

George Latimer
County Executive

September 9, 2021

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is a Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

I have been advised by the Department of Public Works and Transportation ("Department") that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount, and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009 which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrappage must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric-powered buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all

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surplus, obsolete or unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

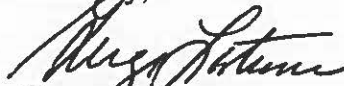
Additionally, as your Honorable Board is aware, my administration is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Planning Department has advised that, based on its review, the proposed Local Law constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. As such, I have been advised that no further environmental review is required. The Planning Department notes, however, that aside from the defined bus scrappage, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Honorable Board may use such expert advice to reach its own conclusion.

I have been further advised that pursuant to LWC Section 209.171(7), the Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, the proposed Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Accordingly, I most respectfully recommend your Honorable Board's favorable consideration of the attached Resolution authorizing a public hearing and the Local Law.

Sincerely,



George Latimer
County Executive

GL/HJG/JPG
Attachment

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of a Local Law, which, if adopted, by this Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

The Department of Public Works and Transportation ("Department") has advised that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009, which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrapping must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all surplus, obsolete or

unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

Additionally, as your Honorable Board is aware, the County Executive is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Department of Planning has advised that, based on its review, the proposed Local Law would constitute a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant environmental effect and therefore no further environmental review is required. Your Committee is advised, however, that aside from the defined bus scrappage, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Your Committee is further advised that pursuant to LWC Section 209.171(7), the proposed Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, this Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Your Committee is informed that an affirmative vote of the majority of the total voting power of your Honorable Board is required before the County may adopt the attached Local Law. In addition, also attached is a Resolution authorizing a Public Hearing as required by §209.141(4) of the Westchester County Administrative Code.

Your Committee has carefully considered the annexed proposed Local Law and Resolution and recommends their adoption.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C/JPG: 8/16/21

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

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



DATE: August 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR LOCAL LAW
AMENDING THE PROCEDURES FOR DISPOSAL OF CERTAIN
SURPLUS COUNTY PROPERTY**

PROJECT/ACTION: A local law to amend Chapter 836 of the Laws of Westchester County, which provides for the sale or lease of surplus, obsolete or unused supplies, materials and equipment owned by the County by the County's Purchasing Agent. Two new subsections will be added to Section 836.31. The first would give the County Purchasing Agent the specific authority to scrap diesel-powered buses in order to receive a discount on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. The second would give the Purchasing Agent the general authority to dispose of surplus county property in such manner as may be required under other grant programs designed to reduce carbon emissions.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **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.
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The amendment will allow the County Purchasing Agent to dispose of surplus county property in ways other than by public auction or bid, as may be required to participate in programs designed to reduce air pollution and greenhouse gases, which will benefit the environment. It is noted, however, that aside from the scrapping of diesel-powered vehicles already evaluated herein, any other alternate disposal methods that may be considered in the future may be subject to environmental review if so required pursuant to SEQ.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Michael Swee, Director of Surface Transportation (DPWT)
Claudia Maxwell, Associate Environmental Planner

RESOLUTION NO. -2021

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. ____-2021 entitled "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." The public hearing will be held at ____ m. on the ____ day of _____, 2021 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.