## 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 amended bond act ("Amended Bond Act") in the total amount of $\$ 1,000,000$ prepared by the law firm Harris Beach, PLLC, to finance capital project BLR10 - Labs \& Research Infrastructure Improvements 2017-2021 ("BLR10").

Your Committee is advised that the Capital Budget Amendment will will amend the County's current-year capital budget to increase the County share for BLR10 by $\$ 400,000$. The Department of Labs \& Research ("Department") has advised that the increase is required because of the bids received for BLR10. The Department has also advised that its original intent was to rehabilitate the existing equipment, however, during design and in consultation with the original equipment manufacturer, it was determined that it would be prudent to replace the existing equipment, which is over forty years old and is leaking conditioned air from its joints.

The Department has advised that that BLR10 is necessary to ensure that the Microbiology Laboratory remains in compliance with instrument parameters and New York State Clinical Laboratory Evaluation Program requirements. The instrumentation used in the Microbiology Laboratory may only operate within very strict humidity ranges. Testing performed outside of those ranges are subject to erroneous results. The new equipment will use a variable frequency drive, newer coil technology. The new equipment will eliminate the hot water heating completely and use existing steam at the facility, and thereby will be more energyefficient.

The Amended Bond Act, in the total amount of $\$ 1,000,000$, which includes $\$ 400,000$ in previously authorized bonds of the County, would finance the cost of heating and air conditioning improvements of the Department facilities, located at the County's Valhalla

Campus at Grasslands, including construction and construction management to address humidity control in the Microbiology division.

Design has been completed by in-house staff. It is estimated that construction will take four months to complete and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BLR10 as follows: Bond Act No. 137-2020 in the amount of $\$ 600,000$, which authorized financing for partial reconstruction of Department facilities. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 137-2020 be amended to increase the amount authorized by $\$ 400,000$, for a total authorized amount, as amended, of $\$ 1,000,000$, to revise the scope of Bond Act No. 137-2020 to more accurately reflect the work to be undertaken, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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 document and concurs with this conclusion.

The Planning Department has 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 Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended 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 Amended Bond Act.


Dated: November 8, 2021
White Plains, New York
The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee (s) on:

Environment \& Health
Budget \& Appropriations

Mraganat a. Curio


Public Works \& Transportation


Catherine F. Parker

FISCAL IMPACT STATEMENT


TO: Michelle Greenbaum, Assistant County Attorney<br>Jeffrey Goldman, Senior Assistant County Attorney<br>FROM: David S. Kvinge, AICP, RLA, CFM Director of Environmental Planning<br>DATE: July 20, 2021<br>SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT: BLR10 Labs and Research Infrastructure Improvements 2017-2021

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-28-2021 (Unique ID: 1714)

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.
- 617.5(c)(31): purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

COMMENTS: None.

DSK/dvw
cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: The Westchester County Planning Board
From: Anthony Zaino, Assistant Commissioner


Date: August 30, 2021

## RE: Capital Budget Amendment BLR10 - Labs and Research Infrastructure Improvements (2017-2021)

The County Executive is requesting an amendment to the 2021 Capital Budget to modify the funding of the above project. This project provides funding for the design, construction management and construction and construction management associated with equipment replacement to address humidity control at the Labs and Research facility at the Grasslands Campus.

A Capital Budget Amendment is requested to add a 2021 appropriation of $\$ 400,000$.
The Planning Board adopted a report on this project (rated PL1) at its meeting on July 12, 2016.

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: Norma V. Drummond, Commissioner<br>David Kvinge, Director, Environmental Planning William Brady, Chief Planner<br>Michael Lipkin, Associate Planner

ACT No.

An Act amending the 2021 County
Capital Budget Appropriations for Capital Project BLR10 - Labs \& Research Infrastructure Improvements 2017-2021

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

Section 1. The Capital section of the 2021 County Budget is hereby amended as follows:

|  | Previous 2021 <br> Appropriation | Change | Revised 2021 <br> Appropriation |
| :--- | ---: | ---: | ---: |
| I. Appropriation | $\$ 2,820,000$ | $\$ 400,000$ | $\$ 3,220,000$ |

Section 2. The estimated method of financing in the Capital Section of the 2021 Westchester County Capital Budget is amended as follows:

## II. METHOD OF FINANCING

| Bonds and/or Notes | $\$ 2,820,000$ | $\$ 400,000$ | $\$ 3,220,000$ |
| :--- | ---: | ---: | ---: |
| Non County Shares | $\$ 0$ |  | $\$ 0$ |
| Cash | $\$ 0$ |  | $\$ 0$ |
|  | $\$ 2,820,000$ | $\$ 400,000$ | $\$ 3,220,000$ |

Section 3. The ACT shall take effect immediately.

ACT NO. ${ }^{198}-2021$

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED AUGUST 3, 2020 IN RELATION TO FINANCING THE COST OF PARTIAL RECONSTRUCTION OF THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY'S VALHALLA CAMPUS AT GRASSLANDS; AT THE TOTAL ESTIMATED COST OF $\$ 1,000,000$. (Adopted 11/08, 2021 ).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance partial reconstruction of the Department of Labs and Research facilities, located at the County's Valhalla Campus at Grasslands, at the estimated maximum cost of $\$ 600,000$, pursuant to Act No. 137-2020 duly adopted on August 3, 2020, and it has now been determined that the scope of the project must be revised and the period of probable usefulness should be revised so that it relates to heating and air conditioning building systems improvements; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the appropriation for such project by $\$ 400,000$ for estimated increases in costs for such improvements;

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

Section (A). The bond act duly adopted by this Board on August 3, 2020, entitled:

BOND ACT AUTHORIZING THE ISSUANCE OF $\$ 600,000$ BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PARTIAL RECONSTRUCTION OF THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY'S VALHALLA CAMPUS AT GRASSLANDS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$600,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS."
is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF $\$ 1,000,000$ BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF HEATING AND AIR CONDITIONING IMPROVEMENTS FOR THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY'S VALHALLA CAMPUS AT GRASSLANDS; 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 TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted $11 / 08$, 2021)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than twothirds 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 heating and air conditioning improvements for the Department of Labs and Research facilities located at the County's Valhalla Campus at Grasslands; including construction and construction management to address humidity control in the Microbiology division; 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 $\$ 1,000,000$. 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 applicable to the specific object or purpose for which the bonds authorized by this resolution is 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. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of $\S 30.00$ relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of $\S \S 50.00,56.00$ 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 $\S 52.00$ of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:
(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,
and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

## CAPITAL PROJECT FACT SHEET

| Project ID:* | ®CBA | Fact Sheet Date:* |
| :--- | :--- | :--- |
| BLR10 |  | $06-23-2021$ |
| Fact Sheet Year:* | Project Title:* | I,egislative District ID: |
| 2021 | LABS AND RESEARCH | 3, |
|  | INFRASTRUCTURE IMPROVEMENTS |  |
| Category* 2017-2021 |  |  |
|  <br> MISCELLANEOUS | Department:* | CP Unique ID: |
|  | LABS AND RESEARCH | 1714 |

## Overall Project Description

This project will fund a multi-year cycle of infrastructure improvements to the facilities. Included are both interior and exterior work as deemed necessary.
® Best Management Practices
凹 Life Safety
ख Energy Efficiencies
® InfrastructureProject Labor AgreementRevenueSecurityOther

FIVE-YEAR CAPITAL PROGRAM (in thousands)

|  | Estimated <br> Ultimate <br> Total Cost | Appropriated | $\mathbf{2 0 2 1}$ | $\mathbf{2 0 2 2}$ | $\mathbf{2 0 2 3}$ | $\mathbf{2 0 2 4}$ | $\mathbf{2 0 2 5}$ | Under <br> Review |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Gross | 3,820 | 2,820 | 600 | 0 | 0 | 0 | 0 | 400 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 3,820 | 2,820 | 600 | 0 | 0 | 0 | 0 | 400 |

Expended/Obligated Amount (in thousands) as of : 146
Current Bond Description: Additional funding is requested for construction and construction management associated with the equipment replacement to address humidity control in the Microbiology division.

## Financing Plan for Current Request:

| Non-County Shares: | $\$$ | 0 |
| :--- | ---: | ---: |
| Bonds/Notes: | 400,000 |  |
| Cash: |  | 0 |
| Total: | $\$ \mathbf{4 0 0 , 0 0 0}$ |  |

## SEQR Classification:

TYPE II

## Amount Requested:

400,000

## Comments:

A Capital Budget Amendment in the amount of $\$ 400,000$ (shown under review) is being requested to provide additional funding based upon the bids received for the project. The original intent of the project was to rehabilitate the existing equipment. However, during design and in consultation with the original equipment manufacturer, it was determined that it would be prudent to replace the existing 40+ year old equipment which has conditioned air leaking from the joints.

## Energy Efficiencies:

THE NEW EQUIPMENT WILL BE MORE ENERGY EFFICIENT BY USING A VARIABLE FREQUENCY DRIVE, NEWER COIL TECHNOLOGY AND ELIMINATION OF THE HOT WATER HEATING COMPLETELY AND UTILIZING THE EXISTING STEAM AT THE FACILITY.

Appropriation History:


Financing History:

| Year | Bond Act \# | Amount | Issued |  | Description |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 17 | 99 | 670,000 |  |  | COST OF PARTIAL <br> RECONSTRUCTION OF THE DEPT OF <br> LABS AND RESEARCH FACILITY |
| 18 | 139 | 950,000 |  |  | DESIGN, CONSTRUCTION \& CONSTRUCTION MGMT FOR REHAB OF LOADING DOCK, LOBBY, \& RECEPTION AREA |
| 20 | 137 | 600,000 |  |  | HUMIDITY CONTROL IN THE MICROBIOLOGY DIVISION AT THE DEPT OF LABS \& RESEARCH FACILITY IN VALHALLA |

Total Financing History:
2,220,000

## Recommended By:

| Department of Planning | Date |
| :--- | :--- |
| WBB4 | $06-28-2021$ |
| Department of Public Works | Date |
| RJB4 | $06-29-2021$ |
| Budget Department | Date |
| LMY1 | $06-29-2021$ |
| Requesting Department | Date |
| DAA1 | $07-09-2021$ |

## LABS AND RESEARCH INFRASTRUCTURE IMPROVEMENTS 2017-2021 <br> ( BLR10)

## User Department :

Managing Department(s) :
Estimated Completion Date:

Labs and Research
Labs and Research ; Public Works ;
TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board. FIVE YEAR CAPITAL PROGRAM (in thousands)

| Gross | Est Ult Cost 2,820 | Appropriated 2,220 | $\begin{gathered} \text { Exp / Ob } \\ 146 \end{gathered}$ | $\begin{gathered} 2021 \\ 600 \end{gathered}$ | 2022 | 2023 | 2024 | 2025 | Under Review |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Non County Share |  |  |  |  |  |  |  |  |  |
| Total | 2,820 | 2,220 | 146 | 600 |  |  |  |  |  |

## Project Description

This project will fund a multi-year cycle of infrastructure improvements to the facilities. Included are both interior and exterior work as deemed necessary.

## Current Year Description

The current request funds design, construction and construction management for replacement of the uninterrupted power supply (UPS) in the Forensic area and address moisture in the electrical room.

| Current Year Financing Plan |  |  |  |  |
| :---: | :---: | :---: | ---: | ---: |
| Year | Bonds | Cash | Non County | Total |
| 2021 | 600,000 |  |  |  |

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 |
| 2017 | 670,000 | Exterior rehabilitation-Phase II; New UPS branch circuitry; supplemental a/c unit - evidence vault; environmental abatement and associated work | DESIGN |
| 2018 | 950,000 | Design, construction and construction management for rehabilitation of the loading dock, main lobby and reception area. | DESIGN |
| 2020 | 600,000 | Design, construction and construction management associated with humidity control in microbiology division | DESIGN |
| Total | 220,000 |  |  |


| Prior Appropriations |  |  |  | Bonds Authorized |  |  |  |  | $\begin{array}{\|c\|} \hline \text { Balance } \\ 670,000 \\ 950,000 \\ 600,000 \end{array}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Bond Proceeds | Appropriated | Collected | Uncollected | Bond A |  | Amount | Date Sold | Amount Sold |  |
|  | 2,220,000 |  | 2,220,000 | 99 | 17 | 670,000 |  |  |  |
| Total | 2,220,000 |  | 2,220,000 |  |  | 950,000 |  |  |  |
|  |  |  |  | 137 |  | 600,000 |  |  |  |
|  |  |  |  | Total |  | 2,220,000 |  |  | 2,220,000 |

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on November 8, 2021 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
November 3, 2021

## WVOX

FIOSI
News Channel 12
The Journal News
Hometown Media

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice Date of Posting
November 3, 2021

WWW. westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on November 9, 2021.


AYES:

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Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels
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NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.


STATE OF NEW YORK )
) ss.
COUNTY OF WESTCHESTER

I HEREBY CERTIFY that I have compared the foregoing Act No. 197-2021, and (Bond) Act No. 198-2021, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on November 8, 2021, and approved by the County Executive on November 10, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this $15^{\text {th }}$ day of November, 2021.


The Clerk of the Westchester County Board of Legislators


