducted a significant number of consultations with non-profit agencies, public housing agencies, government offices, and various other organizations. WCDP held a public hearing, and a 30-day public review and comment period. These efforts guided the WCDP in the development of the priority needs and goals that will be used in the plan. The table below lists the agencies that participated in the development of the PY 2025 AAP.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

WCDP invites non-profits in participating municipalities to apply for funding and to justify their need providing insight into the local concerns. Further, a representative of CDAG must sign the application and often advocates on their behalf.

WCDP also contacted various agencies from the health, mental health, housing providers and community development service agencies. These agencies and departments included the local public housing authorities who are operating in and located in the Westchester Urban County Consortium; local County departments such as the Westchester County Public Works & Transportation, Department of Social Services and Senior Programs and Services; and nonprofits such as Human Development Services of Westchester, The Guidance Center and Caring for the Hungry & Homeless.

WCDP also actively seeks consultation from local high speed internet providers and the Westchester Library System to bridge the digital divide for LMI residents.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Westchester County Continuum of Care (CoC) is the lead organization in the region. It coordinates homeless programs and initiatives in the area. The CoC leads a network of local homeless services and housing providers involved in planning and coordinating programs and service delivery systems that reach

across the County to assist homeless persons. These activities range from homeless prevention rental assistance to street outreach services, rapid rehousing rental activities, homeless shelters, HMIS data collection, and planning and coordination.

Other services provided by the large CoC network include permanent housing and rental assistance to transitional housing, case management, self-sufficiency programs, and other emergency assistance. The goal of the CoC is to end homelessness in Westchester County.

The Westchester County CoC Coordinated Entry Program (WCCEP) provides universal services to all people who are experiencing homelessness throughout Westchester County. Individuals and families at-risk or experiencing homelessness may access Coordinated Entry at several access points across the County. All of these access points result in a Comprehensive At-Risk of homelessness assessment Tool (CART) being completed for the household and their enrollment in Coordinated Entry. Details on the Coordinated Entry Program can be found at the link: <https://www.wcohomeless.org/Coordinated-Entry>

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

WCDP focuses ESG funds on homelessness prevention so that very low income households and the working poor, who fall behind on their rental payments do not end up displaced. They do so by (1) eviction prevention programming, (2) counseling services, (3) street outreach to provide essential services to unsheltered homeless people and (4) providing renovations and essential supplies and materials to support operations of emergency shelters for individuals and families. The CoC is consulted as the programs are created and feedback is solicited. All sub-recipients are trained and added to the Homeless Management Information System (HMIS). HMIS is a web-based information management system used by the County and CoC members to enable data sharing which assists providers to connect services to homeless and low-income persons in the CoC region.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Westchester County Department of Planning
	Agency/Group/Organization Type	Services - Housing Services-homeless Service-Fair Housing Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy Homeless Needs - Seniors
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Westchester County Department of Planning is the lead department responsible for the plan.
2	Agency/Group/Organization	TOWN OF MAMARONECK
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Town of Mamaroneck is a Consortium member, and consulted with community development needs through a survey.
3	Agency/Group/Organization	Peekskill Presbyterian Church
	Agency/Group/Organization Type	Nonprofit
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis Anti-poverty Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Peekskill Presbyterian Church consulted with community development needs through an application for funding.
4	Agency/Group/Organization	Ossining Children's Center
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The agency consulted with community development needs through an application for funding.
5	Agency/Group/Organization	Nicholas Center
	Agency/Group/Organization Type	Services-Health Health Agency Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Nicolas Center provides services for autistic adults in their Building Bridges Community Life and Employment program. The agency consulted with community development needs through an application for funding.
6	Agency/Group/Organization	Town of Greenburgh, NY Parks & Rec Dept
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis Anti-poverty Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The department consulted with community development needs through an application for funding.
7	Agency/Group/Organization	Port Chester Carver Center
	Agency/Group/Organization Type	Nonprofit
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization consulted on community development needs through an application for funding.
8	Agency/Group/Organization	Port Chester Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, the Port Chester Housing Authority was consulted to determine needs of the at-risk community.
9	Agency/Group/Organization	Westchester Jewish Community Center
	Agency/Group/Organization Type	Services-Housing Services
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization consulted on community development needs through an application for funding.
10	Agency/Group/Organization	Westchester County Department of Community Mental Health
	Agency/Group/Organization Type	Services-Health Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Westchester County Department of Community Mental Health consulted with community development needs through a survey.
11	Agency/Group/Organization	Town of Cortlandt
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Town consulted on community development needs through an application for funding.
12	Agency/Group/Organization	Village of Dobbs Ferry
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through an application for funding.

13	Agency/Group/Organization	Westchester County Continuum of Care Partnership to End Homelessness
	Agency/Group/Organization Type	Services-homeless Services-Health Continuum of Care
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Westchester County Continuum of Care Partnership to End Homelessness is the lead agency addressing homelessness in the region. The COC is engaged in ongoing communication with the County.
14	Agency/Group/Organization	Village of Elmsford
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through an application for funding.
15	Agency/Group/Organization	Village of Hastings on Hudson
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through an application for funding.
16	Agency/Group/Organization	Westchester Community Health Center
	Agency/Group/Organization Type	Services-Health Publicly Funded Institution/System of Care

	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization consulted on community development needs through a survey.
17	Agency/Group/Organization	Sustainable Westchester
	Agency/Group/Organization Type	Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Agency - Emergency Management
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The agency consulted on community development needs through a survey.
18	Agency/Group/Organization	Town of Lewisboro
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Town consulted on community development needs through an application for funding.
19	Agency/Group/Organization	Village of Sleepy Hollow
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through an application for funding.
20	Agency/Group/Organization	WESTHAB, INC.
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The agency consulted on community development needs through a survey.
21	Agency/Group/Organization	Community Housing Innovations, Inc
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The agency consulted on community development needs through a survey.
22	Agency/Group/Organization	Lifting Up Westchester, Inc.
	Agency/Group/Organization Type	Nonprofit
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The agency consulted on community development needs through a survey.
23	Agency/Group/Organization	Habitat for Humanity New Your City and Westchester County
	Agency/Group/Organization Type	Housing

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The agency consulted on community development needs through a survey.
24	Agency/Group/Organization	Village of Port Chester
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The village consulted on community development needs through a survey.
25	Agency/Group/Organization	Town/Village of Mount Kisco
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consulted on community development needs through a survey.
26	Agency/Group/Organization	City of Peekskill
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The City consulted on community development needs through an application for funding.
27	Agency/Group/Organization	Village of Pleasantville
	Agency/Group/Organization Type	Other government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through an application for funding.
28	Agency/Group/Organization	VILLAGE OF SCARSDALE
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through a survey.
29	Agency/Group/Organization	Village of Rye Brook
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Housing Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Village consulted on community development needs through a survey.
30	Agency/Group/Organization	City of Peekskill Section 8 Department
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, the City of Peekskill (Section 8) was consulted to determine strengths and needs of the at-risk community.
31	Agency/Group/Organization	Greenburgh Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, the Greenburgh Housing Authority was consulted to determine strengths and needs of the at-risk community.
32	Agency/Group/Organization	Mount Kisco Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, the Mounty Kisco Housing Authority was consulted to determine strengths and needs of the at-risk community.

33	Agency/Group/Organization	MUNICIPAL HOUSING AUTHORITY OF THE CITY OF YONKERS
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, the Municipal Housing Authority of the City of Yonkers Housing Authority was consulted to determine strengths and needs of the at-risk community. Note that this agency serves Yonkers, which is not part of the Consortium.
34	Agency/Group/Organization	WHITE PLAINS HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, White Plains Housing Authority was consulted to determine strengths and needs of the at-risk community. Note that this agency serves White Plains, which is not part of the Consortium.

35	Agency/Group/Organization	North Tarrytown Housing Authority (PH units)
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, North Tarrytown Housing Authority was consulted to determine strengths and needs of the at-risk community.
36	Agency/Group/Organization	Peekskill Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, Peekskill Housing Authority was consulted to determine strengths and needs of the at-risk community.
37	Agency/Group/Organization	Tarrytown Municipal Housing Authority (PH units)
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, Tarrytown Municipal Housing Authority was consulted to determine strengths and needs of the at-risk community.
38	Agency/Group/Organization	Town of Mamaroneck Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, Town of Mamaroneck Housing Authority was consulted to determine strengths and needs of the at-risk community.
39	Agency/Group/Organization	TOWN OF YORKTOWN
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, Town of Yorktown (Section 8) was consulted to determine strengths and needs of the at-risk community.
40	Agency/Group/Organization	TUCKAHOE HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, Tuckahoe Housing Authority was consulted to determine strengths and needs of the at-risk community.
41	Agency/Group/Organization	Village of Ossining
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Children
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The county continues to be engaged with the agency in the development and implementation of the plan. During the development of the Consolidated Plan, the Village of Ossining Section 8 Program was consulted to determine strengths and needs of the at-risk community.

Identify any Agency Types not consulted and provide rationale for not consulting

No agency types were intentionally excluded from the consultation process. All comments were welcome.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Westchester County Continuum of Care	The Strategic Plan is consistent with the goals and strategic plan of the Continuum of Care and the plan to end homelessness.
2024 Analysis of Impediments to Fair Housing Choice	Westchester County	The 2024 AI is an analysis of factors that may be potentially preventing access to fair housing choice in the community. Understanding the impediments to fair housing choice is an important step in addressing housing needs. The AI helps to provide information to decision makers in the community and assist in guiding the use of grant funds and other resources that target affordable housing. The AI was used to address sections of the Consolidated Plan related to fair housing issues within the Consortium.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

WCDP collaborates with other county departments and local governments to implement and coordinate housing and community development programs. Through its application process, WCDP provides funding for housing initiatives, homeless prevention efforts, community development, and public service programs aimed at enhancing the services available throughout Westchester County. WCDP is dedicated to ongoing cooperation with local communities and actively participates in Consortium housing efforts as well as countywide homeless prevention initiatives. The department will continue to be an engaged member in regional meetings and will help coordinate services and initiatives that improve the quality of life for residents.

AP-12 Participation – 91.105, 91.200(c)

**1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting**

On behalf of the Consortium, WCDP has adopted its HUD approved Citizen Participation Plan (CPP) as per 24 CFR 91.105, which sets forth the Consortium's policies and procedures for citizen participation in the PY 2025 AAP. The CPP provides guidance for public notices for the various stages of Consolidated Plan development, public hearings, and the public review of the proposed plan. Details of WCDP's outreach efforts are provided below:

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
1	Public Meeting	Non-targeted/broad community	A working session with the Westchester County Planning Board was held on March 27, 2025 at 10:00 am at the Michaelian Office Building located at 148 Martine Ave., Conference Room #420, White Plains, NY 10601.	A summary of comments will be provided after the citizen participation process.	All comments were accepted.	
2	Public Meeting	Non-targeted/broad community	A Community Development Advisory Group (CDAG) meeting was held virtually on April 2, 2025 to discuss the plan.	A summary of comments will be provided after the citizen participation process.	All comments were accepted.	
3	Public Meeting	Non-targeted/broad community	An Urban County Council (UCC) meeting was held virtually on April 3, 2025 to discuss the plan.	A summary of comments will be provided after the citizen participation process.	All comments were accepted.	
4	Public Meeting	Non-targeted/broad community	A Westchester County Housing Opportunity Commission meeting was held on April 8, 2025 to discuss the plan (at the Michaelian Office Building located at 148 Martine Ave., Conference Room #420, White Plains, NY 10601)	A summary of comments will be provided after the citizen participation process.	All comments were accepted.	
5	Public Hearing	Non-targeted/broad community	The Consortium held a public hearing on April 3, 2025 at 6:00 pm at the Michaelian Office Building located at 148 Martine Ave., Conference Room #420, White Plains, NY 10601.	A summary of comments will be provided after the citizen participation process.	All comments were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
6	Public Comment Period	Non-targeted/broad community	The Consortium held a public comment period from April 7, 2025 to May 7, 2025 to give citizens an opportunity to review and make comments on the recommended FY 2025 projects.	A summary of comments will be provided after the citizen participation process.	All comments are accepted.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The Westchester Urban County Consortium anticipates it will receive the following community planning and development funds from the U.S. Department of Housing and Urban Development (HUD) in PY 2025.

- Community Development Block Grant (CDBG)
- HOME Investment Partnerships (HOME)
- Emergency Solutions Grant (ESG)

These grant programs will support community development programs, affordable housing development and preservation, and address homelessness. PY 2025 is the second year of the 2024-2028 Consolidated Plan, and the Consortium anticipates it will receive similar amounts in each year of the Consolidated Plan period.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	4,400,000	0	0	4,400,000	13,200,000	PY 2025 is the second year of the ConPlan period. The expected amount available for the remainder of the ConPlan is 3x more years of the annual allocation.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	999,000	0	0	999,000	2,997,000	PY 2025 is the second year of the ConPlan period. The expected amount available for the remainder of the ConPlan is 3x more years of the annual allocation.
ESG	public - federal	Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	372,000	0	0	372,000	1,116,000	PY 2025 is the second year of the ConPlan period. The expected amount available for the remainder of the ConPlan is 3x more years of the annual allocation.

Table 5 - Expected Resources – Priority Table

Annual Action Plan

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Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The County mandates that all programs applying for Community Development Block Grant (CDBG) funding must provide an equal match to the amount requested. This matching funds can come from staffing, other grants, or various funding sources. For the HOME program, there is a 25% match requirement for all developments, which must be met by developers and housing providers. Similarly, the Emergency Solutions Grant (ESG) requires a 1-to-1 dollar match, which is typically provided through local and state funds received by organizations offering homeless services.

The County will use Federal HUD funds as leverage for other financial resources when funding affordable housing developments, such as LIHTC, NYS Low-Income Housing, Housing Tax Credits, the NYS Trust Fund, the NYS Housing Finance Agency, private bank mortgages, and County funds such as NHLA and HIF.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Planning Staff regularly review if there is any publicly owned land or property available that can be used to address affordable housing needs. At this time there have been none identified for the plan.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	1A Improve & Expand Public Infrastructure	2024	2028	Non-Housing Community Development	Consortium Communities Low/Mod Block Group Tracts	Public Facilities & Infrastructure	CDBG: \$1,122,776	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 5000 Persons Assisted
2	1B Improve Access to Public Facilities	2024	2028	Non-Housing Community Development	Consortium Communities Low/Mod Block Group Tracts	Public Facilities & Infrastructure	CDBG: \$1,122,776	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 5000 Persons Assisted
3	2A Provide Supportive Public Services	2024	2028	Non-Housing Community Development	Consortium Communities Low/Mod Block Group Tracts	Public Services	CDBG: \$603,190	Public service activities other than Low/Moderate Income Housing Benefit: 2000 Persons Assisted
4	3A New Housing Development	2024	2028	Affordable Housing	Consortium Communities Low/Mod Block Group Tracts	Affordable Housing Development & Preservation	HOME: \$374,625	Homeowner Housing Added: 2 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	3B Rental Housing Opportunities	2024	2028	Affordable Housing	Consortium Communities Low/Mod Block Group Tracts	Affordable Housing Development & Preservation	HOME: \$374,625	Rental units constructed: 4 Household Housing Unit
6	3C CHDO Housing Development	2024	2028	Affordable Housing	Consortium Communities Low/Mod Block Group Tracts	Affordable Housing Development & Preservation	HOME: \$149,850	Rental units rehabilitated: 2 Household Housing Unit
7	3D Housing Rehabilitation	2024	2028	Affordable Housing	Consortium Communities Low/Mod Block Group Tracts	Affordable Housing Development & Preservation	CDBG: \$671,258	Homeowner Housing Rehabilitated: 20 Household Housing Unit
8	4A Homeless Prevention, RRH & Street Outreach	2024	2028	Homeless	Consortium Communities Low/Mod Block Group Tracts	Addressing Homelessness	ESG: \$172,050	Homelessness Prevention: 20 Persons Assisted
9	4B Emergency Shelter & HMIS	2024	2028	Homeless	Consortium Communities Low/Mod Block Group Tracts	Addressing Homelessness	ESG: \$172,050	Homeless Person Overnight Shelter: 500 Persons Assisted
10	5A Effective Program Management	2024	2028	Non-Housing Community Development	Consortium Communities Low/Mod Block Group Tracts	Effective Program Management	CDBG: \$880,000 HOME: \$99,900 ESG: \$27,900	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	1A Improve & Expand Public Infrastructure
	Goal Description	WCDP will make public infrastructure improvements or expand infrastructure in low/mod income areas. These activities may include improvements to streets, sidewalks, water and sewer, and ADA improvements.
2	Goal Name	1B Improve Access to Public Facilities
	Goal Description	WCDP will make public facility improvements in low/mod areas. These may include improvements to neighborhood facilities, parks and recreational facilities, and community centers that serve those with special needs.
3	Goal Name	2A Provide Supportive Public Services
	Goal Description	WCDP will invest in public supportive services that address the needs of low- to moderate-income communities with particular emphasis on children and youth, unemployed and under-employed individuals. The County may also support special needs groups with programs that provide vital services that offset basic costs such health services and food programs for the elderly and persons with a disability.
4	Goal Name	3A New Housing Development
	Goal Description	WCDP will fund new homeownership opportunities such as new construction of affordable homeowner housing and/or direct financial assistance for eligible first-time homebuyers.
5	Goal Name	3B Rental Housing Opportunities
	Goal Description	WCDP will fund rental housing development activities for low- to moderate-income households. These activities will be carried out by local housing developers under the County housing programs. Rental housing opportunities may also include rental assistance.
6	Goal Name	3C CHDO Housing Development
	Goal Description	WCDP will reserve at least 15% of annual HOME funds to support affordable housing development activities from CHDOs.

7	Goal Name	3D Housing Rehabilitation
	Goal Description	WCDP will fund homeowner and rental housing rehabilitation activities to help preserve the housing stock of low- to moderate-income households. Small grants or loans will be awarded to make repairs for eligible single-family households.
8	Goal Name	4A Homeless Prevention, RRH & Street Outreach
	Goal Description	WCDP will continue to fund homeless prevention rental assistance for individuals at-risk of homelessness, street outreach services for the homeless, and rapid rehousing rental activities to help prevent individuals and families from returning to homelessness.
9	Goal Name	4B Emergency Shelter & HMIS
	Goal Description	WCDP will continue to support overnight shelter operations at local homeless shelters. Homeless individuals and families will receive wraparound services to help them towards stable housing and economic self-sufficiency.
10	Goal Name	5A Effective Program Management
	Goal Description	Effective program management will include general administration of CPD grant programs, monitoring subrecipients, and keeping strict grant based accounting. Comprehensive planning requirements will include the development of AAPs, an evaluation of the performance of the programs through annual reports, and meeting citizen participation requirements.

Projects

AP-35 Projects – 91.220(d)

Introduction

The following projects were developed in consultation with nonprofit housing and community development service providers, as well as input from citizens in the Consortium communities. The Community Development Block Grant (CDBG) will fund improvements to public facilities and infrastructure, public service programs, and housing rehabilitation activities. The CDBG program allows for a 20% cap on administrative costs, and no more than 15% of the grant may be allocated to public services. The HOME Investment Partnerships Program (HOME) will fund the development and preservation of affordable housing, as well as activities required under grant guidelines for Community Housing Development Organizations (CHDOs). There is a 10% cap on administrative costs for HOME grants, and 15% of the HOME grant is reserved for CHDO activities. The Emergency Solutions Grant (ESG) will support homeless programs, including homelessness prevention, rapid rehousing, street outreach, shelter operations, and Homeless Management Information Systems (HMIS). The ESG program has a 7.5% cap on administrative costs.

Projects

#	Project Name
1	CDBG Administration
2	CDBG Public Services
3	CDBG Public Facilities & Infrastructure
4	CDBG Housing Programs
5	HOME Administration
6	HOME CHDO Set-Aside 15%
7	HOME Non-CHDO Housing Development
8	ESG25 Westchester County

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The Consortium’s funded projects will address the housing and community development needs as identified in the ConPlan’s five-year Strategic Plan. The following needs are categorized by priority.

Public facilities and infrastructure improvements have been identified as a need in the Consortium. Public facilities and infrastructure improvements are addressed through CDBG funds and will only target low/mod income areas as identified by HUD LMISD data.

Public services that improve the quality of life for LMI residents have also been identified as a need in the Consortium. These needs exceed the available funds; however, a 15% grant cap is allocated for public services.

One of the Consortium's highest priorities remains the preservation and development of affordable housing for both rental and owner-occupied households. CDBG and HOME funds address these needs as eligible under each grant. Activities include direct financial assistance, rental housing construction, existing homeowner housing rehab, and other homeownership opportunities.

Homeless housing and supportive services that work to end homelessness in the area are a high priority, and the ESG program addresses this need. The WCDP will award funds to programs that help with homeless prevention and rapid rehousing activities, street outreach, HMIS as well as emergency shelter services for persons experiencing homelessness.

AP-38 Project Summary

Project Summary Information

1	Project Name	CDBG Administration
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	5A Effective Program Management
	Needs Addressed	Effective Program Management
	Funding	CDBG: \$880,000
	Description	Program administration of the CDBG program.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Consortium-wide, eligible.
	Planned Activities	Program administration of the CDBG program (21A).
2	Project Name	CDBG Public Services
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	2A Provide Supportive Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$603,190
	Description	WCDP will fund vital public services for LMI households and special needs groups.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	Public service activities other than Low/Moderate Income Housing Benefit: 2000 Persons Assisted
	Location Description	Consortium-wide, eligible.

	Planned Activities	Planned activities will be services for LMI and special needs and may include senior services (05A), services for persons with a disability (05B), youth services (05D), health services (05M) and homeless programs (03T).
3	Project Name	CDBG Public Facilities & Infrastructure
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	1A Improve & Expand Public Infrastructure 1B Improve Access to Public Facilities
	Needs Addressed	Public Facilities & Infrastructure
	Funding	CDBG: \$2,245,552
	Description	Improve and expand public infrastructure in low/mod areas. Improve access to public facilities that will benefit LMI persons and special need groups.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	Public facilities and/or Infrastructure other than Low/Moderate Income Housing Benefit: 10,000 Persons Assisted
	Location Description	Consortium wide, eligible. Low/mod block group tracts.
	Planned Activities	Public facility and infrastructure Improvement throughout low/mod block group tracts in consortium communities.
4	Project Name	CDBG Housing Programs
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	3D Housing Rehabilitation
	Needs Addressed	Affordable Housing Development & Preservation
	Funding	CDBG: \$671,258
	Description	WCDP will provide funding for minor owner-occupied housing rehabilitation for eligible LMI households.
	Target Date	6/30/2026

	Estimate the number and type of families that will benefit from the proposed activities	Homeowner Housing Rehabilitated: 20 Household Housing Unit
	Location Description	Consortium-wide, eligible.
	Planned Activities	Planned activities will include owner-occupied housing rehab (14A)
5	Project Name	HOME Administration
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	5A Effective Program Management
	Needs Addressed	Effective Program Management
	Funding	HOME: \$99,900
	Description	Administration of the HOME program.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Consortium-wide, eligible.
	Planned Activities	Administration of the HOME program.
6	Project Name	HOME CHDO Set-Aside 15%
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	3C CHDO Housing Development
	Needs Addressed	Affordable Housing Development & Preservation
	Funding	HOME: \$149,850
	Description	Increase affordable rental availability for LMI households through CHDO development activities.
	Target Date	6/30/2026

	Estimate the number and type of families that will benefit from the proposed activities	Rental units Rehabilitated: 2 Household Housing Unit
	Location Description	Consortium-wide, eligible.
	Planned Activities	CHDO development activities.
7	Project Name	HOME Non-CHDO Housing Development
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	3A New Housing Development 3B Rental Housing Opportunities
	Needs Addressed	Affordable Housing Development & Preservation
	Funding	HOME: \$749,250
	Description	Provide affordable housing opportunities such as new construction of affordable housing for homeowners and renters.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	Homeowner Housing Added: 2 LMI Household Housing Unit Rental units constructed: 4 LMI Household Housing Unit
	Location Description	Consortium-wide, eligible.
	Planned Activities	Planned activities will include new construction of affordable housing for homeowners and renters.
8	Project Name	ESG25 Westchester County
	Target Area	Consortium Communities Low/Mod Block Group Tracts
	Goals Supported	4A Homeless Prevention, RRH & Street Outreach 4B Emergency Shelter & HMIS 5A Effective Program Management
	Needs Addressed	Addressing Homelessness Effective Program Management
	Funding	ESG: \$372,000
	Description	WCDP will fund homelessness prevention, rapid rehousing, street outreach, HMIS and emergency shelter.

Target Date	6/30/2026
Estimate the number and type of families that will benefit from the proposed activities	Homeless Person Overnight Shelter: 500 Persons Assisted Homeless Prevention: 20 Persons Assisted
Location Description	Consortium-wide, eligible.
Planned Activities	Planned activities for ESG 2025: Admin will be no more than 7.5%: \$27,900 Emergency Shelter and Street Outreach will be no more than 60% of the ESG annual allocation: \$200,000 Homelessness Prevention, Rapid Rehousing and HMIS: \$144,100

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The Westchester County Department of Planning (WCDP) does not allocate funding based on geographic requirements when requesting applications; rather, funds are made available Consortium-wide through applications from eligible persons/households, organizations, and eligible community projects. For the CDBG program, individuals or households must meet income qualifications in order to receive direct assistance from affordable housing activities and public services. For eligible public facilities & infrastructure improvements, WCDP will target low/mod-income block group tract areas in need. For the HOME program, individuals or households must meet income qualifications for affordable housing program assistance. ESG serves homeless or at-risk homeless individuals and households. Please see the Discussion for a description of areas with low-income and minority concentrations.

Geographic Distribution

Target Area	Percentage of Funds
Consortium Communities	50
Low/Mod Block Group Tracts	50

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Within the Consortium Communities, activities are targeted towards low- to moderate-income individuals and households (less than 80% AMI) and must be located within the Consortium Communities as outlined in the SP-10 of the Consolidated Plan. WCDP provides funding to Consortium Communities through an application process and proof of need.

When the WCDP has identified public facility or infrastructure improvement activities, the activities will primarily serve a community or neighborhood. These activities are said to have an “area-wide” benefit. Per HUD requirements, these areas must be within an eligible census block group tract, as defined by HUD-CDBG regulations, whereby the majority of the residents are at least 51% low- to moderate-income, however the Consortium is an exception grantee as few of the Low/Mod Eligible Block Group Tracts meet the 51 percent criteria. Due to this, HUD considers eligible Low/Mod Eligible Block Group Tracts for the Consortium to be 38.1% low/mod or more. In PY 2024, WCDP will allocate 50% of CDBG funds towards these activities.

To determine census block group tracts, the WCDP will be utilizing HUD’s CDBG Low Mod Income Summary Data (LMISD) from the HUD Exchange website, which has defined the eligible tracts within the jurisdiction. The identified census block group tracts that are considered low-moderate income can be found on the HUD Exchange website at: <https://www.hudexchange.info/programs/acs-low-mod->

summary-data/

Discussion

Low Income & Minority Concentration

Low-Income Households

A household is considered low-income if it earns less than 80% of the area median income. A census tract has a concentration of low-income households if the tract's median household income is less than 80% of the area median household income. According to the 2019-2023 ACS, the County's area median income is \$118,411, and low income is estimated at \$94,729. There are a few areas in the County that have a concentration of low-income families, with the largest concentrations centered around Yonkers and Mount Vernon. There are also several concentrations around White Plains, Mount Pleasant, Port Chester, Peekskill, and Cortlandt. There is an overlap between these tracts and tracts with a concentration of Hispanic households and Black, non-Hispanic households.

Race/Ethnicity

For the purposes of this analysis, a concentration is any census tract where the racial or ethnic minority group makes up 10% more than the countywide average. Minority groups with a population less than 1% were not factored. Data was taken from the 2019-2023 ACS.

The countywide rate for Black, non-Hispanic persons is 12.9%, and a tract with a concentration would be 22.9% or more. The largest concentrations are between White Plains and Mount Pleasant, and there are also concentrations in Mount Vernon, Yonkers, and scattered tracts in the northwest part of the county.

The countywide rate for Asian, non-Hispanic persons is 6.0%, and a tract with a concentration would be 16.0% or more. Most concentrations are in the southern portion of the County surrounding Scarsdale, but there are also a concentration just west of Bedford Hills.

The countywide rate for Hispanic persons is 27.0%, and a tract with a concentration would be 37.0% or more. The concentrations are primarily around Yonkers, White Plains, Port Chester, Peekskill, and Mount Kisco.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The Westchester Urban County Consortium is committed to supporting the development and preservation of affordable housing for low- and moderate-income individuals and households. In PY 2025, the WCDP on behalf of the Consortium will fund four activities that address these needs: homeowner and renter housing rehab, new rental housing development, and homebuyer opportunities.

The annual goals listed in this section specify the following goals for affordable housing assistance for non-homeless populations. The terms for affordable housing are defined in 24 CFR 92.252 for rental housing and 24 CFR 92.254 for homeownership. This section only reports grant program activities under the CDBG and HOME programs.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	28
Special-Needs	0
Total	28

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	6
Rehab of Existing Units	22
Acquisition of Existing Units	0
Total	28

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

Homeowner Housing Added: 2 LMI Household Housing Units

Rental units constructed: 4 LMI Household Housing Units

Rental units Rehabilitated: 2 LMI Household Housing Units

Homeowner Housing Rehabilitated: 20 Household Housing Units

AP-60 Public Housing – 91.220(h)

Introduction

Public housing was created to offer safe and decent rental options for eligible low- and moderate-income families, the elderly, and individuals with disabilities. The WCDP, or Consortium, does not own any public housing authority; rather, each housing authority operates independently, featuring its own waiting list for assistance, program guidelines, and areas of service. Public housing consists of federally subsidized affordable housing managed by public housing authorities (PHAs). Additionally, PHAs oversee the Section 8 Housing Choice Voucher (HCV) program, which provides financial assistance to residents for renting their chosen units. There are seven (7) Public Housing Authorities that administer public housing (PH) units or combined programs with both PH and Section 8 HCV vouchers. There are also four (4) Section 8-only programs within the Consortium:

- City of Peekskill (Section 8)
- CVR New York (Section 8)
- Greenburgh Housing Authority (Combined)
- Mount Kisco Housing Authority (Combined)
- North Tarrytown Housing Authority (PH units)
- Peekskill Housing Authority (PH units)
- Port Chester Housing Authority (PH units)
- Tarrytown Municipal Housing Authority (PH units)
- Town of Yorktown (Section 8)
- Tuckahoe Housing Authority (PH units)
- Village of Ossining Section 8 Program (Section 8)

Each PHA, as needed, will continue to work to increase the number of accessible units available to all current and potential future residents, including those who are disabled and protected under the Section 504 Voluntary Compliance Agreement. To address the needs of individuals and families with disabilities, the public housing authorities, along with the WCDP, will seek to increase educational opportunities for landlords and property managers to better understand and implement Section 504 Compliance and ADA requirements, in addition to providing resources to improve accessibility in publicly supported housing units as needed.

Actions planned during the next year to address the needs to public housing

WCDP will accept applications that address the affordable housing needs of the local housing authorities. WCDP has recently used CDBG funds for electrical upgrades and bathroom rehabs in several sites owned by the PHAs. WCDP will also disseminate materials and discuss fair and affordable housing opportunities through presentations. ESG funds will also help with homeless prevention and eviction

prevention through the housing authorities.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Public Housing Authorities (PHAs) collaborate with resident advisory boards or councils in each public housing community. Their main goals include implementing and enforcing standards and expectations that encourage families to strive for self-sufficiency. Additionally, resident advisory groups have opportunities to provide feedback and participate in the development of PHA plans.

Each PHA is eligible to run a Family Self-Sufficiency (FSS) Program, which can provide case management services to targeted families in public housing and the Section 8 Program. The main focus of the FSS program is to help families achieve goals in education, employment, and homeownership. Through these activities, they may work to become economically self-sufficient.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

N/A. WCDP does not operate any PHA and only refers all public housing needs to PHAs in the area.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The Westchester County Continuum of Care Partnership to End Homelessness (CoC) is the primary organization responsible for homeless prevention initiatives in Westchester County. It leads a network of service providers aimed at ending homelessness. This section outlines how the Westchester County Department of Planning and the CoC coordinate their efforts within the Consortium and the broader county area, and it highlights some of the service providers that assist individuals at risk of or currently experiencing homelessness.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Westchester County Department of Planning (WCDP) collaborates closely with the Westchester County Continuum of Care Partnership to End Homelessness (CoC). Whenever possible, WCDP attends the monthly CoC member meetings to discuss program initiatives and address current community issues. Additionally, WCDP and CoC jointly provide training for ESG sub-recipients and review program directives and monitoring processes to ensure comprehensive coverage of sub-populations. The two organizations also meet periodically to discuss funding opportunities and the release of requests for proposals. This coordination is essential for improving service delivery, maximizing resources, and minimizing duplication of efforts in reaching out to the homeless and assessing their needs.

The CoC administers the Westchester County Coordinated Entry Program (WCCEP), which provides universal services to all people who are experiencing homelessness throughout Westchester County. Coordinated entry is one of the main tools in assessing the needs of the homeless in Westchester County. Coordinated entry appoints an assessor to quickly coordinate a housing provider, and if this referral is accepted by the client, then placement can be made to safe and suitable housing. Referrals can be made for any homeless persons living or sleeping in places not meant for human habitation, fleeing or attempting to flee domestic violence, those staying in shelters, and those exiting institutions where they stayed up to 90 days and were homeless before staying in these systems of care.

WCDP focuses ESG funds on homelessness prevention so that very low income households and the working poor, who fall behind on their rental payments don't end up displaced. They do so by (1) eviction prevention programming, (2) counseling services, (3) street outreach to provide essential services to unsheltered homeless people and (4) providing renovations and essential supplies and materials to support operations of emergency shelters for individuals and families. The CoC is consulted as the programs are created and feedback is solicited. All sub-recipients are trained and added to the Homeless Management Information System (HMIS). HMIS is a web-based information management system used by the WCDP and CoC members to enable data sharing which assists providers to connect services to

homeless and low-income persons in the CoC region.

Addressing the emergency shelter and transitional housing needs of homeless persons

The WCDP refers to the CoC for the emergency shelter and transitional housing needs of the homeless in the Consortium. Emergency shelters reporting to the CoC Homeless Assistance Programs Housing Inventory Count are CHOP Inc., Emergency Shelter Partnership, Hope's Door, Lifting Up Westchester, My Sister's Place, Providence House, Sharing Community, WestCOP, Westhab, WestHELP, the YWCA and more. The shelters range in the number of services provided beyond beds and target populations they specialize in. Most offer wraparound services that help meet the unique needs of each person during their time of crisis.

Transitional housing is provided by CHOP, HOPE Community Services, IFCA, Westhab, and the YWCA. These services include short-term residences that help individuals and families stabilize while they work towards becoming self-sufficient. The White Plains YWCA offers an ex-offender program that helps individuals with reentry services while they transition back into the community.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Several agencies in the area help homeless individuals and families, veterans, and youth make the transition to permanent housing and independent living. Many of these providers are part of the local CoC network and are connected through the coordinated entry program.

The Westchester County Department of Social Services (DSS) offers temporary shelter for homeless families, individuals, and childless couples. The office collaborates with nonprofit organizations that provide case management services in shelter facilities, transitional residences, and emergency apartments. These homeless programs are designed to assist individuals in transitioning to permanent housing and achieving independence. Organizations like CHI Inc., CHOP, IFCA, and Westhab also offer family transitional housing programs and manage transitional housing sites that provide family units and comprehensive support services.

Westhab runs the Vet Home 3 facility for veterans, which houses up to 6 adults and provides services to help them transition to permanent supportive housing. The Veterans Administration also has three programs in the County that help provide veterans with permanent housing. HUD VASH vouchers are a solution for over 80 veterans in permanent housing.

The Children's Village offers shelters and transitional housing programs for runaway youth. Services offered at these sites help youth return to positive housing destinations while providing a stable living situation in which to work towards their goals.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The WCDP focuses ESG funds on homelessness prevention, which includes rental housing assistance, rapid rehousing, emergency shelter, street outreach and HMIS activities.

Several other rapid rehousing programs in the County include Westhab's New Start and Rapid Road to Housing programs. HOPE Community Services also runs a TBRA program in Rochelle. CHOP runs the RISE Rapid Rehousing program, which also provides rental assistance to help households avoid returning to homelessness.

Westchester Disabled on the Move helps individuals and their families with disabilities find stable housing after they are released from nursing homes and similar care institutions. The agency also helps them obtain affordable healthcare and housing subsidies.

The Westchester Guidance Center helps children, teens, adults, and families who are dealing with mental health, substance use, and co-occurring complex challenges. Individual, group, and family psychotherapy, as well as psychiatric evaluations and medication management, are available. These services help families avoid becoming homeless after receiving care.

The White Plains YWCA offers an ex-offender program that helps individuals with reentry services and housing options while transitioning back into the community.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The Westchester Urban County Consortium completed its most recent Analysis of Impediments to Fair Housing Choice (AI) in conjunction with the most recent ConPlan. The AI outlines 10 identified impediments to fair housing choice. Numbers 7-10 are related to affordability:

1. Uneven Growth Patterns
2. Varied Concentrations of Non-White Population
3. Language Barriers to Affordable Housing Information
4. Older Population Aging in Place
5. Diverse Jurisdictional Housing Strategies and Zoning Regulations
6. Lack of New Housing Construction in Several Communities
7. Lack of Affordable Housing for Renters
8. Racial/Ethnicity Income Inequality
9. High Number of Cost-Burdened Renters
10. Unequal Home Ownership by Race

In the Consortium, the ten barriers to equitable and affordable housing, while not directly resulting from current policies, reflect the legacy of historic discrimination and persisting disparities, such as uneven access to credit and systemic inequality. Policies that do not provide sufficient incentives for affordable housing development can lead to a lack of investment in this critical sector. These factors collectively contribute to a reduced supply of affordable units, hindering accessibility for low- and moderate-income households. The Consortium is dedicated to addressing these issues through specific programmatic actions and policy revisions, aiming to improve housing equity and affordability. This initiative also includes addressing the residual impact of historical policies to ensure contemporary housing accessibility aligns with modern standards of fairness and inclusivity.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In an effort to overcome or ameliorate barriers to fair housing choice, the Westchester Urban County Consortium identified corresponding strategic actions for consideration and implementation. The actions listed will be addressed over the next five years, aligning the accomplishments of these actions with the consolidated planning cycle. Although it is likely that not all impediments will be eliminated in the short period of five years, the Consortium will strive to affirmatively further fair housing and reduce these barriers to promote fair housing choice. Strategic actions include:

1. Reform regulatory barriers to facilitate missing middle housing;

2. Establish new financial incentives;
3. Offer surplus land for affordable housing;
4. Rezone vacant or underutilized commercial or industrial land;
5. Expand the Housing Flex Fund;
6. Promote the use of the Mortgage Credit Certificate; and
7. Expand the use of the Human Rights Commission and other fair housing agencies.

AP-85 Other Actions – 91.220(k)

Introduction:

The Westchester County Department of Planning (WCDP) is committed to enhancing the quality of life for its citizens, especially those with low to moderate incomes (LMI) and special needs. The Consortium's grant programs, including CDBG, HOME, and ESG, focus on community development initiatives. These initiatives involve providing public services, improving public infrastructure and facilities, offering affordable housing programs, and supporting homeless assistance programs. Below are additional actions planned by the WCDP to address the needs of residents in the Consortium.

Actions planned to address obstacles to meeting underserved needs

The County's Department of Planning will continue to seek new funding sources for programs that address the needs of underserved populations within the Consortium. According to the Needs Assessment outlined in the Consolidated Plan, cost burden remains the most significant housing issue in the Consortium, and these challenges have intensified due to rising housing costs. A general lack of funding and available local programs hampers efforts to provide the necessary services that help individuals and families escape poverty and secure affordable, decent housing. To tackle this issue, the WCDP will leverage federal funds to obtain local and state grants whenever possible. Existing funds will focus on the most underserved populations in the Consortium and will be prioritized based on need.

Actions planned to foster and maintain affordable housing

The WCDP will work with housing providers to assist LMI households with affordable housing programs. Planned activities will include homeowner-occupied housing rehab, homebuyer assistance, and developments. In addition to these, WCDP will work to increase affordable rental housing opportunities in LMI areas through rehab of existing units and new rental development.

Rehabilitation is an important component of the housing program. The WCDP is given first refusal on tax-in-rem parcels, rehabilitates them, and then markets and sells them affordably to LMI homebuyers. Rehab is also requested through the application process from nonprofit developers/owners and housing authorities.

Actions planned to reduce lead-based paint hazards

The WCDP will monitor all housing units that were either rehabilitated or constructed with federal funds to ensure that not only are the affordability requirements being met but also that lead-based paint hazards are not present. In 2021, the WCDP was awarded a \$4.1 million Lead-Based Paint Hazard Reduction Demonstration grant to reduce lead paint hazards in housing units with low and moderate income households. The WCDP maintains a computer database of all assisted units with Lead-based paint hazards funds and owners are required to promote these housing units to families with child under the age of six years for a period of three years after the end of the period of work performance. In addition,

in compliance with HUD grant program regulations, WCDP housing rehabilitation inspectors are trained and certified as EPA-certified lead risk assessors.

The Westchester County Department of Health's code requires blood level tests on all children at their two-year physicals and will make referrals to primary care physicians for affected children. The Health Department also administers a childhood lead poisoning prevention program to identify communities with high incidences of lead poisoning and to provide education and outreach to those communities that have a high number of children with elevated blood levels. The WCDP will work closely with the Department of Health to provide outreach services, referrals of property owners with notice and demand violations and identify elevated blood level cases through the Primary Preventive Childhood Lead Poisoning Pilot Program.

Actions planned to reduce the number of poverty-level families

The activities outlined in this plan aim to directly reduce poverty and alleviate homelessness in the Consortium area. Public service programs are designed to improve the quality of life for residents, while affordable housing preservation programs will focus on rehabilitating housing. This will help low- to moderate-income (LMI) households maintain living conditions that prevent homelessness. The Community Development Block Grant (CDBG) and HOME funds will primarily target households with incomes at or below 80% of the Area Median Income (AMI). Additionally, Emergency Solutions Grant (ESG) funds will support homelessness prevention activities and provide rapid rehousing rental assistance, which will help individuals and families avoid returning to homelessness.

Finally, the WCDP will ensure that all construction projects under the CDBG and HOME grant programs are in compliance with Section 3 Regulations. Section 3 helps to establish more economically sustainable communities by ensuring that employment and other economic opportunities generated by Federal assistance for development programs are directed towards very low- and low-income persons to the greatest extent possible, and in particular to those who are recipients of Federal assistance.

The WCDP will collaborate with multiple other municipal planning and community development departments as well as local nonprofit organizations that operate programs with similar goals of reducing the poverty level in the Consortium area. Actions that the WCDP may implement include:

- Targeting federal CDBG funds to neighborhoods that are low/mod as identified by HUD's LMISD data as these areas commonly have a higher poverty rate than the rest of the Consortium communities;
- Supporting public service programs to LMI households that encourage housing stability and improve the quality of life of residents;
- Continue to fund housing rehab activities for owners to maintain the condition of their homes, which will prevent the risk of homelessness.
- Support affordable housing development opportunities;
- Support housing developments that set aside housing units targeted to households with incomes

- less than 30% of the County AMI;
- Provide direct rental assistance for LMI households and/or individuals and families at risk of homelessness.
- Provide assistance for special needs groups such as those with a disability, the elderly, and victims of domestic violence.
- Address homelessness through the use of federal ESG funds.

Actions planned to develop institutional structure

The WCDP will continue to work closely with its network of public service agencies, housing providers, developers, CoC members, homeless service providers, public housing authorities (PHAs), and other local government departments from Consortium members. This collaboration aims to expand opportunities that enhance the quality of life for citizens. These relationships are essential for building a strong institutional framework to effectively implement CDBG, HOME, and ESG programs for the Consortium's most vulnerable populations.

During the WCDP's grant application process, grant basics will be discussed with potential and long-time collaborators, and technical assistance will be provided. Subrecipients will receive guidance on the grant programs to stay in compliance and meet timely reporting requirements.

Actions planned to enhance coordination between public and private housing and social service agencies

The WCDP will continue to coordinate planning activities with housing providers, public service agencies, members of the Continuum of Care, and the Consortium Communities. WCDP staff will also continue participating in local homeless initiatives and fair housing awareness efforts.

The WCDP will offer technical assistance to subrecipients of its federal grants to ensure the success of each program and improve the lives of the intended beneficiaries. Through activities such as monitoring and progress reports, the WCDP will enhance the coordination among grant recipients and help achieve its overall program objectives.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

The following section provides details on program-specific requirements for each of the three entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG). WCDP does not anticipate generating any program income for the CDBG program.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)**

- 1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

Not applicable.

- 2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

Please see below the Resale and Recapture Policy Provisions.

- 3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:**

The affordability provisions may vary based on the factors in place when the deed restrictions were filed. The county's current standard is at least 50 years. The WCDP has a full monitoring program and staff to ensure compliance.

Please see the Resale and Recapture Policy Provisions Final attachment in the AD-25 grantee unique appendices.

- 4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

Not applicable.

- 5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).**

Not applicable. WCDP does not plan to fund TBRA activities with FY 2025 HOME program funds.

- 6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).**

Not applicable. WCDP does not plan to fund TBRA activities with FY 2025 HOME program funds.

7. **If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).**

In accordance with 24 CFR 92.253(d)(3), an owner of rental housing assisted with HOME funds must comply with the affirmative marketing requirements established by the Consortium, which is the participating jurisdiction (PJ) pursuant to 24 CFR 92.351(a). The owner of the rental housing project must adopt and follow written tenant selection policies and criteria, which include that it may give a preference to a particular segment of the population if permitted in its written agreement with the PJ, such as persons with a disability or other special needs. However, at this time, there is no limit to eligibility or preference given to any particular segment of the population with rental housing projects funded by the Consortium's HOME program funds. HOME funds must, however, target low- to moderate-income households. The WCDP does not discriminate and provides equal access to all eligible households.

**Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

- For Homeless clients - Street Outreach and Emergency Shelter Services. Street Outreach is for actual homeless individuals who reside on the street. Emergency Shelter benefits homeless individuals or families who currently reside in a shelter with either services or upgrades to the facility.
- For Homelessness Prevention clients - must be at or below 30% AMI, be within 21 days of an eviction and meet the criteria of "at risk of homelessness" as defined by HUD.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

All non-profits that interact with a client must ensure that forms are completed and entered into the HMIS (Homeless Management Information System). A referral from the COC is forwarded to the appropriate nonprofit and a monthly log is submitted to the Program Specialist/Admin.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The County issues a Request for Proposals (RFP) for ESG related services and non-profit organizations submit proposals. Awards are issued based on services they provide, responsiveness and CoC yearly recommendations to focus activities and funds.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

Under the CoC Partnership, the County's Departments of Social Services and Community Mental Health administer the Continuum of Care Homeless Assistance Program. A board was created that includes the participation of homeless and formerly homeless individuals to develop and implement policies and funding decisions. The WCDP requires that each non-profit that is funded, have a Board that includes meeting the conditions of the CFR.

5. Describe performance standards for evaluating ESG.

Individuals must have income that is no more than 30% AMI and they must meet all of HUD requirements for getting services through ESG which can be challenging. Additional outreach methods are being considered to reach this population. Performance evaluations are conducted

when non-profits submit invoices for services which include a signed checklist that is used to confirm that all requirements have been met.

HOME RESALE POLICY PROVISIONS (1/2)

In the event an Owner desires to sell a Unit at any time prior to the expiration of the Period of Affordability in accordance with the minimum affordability periods under the HOME Program, or a higher period of affordability as designated by the WCDP, such Owner must make the Unit available for purchase to eligible homebuyers meeting the following affordability requirements:

1. Units will be offered to households with incomes not exceeding 80% of the County's Area Median Income (AMI) or the percentage required in the deed restriction;
2. Households will use the Unit as his or her principal residence; and
3. Households must be approved by the WCDP, noting that the WCDP (and/or local) occupancy standards will be used to determine the appropriate family size for each Unit based on the Unit's size and number of bedrooms. The obligation to get the WCDP's approval is on the Owner (seller).

The WCDP sets the maximum resale price of such Unit until the expiration of the Period of Affordability ("Maximum Resale Price") to ensure that the Owner sells the unit at the appropriate price. To ensure the Owner receives an appropriate appreciation on their purchase of the Unit, the Maximum Resale Price will equal the sum of the following:

1. the net purchase price (i.e. gross sales price minus subsidies) paid for the Unit by the selling owner increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index"), between (a) the month that was two months earlier than the date on which the seller acquired the Unit; and (b) the month that is two months earlier than the month in which the seller contracts to sell the Unit. If the Bureau stops publishing this index and fails to designate a successor index, the WCDP will designate a substitute index;
2. the cost of major capital improvements (as recognized by the Internal Revenue Service) made by the seller of the Unit while said the seller of the Unit owned the Unit as evidenced by paid receipts depreciated on a straight line basis over a fifteen (15) year period from the date of completion and such approval shall be requested for said major capital improvement no later than the time the seller of the Unit desires to include it in the resale price; and

HOME RESALE POLICY PROVISIONS (2/2)

3. special assessments imposed by the condominium.

In the event of a foreclosure of a Unit, the Maximum Resale Price for a sale by the foreclosing bank/lending institution shall be calculated as above, except that the net purchase price on which the calculation shall be made shall be the net purchase price paid by the Owner of the Unit against which the bank/lending

institution foreclosed. Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household containing the maximum number of persons permitted to occupy the Unit at 80% of AMI at the time of the re-sale. Such affordable resale amount shall be determined at the sole discretion of the WCDP and shall be in accordance with such guidelines or rules as may be promulgated by the Department of Planning. In making such a determination, the calculation of a maximum price shall assume that the down payment is 5% of the resale price and that the sum of principal, interest, taxes, and insurance ("PITI"), plus applicable homeowner association fees and/or common charges shall not exceed 33% of the household income.

In the event that a Unit Owner desires to sell his or her Unit, the Unit Owner must notify the Commissioner at least forty-five (45) days prior to the date of the proposed closing in writing to the Westchester County Commissioner of Planning, Michaelian Office Building, Room 432, 148 Martine Avenue, White Plains, New York 10601, or to the Designee's address, if provided by the WCDP. The Unit Owner may sell, convey, or transfer the Unit provided the WCDP has given written approval in a release letter ("Release Letter"). The Release Letter shall be in recordable form and will state that the proposed purchaser meets the Affordability Requirements and any other requirements as directed by the WCDP and that the purchase price is less than or equal to the Maximum Resale Price for such Unit. The above notice shall provide the name, address, and telephone number of an individual to contact concerning the proposed sale. The notice shall enumerate the proposed purchase price and the income of the proposed purchaser. The Unit Owner and/or proposed purchaser shall provide such additional documentation as requested by the WCDP to substantiate any of the above sums, including but not limited to income tax returns and employment verification letters for proposed purchasers. The WCDP shall provide the Release Letter to the Unit Owner at or prior to the closing, provided that the WCDP has determined, in its sole discretion, that the Unit Owner has complied with his or her obligations hereunder.

In order to ensure long-term affordability, the WCDP will enforce the resale provisions to the purchaser of the Unit as long as the affordability period is set in the deed of restrictive covenants. If the seller determined to sell the unit prior to the expiration of the term of affordability, or for the term of affordability. The WCDP will enforce the resale provisions to subsequent purchasers until the term of affordability has expired and will calculate affordability based on the deed of restrictive covenants formula.

HOME RECAPTURE PROVISIONS

This provision will be required if the WCDP provides a down payment, closing cost assistance, or other assistance to enable low-income households to purchase existing housing. Recapture will be enforced by a mortgage that the WCDP places on the property, which stipulates that the HOME funds provided to the buyer must be repaid to the WCDP if, during the affordability period, the property is sold, no longer occupied by the household as their principal residence, or lost through foreclosure or other action.

HOME funds will be provided as a grant or deferred payment loan, with the amount subject to recapture if the homeowner fails to own and occupy the unit as its primary residence;

- the amount subject to recapture is a share of the net available proceeds, as determined according to the formula set forth in the Final Rule at 24 CFR 92.254(a)(5)(ii)(A)(3).
- upon sale or transfer of the property, the mortgage may be assumed by another eligible low-income buyer to avoid the need to recapture funds when the unit continues to qualify as affordable housing.

Please see the Resale and Recapture Policy Provisions Final attachment in the AD-26 grantee unique appendices.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following Acts in connection Capital Project B0115 – Infrastructure Rehabilitation, Mount Vernon District Office (2021 - 2025) (“B0115”):

- (1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);
- (2) a bond act amending, in part, prior Bond Act No. 241-2023 in order to remove \$3,900,000 allocable to Capital Project B0115, and to decrease the estimated maximum amount of bonds authorized to \$850,000 (the “Amending Bond Act”); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$8,200,000 to finance the cost of design, construction management, and construction associated with the exterior rehabilitation of the building (the “Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$4,300,000. The increase is needed to address additional areas that were identified during construction. In addition, exterior facade probes revealed deteriorated steel that requires reinforcement or replacement. The work is necessary to maintain the integrity of the building and prevent future water infiltration. The additional \$4,300,000 in appropriations will bring the total 2025 appropriations for this project to \$8,800,000.

The Amending Bond Act, prepared by the law firm of Norton Rose Fulbright, is required to remove the bond authorization related to B0115 from Bond Act 241-2023 so that those authorizations may be included in the Consolidated Bond Act for B0115.

The Consolidated Bond Act, prepared by the law firm of Norton Rose Fulbright, will address exterior rehabilitation of the building. Work will include rehabilitation of the masonry and structural steel reinforcement and replacement. This \$8,200,000 proposed Consolidated Bond Act represents a \$4,300,000 increase to the amount previously authorized for B0115, and includes the \$3,900,000 previously authorized for B0115 by Bond Act 241-2023.

Your Committee is advised that the design is currently underway by outside consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take eighteen (18) 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 B0115 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.

Additionally, as your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY044 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

Dated: May 19th, 2025

White Plains, New York

James Williams John
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Nancy Brown

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Nancy Brown

COMMITTEE ON

Budget & Appropriations

Public works &
Transportation

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: April 9, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B0115 INFRASTRUCTURE REHABILITATION, MOUNT VERNON
DISTRICT OFFICE (2021-2025)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03/20/2025 (Unique ID: 2870)

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)(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/oav

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

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project B0115
 INFRASTRUCTURE
 REHABILITATION, MOUNT
 VERNON DISTRICT OFFICE (2021-
 2025)

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$4,500,000	\$4,300,000	\$8,800,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$4,500,000	\$4,300,000	\$8,800,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$4,500,000	\$4,300,000	\$8,800,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 6, 2023 IN RELATION TO THE CONSTRUCTION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE COUNTY AT THE TOTAL ESTIMATED COST OF \$850,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the cost of the design, construction management and construction associated with the replacement of the roof, installation of new flashing, bulkhead rehabilitation and associated work at the Mount Vernon District Office (Project B0115), the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at 450 Saw Mill River Road, in Ardsley, and the cost of the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at the Record Center in Elmsford, at the estimated maximum cost of \$4,750,000, pursuant to Act No. 241-2023 duly adopted on December 6, 2023; and

WHEREAS, this Board has determined to revise the scope of work of said Bond Act, and remove the \$3,900,000 authorization for Project B0115; and

WHEREAS, it has now been determined that such bond act shall be amended to decrease the amount of bonds authorized for such scope of work; and

WHEREAS, such \$3,900,000 has been or will be authorized pursuant to another Bond Act authorizing the construction associated with the rehabilitation of the building exterior,

including the rehabilitation of the masonry and structural steel reinforcement and replacement, and that it is necessary to reduce the amount of bonds Authorized pursuant to Bond Act 241-2023 now therefore

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 December 6, 2023, entitled:

“(BOND) ACT NO. 241-2023

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 THE CONSTRUCTION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 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 \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS

\$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 6, 2023 and amended on _____, 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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$850,000. The plan of financing includes the issuance of \$850,000 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.

A	B
\$475,000	the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at 450

	Saw Mill River Road, in Ardsley
\$375,000	for design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at the Record Center in Elmsford

Section 2. The periods of probable usefulness (“PPU”) of the objects or purposes for which said \$850,000 bonds authorized by this Act are to be issued, within the limitations of the respective subdivisions 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 total amount of \$850,000. 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 \$850,000 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 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.

* * *

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0115

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

REDUCE BA 241-2023 BY \$3.9M TO \$850,000

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 850,000 PPU 15 Anticipated Interest Rate 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 73,504

Total Debt Service (Annual Cost x Term): \$ 1,102,560

Finance Department: Interest rates from April 16, 2025 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: 9

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works and Transportation

Date: 4/16/25

Reviewed By:

DV4/17/25
4/17/25

[Signature]
Budget Director

Date:

4/17/25

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 December 6, 2023 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 \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 6, 2023 and amended on _____, 20__)

object or purpose: to finance the cost of the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at 450 Saw Mill River Road, in Ardsley, and the cost of the for design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at the Record Center in Elmsford.

amount of obligations to be issued and period of probable usefulness: \$850,000; 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

ACT NO. -20 _____

BOND ACT AUTHORIZING THE ISSUANCE OF \$8,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF EXTERIOR BUILDING IMPROVEMENTS TO THE MOUNT VERNON DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

WHEREAS, this Board has heretofore duly authorized the issuance of \$3,900,000 bonds to finance the cost the design, construction management and construction associated with the replacement of the roof, installation of new flashing, bulkhead rehabilitation and associated work at the Mount Vernon District Office (the "Project"), pursuant to Act No. 241-2023 duly adopted on December 6, 2023; and

WHEREAS, it is now appropriate to authorize the Project, 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 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; \$8,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the construction associated with the rehabilitation of the building exterior, including the rehabilitation of the masonry and structural steel reinforcement and replacement, 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 \$8,200,000. The plan of financing includes the issuance of \$8,200,000 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 \$8,200,000 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

\$8,200,000. 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 \$8,200,000 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.

* * *

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0115

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 \$ 8,200,000 **PPU** 15 **Anticipated Interest Rate** 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 690,896

Total Debt Service (Annual Cost x Term): \$ 10,363,440

Finance Department: Interest rates from April 16, 2025 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: 89

Prepared by: Robert Abbamont

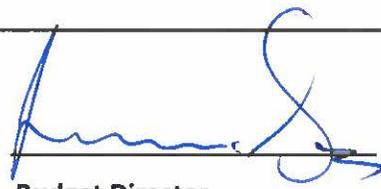
Title: Director of Operations (Capital)

Department: Public Works and Transportation

Date: 4/16/25

Reviewed By:

DV 4/17/25
2 4/17/25



Budget Director

Date:

4/17/25

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 _____, 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 \$8,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF EXTERIOR BUILDING IMPROVEMENTS TO THE MOUNT VERNON DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____, 20____)

object or purpose: to finance the construction associated with the rehabilitation of the building exterior, including the rehabilitation of the masonry and structural steel reinforcement and replacement, 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: \$8,200,000; 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:* B0115	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-05-2025
Fact Sheet Year:* 2025	Project Title:* INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025)	Legislative District ID: 13,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2870

Overall Project Description

This project funds rehabilitation and upgrades of the exterior, interior and site infrastructure of this building.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2025	2026	2027	2028	2029	Under Review
Gross	9,750	4,500	0	950	0	0	0	4,300
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,750	4,500	0	950	0	0	0	4,300

Expended/Obligated Amount (in thousands) as of : 566

Current Bond Description: Additional funding is requested for the exterior rehabilitation of the building. The work will address rehabilitation of the masonry and structural steel reinforcement and replacement.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,300,000
Cash:	0
Total:	\$ 4,300,000

SEQR Classification:

TYPE II

Amount Requested:

4,300,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

A capital budget amendment (CBA) in the amount of \$4,300,000, shown under review, is requested for additional areas to be addressed that were identified during construction. In addition, exterior facade probes revealed deteriorated steel that requires reinforcement or replacement. The work is necessary to maintain the integrity of the building and prevent future water infiltration into the structure.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	600,000	UPGRADES TO THE WATER STORAGE TANK SYSTEM AND REHABILITATION OF SIDEWALKS
2024	3,900,000	FUNDS ROOF REPLACEMENT WITH INSTALLATION OF NEW FLASHING AND BULKHEAD REHABILITATION

Total Appropriation History:

4,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	20	200,000		0 INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025)
21	21	400,000		0 INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025)
23	241	3,900,000		0 REHAB TO REGINALD A LAFAYETTE COUNTY BUILDING

Total Financing History:

4,500,000

Recommended By:

Department of Planning

MLLL

Date

03-20-2025

Department of Public Works

RJB4

Date

03-20-2025

Budget Department

DEV9

Date

03-25-2025

Requesting Department

RJB4

Date

03-25-2025

INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025) (B0115)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	5,450	4,500	566		950				
Non County Share									
Total	5,450	4,500	566		950				

Project Description

This project funds rehabilitation and upgrades of the exterior, interior and site infrastructure of this building.

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
2021	600,000	Upgrades to the water storage tank system and rehabilitation of sidewalks	\$200,000 DESIGN; \$400,000 CONSTRUCTION
2024	3,900,000	Funds roof replacement with installation of new flashing and bulkhead rehabilitation	DESIGN
Total	4,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,500,000		4,500,000
Total	4,500,000		4,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
20 21	200,000			200,000
21 21	400,000			400,000
241 23	3,900,000			3,900,000
Total	4,500,000			4,500,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following Acts in connection Capital Project RB212 – Bryant Ave, CR 153, White Plains (“RB212”):

(1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);

(2) a bond act amending, in part, prior Bond Act No. 7-2023 to remove a \$2,500,000 authorization allocable to RB212, and decrease the estimated maximum amount of bonds authorized to \$14,140,000 (“Amending Bond Act”). The Amending Bond Act was prepared by the law firm Hawkins Delafield & Wood and is required to remove the approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work related to RB212; and

(3) a bond act authorizing the issuance of bonds in the amount of \$3,200,000 to finance the cost of design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection with RB212. This \$3,200,000 proposed bond act represents a \$700,000 increase to the amount previously authorized for RB212 and includes the \$2,500,000 previously authorized for RB212 by Bond Act 7-2023 (“Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RB212 by \$700,000 to \$3,200,000.

The \$3,200,000 Consolidated Bond Act represents a \$700,000 increase to the amount previously authorized for RB212 and includes the \$2,500,000 previously authorized for RB212 by Bond Act 7-2023. The Consolidated Bond Act would finance the cost of design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection with RB212.

The Department of Public Works and Transportation (“Department”) has advised that this road has an average annual daily traffic count of 7,129 and is in need of rehabilitation to maintain a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2022 was 61 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

The Department has advised that design was completed by a consultant and it is anticipated that construction will take approximately six months to complete. The Department has further advised that bids received for construction of RB212 exceed the available funding. The increase in construction costs and materials is due to the length of time that has transpired since the project's 2023 inception.

The design was completed by a consultant and it is anticipated that construction will take approximately six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB212 as indicated in the annexed fact sheet.

The Department of Planning has advised your Committee that based on its review, RB212 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.

Additionally, as your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed RB212 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

Dated: May 19th, 2025.
White Plains, New York

James J. Zelen
John J. ...
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James J. Zelen
John J. ...
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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: April 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB212 BRYANT AVENUE, CR 153, WHITE PLAINS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
03/20/2025 (Unique ID: 2840)

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)(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; and
- **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes; and
- **617.5(c)(6):** street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities; and
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

COMMENTS: None.

DSK/oav

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

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner



Date: March 27, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – RB212 Bryant Avenue, CR 153, White Plains (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **RB212 Bryant Avenue, CR 153, White Plains (2025 CBA)** will fund the construction and construction management for the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

The capital budget amendment is needed because of the increased costs associated with this project. This increase is due to the length of time that has transpired since the project's initial inception in 2023 including construction costs and particularly costs associated with materials. These additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction.

The 2023 appropriation was \$2,500,000. The additional request is for \$700,000.

This project was classified as a PL2 in the Planning Board Report on the 2023 Capital Project Requests adopted July 5, 2022.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

RB212 Bryant Avenue, CR 153, White Plains

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross Non-County Share	2,500		2,500					
County Share	2,500		2,500					

Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

Appropriation Requests

2023: Design, Construction and Construction Management.

Justification

To maintain a safe travelway.
AADT: 7,129
PCI: 64 (2019)

Consistency with Programs or Plans

This is a programmed project. The proposed project is consistent with “Westchester 2025”, the County Planning Board’s long-range planning policy document, as it will maintain existing transportation infrastructure and ease movement on travel routes.

As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. Designs should comply with the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

Planning Board Analysis

PL2: The Planning Board supports the proposed improvements. Planning Department staff will monitor the progress of design to address physical and environmental planning concerns including pedestrian and bicycle safety as well as stormwater management. The Planning Board recommends this project incorporate Complete Streets design features which consider the safe, convenient access, and mobility of all roadway users of all ages and abilities. The Planning Board recommends that the design of this project include consideration of future bus service needs. This divided highway has a relatively low AADT of about 7,000, and lacks sidewalks or bicycle facilities. Its location near a school makes it a prime candidate for a road diet. The expectation of the Planning Department is that the adjacent office parks will one day be repurposed with residential and retail uses. New concrete curb could provide an opportunity to use space for a curb-raised trail with pedestrian/bicycle separation. This will also provide for safe pedestrian/bicycle connectivity if adjacent office parks continue to see residential development.

An Act amending the 2025 County
 Capital Budget Appropriations for
 Capital Project RB212 BRYANT
 AVENUE, CR 153, WHITE PLAINS

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$2,500,000	\$700,000	\$3,200,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$2,500,000	\$700,000	\$3,200,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$2,500,000	\$700,000	\$3,200,000

Section 3. The ACT shall take effect immediately.

REFERENCE P0032
 RB210
 RB214
 RB233
 RB234
 RB235
 RB236
 RB237

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JANUARY 9, 2023 IN RELATION TO THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY AT THE TOTAL ESTIMATED COST OF \$14,140,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the cost of the design, construction and construction management associated with the rehabilitation of the following respective County roadways as set forth in column B of the schedule below:

A	B
\$3,350,000	approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
800,000	approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb

	replacement; drainage repairs; new traffic loops; new pavement markings and related work
2,500,000	approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
425,000	approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
600,000	approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
775,000	approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work
420,000	approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

1,620,000	approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
6,150,000	approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

at the estimated maximum cost of \$16,640,000, pursuant to Act No. 7-2023 duly adopted on January 9, 2023, and

WHEREAS, this Board has determined to revise the scope of work of said Bond Act, and remove the \$2,500,000 authorization for project RB212, and

WHEREAS, it has now been determined that such bond act shall be amended to revise said scope of work and decrease the amount of bonds authorized; now, therefore,

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 January 9, 2023, entitled:

“(BOND) ACT NO. 7-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,640,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,640,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,640,000 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 \$14,140,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$14,140,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$14,140,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(adopted on January 9, 2023 and amended on _____, 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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction and construction management associated with the rehabilitation of the following respective County roadways as set forth in column B of the schedule below; 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 \$14,140,000. The plan of financing includes the issuance of \$14,140,000 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.

A	B
\$3,350,000	approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
800,000	approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb

	replacement; drainage repairs; new traffic loops; new pavement markings and related work
425,000	approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
600,000	approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
775,000	approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work
420,000	approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
1,620,000	approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

6,150,000	approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
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Section 2. The period of probable usefulness of the class of objects or purposes for which said \$14,140,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.20(c) 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 total amount of \$14,140,000. 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 \$14,140,000 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 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.

* * *

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB212 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

REDUCE BA 7-2023 BY \$2.5M TO \$14.14M

SECTION B - BONDING AUTHORIZATIONS
To Be Completed by Finance

Total Principal	\$	14,140,000	PPU	15	Anticipated Interest Rate	3.65%
Anticipated Annual Cost (Principal and Interest):	\$	1,222,758				
Total Debt Service (Annual Cost x Term):	\$	18,341,370				

Finance Department: Interest rates from April 16, 2025 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

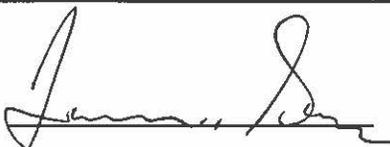
Potential Related Expenses (Annual): \$ -

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: 154

Prepared by:	<u>Robert Abbamont</u>		
Title:	<u>Director of Operations (Capital)</u>	Reviewed By:	
Department:	<u>Public Works and Transportation</u>		Budget Director
Date:	<u>4/16/25</u>	Date:	<u>4/16/25</u>

DV 4/16/25
CD 4/16/25

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 January 9, 2023 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 \$14,140,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$14,140,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$14,140,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on January 9, 2023 and amended on _____, 20__)

object or purpose: to finance the design, construction management and construction associated with the rehabilitation of various County roadways in and for the County; 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: \$14,140,000; 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

ACT NO. -20 _____

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO BRYANT AVENUE; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$2,500,000 bonds to finance the cost of the design, construction and construction management associated with the rehabilitation of Bryant Avenue, pursuant to Bond Act No. 7-2023 duly adopted on January 9, 2023; and

WHEREAS, it is now appropriate to authorize such purposes, 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 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; \$3,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection therewith, 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$3,200,000. The plan of financing includes the issuance of \$3,200,000 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 \$3,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 20(c) 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

\$3,200,000. 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 \$3,200,000 as the estimated total cost of the aforesaid 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 not earlier than January 1, 2024 and 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____.

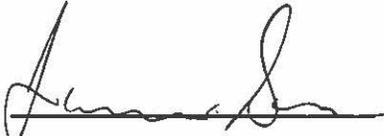
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20____.

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

(SEAL)

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RB212</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	\$ 3,200,000	PPU 15	Anticipated Interest Rate 3.65%
Anticipated Annual Cost (Principal and Interest):	\$ 276,720		
Total Debt Service (Annual Cost x Term):	\$ 4,150,800		
Finance Department:	Interest rates from April 16, 2025 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:	35		
Prepared by:	<u>Robert Abbamont</u>	Reviewed By:	
Title:	<u>Director of Operations (Capital)</u>		<u>Budget Director</u>
Department:	<u>Public Works and Transportation</u>		
Date:	<u>4/16/25</u>	Date:	<u>4/16/25</u>

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 \$3,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO BRYANT AVENUE; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____, 20__)

object or purpose: to finance the cost of the design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection therewith, 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: \$3,200,000; 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:* CBA **Fact Sheet Date:***
02-05-2025
RB212

Fact Sheet Year:* **Project Title:*** **Legislative District ID:**
 2025 BRYANT AVENUE, CR 153, WHITE 5,
 PLAINS

Category* **Department:*** **CP Unique ID:**
 ROADS & BRIDGES PUBLIC WORKS 2840

Overall Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2025	2026	2027	2028	2029	Under Review
Gross	3,200	2,500	0	0	0	0	0	700
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,200	2,500	0	0	0	0	0	700

Expended/Obligated Amount (in thousands) as of : 265

Current Bond Description: Additional funding is requested for construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

700,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) in the amount of \$700,000, shown under review, is requested to award the construction contract.

PCI: 61 (2022); AADT: 7,129

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	2,500,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

2,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	7	2,500,000		0 BRYANT AVENUE, CR 153, WHITE PLAINS

Total Financing History:

2,500,000

Recommended By:

Department of Planning
MLLL

Date
03-20-2025

Department of Public Works
RJB4

Date
03-20-2025

Budget Department
DEV9

Date
03-25-2025

Requesting Department
RJB4

Date
03-25-2025

BRYANT AVENUE, CR 153, WHITE PLAINS (RB212)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	2,500	2,500	265						
Non County Share									
Total	2,500	2,500	265						

Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

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
2023	2,500,000	Design, construction and construction management	DESIGN
Total	2,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,500,000		2,500,000
Total	2,500,000		2,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
7 23	2,500,000			2,500,000
Total	2,500,000			2,500,000

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through its Youth Bureau, to enter into an inter-municipal agreement ("IMA") with the Village of Tarrytown (the "Village") pursuant to which the Village will operate the Tarrytown/Sleepy Hollow Summer Camp (the "Program") for youth ages 3 through 11 years, for a term commencing retroactively on January 1, 2025 and continuing through December 31, 2025. Activities offered at the camp will include arts and crafts, sports, swimming, and other summer activities. In consideration for services rendered, the County will pay the Village an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars, pursuant to an approved budget. This Program and its components have been very successful in the past.

Your Committee has been advised that the proposed IMA does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of your Honorable Board.

Your Committee has been advised that the IMA is exempt from the Westchester County Procurement Policy and Procedures pursuant to section 3(a) xviii thereof which exempts agreements for the creation and support of youth services and recreation projects.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends the annexed proposed Act for adoption.

Dated: _____, 2025
White Plains, New York

Doris J. White
[Signature]
[Signature]

[Signature]
[Signature]
Nancy Barr
[Signature]
[Signature]
[Signature]

<i>Veterans, Services + Youth</i> <i>3/12/25</i>	<i>Budget & Appropriations</i> <i>5/19/2025</i> <i>[Signature]</i>
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COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: TARRYTOWN/SLEEPY HOLLOW SUMMER DAY CAMP

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 48655

Total Current Year Revenue \$ 0

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-52-2508-5100

Potential Related Operating Budget Expenses: Annual Amount \$ 48655

Describe: The Village will operate its positive youth development program know as the Tarrytown/Sleepy Hollow Summer Day Camp for youth ages 3 through 11 years.

Potential Related Revenues: Annual Amount \$ 0

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$0

Next Four years: NA

Prepared by: Gregg Peterson



Title: Financial Coordinator

Department: CEO/Youth Bureau

Reviewed By:



Deputy Budget Director

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Village of Tarrytown, pursuant to which the municipality will provide certain youth development services under its Youth Development Program, for the period commencing retroactively on January 1, 2025 and expiring on December 31, 2025 for a total amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five Dollars (\$48,655.00)

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

Section 1. The County of Westchester, acting by and through its Youth Bureau (the "County"), is hereby authorized to enter into an inter-municipal agreement (the "IMA") with the Village of Tarrytown (the "Village") pursuant to which the Village will operate its Tarrytown/Sleepy Hollow Summer Camp for youth ages 3 through 11 years, for a term commencing retroactively on January 1, 2025 and continuing through December 31, 2025.

§2. In consideration for services rendered, the County will pay the Village an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars, pursuant to an approved budget.

§3. The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

§4. This Act shall take effect immediately.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made the ____ day of _____, 2025 by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter referred to as the "County"),

and

VILLAGE OF TARRYTOWN, a municipal corporation of the State of New York, having an office and place of business at One Depot Plaza, Tarrytown, New York 10591 (hereinafter referred to as the "Municipality").

WITNESSETH:

WHEREAS, the County desires that the Municipality provide its positive youth development program known as the TARRYTOWN/ SLEEPY HOLLOW CAMP (the "Program"); and

WHEREAS, the Municipality is willing to provide the Program, upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the promises and the covenants and agreements herein contained, the parties hereto agree as follows:

FIRST: The Municipality shall provide the Program, as more fully described in Schedule "A," which is attached hereto and made a part hereof (the "Work"). The Work shall be carried out by the Municipality in accordance with current industry standards and trade practices.

SECOND: The term of this Agreement shall commence retroactively on January 1, 2025 and shall terminate on December 31, 2025 unless terminated earlier pursuant to the provisions of this Agreement.

The Municipality shall report to the County on its progress toward completing the Work, as the Executive Director of the Westchester County Youth Bureau (the "Executive Director") may request, and shall immediately inform the Executive Director in writing of any cause for delay in the performance of its obligations under this Agreement.

THIRD: The *total* cost of the Work, shall not exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars. The County shall pay the Municipality for performance of the Work hereunder, an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100

(\$48,655.00) Dollars, for expenses actually incurred and paid by the Municipality after receipt of vouchers and/or reports forms in the manner prescribed by the County in accordance with the Budget which is attached hereto and made a part hereof as Schedule "B".

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Municipality for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

FOURTH: The Municipality shall provide the County with a report to be submitted within thirty (30) days of execution of this Agreement and periodically thereafter as requested by the County, which shall set forth in detail the services performed under the Agreement, the activities, progress and accomplishments under the Agreement, the amount of funds expended for each task performed and the extent and manner in which the goals, objectives and standards established for the Agreement have been met by the Municipality. The above report shall be certified by an officer or director of the Municipality.

The County shall have the right, at its option and at its sole cost and expense, to audit such books and records of the Municipality as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County may withhold payment of funds hereunder for cause found in the course of an audit or because of failure of the Municipality to cooperate with an audit. The County shall, in addition, have the right to audit such books and records subsequent to payment, if such audit is commenced within one (1) year following termination of this Agreement, and to perform random audits during the term of this Agreement. In the event an audit performed by the County reflects overpayment by the County or that monies were not fully expended or that monies were improperly expended, then the Municipality shall reimburse to the County the cost of such audit (if the audit was done by the County or on the County's behalf) and the amount of such overpayment, underpayment or improper payment, within thirty (30) days of notice from the County.

The Municipality further agrees to permit designated employees or agents of the County reasonable on-site inspection of the work being performed by the Municipality under this Agreement, its books, accounts, financial audits and records and agrees to keep records necessary to disclose fully the receipt and disposition of funds received under this agreement. Unless the County shall, in writing, advise the Municipality to the contrary, the Municipality shall retain all financial records related to this Agreement for a period of ten years after the expiration or termination of this Agreement.

In no event shall final payment be made to the Municipality prior to completion of all services, the submission of reports and the approval of same by the County Executive or his duly authorized designee.

FIFTH: The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C," entitled "Standard Insurance Provisions," which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) in the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with enforcing this provision of the Agreement.

SIXTH: (a) The County reserves the right to cancel this Agreement upon thirty (30) days prior written notice to the Municipality when it deems it to be in its best interests to do so. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "B."

In the event of a dispute as to the value of the services rendered by the Municipality prior to the date of termination, it is understood and agreed that the County shall determine the value of such services rendered by the Municipality. Such reasonable and good faith determination shall be accepted by the Municipality as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for ten (10) days after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the services provided for in this Agreement, or contract for their completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Notice hereunder shall be effective on the date of receipt.

SEVENTH: The Agreement shall not be enforceable unless signed by the parties and approved by the Office of the County Attorney.

EIGHTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such

release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

NINTH: All payments made by the County to the Municipality will be made by electronic funds transfer (“EFT”) pursuant to the County’s Vendor Direct Program. If the Municipality is not already enrolled in the Vendor Direct Program, the Municipality shall fill out and submit an EFT Authorization Form as part of this Agreement, which is attached hereto as Schedule “D” and made a part hereof. (In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, the Municipality understands that it must contact the County’s Finance Department.)

If the Municipality is already enrolled in the Vendor Direct Program, the Municipality hereby agrees to immediately notify the County’s Finance Department in writing if the EFT Authorization Form on file must be changed, and provide an updated version of the document.

TENTH: Schedule “E” is a form entitled, “Westchester County Youth Bureau Corrective Action Request”. This is a sample form that the Municipality can expect to receive if one or more areas where corrective action is required have been identified.

ELEVENTH: All notices given pursuant to this agreement shall be in writing and effective on mailing. All notices shall be sent by registered or certified mail, return receipt requested or by overnight mail, and mailed to the following addresses:

To the County: Executive Director – Youth Bureau
112 E. Post Road, 3rd floor
White Plains, New York 10601

with a copy to: County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

to the Municipality: Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591

or to such other addresses as may be specified by the parties hereto in writing.

TWELVETH: This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

THIRTEENTH: This Agreement is entered into solely between, and may be enforced only by, the County and the Municipality and shall not be deemed to create any rights in third parties, or to create any obligations of a party to any such third parties.

FOURTEENTH: The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Municipality shall not subcontract any part of the Work without the express written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Municipality and the Municipality shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement. All subcontracts for the Work shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a copy of the County's contract, read it and is familiar with the material terms and conditions thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and conditions of this Agreement.

FIFTEENTH: The Municipality expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Municipality acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

SIXTEENTH: The Municipality shall comply, at its own expense, with the provisions of all applicable federal, state and local laws, rules, regulations, orders or ordinances and requirements of every kind and nature, which now exist or are hereinafter be enacted or promulgated ("Laws") applicable to this Agreement, the Municipality or the Work to be performed hereunder. Without limiting the generality of the foregoing, the Municipality further agrees to comply, at its own expense, with all Laws applicable to it as an employer of labor, and all Laws and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the Work hereunder.

SEVENTEENTH: Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Work or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

EIGHTEENTH: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no

way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

[NO FURTHER TEXT/ SIGNATURE PAGE FOLLOWS]

DRAFT

IN WITNESS WHEREOF, the County and the Municipality have caused this Agreement to be executed:

COUNTY OF WESTCHESTER

By: _____
Name: Kenneth W. Jenkins
Title: County Executive

VILLAGE OF TARRYTOWN

By: _____
Name:
Title:

Approved by the Westchester County Board of Legislators of the County of Westchester by Act No. 2025-XX on the XX day of XXX, 2025.

Assistant County Attorney
The County of Westchester

DRAFT

MUNICIPAL ACKNOWLEDGMENT
(Municipal Corporation)

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

On this _____ day of _____, 2025, before me personally came _____ to me known, and known to me to be the _____ of _____, the corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is _____ of said corporation and knows the corporate seal of the said corporation; that the seal affixed to the within instrument is such corporate seal and that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his name thereto by like order.

Notary Public

DRAFT

SCHEDULE "A"

Implementing Agency: Village of Tarrytown	Program Title: Tarrytown/Sleepy Hollow Camp
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FUND AMOUNTS:

Total Program Amount: \$126,300	Funds Requested: \$48,655	Cost Per Youth: \$842
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AUTHORIZED VOUCHER SIGNEEs:

1.	Last Name: Walczewski	First Name: Dan	Title: Recreation Superintendent
2.	Last Name: Slingerland	First Name: Richard	Title: Village Administrator

AGENCY /MUNICIPALITY INFORMATION:

Implementing Agency is: (check box)		Not For Profit <input type="checkbox"/>		Public <input checked="" type="checkbox"/>
Federal ID Number: 13-600-7334				
Agency Website: www.tarrytownny.gov		Implementing Agency/Municipality: Village of Tarrytown		
Mailing Street Address: 1 Depot Plaza				
Suite/Floor/Room # / P.O. Box:	City: Tarrytown	State: NY	Zip Code: 10591	

AGENCY /MUNICIPALITY EXECUTIVE DIRECTOR :

Last Name: Slingerland	First Name: Richard	Title: Village Administrator		
Phone Number: 914-862-1802	Extension: 1802	Fax:	Email: rslingerland@tarrytowngov.com	

PROGRAM CONTACT PERSON:

Last Name: Walczewski	First Name: Dan	Title: Recreation Superintendent		
Phone Number: 914-631-8347	Extension: 1095	Fax:	Email: dwalczewski@tarrytownny.gov	

PERIOD OF ACTUAL PROGRAM OPERATION :

HOURS OF OPERATION: 8:30 AM-4:00 PM	Days of operation M-F	From: June 30, 2025	To: Aug 8, 2025
Other <input type="checkbox"/> explain:			

PROJECTED TOTAL PROGRAM ENROLLMENT 150
PROGRAM SUMMARY: The Recreation Department provides Day Camp activities to residents of both Tarrytown & Sleepy Hollow. The program runs for 6 weeks and includes activities for youth ages 3-11. Campers participate in Arts & Crafts, sports, & swimming. Camp entertainment includes themed days, on site entertainers, music, special events, and offsite camp trips.

PROGRAM SITES- Most significant (3 Maximum)					
Type	Address (Street, City, State, Zip)	Assembly District #	NYS Senate District #	Local Planning Board	City Council District
TBD	TBD	92	35		
Comm Ctr	Tarrytown Senior Center 240 W Main St, Tarrytown, NY 10591	92	35		
Pool	Tarrytown Rec Center 238 W Main St, Tarrytown, NY 10591	92	35		

Use whole numbers when entering information for Gender, Ethnicity, Age, Target Population, NOT percentages.

GENDER OF PROGRAM PARTICIPANTS (enter number of participants per gender)	# Male 85	# Female 65
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ETHNICITY (Enter number of participants per ethnic group)			
White	Black or African American	Two or more races	Hispanic or Latino
American Indian or Alaskan Native	Asian	Native Hawaiian or other Pacific Islander	

IS TARGET POPULATION SERVING DISCONNECTED YOUTH? (check no or yes)						No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
Ages: (enter # of participants in population described)	0-6	6-10	11-13	14-17	18-20	21+	
If "Yes," indicate number of youth:	Youth aging out of foster care:		Children of incarcerated parents:				
Youth in the juvenile justice system who re-enter the community				Runaway and homeless youth			

1. Physical & Psychological Safety: Safe and health-promoting facilities; practices that increase safe peer group interaction and decrease unsafe or confrontational peer interactions.

The program will adhere to the NYS DOH physical safety requirements as required. Staff will conduct camper orientations every Monday for all campers which will include rules especially pertaining to physical and psychological safety.

2. Appropriate Structure: Limit setting; clear and consistent rules and expectations; firm enough control; continuity and predictability; clear boundaries; age appropriate monitoring.

Staff will receive training prior to camp starting on how to be clear and consistent while abiding by rules and expectations. They will also be trained on how to deal with camper's behaviors and the chain of command.

3. Supportive Relationship: Warmth; closeness; connectedness; good communication; caring; support; guidance; secure attachment; responsiveness.

Staff will be trained as caring, responsible, adult role models and will address youth and family concerns and issues as they arise.

4. Opportunities to Belong: Opportunities for meaningful inclusion, regardless of one's gender; ethnicity; sexual orientation, or disabilities; social inclusion; social engagement, and integration; opportunities for socio-cultural identity formation; support for cultural and bicultural competence.

Program offerings will be relevant, age, and culturally appropriate. Staff will encourage participation by all young people in various activities.

6. Positive Social Norms: Rules of behavior; expectations; injunctions; ways of doing things; values and morals; obligations for service.

Trained staff and supervisors will ensure appropriate boundaries and expectations for youth and for staff. Staff will model appropriate pro-social behavior and interactions between youth and staff. Staff will intervene as necessary to correct inappropriate behavior and will acknowledge positive social norms.

6. Support for Efficacy & Mattering: Youth-based; empowerment practices that support autonomy; making a real difference in one's community, and being taken seriously. Practices that include enabling, responsibility granting, and meaningful challenge. Practices that focus on improvement rather than on relative current performance levels.

Staff will provide support and encouragement to young people engaged in various program activities.

7. Opportunities for Skill Building: Opportunities to learn physical, intellectual, psychological, emotional, and social skills; exposure to intentional learning experiences, opportunities to learn cultural literacy, communication skills and good habits of mind; preparation for adult employment, and opportunities to develop social and cultural capital.

Throughout the program staff will be trained to help encourage their campers in all aspects of learning as well as to help them build upon their skills.

8. Integration of Family, School, & Community Efforts: Concordance; coordination and synergy among family, school, and community.

Staff will interact with youth and families as needed to address concerns. Staff will provide feedback to families as requested.

Monitoring and Evaluation Methods

9. Monitoring Methods: Monitoring is defined as a systematic review of a funded program based upon the requirements of a contract, rules, regulations, policies, and/or State and Local Laws. It identifies the degree to which a program or operation accomplishes the activities specified in a contract/ application, and how it complies with requirements. Describe your process to be used to monitor on a regular basis. Include who will be responsible, frequency, and documentation of monitoring activities.

Attendance is the primary source of monitoring to ensure that the programs are being used by as many youth in the community as possible.

10. Evaluation Methods: Evaluation methods are the process to determine the value or amount of success in achieving a pre-determined program or operational goal. Evaluations can identify program strengths and weaknesses in order to improve the program. Evaluations can verify if the program is really running as originally planned. Describe the process to be used to evaluate the attainment of the objectives. Include what will be measured, who will conduct the evaluation, when it will be conducted, and how the results will be used.

If the program popularity dips (as measured by attendance) the program will be refined in order to attract a larger group of youth.

DRAFT

**TOUCHSTONES
FORM 5003
(ADAPTED FROM OCFS)
INDIVIDUAL PROGRAM APPLICATION**
Program Summary-Program Components

*Refer to Touchstones Coding Document to complete.
Choose 1 code for each category listed below.*

IMPLEMENTING CONTRACTOR: Village of Tarrytown
PROGRAM TITLE: Tarrytown/Sleepy Hollow Camp

LIFE AREA: <i>(Enter Code & Description)</i>	2PEH
GOAL: <i>(Enter Code & Description)</i>	21
OBJECTIVE: <i>(Enter Code & Description)</i>	211
SOS: <i>(Enter Code & Description)</i>	0232
HOW MUCH: <i>(Enter Code & Description)</i>	0232A.1 # of youth enrolled
HOW WELL: <i>(Enter Code & Description)</i>	0232B.1 % of program staff trained in a feature of positive youth development
BETTER OFF: <i>(Enter Code & Description)</i>	0232C.1 # of youth that have demonstrated an increase in positive youth development outcomes (physical fitness and activity, nutrition, healthy decision making, social/emotional skills)

Use whole numbers when entering information for Gender, Ethnicity, Ages, and Target Population areas, **NOT percentages.** Please provide the best estimate in the spaces provided below.

PARTICIPANT GENDER:	MALE <u>85</u> FEMALE <u>64</u> TRANS-FEMALE (MALE TO FEMALE) _____ TRANS-MALE (FEMALE TO MALE) _____ GNC/NON-BINARY <u>1</u> CHOSE NOT TO ANSWER _____
ETHNICITY: <i>(Enter number of participants per ethnic group)</i>	WHITE _____ BLACK OR AFRICAN AMERICAN _____ HISPANIC OR LATINO _____ AMERICAN INDIAN OR ALASKAN NATIVE _____ ASIAN _____ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER _____ TWO OR MORE RACES _____ OTHER/NOT LISTED _____
AGES:	0-4 <u>60</u> 5-9 <u>80</u> 10-14 <u>10</u> 15-17 _____ 18-20 _____ 21+ _____
IS TARGET POPULATION SERVING DISCONNECTED YOUTH?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
IF "YES," PLEASE DESCRIBE:	_____

SCHEDULE "B"

For the Period of Operation: Jan 1, 2025 - Dec 31, 2025	Contract #: "To Be Assigned"
Agency/Municipality Name: Village of Tarrytown	Program Title: Tarrytown/Sleepy Hollow Camp

1. PERSONAL SERVICES

Position Title	Rate of Pay	Basis (H,W,BW, SM)	Total Program Amount	Total Funds Requested for this Program
[16] counselors X 30 hrs. X 6 weeks X 13.25/hr.	13.25/hr	30 hrs./ week	\$38,160	
directors salary	35.00/hr	30 hrs./week	\$6,300	
[2] camp specialist directors	17.48/hr.	20 hrs./ week	\$4,195	
TOTAL SALARIES AND WAGES			48,655	
TOTAL FRINGE BENEFITS				
TOTAL PERSONNEL SERVICES (1)			\$ 48,655	

2. CONTRACTED SERVICES AND STIPENDS

Type of Service or Consultant Title	Rate of Pay	Base (S,M,HR)	Total Program Amount	Total Funds Requested for this Program
TOTAL CONTRACTED SERVICES AND STIPENDS (2)			\$ -	

3. MAINTENANCE & OPERATION

Complete Attachment "E"	Total Program Amount	
TOTAL MAINTENANCE AND OPERATION (3)		

TOTAL PROGRAM AMOUNT \$ 48,655

TOTAL WCYB FUNDS REQUESTED \$ 48,655

List Other Funding Sources	\$ 48,655	Reimbursable Total
	\$ -	Municipal Funding
	\$ -	Other Sources

SCHEDULE "C"
STANDARD INSURANCE PROVISIONS
(Youth & Human Services)

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. The Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company Form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.web.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual,
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- i. Owned automobiles.
- ii. Hired automobiles.
- iii. Non-owned automobiles.

e) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy. (Limits of \$1,000,000.00 per occurrence/2,000,000 aggregate). This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:

- i. Misconduct
- ii. Abuse (including both physical and sexual)
- iii. Molestation

3. All policies of the Municipality shall be endorsed to contain the following clauses:

a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

DRAFT

SCHEDULE "D"
ELECTRONIC FUNDS TRANSFER (EFT)

	Westchester County • Department of Finance • Treasury Division	Authorization is: (check one) <input type="checkbox"/> New <input type="checkbox"/> Change <input type="checkbox"/> No Change
Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form		

INSTRUCTIONS: Please complete both sections of this Authorization form and attach a voided check. See the reverse for more information and instructions. If you previously submitted this form and there is no change to the information previously submitted, **ONLY** complete lines 1 through 6 of section 1.

Section I - Vendor Information

1. Vendor Name:										
2. Taxpayer ID Number or Social Security Number:		<table border="1" style="width:100%; height: 20px;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								
3. Vendor Primary Address										
4. Contact Person Name:		Contact Person Telephone Number:								
5. Vendor E-Mail Addresses for Remittance Notification:										
6. Vendor Certification: <i>I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.</i>										
Authorized Signature	Print Name/Title	Date								

Section II- Financial Institution Information

7. Bank Name:										
8. Bank Address:										
9. Routing Transit Number:		10. Account Type: (check one) <input type="checkbox"/> Checking <input type="checkbox"/> Savings								
<table border="1" style="width:100%; height: 20px;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>										
11. Bank Account Number:		12. Bank Account Title:								
13. Bank Contact Person Name:		Telephone Number:								
14. FINANCIAL INSTITUTION CERTIFICATION (required ONLY if directing funds into a Savings Account OR if a voided check is not attached to this form): <i>I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial Institution, I certify that this financial Institution is ACH capable and agrees to receive and deposit payments to the account shown.</i>										
Authorized Signature	Print Name / Title	Date								

(Leave Blank - to be completed by Westchester County) - Vendor number assigned

--	--	--	--	--	--	--	--

Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to:

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. **IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.**

SCHEDULE "E"
WESTCHESTER COUNTY YOUTH BUREAU
SAMPLE CORRECTIVE ACTION REQUEST

To: Program Contact: Organization Name:	From: Name of YB Program Monitor
Program Name:	Email:
Action Request Date:	
Action Due by:	

1st Notice

2nd Notice
Notice

Final

Monitoring of the abovementioned program has identified one or more areas where corrective action is required. Please see the item(s) checked below along with monitor notes for the appropriate plan of action. All requests for corrective action(s) must be addressed within 30 days of this notice.

- Monthly Statistical Report(s) are outstanding.
- Quarterly Statistical Report(s) are outstanding.
- Annual Report is outstanding.
- Failure to respond to site visit request(s).
- Failure to submit fiscal claim(s).

Program Monitor Notes:

RESOLUTION NO. ____ - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2025, entitled, "A LOCAL LAW amending the Westchester County Consumer Protection Code." The public hearing will be held at ____m. on the ____ day of _____, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A LOCAL LAW amending the County of Westchester Consumer Protection Code.”

Your Committee is advised that the Consumer Protection Code (the “Code”) was enacted in 1975, together with subsequent amendments, to establish an Office of Consumer Protection for the protection of all consumers in the County of Westchester, to establish just and uniform enforcement procedures, and to provide a method of administering all consumer complaints. Since that time, the Code has protected Westchester County residents from merchants engaging in deceptive or unconscionable trade practices, as defined by the Code, to ensure a level playing field between merchants and consumers.

Your Committee is further advised, for example, the Code prohibits a merchant from using false or misleading statements of fact to encourage a consumer to do business with that merchant, mandates clearly stamped or tagged pricing and expiration dates for perishable food, requires the posting of a merchant’s refund or exchange policy, requires provision of an easily accessible scale for pre-packaged foods and produce, provides for a cap on charges for towing a vehicle less than a mile, as well as other protections regarding consumer products and services. The Code also prohibits unconscionable trade practices in regards to the sale, lease, or rental of goods, products, or services, which seeks to take unfair advantage of a consumer.

Your Committee is informed that, in the twenty-first century, law-breakers have become more innovative in the ways in which they seek to take advantage of consumers. In response, the federal government in 2010, enacted a law prohibiting abusive conduct, in addition to deceptive practices, in the wake of the financial crises in 2007-08. Moreover, last year, New York State Governor Kathy Hochul unveiled her proposal to strengthen protections for consumers against unfair and abusive business practices, while noting that New York remains one of only eight states in the nation whose law fails to protect against such practices. While the County prohibits deceptive and unfair practices in the consumer industry, we believe that it is necessary for our local law to go further and also ban abusive practices to keep current with federal and state authorities.

You Committee is further informed that, according to Title 12, Section 5531 of the Federal Consumer Financial Protection Act, abusive practices concern situations where a merchant:

- (1) materially interferes with the ability of a consumer to understand a term of condition of a product; or
- (2) takes unreasonable advantage of (i) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service, (ii) the inability of the consumer to protect their interests in selecting or using a consumer product or services, or (iii) the reasonable reliance by the consumer on a merchant to act in the interest of the consumer.

According to guidance issued by the Federal Consumer Financial Agency, materially interfering may include actions that obscure, withhold, de-emphasize, render confusing, or hide information relevant to the ability of the consumer to understand terms and conditions. Evaluating whether a merchant is taking unreasonable advantage of a consumer involves an evaluation of the facts and circumstances to determine whether a particular transaction was unreasonable under the circumstances—in other words, a merchant should not receive a windfall due to a gap in understanding of the consumer, unequal bargaining power, or a consumer's reliance on a merchant to act in the consumer's best interest.

Your Committee notes that interference can take numerous forms, such as buried disclosures, physical or digital interference, overshadowing, and various other means of manipulating consumers' understanding. Taking unreasonable advantage of a consumer, for example, occurs when there are gaps in understanding which affect the consumer's decision in regards to the product or service, unequal bargaining power where a consumer lacks the practical ability to switch providers, seek more favorable terms, or make other decisions to protect their interests. In addition, interference may also include a consumer's reasonable reliance on a merchant to make a decision for them or advise them on how to make a decision where such merchant has communicated to the public that they will act in their best interest.

Your Committee further notes that the proposed amendments to the Code would close the gap between the deceptive acts and practices, against which the Code already protects, and abusive and unfair acts and practices referenced above. The proposed amendments would seek to ensure that there is no gap in understanding between a merchant and consumer as to the material terms or conditions of a product or service, that a consumer can adequately protect their own interest despite unequal bargaining power between a merchant and a consumer, and that a consumer may reasonably rely on a merchant who holds themselves out as acting in the best interest of consumers.

Your Committee further notes that the proposed amendments work to update the Code, recognizing the experience gained by the Office in the last several years in regards to enforcement and the changes within the field of consumer protection. For example, the proposed amendments strengthen the Office's ability to enforce the Code, by authorizing the Office to promulgate rules and regulations to streamline the process for enforcement (currently, the Code allows for rules and

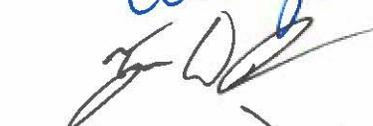
regulations in some areas and not others), raising the minimum and maximum penalties for violations, and closing gaps in regulation—the goal being to deter violations and, alternatively, have the ability to seek redress for consumers. The proposed amendments also modernize the Code’s existing language in recognition of the changes within the consumer protection industry.

Your Committee is advised that the proposed amendments do not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2025, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends adoption of this Local Law.

Dated: May 19, 2025
White Plains, New York

Margaret A. Cijer

Guiguan Ullg

Benjamin Boyfent
David Orman


Guiguan Ullg

Benjamin Boyfent
~~David Orman~~
Call Park 01

jsw (14-30-25)

Legislation

COMMITTEE ON

Economic Development

A LOCAL LAW amending the
Westchester County Consumer
Protection Code.

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

Section 1. Chapter 182 of the Laws of Westchester County is hereby amended to read as follows:

Chapter 182 - CONSUMER PROTECTION

...

Sec. 182.61. - Powers and duties of the Director and Sealer.

In addition to any powers and duties set forth in the Administrative Code or the Consumer Code, the Director and Sealer shall have the following powers and duties:

1. To authorize the issuance of subpoenas to compel the attendance of witnesses and require the production of books, records, papers, documents, physical exhibits and other evidence which the Director or Sealer deems relevant in connection with an investigation or hearing. Such subpoena shall be issued in the manner and form approved by the County Attorney;
2. In connection with any investigation, to administer oaths and affirmations, take testimony, examine witnesses, receive evidence and preside over or conduct such investigation;
3. In connection with any hearing before a hearing officer, to prosecute any claim of violation of the Consumer Code at such hearing and to request the assistance of the County Attorney pursuant to Section 158.11 of this Charter in connection therewith;
4. To act upon consumer complaints presented to him or her pursuant to procedures set forth in Chapter 277, Article VIII, of the Administrative Code or recommended by the board; to issue summonses and participate in hearings before the hearing officer;

5. To make such investigations concerning consumer affairs as the Board may direct or as the Director or Sealer may determine pursuant to Chapter 277, Article VIII, of the Administrative Code, including but not limited to the rights of the Director or Sealer, or their duly authorized agents, to enter any retail or commercial establishment for the purpose of making any investigation, examination or inspection that he may deem necessary to carry out the duties of his office, including the enforcement of the provisions of Chapter 863 of the Laws of Westchester County;
6. To request the County Attorney to maintain an action or proceeding in the name of the county in a court of competent jurisdiction to compel compliance with an order of the Director or Sealer or a hearing officer, to enforce a consent decree or agreement pursuant to Section 277.201 of Article VIII of the Administrative Code, and/or to restrain by injunction a violation of the Consumer Code. The foregoing relief shall be in addition to but not in limitation of any other provisions provided herein or in the Administrative Code or the Consumer Code for a penalty or any other punishment for such violation;
7. To negotiate, subject to Chapter 277, Article VIII, of the Administrative Code, the settlement of consumer complaints including consent decrees or agreements;
8. To enforce all the provisions of the Consumer Code, without limiting the power granted hereunder or in Chapter 277, Article VIII, of the Administrative Code, the Director or Sealer may request the County Attorney to file a civil complaint in the name of the county in the court of competent jurisdiction or refer any evidence gathered by the Director or Sealer to the appropriate federal, state or local law enforcement office or agency;
9. To conduct hearings, fix penalties and make other dispositions upon a finding of a Consumer Code violation, or make referrals to other appropriate agencies or officers, as authorized by the Administrative Code;

10. To collect on behalf of the county all penalties imposed by order of the Director or Sealer or a hearing officer upon any person found to have violated any provision of the Consumer Code. The term "person," as used in this chapter, shall include, without limitation any individual firm, association, joint venture, copartnership, group or corporation, or any other legal entity whatsoever;
11. To assist, develop and conduct programs of consumer education and information.
12. To establish administrative rules and procedures to carry out the provisions of this Chapter, Chapter 277, and Chapter 863 in conformity with the provisions thereof.

Section 2. Chapter 277 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.151. - Complaints, hearings and appeals.

1. The Director or Sealer shall have the power at his own initiative or upon direction of the Consumer Policy Board to investigate and issue a summons to any person for violating the Consumer Code or any other local law relating to consumer protection. Such summons in the form of an appearance ticket shall give notice of the alleged violation and shall set forth the time and place of the hearing on such complaints, which shall not be less than eight days following service of the summons. Such hearing shall be held before the Director or Sealer unless the person complained of shall request a hearing before a hearing officer as provided in subdivision of this section. However, the Director or Sealer shall have the right, in his or her discretion, to proceed directly to a hearing before a hearing officer if notice of the Director's or Sealer's intention to do so is given in the summons.

2. The person complained of shall have the right: (1) to subpoena witnesses to attend at any hearing held pursuant to this section using process issued by the Director or Sealer as provided in Section 182.61 of the County Charter; and (2) to request a hearing before a hearing officer. Such hearing officer shall be an attorney or a person with appropriate experience in consumer affairs and appointed by the Director or Sealer from a list of hearing officers previously approved by the board. Such hearing officer shall be compensated at a rate of \$125.00 per hour, not to exceed \$750.00 per day. Notwithstanding the provisions of this section, a hearing on a complaint alleging a violation of Subdivision 1 of Section 863.328 of the Consumer Code shall be held before the Director or Sealer or the designee of the Director or Sealer in accordance with Subdivision 3 of Section 863.328 of the Consumer Code.

3. The Director or Sealer may, where no hearing before a hearing officer is requested, conduct a hearing and, in addition to his or her other powers, including but not limited to the right to commence a criminal proceeding pursuant to Section 277.181 hereof, either dismiss the complaint as not proven by a preponderance of evidence, seek an adjustment or consent agreement or decree, fix a penalty or provide, among other things, for restitution, replacement, repair, cessation of harassment, or disapproved business conduct, upon a finding of a Consumer Code violation; to request the County Attorney to institute appropriate proceedings in a court of competent jurisdiction as provided in Chapters 182 and 277, Article VIII of the Laws of Westchester County; to refer the complaint to a hearing before a hearing officer; or refer the matter to the District Attorney or other proper officer or agency for appropriate action in the Director's or Sealer's discretion.

4. Whenever a hearing is to be held before a hearing officer, such officer shall have the power to dismiss the complaint as not proven by a preponderance of evidence, fix a penalty or provide,

among other things, for restitution, replacement, repair, cessation of harassment, or of disapproved business conduct, upon a finding of violation of the Consumer Code.

5. In any hearing conducted hereunder, the Director, Sealer or hearing officer shall, consistent with the requirements of due process, hear testimony and examine such exhibits as may be offered and received in evidence, but shall not be required to follow strict rules of evidence. At the close of the hearing and after full opportunity to be heard has been afforded all parties, the Director, Sealer or hearing officer shall file a decision with the board setting forth findings and conclusions, as well as the reasons or basis thereof, and an appropriate order. In addition to the requirements of this section, all hearings shall be conducted in accordance with such other rules and regulations as may be recommended by the Consumer Policy Board, as provided in Section 182.31 of the County Charter. The final order of the Director, sealer or hearing officer may be appealed to a court of competent jurisdiction by the commencement of a proceeding within 30 days after service of said order upon the aggrieved party.

6. The provisions of this section shall apply to any proceedings to enforce or compel compliance with the various consumer provisions of the Laws of Westchester County heretofore or hereafter enacted.

...

Sec. 277.171. Enforcement, violations and civil penalties.

1. The hearing officer may impose for each proven violation of the code or for failure to comply with any order made pursuant thereto a civil penalty not to exceed \$5,000.00~~\$1,000.00~~. Each day that such violation or failure continues shall constitute a separate offense for which a penalty may be assessed. Any person found by the Director or Sealer or the designee of the Director or Sealer to be in violation of subdivision 1 of Section

863.313 of the Consumer Code shall be liable for a civil penalty not to exceed ~~\$5,000.00~~~~\$1,000.00~~ for the first violation; not more than ~~\$10,000~~ \$5,000.00 for the second violation within a five-year period; and not more than ~~\$15,000.00~~ ~~\$10,000.00~~ for the third and all subsequent violations within a ten-year period. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty imposed by law. The penalty imposed hereunder and the reasonable costs and expenses attendant to its collection shall be recoverable from the offender in the same civil action brought by the County Attorney in the name of the County of Westchester;

2. The County Attorney in the name of the county may, upon request of the Consumer Policy Board, the Director or the Sealer, in addition to any other action authorized hereunder, maintain an action or proceeding in a court of competent jurisdiction to compel compliance with an order of the Director, Sealer or a hearing officer, to enforce a consent decree or agreement pursuant to Section 277.201 of this Chapter, or to restrain by injunction a violation of the Consumer Code. The foregoing relief shall be in addition to but not in limitation of any other provision of the Laws of Westchester County authorizing a penalty or other punishment for such violation;
3. Failure to comply with a subpoena duly issued as provided in section 182.61 of the County Charter shall be punishable by a civil penalty not to exceed \$500.00.

Sec. 277.181. Criminal procedures and penalties.

The Director or Sealer may commence a criminal proceeding for a violation of the Consumer Code by filing a criminal complaint in a court of competent jurisdiction. Conviction for violation of any provision of the Consumer Code in the case of a first offense shall constitute a violation punishable by a fine of not less than ~~\$100.00~~ ~~\$25.00~~ and not more than ~~\$5,000.00~~~~\$1,000.00~~.

Conviction for violation of any provision of the Consumer Code committed by a person (including,

without limitation any individual, firm, association, joint venture, partnership, group or corporation or any other legal entity whatsoever) previously convicted of a violation of said code shall constitute a violation punishable by a fine of not less than ~~\$250.00~~ ~~\$400.00~~ nor more than ~~\$10,000~~ ~~\$2,500.00~~ or by imprisonment for a term not to exceed 15 days, or by both fine and imprisonment.

Section 3. Chapter 863 of the Laws of Westchester County is hereby amended to read as follows:

Chapter 863 CONSUMER PROTECTION CODE

ARTICLE I. SHORT TITLE, DEFINITIONS, APPLICATIONS, MISCELLANEOUS

Sec. 863.01. Short title.

This Code shall be known as the “County of Westchester Consumer Protection” Code and is also referred to in the laws of Westchester County as “Consumer Protection Code” or “Consumer Code.”

Sec. 863.11. Definitions.

As used in this code, unless the context otherwise requires, the term:

1. *Consumer goods* means goods sold by retail merchants and which are intended to be used by consumers primarily for personal, household or family purposes, and includes, but is not limited to, furniture, household furnishings, items commonly known as appliances and automobiles.
2. *Consumer services* means services which are primarily for personal, household or family purposes, including home improvement repairs and additions.

3. *Consumer credit and debt* shall include but not be limited to, consumer loans, retail charge accounts, credit cards, home mortgages and retail installment contracts, obligations and agreements.
4. *Consumer* means a purchaser, lessee or borrower or a prospective purchaser, lessee or borrower of consumer goods, services or credit, including a co-obligor or surety or a person for whose use or benefit a consumer acquired or obtains such goods, services or credit.
5. *Merchant* means a seller, lessor, creditor or an agent or employee of any seller, lessor or creditor or any other person who makes available, either directly or indirectly, goods, services or credit to consumers. "Merchant" includes, without limitation, manufacturers, wholesalers and any other person who is responsible for any act or practice prohibited by this code.
6. *Person* shall include without limitation any individual, firm, association, joint venture, co-partnership, group or corporation or any other legal entity or combination of entities whatsoever.
7. *Deceptive trade practices.* Any false, falsely disparaging or misleading oral or written statement, visual description or other representation of any kind made in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in the extension of consumer credit, or in the collection of consumer debts, which has the capacity, tendency or effect of deceiving or misleading consumers. Deceptive trade practices include but are not limited to:
 - a. Representations that goods or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or qualities that they do not have; the merchant has a sponsorship, approval, status, affiliation or connection that he does

not have; goods are original or new if they are deteriorated, altered, reconditioned, reclaimed or secondhand; or, goods or services are of a particular standard, quality, grade, style or model, if they are of another;

- b. Disparaging the goods, services or business of another by false or misleading representations of material facts or by failure to state a material fact;
- c. Offering goods or services with intent not to sell them as offered;
- d. Advertising goods or services for sale when a merchant does not have available a sufficient quantity thereof to supply reasonably anticipated public demand except upon compliance with section 863.191 hereof, unless the offer discloses limitations of quantity by stating the specific number of each item offered or, in the case of a bona fide “closeout” sale, the purpose of which is to sell out an existing inventory of non-replaceable goods, by stating the nature and purpose of such sale, together with a statement that quantities are limited;
- e. Making false or misleading representations of fact concerning the reasons for, existence of or amount of price reductions or price in comparison to prices of competitors, the manufacturer’s suggested price, wholesale price, generally accepted price or one’s own price at a past or future time;
- f. Making false or misleading representations of fact or failing to state a material fact concerning the warranties, consumer rights, remedies or obligations involved in a consumer transactions;
- g. Falsely stating that services, replacements or repairs are needed;
- h. Making false or misleading representations of fact, or, except, upon compliance with section 863.191 hereof, failing to state a material fact concerning the existence of,

amount of, or supplying of goods or services at sale of discount prices or at no additional cost;

- i. Representations of the selling price of consumer goods or services in written or printed displays or advertisements which appear on signs placed in windows facing, or otherwise visible from, the outside of the business to which they refer which do not state the unit of measure in written or printed figures which are clearly visible and which occupy, in no case, less than twenty-five (25) percent of the area used to indicate the selling price on such signs;
- j. ~~Failing to disclose on each~~Failing to provide a sales slip, receipt, contract or other memorandum of sales for goods or services that disclose the true full name or names or the legally registered name and legal address under which a merchant transacts business, the service provided, and the total amount charged therefor. All sales slips, receipts, contracts or other memoranda of sales shall be legible and clear to the consumer;
- k. Displaying gasoline prices in a manner which fails to include and make plainly visible to the consumer of the difference, if any, between the price per gallon for payment by cash, debit or credit. For example, a sign which only reveals the price per gallon for a cash payment, but fails to include and make plainly visible the price per gallon for payment by debit or credit when a difference in price exists, shall constitute a deceptive trade practice. However, a sign which does not distinguish between the price per gallon for payment by cash and payment by debit or credit shall not be considered a deceptive trade practice only if the price per gallon is the same regardless of the form of payment.

8. *Unconscionable trade practice.* Any act or practices in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in connection with the extension of any consumer credit, or in the collection of consumer debts which takes unfair advantage of the lack of knowledge, ability, experience or capacity of a consumer, or results in a gross disparity between the value received by a consumer and the price paid to the consumer's detriment or results in gross disparity between the rights and remedies of a consumer and the rights and remedies of the merchant to the consumer's detriment. In determining whether a trade practice is unconscionable, the following factors among others shall be considered:
- a. Knowledge by a merchant who engages in the act or practice that the consumer will not receive reasonably anticipated benefits from the goods or services involved.
 - b. Gross disparity between the price of goods or services and their value measured by the price at which similar goods or services are readily obtained from another merchant.
 - c. The fact that the acts or practices may enable a merchant to take advantage of the inability of a consumer reasonably to protect his interests by reason of physical or mental infirmities, illiteracy or inability to understand the language of the agreement, ignorance or lack of education or other similar factors.
 - d. The degree to which terms of the transaction require consumers to waive legal rights.
 - e. The degree to which terms of the transaction require consumers to jeopardize money or property in addition to the price of goods or services or the amount of credit or debts which are the subject of the transaction.

9. Abusive trade practice. An act or practice that materially interferes with the ability of a consumer to understand a term or condition, in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in the extension of consumer credit, or in the collection of consumer debts, or takes unreasonable advantage of (a) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service; (b) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or (c) the reasonable reliance by the consumer on a merchant to act in the interests of the consumer.
10. Unfair trade practice. An act or practice that causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers, in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in the extension of consumer credit, or in the collection of consumer debts; and such substantial injury is not outweighed by countervailing benefits to consumers or to competition. In determining whether an act or practice is unfair, the Director or the Sealer may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.
11. 9- Sealer. The Westchester County sealer of Weights and Measures or County Director of Weights and Measures.
12. 10- Director. The Westchester County Director of the Office of Weights and Measures-Consumer Protection.

13.44. *Computer-assisted checkout system* means any electronic device, computer system or machine which determines the selling price of a stock-keeping item by interpreting its universal product code, or by use of its price look-up function.

14.42. *Department* means the Westchester County Department of Weights and Measures-Consumer Protection.

15.43. *Retail store* means a store which sells consumer commodities at retail, which store is not primarily engaged in the sale of food for consumption on the premises. An establishment which sells consumer commodities only to its members shall be deemed to be included within this definition unless the members pay a direct fee to qualify for membership and the establishment is not required to collect sales tax on transactions with members, pursuant to Article 28 of the Tax Law.

16.44. *Shelf price* means the tag or sign placed by an authorized person at each point of display of a stock keeping unit, which clearly sets forth the true and actual price of the stock keeping item.

17.45. *Retail area* means the area designated in a retail store to display and sell products, provide customer service and checkout. The retail area does not include the storage area, back rooms, stock area, maintenance areas or other locations which are not intended to be accessible to consumers.

...

ARTICLE II. DECEPTIVE, ~~OR~~ UNCONSCIONABLE, ABUSIVE, OR UNFAIR TRADE PRACTICES

Sec. 863.61. Practices prohibited.

It shall be a violation for any merchant to engage in any deceptive, ~~or~~ unconscionable, abusive, or unfair trade practices as defined in Article I of this Code.

ARTICLE III. LABELING/POSTED PRICES

Sec. 863.71. Item price marking—Advertised prices.

1. The selling price shall be clearly stamped, tagged, labeled or otherwise marked in arabic numerals on each item of consumer goods offered for sale within Westchester County unless a waiver is granted pursuant to terms and conditions set forth in § 863.72 below.
2. The provisions of subdivision 1. of this section shall not apply to the following consumer goods provided the selling price and the unit of measure is plainly and clearly displayed in arabic numerals on a sign, clearly designating the particular consumer goods to which it refers, located as close as practicable, and closer than any other sign, to the location at which the goods are displayed:
 - a. Fresh milk.
 - b. Fresh eggs.
 - c. Items such as gum, candy and cigarettes offered for sale in single packages.
 - d. Food sold for consumption on premises.
 - e. Food or other goods sold from vending machines operated by the consumer.
 - f. Fresh produce which is not packaged prior to sale; displayed for sale in bulk; and is either packaged for or by the consumer at the time of sale.
 - g. Nonfood consumer goods which are not packaged prior to sale; displayed for sale in bulk; and are either packaged for or by the consumer at the time of sale.
 - h. Nonfood consumer goods offered for a period of seven days or less on sale in good faith at a price below the price such commodities are usually sold for in the store, provided

that the sale price is clearly indicated to the consumer at both the point of display of such goods and at the point of sale.

- i. Nonfood consumer goods which are subject to uniform, across-the-board price changes in the ordinary course of business, and which are customarily marked in good faith with either an alphabetic or color code referring directly to the corresponding numerical prices displayed on signs; provided, however, that such corresponding price signs are clearly visible to the consumer at both the point of display and at the point of sale of said goods.
3. It shall be a violation of this code:
- a. To stamp, tag, label or otherwise mark any item of consumer goods at a selling price greater than the selling price advertised or displayed for that item.
 - b. To stamp, tag, label or otherwise mark more than one selling price upon an item of consumer goods offered for sale in Westchester County unless the prior selling price is unmistakably deleted or obliterated or is otherwise marked so as to indicate clearly the prior selling price is not the current selling price.
 - c. To sell or offer for sale any consumer goods or services at a greater price than the price displayed or advertised therefor.
 - d. To sell or offer for sale any consumer goods which do not have a selling price marked thereon or which do not have a selling price displayed in conformity with subdivisions 1. or 2. of this section.
 - e. To offer services without a posted selling price at a retail location. All services offered shall have a selling price clearly and conspicuously posted near the point of sale and on any printed or electronic advertisement for said services.

- ef. To add an additional fee to any transaction for consumer goods or services, beyond sales tax, and fail to provide adequate and reasonable notice of said fee during the transaction, including but not limited to the point of sale, price displays, signage and menus, and further, only adding said fee to bill or receipt at end of the transaction shall not be deemed adequate notice.
- g. Any additional fee beyond sales tax, including fees for non-cash transactions must be disclosed within the posted or labeled selling price of any commodity or service to which the surcharge may apply.

Sec. 863.72. Waiver from Item Price Marking.

1. Every retail store which uses a computer-assisted checkout system and which would otherwise be required to price mark each item as provided in § 863.71 above may make an application, in writing, to the Department of Weights and Measures - Consumer Protection for a waiver of the item pricing requirement. Retail stores that are required by the law of their local jurisdiction to price mark each item are not qualified to apply for a waiver. A separate application shall be required for each qualified retail store. Each application shall be subject to a non-refundable waiver fee based upon the square footage of the retail area of each store as set according to the following schedule:

Store's Square Footage of Retail Area	Waiver Fee
Under 3,000 square feet	\$500.00
Between 3,001 and 10,000 square feet	\$1,000.00
Between 10,001 and 30,000 square feet	\$3,000.00
Between 30,001 and 90,000 square feet	\$5,000.00
Over 90,000 square feet	\$15,000.00

2. Upon receipt of an application and fee as provided in subsection 1 above, the Department shall cause to be conducted a scanner count, location and accuracy inspection of the store for which the application has been submitted. At stores with a retail area in excess of 10,000 square feet, a minimum of 100 stock keeping units shall be checked at inspection. At stores with a retail area of 10,000 square feet or less, a minimum of fifty stock keeping units shall be checked. If the number of stock keeping units found to be in violation does not exceed 2% of those stock keeping units inspected, the Department shall grant to the applicant a one-year revocable waiver from the item pricing requirement set forth in § 863.71 above.
3. In the event that total violations in excess of 2% are discovered in the inspection process, the Department shall not grant a waiver to the applicant. Such a store may, within 10 business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed 2% of those stock keeping units inspected, the Department shall grant to the applicant a one-year revocable waiver for the item pricing requirement.
4. Stores whose waivers are revoked pursuant to subsection 8 or stores which, upon renewal for a waiver, fail the scanner accuracy inspection(s) twice must comply with item pricing as set forth in § 863.71 within 30 days from the final date of failure. Such a store will be prohibited from applying for a new waiver for one year from the date of revocation or second inspection failure.
5. Waivers shall be valid for a period of one year from the date of issuance, at which time the waiver shall expire. Stores must reapply annually for renewal. The waiver fee and inspection shall be required for each annual renewal application, as required for an original waiver application.

6. In the event that the Department is unable to conduct an inspection within 45 days of receipt of a completed application with the appropriate fee, then the Department will issue a temporary waiver pending the completion of the inspection process. The Department shall cause an inspection to be completed as soon as practicable. If, upon completion of an inspection, there is a violation rate not to exceed 2%, then the Department shall issue a permanent waiver with an expiration date of one year from the date of the issuance of the temporary waiver. If, upon completion of an inspection, there is a violation rate in excess of 2%, the temporary waiver shall be immediately revoked. Nevertheless, the store may, within 10 business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed 2% of those stock keeping units inspected, the Department shall grant to the applicant a one year revocable waiver for the item pricing requirement from the date of the issuance of the temporary waiver. If the store does not request a second inspection or if the store fails the second inspection, then the store must comply with the item pricing requirements set forth in § 863.71 above.
7. As a condition of the waiver from item pricing, each store must agree to meet all of the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:
 - a. In addition to scanners at the point of sale, the store shall make available price check scanners to enable consumers to confirm the price of stock keeping items. These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering to identify the units to the consumers. Stores will submit their proposed sign and device locations to the sealer for approval. In stores with multiple floors, there shall be at least one price check scanner conveniently located on each floor of the store.

The number of conveniently located price check scanners shall also be dependent on the store's retail area:

Store's Retail Area	Price Check Scanner
Under 1,500 square feet	No price check scanners necessary but only if an item will be scanned for the price, upon the request of a consumer.
Under 3,000 square feet	1
Between 3,001 and 10,000 square feet	2
Between 10,001 and 30,000 square feet	3
Over 30,001 square feet	Minimum of three and such additional price check scanners as the sealer may deem appropriate; and
<u>Between 30,001 and 90,000 Square feet</u>	<u>4</u>
<u>Over 90,001 square feet</u>	<u>6</u>

- b. Stores must also have a shelf price for each stock keeping item which is visible to the consumer and which is located directly under the item on the shelf on which the item is displayed; or if the item is not conspicuously visible to the consumer, by a sign or list conspicuously placed near the point of procurement. Failure to display the shelf price for a stock keeping item shall constitute a violation. The sealer may specify standard shape, typeface, placement and format of shelf prices and may set other requirements to ensure the readability of shelf prices and the ability of consumers to identify which shelf price

applies to each stock keeping item. This subdivision shall not be construed to diminish the requirements of section 214-h of the New York State Agriculture and Markets Law, but shall be in addition thereto. In the event of a conflict, the provisions of the New York State Agriculture and Markets Law shall control.

- c. The store shall not charge any customer a price for any stock keeping items which exceeds the item, shelf, sale or advertised price, whichever is less; and
- d. The store shall make prompt payment to consumers who have been overcharged and shall correct all pricing errors identified by consumers.

8. The Director or sealer may revoke a waiver from item pricing for any of the following reasons:

- a. Failure to comply with any provisions of this Chapter;
- b. Deliberate overcharging of any consumer; or
- c. Material misrepresentation in the application for a waiver.

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ARTICLE IV. RETAIL SALE, RENTAL AND REPAIR OF GOODS

Sec. 863.91. Concealment of prices, defects, etc., prohibited.

Each of the following shall be a violation of this code in the sale, rental or repair of consumer goods and/or the sale of consumer services:

- 1. To sell or deliver any defective consumer goods with knowledge of such defect or in circumstances in which the merchant should have known thereof, unless each item is plainly marked as defective and the nature of the defect is clearly shown or stated;
- 2. In any sale or lease or offering for sale or lease of consumer goods which are not new, to advertise such goods without disclosing that they are not new. Words such as "used," or,

where applicable, "antique," "demonstrator's floor model," "rebuilt," "renovated," "restyled" or "remodeled" may be used to indicate that the goods are not new. "Floor model" shall be defined as any item which is sold from the floor or a display in a particular case but which is not regularly sold from the floor or from such a display. (Example, a sofa which is displayed but which is not regularly sold from the display must in that case be disclosed to be a "floor model". A pair of pliers or other similar tool which is regularly sold from the display in a hardware store need not be described as a "floor model");

3. It shall be a violation of this code:

- a. To utilize any register, machine or any other device for the purpose of itemizing or totaling consumer sales which does not display on at least one side visible to the consumer, of said register, machine or device, the cost of each item purchased plus the tax and total cost of all items purchased;
- b. To cause, allow or approve the blockage, obstruction or concealment from the view of a consumer of any display required in subdivision 3.a. of this section;
- ~~c. No violation of subdivision 3.a. of this section shall be found in any case of any register, machine or device which was either located within the County of Westchester prior to September 8, 1975, or contracted for prior to said date for location within the County of Westchester and thereafter installed in the county, and only if the merchant gives to each consumer at the time of the transaction utilizing such register, machine or device an itemized sales slip designating in words each item purchased and the cost thereof, plus the tax and the total cost of all items purchased;~~

~~c.d.~~ The requirements of this section shall not apply to consumer sales totaling under \$2.00;

4. To cause, allow or approve the blockage, obstruction or concealment from the view of the consumer of any scale, machine, weighing device or part thereof used to weigh or indicate

the weight of consumer goods offered for sale to consumers in Westchester County. As used herein, the meaning of the terms “blockage, obstruction, concealment” shall include but not be limited to: the placing of any merchandise, display, partition, or counter within 18 inches of the top or side of a weighing device; or any act which prevents the consumer from viewing the items weighed and the indication of the weight of that item. This subdivision shall not apply to weighing devices used to indicate the weight of consumer goods packaged by the merchant in advance of being sold, offered for sale or exposed for sale, where such consumer goods have affixed to the package a label clearly indicating the weight of the goods;

5. When food or food products are packaged or wrapped for sale by the retailer in advance of being sold, offered for sale or exposed for sale, or whenever meat, poultry or fish in containers are sold, offered for sale or exposed for sale, to fail to provide and maintain an accurate computing scale of adequate capacity for use by the consumer. This computing scale shall be sealed by the Director or the Westchester County scaler of Weights-Measures according to the provisions of the Agriculture and Markets Law of the State of New York, ~~and shall not be placed or set more than 30 feet from the prepackage display counter so as to be easily available to consumers.~~ A prominent and conspicuous sign, clear of all obstructions, shall be displayed as close as practicable, and closer than any other sign, to the location of said scale, such sign to read “For Customer Use”;
6. To fail to give notice by a sign prominently displayed at each cash register, totalizer or at the place where the transaction or sale is culminated of the existence of any present policy regarding refunds, credit or exchange on unused goods. This section shall not apply to the sale of food items, perishable items, items sold “as is” or special sale items;

7. To sell or offer for sale any milk product or other perishable foods sold in containers, but excluding therefrom packaged fresh fruit and fresh vegetables, unless there is stamped, printed or otherwise plainly and conspicuously marked on the top cover or principal panel of its container, or any label affixed thereto, a statement that it is not to be sold after a clearly specified date. In all cases where such date is mandated by this section, the only date which shall be affixed to the product is the date of the final day of sale and shall consist of the month and the day;
8. To sell or offer for sale any milk product or other perishable foods sold in containers, excluding packaged fresh fruit and fresh vegetables on a date after that marked as the final day of sale, except that outdated perishable food products may continue to be sold provided that they are physically separated from perishable food products which are not outdated and are identified as outdated perishable food products by a sign posted conspicuously at the point of sale;
9. To sell or offer for sale fresh ground beef unless the percentage of beef fat is stated; ~~meat as hamburger unless it shall consist of chopped fresh or frozen beef with or without the addition of beef fat. Hamburger designated ground sirloin or ground round shall contain no more than 20 percent beef fat and hamburger designated ground beef, ground meat or ground chuck shall contain no more than 25 percent beef fat~~;
10. To refuse reasonable requests to sell to a consumer, when practicable, food items in smaller quantities than those that are prepackaged by the retailer.

ARTICLE V. FUTURE SERVICE CONTRACTS

Sec. 863.141. Definition of contracts.

A “contract for future consumer services” is any contract which includes a provision for consumer services to be rendered in the future on a continuing basis including, but not limited to, computer ~~classes~~schools, technology classes, or schools, health spas or gyms, home study school and courses or dance studios, except that future services shall not mean, nor include:

1. Boarding accommodations; or
2. Travel arrangements contracted for less than a year in advance; or
3. Contracts which incorporate warranties of service or repair given in conjunction with appliances or other goods, where the sale of goods is the primary object of the contract; or
4. Services by a public or private nonprofit educational institution, i.e., a college or university chartered by the University of the State of New York or the Board of Regents of New York State, secondary school and elementary school, a nursery school or kindergarten.

Sec. 863.151. Cancellation clauses.

It shall be a violation for any merchant to communicate orally or in writing to the consumer that any contract for future consumer services sold by him is noncancellable or not subject to cancellation or to use words of similar meaning or import. Nothing in this section or in section 863.161 shall preclude any person from communicating to a consumer that the consumer may be liable to the merchant for damages if he breaches or cancels a contract.

Sec. 863.161. Collection of fees limited; cancellation requirements.

1. It shall be a violation for any merchant who sells future consumer services or collects consumer debts to contract for, receive or demand, in the event of cancellation by the consumer of such a contract for future service, more than a total of:
 - a. Ten percent of the cash price, but not to exceed ~~\$250.00~~\$100.00; and
 - b. A pro rata portion of the total price, representing the proportion of services used or completed up to 25 percent of the time or lessons contracted for. The proportion of

services used or completed shall include the time or lessons missed prior to cancellation;
and

- c. The cost to the merchant of any ancillary goods which the consumer has used or has retained after cancellation of the contract.

2. Cancellation shall occur:

- a. When the consumer mails to the merchant notice of his intention to cancel; or
- b. Where the consumer fails to attend consecutive scheduled classes or lessons constituting at least 25 percent of the total lessons or time contracted for, without informing the merchant in writing that he intends to remain enrolled.

3. The contract forms used by the merchant shall conspicuously disclose the merchant's cancellation provisions in compliance herewith.

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ARTICLE VII. CONSUMER CREDIT

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Sec. 863.216. Removal of vehicles.

1. Where the operator of a towing truck removes an unattended motor vehicle from privately-owned real property under the direction of the owner or an individual acting on behalf of the owner of such property, said operator shall immediately notify the police agency having jurisdiction at the site of such removal. Said towing truck operator shall be entitled to charge the owner of such motor vehicle for removal and any storage in accordance with the following rate schedule:
 - a. A charge of up to \$65.00 may be imposed if vehicle is towed for distance of one mile or part thereof.

- b. An additional charge of up to \$1.50 per mile may be imposed for each additional mile or part thereof.
 - c. Storage charges shall be at the rate of not more than \$5.00 for each 24 hours or part thereof. All vehicles must be stored on the premises of the towing operator, unless a waiver is granted by the County Department of Weights and Measures-Consumer Protection.
2. This section shall apply to any vehicle registered as a passenger vehicle and to any commercial vehicle not exceeding three tons gross weight, as determined by the vehicle's registration document. The towing of those commercial vehicles, for which the maximum permitted towing and storage charges do not apply, remains subject to Article II, § 863.61 of the Consumer Protection Code prohibiting deceptive or unconscionable trade practices.
 3. A receipt reflecting all charges shall be provided to the vehicle owner or person(s) to whom the vehicle is released.

Sec. 863.217. Booting of vehicles.

1. Where the operator of a booting service places a booting device on an unattended motor vehicle parked without authorization on privately-owned real property under the direction of the owner or an individual acting on behalf of the owner of such property, said operator shall immediately notify the police agency having jurisdiction at the site where such booting device was affixed, clamped or locked on a motor vehicle, in the manner prescribed by subsection (2) of this section. Said operator shall only be entitled to charge the owner of such motor vehicle the maximum fee of \$65.00 for the placement and removal of such booting device.
2. The operator of a booting service shall immediately notify such police agency as required by subsection (1) of this section, by either of the following means at the discretion of said

operator: by personal appearance at a station house or other office of such police agency; or by telephone. Such notification may also be made by facsimile transmission or electronic mail, provided that such police agency, in its discretion, provides the information necessary to receive notification by facsimile transmission or electronic mail. Said operator shall provide such police agency with all relevant information, including, but not limited to: the name and address of the booting service operator; the description and license plate number of the motor vehicle upon which the booting device was placed; and the time and location of booting.

3. A receipt reflecting all charges shall be provided to the vehicle owner or person(s) to whom the vehicle is released.

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ARTICLE XI. CONTROL AND REGULATION OF DEALERS OF SECONDHAND GOODS

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Sec. 863.244. Application for license or renewal; fee required.

1. An application for a license to be a secondhand dealer shall be made by the owner, or operator if different from the owner, on forms provided by and filed with the office of sealer or Director (hereinafter referred to in this Article as the "office"). The application shall contain the following information:
 - a. Name and description of the applicant's business enterprise. Individuals operating under a trade name shall present a certified copy of the trade name certificate filed with the New York State Department of State. A partnership conducting business, whether or not under a trade name, shall submit a certified copy of the partnership certificate which was filed in the New York State Department of State's office when the partnership was formed. A corporation shall furnish a copy of its certificate of incorporation, as well as

- its certificate of good standing and, if a foreign corporation, its application for authority to do business in New York State;
- b. The applicant's legal address and address of all places of business within Westchester County and the name and address of a designated agent for service of process;
 - c. A description of the nature of the business to be conducted and/or being conducted by the applicant in Westchester County;
 - d. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to the use of said premises;
 - e. A statement that the applicant is at least 18 years of age; and
 - f. A statement as to whether or not the applicant has, within the past ten years, been convicted of a crime, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.
2. Such application for a license shall be accompanied by a non-refundable application fee of \$250.00. If a license hereunder shall be lost, stolen, or destroyed; a duplicate may be issued by the office upon; (a) the filing of an affidavit satisfactorily explaining the facts of such loss or theft; and (b) the payment of a \$50.00 fee for each duplicate copy.
 3. The process to obtain a duplicate license for an additional establishment owned or operated by the applicant shall be the same as described in subsections 1. and 2. of this section.
 4. Licenses shall expire annually after the date of issuance. Every license may be renewed upon payment of the required renewal fee in the amount of \$200.00, and filing a renewal application with the office no earlier than 60 days, and no later than 15 days before the license is due to expire.

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ARTICLE XV. LICENSING OF PERSONS ENGAGED IN THE ALARM SYSTEMS BUSINESS

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Sec. 863.307. Miscellaneous.

1. Nothing set forth in this Article shall subject the County of Westchester or its officials, agents or employees to liability for damages or otherwise arising out of or related to the conduct of any alarm agent or alarm business.
2. Applicants already doing business in the county on the effective date of this Article may continue to do business while their license applications are being processed. An applicant not previously doing business in Westchester County on the effective date of this Article may commence doing business upon filing an application in accordance with section 863.293 of this Article.
3. Notwithstanding any provision of this Article to the contrary, this Article shall not apply to persons installing their own alarm system components.
4. ~~The sealer is empowered to establish administrative procedures to carry out the provisions of this Article in conformity with the provisions thereof.~~

ARTICLE XVI. LICENSING OF PERSONS ENGAGED IN HOME IMPROVEMENT BUSINESS

Sec. 863.311. Legislative findings.

It is hereby declared and found that because of the increase in complaints by residential dwellers in the County of Westchester about abuses on the part of home improvement contractors, it has

become desirable to safeguard and protect such residents by regulating the home improvement, remodeling and repair business and by licensing persons engaged in such business. Such licensing will protect and promote the health, safety and welfare of the residents of the County of Westchester.

Sec. 863.312. Definitions.

Unless the context otherwise specifically requires, the following terms, when used in this Article, shall have the following meanings:

1. “Contractor” means any person who owns, operates, maintains, controls, transacts or conducts a home improvement business or who undertakes, facilitates or advertises a home improvement service or offers to undertake, facilitate or agrees to perform any home improvement. A person shall be deemed to facilitate a home improvement service when, for a fee, they organize, oversee, or arrange for other contractors to perform home improvement services.
2. “Home improvement” means a repair, replacement, remodeling, installation, construction, alteration, conversion, modernization made to, in or upon a private residence, townhouse, condominium, apartment, or dwelling place of not more than three units, or residential property that is a part of one of the foregoing, including, but not limited to the following:
 - a. Waterproofing;
 - b. Exterior siding, awnings, leaders and gutters;
 - c. Decks, patios, garages, carports and additional rooms;
 - d. Storm and/or replacement windows and doors;
 - e. Roofs;
 - f. Driveways and walkways;
 - g. Kitchens and bathrooms;

- h. Masonry;
 - i. Fence installations;
 - j. Chimney maintenance;
 - k. Exterior and interior painting;
 - l. Landscaping and gardening;
 - m. Arboriculture;
 - n. Tile setters;
 - o. Swimming pools;
 - p. Underground sprinkler systems;
 - q. Excavation; ~~and~~
 - r. HVAC;
 - s. Power washing or pressure washing; and
 - ~~t.~~ Other similar improvements.
3. “Home improvement business” means the business of providing for a profit, a home improvement to an owner, provided, however, the term shall not include labor or services performed by an employee for a contractor.
 4. “Home improvement contract” means an agreement between a contractor and an owner for the performance of a home improvement, and includes all labor, services and materials to be furnished and performed thereunder, either directly by the contractor or by another person under separate agreement with the contractor.
 5. “Leaf blower” means any portable device powered by a self-contained internal combustion engine, which is commonly used in landscaping and property maintenance to blow, disperse or redistribute dust, dirt, leaves, grass clippings, cuttings, trimmings from trees or shrubs, or other debris on sidewalks, driveways, lawns, or other surfaces.

6. "Licensee" means a person licensed to engage in the home improvement business under the provisions of this Article.
7. "Owner" means a homeowner, tenant, or any other residential dweller who orders, contracts for, or purchases a home improvement.
8. "Person" means an individual, firm, company, partnership, association, corporation or other business entity.
9. "Affiliate" shall mean any person controlling, controlled by, or under common control with a licensee or contractor. The terms "control", "controlled" or "controlling" shall mean the possession, direct or indirect, of the power to cause the direction of management and policies of such controlled person. The ownership, directly or indirectly, of at least 51 percent of the voting securities of, or the possession of the right to vote, in the ordinary direction of its affairs, of 51 percent of the voting interest in, any person shall be presumed to constitute such control.

Sec. 863.313. License required.

1. No person shall maintain, conduct, advertise, operate, or engage in the home improvement business within the County of Westchester, or hold himself or herself out as being able to do so, unless such person is licensed pursuant to this Article.
2. Upon issuance of a home improvement license under the provisions of this Chapter, the Director or sealer shall issue a vehicle decal for each vehicle identified by the licensee as a vehicle which will be used in connection with the licensed activities. Such vehicle decals shall be conspicuously displayed in or on the vehicle(s) used in connection with the licensed activities during the term of the license, in addition to displaying the name and address of the licensed contractor pursuant to Sec. 863.326.

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Sec. 863.316. Grant or denial of license or renewal.

1. Within 90 days after receipt of a complete application in proper form, the Director or sealer shall grant or deny a license, or renewal thereof, under this Article. The Director or sealer shall grant the license or renewal unless the Director or sealer determines that applicant:
 - a. Is not financially responsible. In making such a determination the Director or sealer shall take into consideration all final non-appealable determinations of liability in any civil, criminal or administrative actions including, but not limited to, those involving nonpayment or underpayment of wages rendered by any local, state, or federal government court, agency, or division, including any such determinations rendered against any business for which the applicant was an owner, director, officer, member, or otherwise exercised control over the business;
 - b. Is unqualified to engage in the home improvement business;
 - c. Has made a false statement of a material fact in the application for a license under this Article;
 - d. Has outstanding against it unsatisfied home improvement business-related judgments. In making such a determination the Director or sealer shall take into consideration all final non-appealable determinations of liability in any civil, criminal or administrative actions including, but not limited to, those involving nonpayment or underpayment of wages rendered by any local, state, or federal government court, agency, or division, including any such determinations rendered against any business for which the applicant was an owner, director, officer, member, or otherwise exercised control over the business;
 - e. Has against it an unacceptable amount of home improvement complaints as determined by the Director or sealer.

A denial of a license or renewal shall be made by the Director or sealer in writing and shall set forth a statement of the reason or reasons therefor and shall be subject to administrative and judicial review in accordance with subsection 2. of this section.

2. Within 30 days after a denial of an application for a license or a renewal thereof, the applicant shall be entitled to demand a hearing before the Director or sealer by making a written demand therefor. Following receipt of such written demand, a hearing shall be held by the Director or sealer, or by a deputy designated by the Director or sealer, or by such other person or persons designated by the Director or sealer. A record of such hearing shall be made. At such hearing the applicant may be represented by counsel and may offer evidence in his or her behalf to demonstrate that a license or renewal should be granted. Compliance with technical rules of evidence shall not be required. If a deputy or other person or persons is designated to hold the hearing, such deputy or other designated person or persons shall refer the record and recommendations to the Director or sealer for determination. The determination made by the Director or sealer shall be subject to judicial review in accordance with Article 78 of the Civil Practice Law and Rules in a proceeding brought within four months after the determination is rendered.
3. The 90 days within which the Director or sealer shall either deny or renew a license may be extended if there are unresolved open civil, criminal, administrative actions, or consumer complaints that relate to the qualifications or fitness of the applicant, until such actions or complaints are resolved or closed.

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Sec. 863.324. Liability; applicability.

1. Nothing set forth in this Article shall subject the County of Westchester or its officials, agents or employees to liability for damages or otherwise arising out of or related to the conduct of any home improvement business by a licensee.
2. The provisions of this Article shall not apply to any home improvement to be performed under a home improvement contract made prior to the effective date of this Article.
3. Persons engaged in the home improvement business in Westchester County on the effective date of this Article who have applied for licenses hereunder may continue to engage in such business while their license applications are processed. Persons not engaged in the home improvement business in Westchester County on the effective date of this Article may commence such business upon filing a license application in accordance with section 863.314 of this Article.
4. Notwithstanding any provision of this Article to the contrary, this Article shall not apply to:
 - a. Plumbing work;
 - b. Electrical work;
 - c. Architectural services;
 - d. Work or services performed by a person within the scope of an occupation, craft or profession in which such person has met standards of competency or experience established by state law as a condition to engaging in the occupation, craft or profession;
 - e. Full-time students under the age of 22 engaged in seasonal or part-time employment;
 - f. The construction of a new home building;
 - g. The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials;

- h. Work performed upon a residence or building owned by or controlled by the state or any municipality;
 - i. The sale, leasing, maintaining, installing, repairing, altering, moving, replacing or servicing of an alarm device or system by a county-licensed alarm business or alarm agent;
 - j. The installation of photovoltaic devices by an individual who is licensed as a master electrician pursuant to Article XVII of Chapter 277 of the Laws of Westchester County and who is also certified as an installer of photovoltaic devices by the North American Board of Certified Energy Practitioners. For the purposes of this paragraph "photovoltaic device" means a device that absorbs infrared, visible and/or ultraviolet light and produces an electric potential;
 - k. The installation of solar heating devices by an individual licensed as a master plumber pursuant to Article XV of Chapter 277 of the Laws of Westchester County and who is also certified as an installer of solar heating devices by the North American Board of Certified Energy Practitioners. For the purposes of this paragraph "solar heating device" means a device that uses flat collector plates to harness the sun's energy to heat water.
5. ~~The Director or sealer is empowered to establish administrative procedures to carry out the provisions of this Article in conformity with the provisions thereof.~~ The Director or sealer shall require proof of liability and property damage insurance in an amount to be set by the Director or sealer.
6. The Director or sealer may require an application for a license to be accompanied by a bond, approved as to form by the County Attorney, executed by a bonding or surety company authorized to do business in the State of New York or cash security in an amount to be set by the Director or sealer not to exceed \$50,000.00, conditioned upon the assurance that

during the term of such license, the contractor will continue to comply with the provisions of this Article, to assure that, upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of the contract in the event of noncompletion thereof, will be refunded to the consumer, owner or lessee with whom such contract was made. Such bond shall run to the County of Westchester for the use and benefit of any person or persons intended to be protected thereby. The required bond, after the aforementioned approval by the County Attorney, shall be filed in the office of the Director or sealer. The Director or sealer may require a bond at any time during the term of the license based on the licensee's performance during such term.

7. Any licensee using chemicals regulated or controlled by the New York State Department of Environmental Conservation shall show proof of certification for use of said chemicals.

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Sec. 863.326. Vehicles to display name and address of contractor. ~~landscaper or gardener.~~

1. All motor vehicles which are used in the normal course of business by ~~landscapers or gardeners~~ a contractor or their employees to deliver tools, materials or workers to a job site in Westchester County shall, while such vehicle is parked at the job site, display on both sides of the vehicle the name and address of the ~~landscaper or gardener~~ contractor in letters and numerals readily legible from a distance of fifty (50) feet during daylight hours and while the motor vehicle is stationary.
2. The requirements of this section may be complied with by permanently affixing the ~~landscaper or gardener's~~ name and address of the contractor or the contractor's company, licensed pursuant to this Article, to the motor vehicle or by affixing removable signs to the

motor vehicle to be displayed while such vehicle is parked at a job site and the ~~landscapers or gardeners~~ contractors or their employees are engaged in the normal course of business in Westchester County.

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Sec. 863.329. Contract provisions.

Every home improvement contract and all amendments thereto, shall be in writing and shall be signed by all the parties to the contract. The writing shall be legible, in plain English, and shall be in such form to describe clearly any other document which is to be incorporated into the contract. Before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor. The writing may also contain other matters agreed to by the parties to the contract.

The writing shall contain the following:

- (a) The name, address, telephone number and license number of the contractor.
- (b) The approximate dates, or estimated dates, when the work will begin and be substantially completed.
- (c) A description of the work to be performed, the materials to be provided to the owner, including make, model number or any other identifying information.
- (d) A notice to the owner purchasing the home improvement that the contractor or subcontractor who performs on the contract or the material person who provides home improvement goods or services and is not paid may have a claim against the owner which may be enforced against the property in accordance with the applicable lien laws.
- (e) A notice to the owner purchasing the home improvement that, except as otherwise provided by law, the home improvement contractor is legally required to deposit all payments received prior to completion in accordance with Subdivision 4 of Section 71-a of

the New York State Lien Law and that, in lieu of such deposit, the home improvement contractor may post a bond, contract of indemnity or irrevocable letter of credit with the owner guaranteeing the return or proper application of such payments to the purposes of the contract.

- (f) If the contract provides for one or more progress payments to be paid to the home improvement contractor by the owner before substantial completion of the work, a schedule of such progress payments showing the amount of each payment, as a sum in dollars and cents, and specifically identifying the state of completion of the work or services to be performed, including any materials to be supplied before each such progress payment is due. The amount of any such progress payments shall bear a reasonable relationship to the amount of work to be performed, materials to be purchased, or expenses for which the contractor would be obligated at the time of payment.

- (g) Before a contractor or subcontractor begins work on a home, such writing shall disclose to the homeowner the existence of a property and/or casualty insurance policy that covers the scope of such contractor or subcontractor's employment should an insurance claim be filed resulting from losses arising from work at such property. Such disclosure shall also include the contact information of the insurance company providing such property and/or casualty insurance, including phone number and address.

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ARTICLE XIX. INSTALLATION AND REPAIR OF OVERHEAD GARAGE DOORS

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~~Sec. 863.604. Violations:~~

~~A violation of section 863.603 shall be punishable by a civil fine not to exceed one hundred fifty dollars (\$150.00).~~

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ARTICLE XXV. AUTOMATED TELLER MACHINE (ATM) REGISTRATION

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Sec. 863.1010. Registration.

1. Any ATM located in a place accessible to the public, including, but not limited to, shopping malls, convenient stores, restaurants, bowling alleys, amusement parks, arcades, gas stations, movie theatres, schools, colleges or retail stores, shall be registered with the Westchester County Department of Weights and Measures – Consumer Protection. The ATM shall be registered by the person or entity owning, leasing or otherwise controlling the place of public accessibility where the ATM is located. Such registration shall be for a period of two (2) years and the cost shall be no more than seventy-five dollars (\$75.00) for the initial issuance and each subsequent renewal as determined by the Westchester County Department of Weights and Measures – Consumer Protection.
2. Within ninety (90) days of the enactment of this Article, the Westchester County Department of Weights and Measures – Consumer Protection, in conjunction with the Westchester County Department of Public Safety, shall establish an application form to be used as a prerequisite for the issuance of a certification of registration. Such application shall require information necessary to locate the ATM, its owner and its operator.

3. Upon completion of an application for a certificate of registration pursuant to this section, the Westchester County Department of Weights and Measures – Consumer Protection shall issue to the registrant a decal to be placed on the ATM signifying that such ATM is registered, the location at which the ATM is registered and the expiration date of such registration.
4. The certificate of registration issued pursuant to this section shall not be transferable from one person or entity to another person or entity or from one location to another. If the ownership or control of the place of public accessibility changes, the new owner or person or entity controlling said location must re-register the ATM with the Westchester County Department of Weights and Measures – Consumer Protection pursuant to the application procedure established under this section.

Sec. 863.1020. ATM consumer advisory.

All persons or entities required to register ATM machines pursuant to section 863.1010 of this Article shall conspicuously post in close proximity to the ATM an "ATM Consumer Advisory" which shall be prepared and distributed by the Westchester County Department of Weights and Measures – Consumer Protection in conjunction with the Westchester County Department of Public Safety in both English and Spanish language, as appropriate. The exact design, size and location of the Advisory shall be determined by the Commissioner of the Westchester County Department of Weights and Measures and shall include, but not be limited to the following information:

ATM — CONSUMER SAFETY

1. Be aware of other persons near you and the ATM. If you notice suspicious activity, cancel your transaction, take your card, leave the area and report suspicious activity and crimes immediately to the police.

2. Commit your PIN to memory, do not write the PIN on your card and report a lost or stolen card immediately.
3. ATM's usually charge transaction fees. Make sure you know how much in fees you are paying before using an ATM.
4. If you have any questions regarding ATM security call the Westchester County Department of Consumer Protection at (914) 995-2155 or log on to www.westchestergov.com/consumer.

Sec. 863.1030. Enforcement and penalties.

1. The provisions of this Article shall be enforced by the Westchester County Department of Weights and Measures – Consumer Protection.
2. Failure to submit an application for registration pursuant to section 863.1010 herein shall result in the issuance of a warning by the Department which shall state that the individual has thirty (30) days to submit a completed application. Failure to submit a completed application within the thirty-day period shall constitute a violation. No other violations occurring under this Article shall be entitled to a warning.
3. For the first violation of this Article, a civil penalty not exceeding five hundred dollars (\$500.00) shall be imposed. For the second and succeeding violations, a civil penalty not exceeding one thousand dollars (\$1,000.00) shall be imposed for each single violation. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard.

Section 4. Effective Date. This Local Law shall take effect thirty (30) days after enactment.

WESTCHESTER COUNTY
DEPARTMENT OF CONSUMER PROTECTION

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