

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 are two bond acts which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to issue bonds in connection with capital project BPF40 – Michaelian Office Building Parking Garage Rehabilitation ("BPF40") as follows:

- 1.) An amended bond act in the total amount of \$37,850,000, which includes \$1,700,000 in previously authorized bonds of the County, to finance the costs of design, construction and construction management in connection with Phase II of the rehabilitation of the Michaelian Office Building ("MOB") parking garage, which will include column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd, and associated plaza restoration, replacement of existing lighting and drainage and associated work ("Phase II Bond Act"); and
- 2.) A bond act in the amount of \$2,750,000 to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning Phase III of the MOB parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work ("Phase III Bond Act").

The Department of Public Works & Transportation ("Department") has advised that the MOB parking garage's structural columns and beams are deteriorating and the concrete parking deck is cracking and spalling. This is resulting in exposure of underlayment and reinforcement. Access ramps throughout the parking structure are deteriorating and leaking at lower levels has been observed through failed expansion joints. Drainage-related issues have been observed. Failure to complete repairs will result in further deterioration. Lighting will also be upgraded to energy-efficient LED fixtures.

Design of Phase II is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2023. It is estimated that construction will take thirty months to complete and will begin after award and execution of the construction contracts.

Office of the County Executive

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

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Following bond authorization, design of Phase III will be scheduled and is anticipated to take eighteen months to complete. The design work will be completed by a consultant.

Construction is estimated to take thirty months and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF40 as follows: Bond Act No. 23-2021 in the amount of \$1,700,000 to finance design in connection with BPF40. These bonds have not been sold. Accordingly, approval of the Phase II Bond Act is now requested in order to amend Bond Act No. 23-2021 to increase the amount authorized by \$36,150,000, for a total authorized amount, as amended, of \$37,850,000, to revise the scope of Bond Act No. 23-2021 to include work associated with Phase II construction of BIT40, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised that based on its review, BPF40 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 Phase II Bond Act and Phase III Bond Act is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Phase II Bond Act”) which, if adopted, will authorize the County to issue up to \$36,150,000 in additional bonds of the County to finance capital project BPF40 – Michaelian Office Building Parking Garage Rehabilitation (“BPF40”).

The Phase II Bond Act, in the total amount of \$37,850,000 was prepared by the law firm Hawkins, Delafield & Wood and includes \$1,700,000 in previously authorized bonds of the County. The Phase II Bond Act would finance the costs of design, construction and construction management in connection with the rehabilitation of Phase II of the Michaelian Office Building (“MOB”) parking garage, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work.

The Department has further advised your Committee that structural columns and beams are deteriorating and the concrete parking deck is cracking and spalling on the basement levels of the MOB parking garage, resulting in exposure of underlayment and reinforcement. Access ramps throughout are deteriorating and leaking at lower levels has been observed through failed expansion joints. Failure to complete repairs will result in further deterioration.

Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2023. It is estimated that construction will take thirty months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF40 as follows: Bond Act No. 23-2021 in the amount of \$1,700,000 to finance design in connection with BPF40. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 23-2021 be amended to increase the amount authorized by \$36,150,000, for a total authorized amount, as amended, of \$37,850,000, to revise the scope of Bond Act No. 23-2021 to

include work associated with Phase II construction of BIT40, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, BIT40 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.

Your Committee has carefully considered the amendment to Bond Act No. 23-2021, and recommends approval of the Phase II Bond Act. 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 Phase II Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF40

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 \$ 37,850,000 PPU 25 Anticipated Interest Rate 3.34%

Anticipated Annual Cost (Principal and Interest): \$ 2,203,064

Total Debt Service (Annual Cost x Term): \$ 55,076,600

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: 411

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 7/20/23

Reviewed By: Christine Perry

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: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF40 Michaelian Office Building Parking Garage Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2204)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: The current request will fund construction of “Phase II” and design of “Phase III.” While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional improvements to this parking structure include the replacement of the fire suppression system and installation of a fire detection system to be funded by BPF33 and the installation of electric vehicle charging stations that will be funded by capital project BPF39. The combined work of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

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 \$37,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PHASE II OF THE MICHAELIAN OFFICE BUILDING PARKING LOT REHABILITATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$37,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$37,850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,700,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Michaelian Office Building Parking Garage, pursuant to Act No. 23-2021 duly adopted on February 8, 2021 (“Act No. 23-2021”); and

WHEREAS, it is now appropriate to authorize such purpose, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$37,850,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management in connection with the rehabilitation of the Michaelian Office Building parking garage, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$37,850,000. The plan of financing includes the issuance of \$37,850,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$37,850,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty-five (25) 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 \$37,850,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$37,850,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals

of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

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

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

Section 8. The amount of bonds of the County authorized by Act No. 23-2021 is hereby reduced by \$1,700,000 and the purposes for which said \$1,700,000 were authorized pursuant to Act No. 23-2021 are hereby rescinded from such Act.

Section 9. 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____.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20____ and approved, 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.

A complete copy 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 \$37,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PHASE II OF THE MICHAELIAN OFFICE BUILDING PARKING LOT REHABILITATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$37,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$37,850,000 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 design, construction and construction management in connection with the rehabilitation of the Michaelian Office Building parking garage, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$37,850,000; twenty-five (25) 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