

Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

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

Wednesday, September 13, 2023

10:00 AM

Committee Room

CALL TO ORDER

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.

The Hon. Legislator Symra Brandon will be participating remotely from the Yonkers Public Library - 1 Larkin Center, Yonkers, NY 10701.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2023-330](#) **IMA(Amend)-School Resource Officer-North Salem Central School District**

AN ACT authorizing the County of Westchester to further amend an intermunicipal agreement with the North Salem Central School District in order to extend the term of a second School Resource Officer from September 6, 2023 through June 23, 2024.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

B&A Only.

Guest: Department of Public Safety
Sergeant James Dress

2. [2023-347](#) IMA-School Resource Officers-Hendrick Hudson School District

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Hendrick Hudson School District whereby the County will assign two (2) uniformed County police officers to act as School Resource Officers for the District with one to be assigned to the Hendrick Hudson High School, with additional support, as needed, to the Frank G. Lindsey Elementary School and the Buchanan-Verplanck Elementary School, and the other to be assigned to the Blue Mountain Middle School, with additional support, as needed, to the Furnace Woods Elementary School.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

B&A Only.

Guest: Department of Public Safety
Sergeant James Dress

3. [2023-331](#) IMA(Amend)-STOP-DWI Patrol Datamaster Project

AN ACT authorizing the County of Westchester to amend an intermunicipal agreement with the Village of Port Chester under the Westchester County STOP-DWI Patrol/Datamaster Project, in order to increase the annual payment cap under the IMA from EIGHT THOUSAND, FOUR HUNDRED (\$8,400) DOLLARS TO TWENTY THOUSAND (\$20,000) DOLLARS, effective retroactive to January 1, 2023 and for the remainder of the IMA term.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

B&A Only.

Guest: Department of Public Safety
Director Pat Tomassi

4. [2023-348](#) CBA-DES Backup Generator

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project BES20 - DES (Department of Emergency Services) Emergency Generator.

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

Joint with PWT.

Guest: Department of Emergency Services
Commissioner Richard Wishnie
Deputy Commissioner Susan Spear
Chief Neil Caputo

5. [2023-349](#) BOND ACT-BES20-DES Backup Generator

A BOND ACT authorizing the issuance of ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BES20 - DES (Department of Emergency Services) Backup Emergency Generator.

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

Joint with PWT.

Guest: Department of Emergency Services
Commissioner Richard Wishnie
Deputy Commissioner Susan Spear
Chief Neil Caputo

6. [2023-350](#) BOND ACT-BES24-2237-Replacement of Smoke House Building

A BOND ACT authorizing the issuance of EIGHT HUNDRED TEN THOUSAND (\$810,000) DOLLARS in bonds of Westchester County to finance Capital Project BES24 (2237) Replacement of Smoke House Building.

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

Joint with PWT.

Guest: Department of Emergency Services
Commissioner Richard Wishnie
Deputy Commissioner Susan Spear
Chief Neil Caputo

7. [2023-346](#) BOND ACT-RGP07-Park-Wide Tree Planting & Site Work

A BOND ACT authorizing the issuance of TWO MILLION, SEVEN HUNDRED THOUSAND (\$2,700,000) DOLLARS in bonds of Westchester County to finance Capital Project RGP07 - Park-Wide Tree Planting and Site Work.

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

Joint with PR and PWT.

Guests: Department of Parks, Recreation & Conservation
First Deputy Commissioner Peter Tartaglia
Program Coordinator (Capital Planning) Rob Lopane

Annual Comprehensive Financial Report for the year ended December 31, 2022

B&A Only.

Guests: Finance Department

Commissioner Karin Hablow

Deputy Commissioner Cesar Vargas

Deputy Commissioner Mario Arena

PKF O'Connor Davies

Nicholas DeSantis, Partner

Scott Oling, Partner

Catherine Rapfogel, Senior Manager

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Westchester County

George Latimer
County Executive

July 28, 2023

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 an act (the "Act") which, if adopted, would authorize the County of Westchester ("County"), acting by and through its Department of Public Safety ("Department"), to further amend an intermunicipal agreement ("IMA") with the North Salem Central School District ("District"), pursuant to which the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer ("SRO") for the District for the period from September, 2019 through June, 2024, as well as a second SRO (the "Second SRO") for the period from March 17, 2023 through June, 2023, in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024.

By Act No. 2019-110, your Honorable Board authorized the County, through the Department, to enter into an IMA with the District pursuant to which the County would assign one (1) uniformed police officer to serve as an SRO at the District's Middle/High School and at times at the District's Pequenakonck Elementary School, for a term commencing upon the opening day of school in September, 2019 and continuing through the last day of school in June, 2024, on days when school is in session.

In consideration for services rendered by the SRO under the IMA, the District agreed to pay the County as follows:

- (i) for the 2019/2020 School Term, a total amount of One Hundred and Forty-Nine Thousand Four Hundred Twenty-Seven (\$149,427.00) Dollars, payable in two installments of \$74,713.50 each;
- (ii) for the 2020/2021 School Term, a total amount of One Hundred and Fifty-Three Thousand Five Hundred Thirty-Six (\$153,536.00) Dollars, payable in two installments of \$76,768.00 each;
- (iii) for the 2021/2022 School Term, a total amount of One Hundred and Fifty-Seven Thousand Seven Hundred Fifty-Nine (\$157,759.00) Dollars, payable in two installments of \$78,879.50 each
- (iv) for the 2022/2023 School Term, a total amount of One Hundred and Sixty-Two Thousand Ninety-Seven (\$162,097.00) Dollars, payable in two installments of \$81,048.50 each; and
- (v) for the 2023/2024 School Term, a total amount of One Hundred and Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two installments of \$83,277.50 each.

Thereafter, by Act No. 2023-51, your Honorable Board authorized the County, through the Department, to amend the IMA in order to, *inter alia*, provide the services of a Second SRO to be permanently assigned to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023. In consideration for the services rendered by the Second SRO for said period, the District agreed to pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment for the 2022/2023 school term. Act No. 2023-51 further provided that the District, at its option, could extend the services of the Second SRO for the 2023/24 school term, by giving the Department sixty (60) days prior written notice of its intention to do so, subject to the further approval of your Honorable Board. On July 14, 2023, the District notified the Department of its desire to extend the services of the Second SRO for the 2023/24 school term.

Accordingly, authority of your Honorable Board is respectfully requested to further amend the IMA with the District in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024 (the "Extension Period"). In consideration for services rendered by the Second SRO during the Extension Period, the District will pay the County the *additional* sum of One Hundred Sixty-Six Thousand Five Hundred Fifty- Five (\$166,555.00) Dollars, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section "4" of the IMA.

The Planning Department has advised that based on its review, the proposed amendment to the IMA does not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

I believe the proposed amendment to the IMA with the District is in the best interests of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Sincerely,


George Latimer
County Executive

GL/TR/jpg
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the “Act”) which, if adopted, would authorize the County of Westchester (“County”), acting by and through its Department of Public Safety (“Department”), to further amend an intermunicipal agreement (“IMA”) with the North Salem Central School District (“District”), pursuant to which the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer (“SRO”) for the District for the period from September, 2019 through June, 2024, as well as a second SRO (the “Second SRO”) for the period from March 17, 2023 through June, 2023, in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024.

Your Committee is advised that by Act No. 2019-110, your Honorable Board authorized the County, through the Department, to enter into an IMA with the District pursuant to which the County would assign one (1) uniformed police officer to serve as an SRO at the District’s Middle/High School and at times at the District’s Pequenakonck Elementary School, on the days that school is in session, for the term of the IMA.

In consideration for services rendered by the SRO under the IMA, the District agreed to pay the County as follows:

- (i) for the 2019/2020 School Term, a total amount of One Hundred and Forty-Nine Thousand Four Hundred Twenty-Seven (\$149,427.00) Dollars, payable in two installments of \$74,713.50 each;
- (ii) for the 2020/2021 School Term, a total amount of One Hundred and Fifty-Three Thousand Five Hundred Thirty-Six (\$153,536.00) Dollars, payable in two installments of \$76,768.00 each;
- (iii) for the 2021/2022 School Term, a total amount of One Hundred and Fifty-Seven Thousand Seven Hundred Fifty-Nine (\$157,759.00) Dollars, payable in two installments of \$78,879.50 each
- (iv) for the 2022/2023 School Term, a total amount of One Hundred and Sixty-Two Thousand Ninety-Seven (\$162,097.00) Dollars, payable in two installments of \$81,048.50 each; and
- (v) for the 2023/2024 School Term, a total amount of One Hundred and Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two installments of \$83,277.50 each.

Thereafter, by Act No. 2023-51, your Honorable Board authorized the County, through the Department, to amend the IMA in order to, *inter alia*, provide the services of a Second SRO to be permanently assigned to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023. In consideration for the services rendered by the Second SRO for said period, the District agreed to pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment for the 2022/2023 school term. Act No. 2023-51 further provided that the District, at its option, could extend the services of the Second SRO for the 2023/24 school term, by giving the Department sixty (60) days prior written notice of its intention to do so, subject to the further approval of your Honorable Board. On July 14, 2023, the District notified the Department of its desire to extend the services of the Second SRO for the 2023/24 school term.

Accordingly, authority of your Honorable Board is respectfully requested to further amend the IMA with the District in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024 (the "Extension Period"). In consideration for services rendered by the Second SRO during the Extension Period, the District will pay the County the *additional* sum of One Hundred Sixty-Six Thousand Five Hundred Fifty- Five (\$166,555.00) Dollars, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section "4" of the IMA.

Except as specifically amended hereby, all remaining terms and conditions of the IMA shall remain in full force and effect.

The Planning Department has advised that based on its review, the proposed amendment to the IMA does not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board.

Your Committee has carefully considered the proposed Act and recommends your Honorable Board's favorable action thereon.

Dated: _____, 2023

White Plains, New York

jpg/7-14-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: School Resource Officer - North Salem 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 \$ 166,555

Total Current Year Revenue \$ 166,555

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

Additional Appropriations

Other (explain)

Identify Accounts: 38-2000-1010/9230. Amended to extend the services of the second uniformed police officer to act as School Resource Officer for the District, effective 9/6/2023 to 6/23/2024

Potential Related Operating Budget Expenses: Annual Amount \$0

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: \$0 _____

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

Current Year: \$0 _____

Next Four Years: \$0 _____

Prepared by: Siva Gopalkrishna

Title: Director of Administrative services

Department: Public Safety

Date: July 18, 2023

Reviewed By: 
Budget Director

Date: 7/20/23

ACT NO. 2023 - _____

An ACT authorizing the County of Westchester to further amend an intermunicipal agreement with the North Salem Central School District in order to extend the term of a second School Resource Officer from September 6, 2023 through June 23, 2024.

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

Section 1. The County of Westchester (“County”), acting by and through its Department of Public Safety (“Department”), is hereby authorized to amend an intermunicipal agreement (“IMA”) with the North Salem Central School District (“District”), as previously amended, pursuant to which the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer (“SRO”) for the District at the District’s Middle/High School and at times at the District’s Pequenakonck Elementary School, for a term commencing on the first day of school in September, 2019 and continuing through the last day of school in June, 2024, on days that school is in session, as well as a second SRO (the “Second SRO”) assigned to the District’s Pequenakonck Elementary School, for the period from March 17, 2023 through June, 2023, at rates agreed upon by the parties, in order to extend the services of the Second SRO for the period from September 6, 2023 through June 23, 2024 (the “Extended Term”).

§2. During the Extended Term, the Second SRO shall continue to provide the services described in the IMA, as amended (the “Services”).

§3. In consideration for Services to be rendered by the Second SRO during the Extended Term, the District shall pay the County the additional sum of One Hundred Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section “4” of the IMA.

§4. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA, as amended, shall remain in full force and effect upon the parties.

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

§6. This Act shall take effect immediately.

THIS SECOND AMENDMENT made this ___ day of _____, 2023 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”) acting by and through the Westchester County Department of Public Safety Services (hereinafter referred to as the “Department”)

and

NORTH SALEM CENTRAL SCHOOL DISTRICT having an office and place of business at 230 June Road, North Salem, NY 10560 (hereinafter referred to as the “District”),

together, the “Parties”

WHEREAS, pursuant to New York State Education Law Section 2801-a, a school district is required to develop a comprehensive school safety plan and as part of such a plan include prevention and intervention strategies such as entering into collaborative arrangements with state and local law enforcement officers designed to ensure school safety officers and other security personnel are trained to, among other things, de-escalate potentially violent situations; and

WHEREAS, on July 3, 2019, the County and the District entered into an intermunicipal agreement (the “IMA”) pursuant to which the County, through the Department, agreed to provide the services of one (1) uniformed County Police Officer to serve as a School Resource Officer (“SRO”) for the District at the District’s Middle/High School and at times be scheduled to work at the Pequenakonck Elementary School (the “Schools”), for a five (5) year term commencing upon the opening of school in September, 2019 and continuing through the last day of school in June, 2024 (the “IMA Term”) during the school term, at the annual rates (payable in two installments), set forth in the IMA; and

WHEREAS, on March 6, 2023, the parties entered into a First Amendment to the IMA in order to: (i) add one (1) additional SRO to the District (the “Second SRO”) beginning on March 17, 2023 and continuing through June, 2023, (ii) expand the list of duties each SRO would be responsible for going forward, (iii) include a Data Privacy Plan and Parents’ Bill of Rights, and (iv) provide substitute personnel to patrol the Schools in the event an SRO is absent for more than three (3) consecutive school days, instead of five (5) consecutive school days, as was required under the original IMA (the “First Amendment”); and

WHEREAS, the First Amendment further provided that the District, at its option, may elect to extend the services of the Second SRO for the 2023/24 school term by giving the Department no less than sixty (60) days prior written notice of its intention to do so; and

WHEREAS, on Friday, July 14, 2023, the District notified the Department that it would like to extend the services of the Second SRO for the 2023/24 school year; and

WHEREAS, the Parties now desire to further amend the IMA in order to extend the services of the Second SRO for the period commencing on September 6, 2023 and continuing through the end of the 2023/24 school term on June 23, 2024.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the IMA is hereby amended as follows:

1. The above recitals are hereby incorporated by reference into the body of this Second Amendment.

2. For the period commencing on September 6, 2023 and continuing through June 23, 2024 (the "Extension Period"), the County shall assign the Second SRO to the District's Pequenakonck Elementary School during days that school is in session.

3. The services to be performed by the Second SRO during the Extension Period shall be as described in the IMA, as amended by the First Amendment (the "Services").

4. In consideration for the Services to be rendered by the Second SRO during the Extension Period, the District shall pay the County the *additional* sum of ONE HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED FIFTY-FIVE (\$166,555.00) DOLLARS, payable in two (2) equal installments of Eighty-Three Thousand Two Hundred Seventy-Seven and 50/100 (\$83,277.50) Dollars each, in accordance with the payment provisions set forth in Section "4" of the IMA.

5. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA, as amended by the First Amendment, shall remain in full force and effect upon the Parties.

6. This Second Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Terrance Raynor
Acting Commissioner – Sheriff
Department of Public Safety

NORTH SALEM CENTRAL SCHOOL DISTRICT

By _____
Name:
Title:

Approved by the Westchester County Board of Legislators by Act No ____ - 2023 at a meeting duly held on the ____ day of _____, 2023

Approved by the North Salem Central School District by Resolution No. _____ adopted at a meeting duly held on the _____ day of _____, 2023.

Approved:

Sr. Assistant County Attorney
County of Westchester
S/G/DPS/NORTH SALEM SRO 2nd Amendment

Date

DRAFT

DISTRICT'S ACKNOWLEDGEMENT

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

On this ____ day of _____, 2023, 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/she, the said _____ resides at _____ and that he/she is the _____ of said municipal corporation.

Notary Public Westchester County

CERTIFICATE OF AUTHORITY

(District)

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

_____ of the _____
(Title) (Name of District)

(the "District") 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 _____ who signed said
(Person executing agreement)

agreement on behalf of the District was, at the time of execution _____ of
(Title of such person),

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

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 _____, 2023, 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/she is the _____ of said municipal corporation.

(Title)

Notary Public County

Westchester County

George Latimer
County Executive

July 28, 2023

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 legislation, which if adopted, would authorize the County of Westchester (the "County"), acting by and through its Department of Public Safety ("Department"), to enter into an intermunicipal agreement ("IMA" or "Agreement") with the Hendrick Hudson School District (the "District"), pursuant to which the County will assign two (2) uniformed County Police Officers to act as School Resource Officers (the "SROs") for the District; one to be assigned to the Hendrick Hudson High School, with additional support, as needed, to the Frank G. Lindsey Elementary School and the Buchanan-Verplanck Elementary School, and the other to be assigned to the Blue Mountain Middle School, with additional support, as needed, to the Furnace Woods Elementary School (individually, the "School" or collectively, the "Schools"). The proposed IMA will be for a term of five (5) years, commencing on the first day of school in September, 2023 and will expire on the last day of school in June, 2028 (the "IMA Term").

I have been advised that the SRO's duties will consist of working with the Schools to maintain a safe campus environment conducive to learning. The responsibilities of the SROs will include, but shall not be limited to: providing valuable resources to school staff members, fostering positive relationships with youth, helping develop strategies to resolve problems affecting youth, protecting all students so that they can reach their fullest potentials, potential threat and behavioral issue monitoring and information sharing with school officials, participate and provide guidance with school behavioral triage and threat assessment teams, assisting with school emergency management planning and multi-agency drill coordination, providing school and campus safety and security patrols, crisis intervention and response, counseling, mentoring and after hour wellness checks for at risk youth, participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects, support arrival and dismissal safety and traffic management, and investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department). In addition, the SROs will work in collaboration with the Schools to address crime and disorder problems. The SROs are not permitted to conduct extended questioning of a student in the School unless the student's parent/guardian has been contacted and been provided an opportunity to be present.

I have been further advised that the SROs assigned to the Schools will provide services on a full time basis eight (8) hours per day on the days that school is in session for the period commencing upon the opening of school in September through the last day of school in June of each year of the IMA Term (each, a “School Term”), in accordance with the District’s annual school calendar for each School Term, subject to the following parameters:

- (a) The District must regularly coordinate with the SROs and the Department to implement best access procedures that will provide the SROs and the Department complete and expedient access to the Schools.
- (b) The Department, in its discretion, may reassign the SROs from the Schools at any time in the event of an emergency, or for required training.
- (c) In the event that an SRO is absent on a school day, the Department will not be obligated to provide a substitute for that day. However, if an SRO should be absent for more than five (5) consecutive school days, the Department may provide periodic school patrols or a substitute trained SRO as they are available from existing personnel.
- (d) The Department has instructed the SROs to notify the Schools that s/he has been assigned to and the Department of any absences, anticipated or otherwise, at the earliest possible time.
- (e) The County will not be obligated to provide the District with any monetary credit for time that an SRO is not at the School under any circumstances. Notwithstanding the above, if the County is unable to assign an officer to serve as an SRO for an extended period of time, the Agreement may be terminated by the District upon thirty (30) days’ notice to the County. In such event, the County shall refund to the District a prorated amount for any amounts paid by the District for the period, subsequent to the date of termination.
- (f) The SROs shall consult with and coordinate activities through each of the Schools’ principal or designee they have been assigned to.
- (g) The District will coordinate with the SROs and Department to implement informational technology access for the SRO. The SRO shall have access to the Department’s Information Technology System.

In consideration for services rendered, the District will pay the County as follows:

- (i) for the 2023-2024 School Term, a total amount of Three Hundred Thirty-Three Thousand One Hundred Seven and 00/100 (\$333,107.00) Dollars, payable in two (2) equal installments of One Hundred Sixty-Six Thousand Five Hundred Fifty-Three and 50/100 (\$166,553.50) Dollars each;
- (ii) for the 2024-2025 School Term, a total amount of Three Hundred Forty-Two Thousand Two Hundred Sixty-Eight and 00/100 (\$342,268.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-One Thousand One Hundred Thirty-Four and 00/100 (\$171,134.00) Dollars each;

- (iii) for the 2025-2026 School Term, a total amount of Three Hundred Fifty-One Thousand Six Hundred Eighty and 00/100 (\$351,680.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-Five Thousand Eight Hundred Forty and 00/100 (\$175,840.00) Dollars each;
- (iv) for the 2026-2027 School Term, a total amount of Three Hundred Sixty-One Thousand Three Hundred Fifty-One and 00/100 (\$361,351.00) Dollars, payable in two (2) equal installments of One Hundred Eighty Thousand Six Hundred Seventy-Five and 50/100 (\$180,675.50) Dollars each; and
- (v) for the 2027-2028 School Term, a total amount of Three Hundred Seventy-One Thousand Two Hundred Eighty-Nine and 00/100 (\$371,289.00) Dollars, payable in two (2) equal installments of One Hundred Eighty-Five Thousand Six Hundred Forty-Four and 50/100 (\$185,644.50) Dollars each.

For the 2023/2024 School Term, the first installment shall be paid upon execution of this Agreement and the second installment shall be paid within six (6) months of the first installment. Payment for services rendered during the remaining Term of this Agreement will be made in two (2) equal installments, the first of which shall be made within ten (10) days of the beginning of each School Term and the second of which will be made within six (6) months of the first installment.

The District shall not be responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her routine duties under the IMA. The District shall, however, be responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her requested additional duties outside the regularly scheduled hours under the IMA, such as District community events (i.e. sporting events, dances and after-school activities). The District shall coordinate directly with the Department regarding any additional detail request(s).

The Department of Planning has advised that the proposed IMA does not meet the definition of an action under New York State Environmental Quality Review Act 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 12, 2023, which is on file with the Clerk of the Board of Legislators.

I believe this proposed IMA is in the best interests of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Sincerely,



George Latimer
County Executive

GL/TR/jpg
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if approved, would authorize the County of Westchester (“County”), acting by and through its Department of Public Safety (“Department”), to enter into an intermunicipal agreement (“IMA” or “Agreement”) with the Hendrick Hudson School District (“District”), pursuant to which the County will assign two (2) uniformed County Police Officers to act as School Resource Officers (the “SROs”) for the District; one to be assigned to the Hendrick Hudson High School, with additional support, as needed, to the Frank G. Lindsey Elementary School and the Buchanan-Verplanck Elementary School, and the other to be assigned to the Blue Mountain Middle School, with additional support, as needed, to the Furnace Woods Elementary School. (individually, the “School” or collectively, the “Schools”). The proposed IMA will be for a term of five (5) years, commencing on the first day of school in September, 2023 and will expire on the last day of school in June, 2028 (the “IMA Term”).

Your Committee is advised that the SRO’s duties will consist of working with the Schools to maintain a safe campus environment conducive to learning. The responsibilities of the SROs will include, but shall not be limited to : providing valuable resources to school staff members, fostering positive relationships with youth, helping develop strategies to resolve problems affecting youth, protecting all students so that they can reach their fullest potentials, potential threat and behavioral issue monitoring and information sharing with school officials, participating and providing guidance with school behavioral triage and threat assessment teams, assisting with school emergency management planning and multi-agency drill coordination, providing school and campus safety and security patrols, crisis intervention and response, counseling, mentoring and after hour wellness checks for at risk youth, participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects, supporting arrival and dismissal safety and traffic management, and investigating allegations of criminal incidents in accordance with the Department’s policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department). In addition, the SROs will work in collaboration with the Schools to address crime and disorder problems. The SROs are not permitted to conduct extended questioning of a student in the School unless the student’s parent/guardian has been contacted and been provided an opportunity to be present.

Your Committee is further advised that the SROs assigned to the Schools will provide services on a full time basis eight (8) hours per day on the days that school is in session for the period commencing upon the opening of school in September through the last day of school in June of each year of the IMA Term (each, a "School Term"), in accordance with the District's annual school calendar for each School Term, subject to the following parameters:

- (a) The District must regularly coordinate with the SROs and the Department to implement best access procedures that will provide the SROs and the Department complete and expedient access to the Schools.
- (b) The Department, in its discretion, may reassign the SROs from the Schools at any time in the event of an emergency, or for required training.
- (c) In the event that an SRO is absent on a school day, the Department will not be obligated to provide a substitute for that day. However, if an SRO should be absent for more than five (5) consecutive school days, the Department may provide periodic school patrols or a substitute trained SRO as they are available from existing personnel.
- (d) The Department has instructed the SROs to notify the Schools that s/he has been assigned to and the Department of any absences, anticipated or otherwise, at the earliest possible time.
- (e) The County will not be obligated to provide the District with any monetary credit for time that an SRO is not at the School under any circumstances. Notwithstanding the above, if the County is unable to assign an officer to serve as SRO for an extended period of time, this Agreement may be terminated by the District upon thirty (30) days' notice to the County. In such event, the County shall refund to the District a prorated amount for any amounts paid by the District for the period, subsequent to the date of termination.
- (f) The SROs shall consult with and coordinate activities through each of the Schools' principal or designee they have been assigned to.
- (g) The District will coordinate with the SROs and Department to implement informational technology access for the SROs. The SROs shall have access to the Department's Information Technology System.

In consideration for services rendered, the District will pay the County as follows:

- (i) for the 2023-2024 School Term, a total amount of Three Hundred Thirty-Three Thousand One Hundred Seven and 00/100 (\$333,107.00) Dollars, payable in two (2) equal installments of One Hundred Sixty-Six Thousand Five Hundred Fifty-Three and 50/100 (\$166,553.50) Dollars each;

- (ii) for the 2024-2025 School Term, a total amount of Three Hundred Forty-Two Thousand Two Hundred Sixty-Eight and 00/100 (\$342,268.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-One Thousand One Hundred Thirty-Four and 00/100 (\$171,134.00) Dollars each;
- (iii) for the 2025-2026 School Term, a total amount of Three Hundred Fifty-One Thousand Six Hundred Eighty and 00/100 (\$351,680.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-Five Thousand Eight Hundred Forty and 00/100 (\$175,840.00) Dollars each;
- (iv) for the 2026-2027 School Term, a total amount of Three Hundred Sixty-One Thousand Three Hundred Fifty-One and 00/100 (\$361,351.00) Dollars, payable in two (2) equal installments of One Hundred Eighty Thousand Six Hundred Seventy-Five and 50/100 (\$180,675.50) Dollars each; and
- (v) for the 2027-2028 School Term, a total amount of Three Hundred Seventy-One Thousand Two Hundred Eighty-Nine and 00/100 (\$371,289.00) Dollars, payable in two (2) equal installments of One Hundred Eighty-Five Thousand Six Hundred Forty-Four and 50/100 (\$185,644.50) Dollars each.

For the 2023/2024 School Term, the first installment shall be paid upon execution of this Agreement and the second installment shall be paid within six (6) months of the first installment. Payment for services rendered during the remaining Term of this Agreement will be made in two (2) equal installments, the first of which shall be made within ten (10) days of the beginning of each School Term and the second of which will be made within six (6) months of the first installment.

Your Committee is advised that the District will not be responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her routine duties under the IMA. The District shall, however, be responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her requested additional duties outside the regularly scheduled hours under the IMA, such as District community events (i.e. sporting events, dances and after-school activities). The District shall coordinate directly with the Department regarding any additional detail request(s).

The Department of Planning has advised that the proposed IMA does not meet the definition of an action under New York State Environmental Quality Review Act 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 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board. Your Committee has carefully considered the proposed Act and recommends your Honorable Board's favorable action on the annexed Act.

Dated: _____, 2023

White Plains, New York

COMMITTEE ON

K-MB.10.2022

FISCAL IMPACT STATEMENT

SUBJECT: School Resource Officer - Hendrick Hur 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 \$ 333,107

Total Current Year Revenue \$ 333,107

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

Additional Appropriations

Other (explain)

Identify Accounts: 38-2000-1010/9230. Assign two uniformed police officers to act as School

Resource Officers for the District

Potential Related Operating Budget Expenses: Annual Amount \$0

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: \$0

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

Current Year: \$0

Next Four Years: 2024 Expenses \$342,268 and Revenue \$342,268

2025 Expenses \$351,680 and Revenue \$351,680

2026 Expenses \$361,351 and Revenue \$361,351

2027 Expenses \$371,289 and Revenue \$371,289

Prepared by: Siva Gopalkrishna

Title: Director of Administrative services

Department: Public Safety

Date: July 19, 2023

JSB
Reviewed By: Christina Ruppert

Budget Director

Date: 7/27/23

ACT NO. 2023 -

An ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Hendrick Hudson School District whereby the County will assign two (2) uniformed County police officers to act as School Resource Officers for the District with one to be assigned to the Hendrick Hudson High School, with additional support, as needed, to the Frank G. Lindsey Elementary School and the Buchanan-Verplanck Elementary School, and the other to be assigned to the Blue Mountain Middle School, with additional support, as needed, to the Furnace Woods Elementary School.

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

Section 1. The County of Westchester (the “County”), acting by and through its Department of Public Safety (“Department”), is hereby authorized to enter into an inter-municipal agreement (“IMA” or “Agreement”) with the Hendrick Hudson School District (“District”), pursuant to which the County will assign two (2) uniformed County Police Officers to act as the School Resource Officers (the “SROs”) for the District; one to be assigned to the Hendrick Hudson High School, with additional support, as needed, to the Frank G. Lindsey Elementary School and the Buchanan-Verplanck Elementary School, and the other to be assigned to the Blue Mountain Middle School, with additional support, as needed, to the Furnace Woods Elementary School (individually, the “School” or collectively, the “Schools”). The proposed IMA will be for a term of five (5) years, commencing on the first day of school in September, 2023 and expiring on the last day of school in June, 2028 (the “IMA Term”).

§2. The SRO’s duties shall consist of working with the Schools to maintain a safe campus environment conducive to learning. The responsibilities of the SROs will include, but shall not be limited to: providing valuable resources to school staff members, fostering positive relationships with youth, helping develop strategies to resolve problems affecting youth, protecting all students so that they can reach their fullest potentials, potential threat and behavioral issue monitoring and information sharing with school officials, participating and providing guidance with school

behavioral triage and threat assessment teams, assisting with school emergency management planning and multi-agency drill coordination, providing school and campus safety and security patrols, crisis intervention and response, counseling, mentoring and after hour wellness checks for at risk youth, participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects, support arrival and dismissal safety and traffic management, and investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department). In addition, the SROs will work in collaboration with the Schools to address crime and disorder problems. The SROs are not permitted to conduct extended questioning of a student in the School unless the student's parent/guardian has been contacted and been provided an opportunity to be present.

§3. The SROs assigned to the Schools shall provide services on a full time basis eight (8) hours per day on the days that the School is in session for the period commencing upon the opening of school in September through the last day of school in June of each year of the IMA Term (each, a "School Term"), subject to the following parameters:

- (a) The District must regularly coordinate with the SROs and the Department to implement best access procedures that will provide the SROs and the Department complete and expedient access to the Schools.
- (b) The Department, in its discretion, may reassign the SROs from the Schools at any time in the event of an emergency, or for required training.
- (c) In the event that an SRO is absent on a school day, the Department will not be obligated to provide a substitute for that day. However, if an SRO should be absent for more than five (5) consecutive school days, the Department may provide periodic school patrols or a substitute trained SRO as they are available from existing personnel.
- (d) The Department has instructed the SROs to notify the Schools that s/he has been assigned to and the Department of any absences, anticipated or otherwise, at the earliest possible time.
- (e) The County will not be obligated to provide the District with any monetary credit for time that an SRO is not at the School under any circumstances. Notwithstanding the above, if the County is unable to assign an officer to serve as SRO for an extended period of time, this Agreement may be terminated by the District upon thirty (30) days' notice to the County. In such event, the

County shall refund to the District a prorated amount for any amounts paid by the District for the period, subsequent to the date of termination.

- (f) The SROs shall consult with and coordinate activities through each of the Schools' principal or designee they have been assigned to. The District will coordinate with the SROs and Department to implement informational technology access for the SRO. The SRO shall have access to the Department's Information Technology System.

§4. In consideration for services rendered, the District will pay the County as follows:

- (i) for the 2023-2024 School Term, a total amount of Three Hundred Thirty-Three Thousand One Hundred Seven and 00/100 (\$333,107.00) Dollars, payable in two (2) equal installments of One Hundred Sixty-Six Thousand Five Hundred Fifty-Three and 50/100 (\$166,553.50) Dollars each;
- (ii) for the 2024-2025 School Term, a total amount of Three Hundred Forty-Two Thousand Two Hundred Sixty-Eight and 00/100 (\$342,268.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-One Thousand One Hundred Thirty-Four and 00/100 (\$171,134.00) Dollars each;
- (iii) for the 2025-2026 School Term, a total amount of Three Hundred Fifty-One Thousand Six Hundred Eighty and 00/100 (\$351,680.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-Five Thousand Eight Hundred Forty and 00/100 (\$175,840.00) Dollars each;
- (iv) for the 2026-2027 School Term, a total amount of Three Hundred Sixty-One Thousand Three Hundred Fifty-One and 00/100 (\$361,351.00) Dollars, payable in two (2) equal installments of One Hundred Eighty Thousand Six Hundred Seventy-Five and 50/100 (\$180,675.50) Dollars each; and
- (v) for the 2027-2028 School Term, a total amount of Three Hundred Seventy-One Thousand Two Hundred Eighty-Nine and 00/100 (\$371,289.00) Dollars, payable in two (2) equal installments of One Hundred Eighty-Five Thousand Six Hundred Forty-Four and 50/100 (\$185,644.50) Dollars each.

For the 2023/2024 School Term, the first installment shall be paid upon execution of this Agreement and the second installment shall be paid within six (6) months of the first installment. Payment for services rendered during the remaining Term of this Agreement will be made in two (2) equal installments, the first of which shall be made within ten (10) days of the beginning of each School Term and the second of which will be made within six (6) months of the first installment.

The District shall not be responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her routine duties under the IMA. The District shall, however, be

responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her requested additional duties outside the regularly scheduled hours under the IMA, such as District community events (i.e. sporting events, dances and after-school activities). The District shall coordinate directly with the Department regarding any additional detail request(s).

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

§6. This Act shall take effect immediately.

THIS AGREEMENT (“Agreement”), made this _____ day of _____, 2023, 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

HENDRICK HUDSON SCHOOL DISTRICT, having an office and place of business at 61 Trolley Road, Montrose, New York 10548 (hereinafter referred to as the “District”)

WITNESSETH:

WHEREAS, pursuant to New York State Education Law Section 2801-a, a school district is required to develop a comprehensive district-wide school safety plan, and, as part of such a plan, to include prevention and intervention strategies such as entering into collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained in order to, among other things, de-escalate potentially violent situations; and

WHEREAS, the District desires to obtain the services of two (2) uniformed County Police Officers to act as School Resource Officers (the “SROs”) for certain District’s schools; and

WHEREAS, the County, acting by and through the Westchester County Department of Public Safety (“Department”), is willing to provide such services for the compensation and on the terms herein provided.

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

Section 1. The County shall assign one (1) regularly employed uniformed County Police Officer, to act as a SRO at the Hendrick Hudson High School, with additional support, as needed, to the Frank G. Lindsey Elementary School and the Buchanan-Verplanck Elementary School. The County shall also assign one (1) regularly employed uniformed County Police Officer, to act as a SRO at the Blue Mountain Middle School, with additional support, as needed, to Furnace Woods Elementary School (individually, the “School” or collectively, the “Schools”).

Generally, SROs serve a fundamental role with integrated and layered school safety plans, emergency management (prevention, preparedness, response and recovery), and specialized community policing. SROs are specially trained, school-based police officers. SROs successfully complete basic SRO, youth officer, and instructor development training. Officers are also provided with a variety of advanced training opportunities to hone their skills and abilities as SRO’s including advanced SRO and Youth Officer training, active shooter response, active shooter / hostile event, rescue task force, stop the bleed, incident management, behavioral threat assessment, crisis intervention, procedural justice, implicit bias, autism awareness and adaptive training for special needs students.

The functions of the SROs will be to work collaboratively with the District's administration, teachers and counselors to assist in maintaining a safe and supportive learning environment. The responsibilities of the SROs will include, but shall not be limited to:

- providing valuable resources to school staff members,
- fostering positive relationships with youth,
- helping develop strategies to resolve problems affecting youth,
- protecting all students so that they can reach their fullest potentials,
- potential threat and behavioral issue monitoring and information sharing with school officials,
- participating and providing guidance with school behavioral triage and threat assessment teams,
- assisting with school emergency management planning and multi-agency drill coordination,
- providing school and campus safety and security patrols,
- crisis intervention and response,
- counseling, mentoring and after hour wellness checks for at risk youth,
- participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects,
- supporting arrival and dismissal safety and traffic management, and
- investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department).

In addition, the SROs will work in collaboration with the Schools to address crime and disorder problems. The SROs are not permitted to conduct extended questioning of a student in the School unless the student's parent/guardian has been contacted and been provided an opportunity to be present.

Under New York State law, the SROs **may not** serve as a School disciplinarian, may not administer discipline to students or be involved in the enforcement of School disciplinary infractions. The SROs shall not use police powers to address School discipline issues. All student discipline shall be solely under the auspices and jurisdiction of each District's school and District Administration.

Section 2. The SROs shall be assigned to the Schools on a fulltime basis of eight (8) hours per day, on the days the School is in session, with the following understanding:

- (a) The District must regularly coordinate with the SROs and the Department to implement best access procedures that will provide the SRO and the Department complete and expedient access to the Schools.
- (b) It is understood by both parties of this Agreement that the Department, in its discretion, may reassign the SROs from the Schools at any time in the event of an emergency, or for required training.
- (c) In the event that a SROs are absent on a school day, the Department will not be obligated to provide a substitute for that day. However, if an SRO should be absent for more than three (3) consecutive school days, the Department shall provide

periodic school patrols or a substitute trained SRO as they are available from existing personnel.

- (d) The Department has instructed the SROs to notify the Schools that s/he has been assigned to and the Department of any absences, anticipated or otherwise, at the earliest possible time.
- (e) The County will not be obligated to provide the District with any monetary credit for time that an SRO is not at the School under any circumstances. Notwithstanding the above, if the County is unable to assign an officer to serve as SRO for an extended period of time, this Agreement may be terminated by the District upon thirty (30) days' notice to the County. In such event, the County shall refund to the District a prorated amount for any amounts paid by the District for the period, subsequent to the date of termination.
- (f) The SROs shall consult with and coordinate activities through each of the Schools' principal or designee they have been assigned to.
- (g) The District will coordinate with the SROs and Department to implement informational technology access for the SROs. The SROs shall have access to the Department's Information Technology System.

Section 3. The SROs shall be assigned to the Schools only during any given school term, which shall be defined as the opening day of school in September through the last day of school in June of any given school year (the "School Term"), in accordance with the District's annual school calendar. This Agreement shall be for a term of five (5) years commencing on the first day of school in September, 2023 and continuing through the last day of school in June, 2028 (the "Term") and services shall be provided only during any given School Term.

Section 4. In consideration for the services rendered, the District will pay the County as follows:

- (i) for the 2023-2024 School Term, a total amount of Three Hundred Thirty-Three Thousand One Hundred Seven and 00/100 (\$333,107.00) Dollars, payable in two (2) equal installments of One Hundred Sixty-Six Thousand Five Hundred Fifty-Three and 50/100 (\$166,553.50) Dollars each;
- (ii) for the 2024-2025 School Term, a total amount of Three Hundred Forty-Two Thousand Two Hundred Sixty-Eight and 00/100 (\$342,268.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-One Thousand One Hundred Thirty-Four and 00/100 (\$171,134.00) Dollars each;
- (iii) for the 2025-2026 School Term, a total amount of Three Hundred Fifty-One Thousand Six Hundred Eighty and 00/100 (\$351,680.00) Dollars, payable in two (2) equal installments of One Hundred Seventy-Five Thousand Eight Hundred Forty and 00/100 (\$175,840.00) Dollars each;
- (iv) for the 2026-2027 School Term, a total amount of Three Hundred Sixty-One Thousand Three Hundred Fifty-One and 00/100 (\$361,351.00) Dollars, payable in two (2) equal installments of One Hundred Eighty Thousand Six Hundred Seventy-Five and 50/100 (\$180,675.50) Dollars each; and

- (v) for the 2027-2028 School Term, a total amount of Three Hundred Seventy-One Thousand Two Hundred Eighty-Nine and 00/100 (\$371,289.00) Dollars, payable in two (2) equal installments of One Hundred Eighty-Five Thousand Six Hundred Forty-Four and 50/100 (\$185,644.50) Dollars each.

For the 2023-2024 School Term, the first installment shall be paid upon execution of this Agreement and the second installment shall be paid within six (6) months of the first installment. Payment for services rendered during the remaining Term of this Agreement will be made in two (2) equal installments, the first of which shall be made within ten (10) days of the beginning of each School Term and the second of which will be made within six (6) months of the first installment.

The District shall not be responsible for any overtime pay earned by an officer serving as SRO in connection with his or her routine duties under this Agreement. The District shall, however, be responsible for any overtime pay earned by an officer serving as an SRO in connection with his or her requested additional duties outside the regularly scheduled hours under the IMA, such as District community events (i.e. sporting events, dances and after-school activities). The District shall coordinate directly with the Department regarding any additional detail request(s).

Section 5. It is understood and agreed that at all times the SROs shall remain an employee of the Department and shall be under the overall supervision of the Commissioner of the Department or his/her authorized designee ("Commissioner") and shall follow all policies and procedures of the Department. The District acknowledges that the SROs shall remain responsive to the chain of command of the Department.

Section 6. The District agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "A," 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 "A," District 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 District shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by District or third parties under the direction or control of District; 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, except for that which was contributed to, caused by or resulting from the sole negligence of the County, and to bear all other costs and expenses related thereto; and

(c) In the event District 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 District 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 Agreement.

(d) The District understands and agrees that the County self-funds its casualty and liability exposures in accordance with Local Law 6-1986 that amended the Laws of Westchester County to add a new Chapter 295 providing for the establishment and management of a liability and casualty reserve fund. As such, in lieu of any insurance requirements the District may have, the District agrees to accept a letter from the County's Director of Risk Management confirming the County's self-insured status, in satisfaction of any such insurance requirements.

Section 7. This Agreement may be terminated by either party by giving written notice of the termination to the other party not less than thirty (30) days prior to the effective date of such termination.

Section 8. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, 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: Commissioner - Sheriff of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

With a copy to: County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the District: Superintendent of Schools
Hendrick Hudson School District
61 Trolley Road
Montrose, New York 10548

Section 9. The failure of either party to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the party may have, and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

Section 10. This Agreement and its attachments constitute the entire agreement between the parties with respect to the subject matter hereof and shall supersede all previous 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.

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.

Section 11. The District and the County agree that the District and its officers, employees, agents, subconsultants and/or consultants are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the District covenants and agrees that neither the District nor any of its officers, employees, agents, contractors, subconsultants and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

Section 12. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

Section 13. 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.

Section 14. This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Terrance Raynor
Acting Commissioner of Public Safety

HENDRICK HUDSON SCHOOL DISTRICT

By _____
Name:
Title:

Approved by the Westchester County Board of Legislators by Act No 2023-_____ at a meeting duly held on the _____ day of _____, 2023.

Approved:

Assistant County Attorney
The County of Westchester
Hendrick Hudson IMA.jpg. 07.2123.docx

Date

DISTRICT'S ACKNOWLEDGEMENT

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

On this _____ day of _____, 2023, 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/she, the said _____
_____ resides at _____ and that he/she is the
_____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY

(District)

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

_____ of the _____
(Title) (Name of District)

(the "District") 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 _____ who signed said
(Person executing agreement)

agreement on behalf of the District was, at the time of execution _____ of
(Title of such person),

the District, that said agreement was duly signed for on behalf of said District by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

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 _____, 2023, 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/she is the _____ of said municipal corporation.
(Title)

Notary Public County

SCHEDULE "A"
STANDARD INSURANCE PROVISIONS
(DISTRICT)

1. Prior to commencing work, and throughout the term of the Agreement, the District 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 District 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 District 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 District 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 District 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 District to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the District from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the District 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 District'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 District until such time as the District shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the District 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 District. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The District 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.

All Contracts involving the use of explosives, demolition and/or underground work shall provide proof that XCU is covered.

- 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.

3. All policies of the District 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 District.

Westchester County

George Latimer
County Executive

July 28, 2023

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is an Act (the "Act") which, if approved by your Honorable Board, will authorize the County of Westchester, acting by and through the Department of Public Safety ("Department"), to amend an inter-municipal agreement ("IMA") with the Village of Port Chester (the "Village"), pursuant to which the Village, through its police department, agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project ("STOP-DWI Program"), for a term commencing on January 1, 2021 and continuing through December 31, 2025, in an amount not-to-exceed \$8,400.00 per year, in order to increase the annual not-to-exceed amount payable to the Village from \$8,400.00 per year to \$20,000.00 per year, effective retroactive to January 1, 2023 and for the remainder of the term of the IMA.

By way of background, on November 9, 2020, by Act No. 184-2020, your Honorable Board authorized the County to enter into IMAs with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law, for the implementation of the STOP-DWI Program, a concerted DWI law enforcement effort undertaken by local municipalities and their police departments to reduce alcohol-related traffic injuries and fatalities in Westchester by conducting special DWI patrols. The term of the IMAs were to commence on January 1, 2021 and continue through December 31, 2025. In consideration for services rendered, Act No. 184-2020 authorized the County to pay each municipality an amount not-to-exceed \$8,400.00 per year, payable at the hourly rates set forth in the IMA.

The County has entered into STOP-DWI Program IMAs with each of the local municipalities in the County, including the Village. However, most of the municipalities do not reach their \$8,400.00 annual limit. The Village is the one exception. It has by far the greatest volume of DWI activity among the municipalities participating in the STOP-DWI Program and its record of DWI arrests is outstanding. Consequently, the Village has already reached its \$8,400 funding limit for 2023. Moreover, the Department expects that going forward, the Village will continue to exceed its \$8,400.00 annual cap. For these reasons, the Department seeks to amend the IMA with the Village in order to increase the Village's annual STOP-DWI Program cap by an additional \$11,600.00 per year, from \$8,400.00 to \$20,000, effective retroactive to January 1, 2023 and for the balance of the term of the Village's IMA.

Office of the County Executive

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

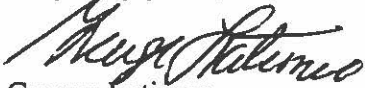
Telephone: (914)995-2900

The STOP-DWI Program has successfully initiated and coordinated efforts to reduce the number of alcohol and drug-related traffic injuries and deaths by providing municipalities with enforcement funding, coordinating of prosecution efforts, and informing and educating the public as to the legal and social consequences of driving while intoxicated in Westchester County. The STOP-DWI Program is funded by the return from the State of New York to the County of DWI-DWAI fines collected in Westchester. As such, no tax levy monies are used to support the Program.

The Department of Planning has advised that the proposed amendment to the IMA with the Village does not meet the definition of an action under New York State Environmental Quality Review Act 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 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Honorable Board's review and approval of the attached Act is of the utmost importance to the continuation of coordinated County efforts to reduce alcohol-related traffic injuries and fatalities in Westchester. Accordingly, I most respectfully recommend your favorable action on the annexed proposed Act.

Very truly yours,



George Latimer
County Executive

GL/TR/PMT/jpg
Attachments

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

Your Committee is in receipt of a communication from the County Executive forwarding for your Honorable Board's consideration an Act (the "Act") which, if approved, will authorize the County of Westchester (the "County"), acting by and through the Department of Public Safety ("Department"), to amend an inter-municipal agreement ("IMA") with the Village of Port Chester (the "Village"), pursuant to which the Village, through its police department, agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project ("STOP-DWI Program") for a term commencing on January 1, 2021 and continuing through December 31, 2025, in an amount not-to-exceed \$8,400.00 per year, in order to increase the annual not-to-exceed amount payable to the Village from \$8,400.00 per year to \$20,000.00 per year, effective retroactive to January 1, 2023 and for the remainder of the term of the IMA.

By way of background, on November 9, 2020, by Act No. 184-2020, your Honorable Board authorized the County to enter into IMAs with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law, for the implementation of the STOP-DWI Program, a concerted DWI law enforcement effort undertaken by local municipalities and their police departments to reduce alcohol-related traffic injuries and fatalities in Westchester by conducting special DWI patrols. The term of the IMAs were to commence on January 1, 2021 and continue through December 31, 2025. In consideration for services rendered, Act No. 184-2020 authorized the County to pay each municipality an amount not-to-exceed \$8,400.00 per year, payable at the hourly rates set forth in the IMA.

Your Committee is advised that the County has entered into STOP-DWI Program IMAs with each of the local municipalities in the County, including the Village. However, most of the municipalities do not reach their \$8,400.00 annual limit. The Village is the one exception. It has by far the greatest volume of DWI activity among the municipalities participating in the STOP-DWI Program and its record of DWI arrests is outstanding. Consequently, the Village has already reached its \$8,400 funding limit for 2023. Moreover, the Department expects that going forward, the Village will continue to exceed its \$8,400.00 annual cap. For these reasons, the Department seeks to amend the IMA with the Village in order to increase the Village's annual STOP-DWI Program cap by an additional \$11,600.00 per year, from \$8,400.00 to \$20,000, effective retroactive to January 1, 2023 and for the balance of the term of the Village's IMA.

Your Committee is advised that the STOP-DWI Program has successfully initiated and coordinated efforts to reduce the number of alcohol and drug-related traffic injuries and deaths by providing municipalities with enforcement funding, coordinating of prosecution efforts, and informing and educating the public as to the legal and social consequences of driving while intoxicated in Westchester County. The STOP-DWI Program is funded by the return from the State of New York to the County of DWI-DWAI fines collected in Westchester. As such, no tax levy monies are used to support the Program.

The Department of Planning has advised that the proposed amendment to the IMA with the Village does not meet the definition of an action under New York State Environmental Quality Review Act 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 12, 2023, which is on file with the Clerk of the Board of Legislators.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act. Your Committee has carefully considered the proposed Act and recommends your Honorable Board's approval thereof.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:jpg 07.21.2023

FISCAL IMPACT STATEMENT

SUBJECT: Inter Municipal Agreement-STOP-DWI & the Village of Port Chester 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: _____

Dept 71, Fund 711, Trust Account T009, Unit 009W, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009X, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009Y, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009Z, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009A, 8500

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: No impact to the Operating Budget

Potential Related Revenues: Annual Amount \$ 0

Describe: No impact to the Operating Budget. Funding is received from fines that are collected from individuals who are arrested from drinking and driving. Requesting an increase of the yearly IMA amount by \$11,600 from \$8,400 to \$20,000.00 per year for the period from January 1, 2023 through December 31, 2025.

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

Current Year: 0

Next Four years: 0

Prepared by: Patricia McCarthy Tomassi

Reviewed By: Christina Rappaporto ^{ASB}

Title: Program Administrator

Budget Director

Department: Public Safety

DATE: 7/25/23

If you need more space, please attach additional sheets.

ACT NO. 2023 -

AN ACT authorizing the County of Westchester to amend an intermunicipal agreement with the Village of Port Chester under the Westchester County STOP-DWI Patrol/Datamaster Project, in order to increase the annual payment cap under the IMA from \$8,400.00 to \$20,000.00, effective retroactive to January 1, 2023 and for the remainder of the IMA term.

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

Section 1. The County of Westchester ("County") is hereby authorized to amend an intermunicipal agreement ("IMA") with the Village of Port Chester (the "Village") pursuant to which the Village, through its police department, agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project to conduct special DWI patrols, for a term commencing on January 1, 2021 and continuing through December 31, 2025, in an amount not-to-exceed \$8,400.00 per year, payable at the hourly rates set forth in the IMA, in order to increase the annual not-to-exceed amount payable to the Village from \$8,400.00 per year to \$20,000.00 per year, effective retroactive to January 1, 2023 and for the remainder of the term of the IMA.

§2. 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.

§3. This Act shall take effect immediately.

Port Chester: 2021-2025- 30/1st Amendment

THIS AMENDMENT made the day of , 2023, between the

COUNTY OF WESTCHESTER, a municipal corporation of the State of New York having an office and place of business at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as The “County”),

acting by and through its Department of Public Safety (hereinafter referred to as the “Department”)

VILLAGE OF PORT CHESTER, a municipal corporation of the State of New York having an office and place of business at 222 Grace Church Street, Port Chester, New York 10573, acting by and through the Village of Port Chester Police Department (hereinafter referred to as the "Municipality")

WITNESSETH:

WHEREAS, on or about December 21, 2020, the County entered into an intermunicipal agreement (the “IMA”) with the Municipality pursuant to which the Municipality agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project to conduct special DWI patrols for the period from January 1, 2021 through December 31, 2025 in an amount not-to-exceed \$8,400.00 per year, payable at hourly rates as set forth in the IMA; and

WHEREAS, due to its high volume of activity, the Municipality has already reached its \$8,400 funding limit for 2023; and

WHEREAS, the Department expects that going forward, the Municipality will continue to exceed its \$8,400.00 annual cap and, for these reasons, seeks to amend the IMA with the Municipality in order to increase the annual cap by an additional \$11,600.00 per year, from \$8,400.00 to \$20,000.00, effective retroactive to January 1, 2023 and for the balance of the term of the IMA

NOW, THEREFORE, in consideration of the promises and covenants herein, the parties agree as follows:

1. The parties desire to amend the IMA in order to increase the Municipalities' annual funding allocation by an additional \$11,600.00 per year, from \$8,400.00 per year to \$20,000 per year, effective retroactive to January 1, 2023 and for the remainder of the term of this Agreement. Accordingly, the following sentence is added to Paragraph "1" of the Agreement:

"Effective January 1, 2023 and for the remainder of the term of this Agreement, the annual not-to-exceed cap shall be increased from EIGHT THOUSAND FOUR HUNDRED (\$8,400.00) DOLLARS to TWENTY THOUSAND (\$20,000.00) DOLLARS."

2. Any other reference contained in the Agreement or its attachments to the \$8,400.00 annual not-to-exceed cap shall be modified to read that effective January 1, 2023 and for the remainder of the term of the Agreement, the \$8,400.00 annual cap shall be increased to \$20,000.00.

3. Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties.

4. This Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have agreed and caused this Amendment to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Terrance Raynor
Acting Commissioner – Sheriff
Department of Public Safety

VILLAGE OF PORT CHESTER

By: _____
Name:
Title:

Approved by the Westchester County Board of legislators on the ____ day of _____, 2023 by Act No. 2023- _____

Approved by the Village Council of the Village of Port Chester by Resolution adopted on the ____ day of _____, 2023

Approved:

Sr. Assistant County Attorney
County of Westchester

DRAFT

ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 20__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

DRAFT

CERTIFICATE OF AUTHORITY
(MUNICIPAL CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Municipal Corporation)

a municipal 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
_____ was at the time of execution
(Name of Municipal Corporation)

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said
Municipal Corporation by authority of its 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)

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 officer described in and who executed the above certificate, who being by me
duly sworn did depose and say that he/she resides at _____,
and he/she is an officer
of said corporation; that he/she is duly authorized to execute said certificate on behalf of
said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Notary Public
Date

Westchester County

George Latimer
County Executive

July 28, 2023

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, would authorize the County of Westchester ("County") to amend its current-year capital budget ("Capital Budget Amendment"), as well as adopt a related bond act in the amount of \$1,000,000 (the "Bond Act"), to finance the following capital project:

BES20 – DES Backup Generator ("BES20").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for BES20 by \$1,000,000 to provide additional funding to account for inflation and cost escalation since the project was first budgeted in 2019.

The related Bond Act, in the amount of \$1,000,000, would provide additional funding for the purchase of the emergency generator that will provide backup power for the Department of Emergency Services ("DES") facility.

DES has advised that the existing generator has reached the end of its useful life and does not provide 100% redundancy to the facility. The new generator will also support the planned improvements to DES's facility.

Design has been completed by in-house staff. Following bonding authorization, it is estimated that construction will take twenty-seven (27) 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 to finance the acquisition of the emergency generator for the Department's facility, as set forth in the attached fact sheet.

The Department of Planning has advised that based on its review, the proposed 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Office of the County Executive


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

Telephone: (914)995-2900

The Department of Planning has further advised that the Planning Board has previously reviewed this project 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.

Based on the importance of this project to the County, favorable action on the proposed Capital Budget Amendment and Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/cmc
Attachments

**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 act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (“Bond Act”) in the amount of \$1,000,000, to finance capital project BES20 – DES Backup Generator (“BES20”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for BES20 by \$1,000,000 to provide additional funding to account for inflation and cost escalation since the project was first budgeted in 2019.

Your Committee is further advised that the Bond Act, in the amount of \$1,000,000, which was prepared by the law firm of Hawkins Delafield & Wood, LLP, would provide additional funding for the purchase of an emergency generator that would provide backup power for the Department of Emergency Services (“DES”) facility.

DES has advised that the existing generator has reached the end of its useful life and does not provide 100% redundancy to the facility. The new generator will also support the planned improvements to DES’s facility.

Your Committee is advised that design for this project has been completed by in-house staff. Your Committee is further advised that following bonding authorization, it is estimated that construction will take twenty-seven (27) months to complete and will begin after award and execution of construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds to finance the acquisition of the emergency generator for the Department’s facility, as set forth in the attached 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.

The Department of Planning has further advised your Committee that the Planning Board has previously reviewed this project 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 Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also 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 Bond Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:cmc/07.06.2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES20

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 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 116,286

Total Debt Service (Annual Cost x Term): \$ 1,162,860

Finance Department: Interest rates from July 18, 2023 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: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Richard G. Wishnie

Title: Commissioner

Department: Emergency Services

Date: 7/25/23

Reviewed By: *Christina Paragato*

Budget Director

Date: 7/25/23

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: July 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BES20 DES BACKUP GENERATOR**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-16-2023 (Unique ID: 2241)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- **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: The replacement generator will be larger in size and capacity and housed in a new walk-in structure along with new aboveground fuel tanks that will be housed in the same enclosure. The new generator structure will be located approximately 70 feet to the west of the original generator and underground fuel tanks, which will be removed. The proposed new location is adjacent to the entrance drive to the Fire Training Center at Grasslands. Five trees of approximately 6-inch caliper will need to be removed. Tree replacements will be added to the project.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: July 12, 2023

RE: **Capital Budget Amendment –
BES20 DES Backup Generator**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **BES20 DES Backup Generator** will fund the purchase of an emergency generator that provides backup power for the DES facility.

A Capital Budget Amendment in the amount of \$1,000,000 is being requested due to a significant increase in costs since the initial estimates were obtained in 2020. This project was classified as a PL1, project without physical planning aspects of concern to the Planning Board in the 2021 Report on the Capital Project Requests adopted July 7, 2020.

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, Acting Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project BES20 DES
 Emergency Generator

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$3,900,000	\$1,000,000	\$4,900,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$3,900,000	\$1,000,000	\$4,900,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$3,900,000	\$1,000,000	\$4,900,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR FOR THE DES FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 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, to the provisions of other laws applicable thereto, \$1,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition and installation of an emergency generator to provide back-up power for the DES facility; 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 object or purpose, including preliminary costs and costs incidental thereto and the financing

thereof is \$1,000,000. The plan of financing includes the issuance of \$1,000,000 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 object or purpose for which said \$1,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 13 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 \$1,000,000. 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 \$1,000,000 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 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__.

(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 _____, 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 amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR FOR THE DES FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 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 acquisition and installation of an emergency generator to provide back-up power for the DES 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: \$1,000,000; 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:* BES20	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 06-07-2023
Fact Sheet Year:* 2023	Project Title:* DES BACKUP GENERATOR	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* EMERGENCY SERVICES	CP Unique ID: 2241

Overall Project Description

This project replaces and upgrades the Department of Emergency Services emergency generator that provides backup power to the facility.

- | | | |
|--|--|--|
| <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 type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	4,900	3,900	0	0	0	0	0	1,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,900	3,900	0	0	0	0	0	1,000

Expended/Obligated Amount (in thousands) as of: 239

Current Bond Description: Funding is requested for the purchase of an emergency generator that provides backup power for the DES facility.	
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:

A Capital Budget Amendment in the amount of \$1,000,000 (shown under review) is being requested to provide additional funding to account for inflation and cost escalation since the project was first budgeted in 2019.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	3,900,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

3,900,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	20	3,900,000	67,568	DES BACKUP GENERATOR

DES BACKUP GENERATOR (BES20)

User Department : Emergency Services

Managing Department(s) : Emergency Services ; Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,900	3,900	239						
Non County Share									
Total	3,900	3,900	239						

Project Description

This project replaces and upgrades the Department of Emergency Services emergency generator that provides backup power to the facility.

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	3,900,000	Design, construction and construction management	DESIGN
Total	3,900,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,900,000	67,568	3,832,432
Total	3,900,000	67,568	3,832,432

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
20 21	3,900,000	12/01/22	61,460	3,832,432
		12/01/22	6,108	
Total	3,900,000		67,568	3,832,432

Total Financing History:
3,900,000

Recommended By:

Department of Planning
MLLL

Date
06-16-2023

Department of Public Works
RJB4

Date
06-16-2023

Budget Department
DEV9

Date
06-20-2023

Requesting Department
KANI

Date
06-21-2023

Westchester County

George Latimer
County Executive

July 10, 2023

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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$810,000 to finance the following capital project:

BES24 (2237) REPLACEMENT OF SMOKE HOUSE BUILDING ("BES24").

The Bond Act, in the amount of \$810,000.00 would finance the design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training prop.

The Department of Emergency Services ("DES") has advised that the existing smoke house is over 45 years old and has had several large repairs during its life as a result of normal wear and tear to the structure. The repairs are failing due to the building's age and the repeated exposure to the temperature extremes of live fire, its rapid extinguishment and high pressure impacts resulting from the use of fire hoses during each training evolution. This has resulted in building deterioration and fatigue. Surrounding paved surfaces are exhibiting similar damage from the same wear and tear conditions noted to the building itself.

This realistic fire training prop is one of the most used at the DES training facility. It is used on a nearly daily basis by fire departments from municipalities throughout the County as a valuable hands-on fire suppression training tool for their fire fighters.

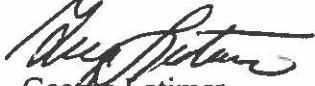
The National Fire Protection Agency (NFPA) has Standards (NFPA 1402 Standards for Fire Training and Associated Props) to ensure structural fitness and safety for LIVE burn buildings. The existing smoke house has been inspected by engineers who recommend the building be replaced and not renovated again.

Following bonding authorization, design will be scheduled and is anticipated to take 9 months to complete. It is anticipated that the design work will be completed by consultants. It is also estimated that construction will take 14 months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,



George Latimer
County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$810,000 to finance capital project BES24 (2237) REPLACEMENT OF SMOKE HOUSE BUILDING (“BES24”). The Bond Act, which was prepared by the law firm Harris Beach PLLC, will finance the design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training prop.

The Department of Emergency Services (“DES”) has advised that the existing smoke house is over 45 years old and has had several large repairs during its life as a result of normal wear and tear to the structure. The repairs are failing due to the building’s age and the repeated exposure to the temperature extremes of live fire, its rapid extinguishment and high pressure impacts resulting from the use of fire hoses during each training evolution. This has resulted in building deterioration and fatigue. Surrounding paved surfaces are exhibiting similar damage from the same wear and tear conditions noted to the building itself.

Your Committee is advised that this realistic fire training prop is one of the most used at the DES training facility. It is used on a nearly daily basis by fire departments from municipalities throughout the County as a valuable hands-on fire suppression training tool for their fire fighters.

Your Committee is further advised that the National Fire Protection Agency (NFPA) has Standards (NFPA 1402 Standards for Fire Training and Associated Props) to ensure structural fitness and safety for LIVE burn buildings. The existing smoke house has been inspected by engineers who recommend the building be replaced and not renovated again.

Following bonding authorization, design will be scheduled and is anticipated to take 9 months to complete. It is anticipated that the design work will be completed by consultants. It is also estimated that construction will take 14 months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this 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: _____, 20____
White Plains, New York

COMMITTEE ON

c:\cmc 07.10.2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES24

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	\$	810,000	PPU	5	Anticipated Interest Rate	2.78%
Anticipated Annual Cost (Principal and Interest):	\$	177,674				
Total Debt Service (Annual Cost x Term):	\$	888,370				

Finance Department: Interest rates from July 18, 2023 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):

No impact

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 8

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Richard G. Wishnie

Title: Commissioner

Department: Emergency Services


Date: 7/20/23

Reviewed By: *Christina Raybato*

Budget Director

Date: 7/25/23

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: July 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BES24 REPLACEMENT OF SMOKE HOUSE BUILDING**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-16-2023 (Unique ID: 2237)

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)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- **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, studies and reviews only.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$810,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE REPLACEMENT OF THE SMOKE HOUSE BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$810,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$810,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER (the "County"), 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, \$810,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of planning for the replacement of the Smoke House Building located on the Valhalla Grasslands campus, including design, special studies and administrative reviews associated with demolition of the existing

smoke house and construction of a new Smoke House fire training prop; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$810,000. The plan of financing includes the issuance of \$810,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which bonds authorized by this resolution is 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 \$810,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes

or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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 \$810,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE REPLACEMENT OF THE SMOKE HOUSE BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$810,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$810,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of planning replacement of the Smoke House Building located on the Valhalla Grasslands campus, including design, special studies and administrative reviews associated with demolition of the existing smoke house and construction of a new Smoke House fire training prop; 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: \$810,000; 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:* BES24	<input type="checkbox"/> CBA	Fact Sheet Date:* 06-05-2023
Fact Sheet Year:* 2023	Project Title:* REPLACEMENT OF SMOKE HOUSE BUILDING	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* EMERGENCY SERVICES	CP Unique ID: 2237

Overall Project Description

This project funds a new Smoke House Building fire training prop located in the fire training yard on the Valhalla Grasslands campus.

- | | | |
|--|--|---|
| <input type="checkbox"/> Best Management Practices | <input 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	2023	2024	2025	2026	2027	Under Review
Gross	6,310	0	810	5,500	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,310	0	810	5,500	0	0	0	0

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

Current Bond Description: Funding is requested for the design, special studies and administrative reviews associated with demolition of the existing smoke house and construction of a new Smoke House fire training prop.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	810,000
Cash:	0
Total:	\$ 810,000

SEQR Classification:

TYPE II

Amount Requested:

810,000

Comments:

The design will be done in accordance with NFPA 1402 Standards for Fire Training and Associated Props.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	810,000	DESIGN

Total Appropriation History:

810,000

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

06-16-2023

Department of Public Works

RJB4

Date

06-20-2023

Budget Department

DEV9

Date

06-20-2023

Requesting Department

KANI

Date

06-21-2023

REPLACEMENT OF SMOKE HOUSE BUILDING (BES24)

User Department : Emergency Services
Managing Department(s) : Emergency Services ; 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	2023	2024	2025	2026	2027	Under Review
Gross	6,310			810	5,500				
Non County Share									
Total	6,310			810	5,500				

Project Description

This project funds a new Smoke House Building fire training prop located in the fire training yard on the Valhalla Grasslands campus.

Current Year Description

The current year request funds design.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	810,000			810,000

Impact on Operating Budget

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

Westchester County

George Latimer
County Executive

July 28, 2023

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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$2,700,000 to finance the following capital project:

RGP07 – Park-Wide Tree Planting and Site Work ("RGP07").

The Bond Act, in the amount of \$2,700,000, would finance the study, design, purchase and planting of trees and other plant materials and associated site work throughout the County's park system. This will include a tree canopy assessment for the entire County, a tree inventory for the County park system, reforestation and landscape restoration projects at Glen Island Park, Tibbett's Brook Park, North/South County Trailway and other parks, and the establishment of a native plant nursery at two locations within the County Park System.

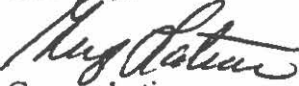
The Department of Parks, Recreation and Conservation ("Department") has advised that the planting of trees and other plant material provide a wide range of benefits for human health, environmental quality and wildlife. The tree canopy assessment and tree inventory will be used to establish a baseline measure to monitor the health of the forest canopy, as well as prioritizing locations for future plantings. In addition to planting trees as part of forest restoration efforts within the County park system, this project will also fund the establishment of native plant nurseries which will help to support these restoration efforts by providing native plants from locally sourced plant populations.

Following bonding authorization, study and design will be scheduled and is anticipated to take twenty-four months to complete. It is anticipated that the design work will be completed by in-house staff and consultants. It is estimated that installation of trees and other plantings will take twelve months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised that based on its review, RGP07 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,



George Latimer
County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$2,700,000 to finance capital project RGP07 – Park-Wide Tree Planting and Site Work (“RGP07”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the study, design, purchase and planting of trees and other plant materials and associated site work throughout the County’s park system. This will include a tree canopy assessment for the entire County, a tree inventory for the County park system, reforestation and landscape restoration projects at Glen Island Park, Tibbett’s Brook Park, North/South County Trailway and other parks, and the establishment of a native plant nursery at two locations within the County Park System.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the planting of trees and other plant material provide a wide range of benefits for human health, environmental quality and wildlife. The tree canopy assessment and tree inventory will be used to establish a baseline measure to monitor the health of the forest canopy, as well as prioritizing locations for future plantings. In addition to planting trees as part of forest restoration efforts within the County park system, this project will also fund the establishment of native plant nurseries which will help to support these restoration efforts by providing native plants from locally sourced plant populations.

Following bonding authorization, study and design will be scheduled and is anticipated to take twenty-four months to complete. It is anticipated that the design work will be completed by in-house staff and consultants. It is estimated that installation of trees and other plantings will take twelve months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, RGP07 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: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGP07

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 \$ 2,700,000 PPU 15 Anticipated Interest Rate 3.00%

Anticipated Annual Cost (Principal and Interest): \$ 226,099

Total Debt Service (Annual Cost x Term): \$ 3,391,485

Finance Department: Interest rates from July 12, 2023 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: 30

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

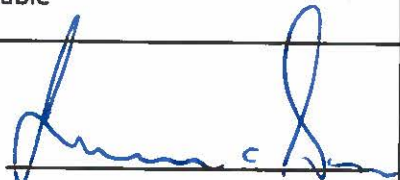
Prepared by: Robert Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation

Date: 7/17/23


Reviewed By: *W7/16/23*



Budget Director

Date: 7/15/23

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: June 27, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGP07 PARK-WIDE TREE PLANTING AND SITE WORK**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2222)

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)(3):** retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;
 - **617.5(c)(8):** maintenance of existing landscaping or natural growth;
 - **617.5(c)(20):** public or private best forest management (silviculture) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
 - **617.5(c)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.
-

COMMENTS: The tree inventory/canopy assessment, as well as the purchase and installation of replacement trees or small numbers of trees to enhance an existing park facility, and/or the removal of vines and invasive species adversely impacting native vegetation may be classified as Type II actions under the aforementioned sections. The acquisition and installation of trees to be funded by this project, but is part of a larger project, will need to be considered in the overall environmental review for the larger project, as required by SEQR, at the time funding approval is being sought for the larger project or prior to contract approval for construction.

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PARK-WIDE TREE PLANTING AND SITE WORK PROJECT FOR THE COUNTY PARKS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,700,000 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, and to the provisions of other laws applicable thereto, \$2,700,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the study, design, purchase and planting of trees and other plant materials and associated site work throughout the County's park system, including a tree canopy assessment for the entire County as well as a tree inventory for the County park system, as well as reforestation and landscape restoration projects at Glen Island Park, Tibbett's Brook Park, North/South County Trailway and other parks and to initiate the establishment of a native plant nursery at two locations within the County Park System, 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 \$2,700,000. The plan of financing includes the issuance of \$2,700,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, 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 said specific object or purpose, within the limitations of Section 11.00 a. 19(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 \$2,700,000. 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 \$2,700,000 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 \$2,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PARK-WIDE TREE PLANTING AND SITE WORK PROJECT FOR THE COUNTY PARKS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,700,000 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 study, design, purchase and planting of trees and other plant materials and associated site work throughout the County's park system, including a tree canopy assessment for the entire County as well as a tree inventory for the County park system, as well as reforestation and landscape restoration projects at Glen Island Park, Tibbett's Brook Park, North/South County Trailway and other parks and to initiate the establishment of a native plant nursery at two locations within the County Park System, as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued and period of probable usefulness: \$2,700,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* RGP07	<input type="checkbox"/> CBA	Fact Sheet Date:* 05-02-2023
Fact Sheet Year:* 2023	Project Title:* PARK-WIDE TREE PLANTING AND SITE WORK	Legislative District ID: 5, 16, 11,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2222

Overall Project Description

This project involves the planting of new trees and other site work throughout the park system. The work will also include creating a facility for handling wood waste generated by the Park 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	2023	2024	2025	2026	2027	Under Review
Gross	12,700	7,700	5,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	12,700	7,700	5,000	0	0	0	0	0

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

Current Bond Description: This request will fund the study, design, purchase and planting of trees and other plant materials and associated site work throughout the County's park system. The study will include a tree canopy assessment for the entire County as well as a tree inventory for the County park system. The results of the study will be used to establish a baseline measure to monitor the health of the forest canopy as well as prioritizing locations for future plantings. This request also funds reforestation and landscape restoration projects at Glen Island Park, Tibbett's Brook Park, North/South County Trailway and other parks. Funding will also be used to initiate the establishment of a native plant nursery at two locations within the County Park System.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,700,000
Cash:	0
Total:	\$ 2,700,000

SEQR Classification:
TYPE II

Amount Requested:
2,700,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2011	100,000	PLANTING TREES ON COUNTY PARKLAND
2013	100,000	PLANTING TREES ON COUNTY PARKLAND
2015	2,500,000	PLANTING TREES ON COUNTY PARKLAND
2016	2,500,000	PLANTING TREES ON COUNTY PARKLAND
2017	2,500,000	CONTINUATION OF THIS PROJECT.
2023	5,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

12,700,000

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
05-17-2023

Department of Public Works
RJB4

Date
05-17-2023

Budget Department
DEV9

Date
05-22-2023

Requesting Department
RCL3

Date
06-01-2023

PARK-WIDE TREE PLANTING AND SITE WORK (RGP07)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ;
Estimated Completion Date: TBD

Planning Board Recommendation: Hold for further investigation; approval at this time is premature.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	12,700	7,700		5,000					
Non County Share									
Total	12,700	7,700		5,000					

Project Description

This project involves the planting of new trees and other site work throughout the park system. The work will also include creating a facility for handling wood waste generated by the Park system.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	5,000,000			5,000,000

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
2011	100,000	Planting trees on County parkland	AWAITING BOND AUTHORIZATION
2013	100,000	Planting trees on County parkland	AWAITING BOND AUTHORIZATION
2015	2,500,000	Planting trees on County parkland	AWAITING BOND AUTHORIZATION
2016	2,500,000	Planting trees on County parkland	AWAITING BOND AUTHORIZATION
2017	2,500,000	Continuation of this project.	AWAITING BOND AUTHORIZATION
Total	7,700,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,700,000		7,700,000
Total	7,700,000		7,700,000