

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester ("County") of the following:

- 1) An Act to amend the current-year capital budget ("Capital Budget Amendment") by modifying the method of financing for project RMF02 – Memorial Field, Mt. Vernon ("RMF02") and project BLA1A – Parkland and Historical Preservation Program ("BLA1A");
- 2) A bond act (the "Bond Act") which, if adopted, would authorize the County to issue bonds in the amount of \$10,000,000 to finance the cost of additional work associated with project RMF02; and
- 3) A Local Law (the "Local Law") authorizing the County to amend an intermunicipal agreement ("IMA") with the City of Mount Vernon (the "City") to reflect the additional work associated with project RMF02 and to increase to \$40,899,000.00 the County's commitment to finance the improvements to Memorial Field ("Property").

The Capital Budget Amendment

Your Committee is advised that the proposed Act for the Capital Budget Amendment will amend the County's current-year capital budget by increasing the County share for RMF02 by \$10,000,000 and reallocating \$2,000,000 in County-shares from project BLA1A to project RMF02.

The Bond Act

The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of additional work associated with the construction of recreational improvements at the Memorial Field recreation facility in the City ("Memorial Field"). The additional work is necessary due to unforeseen site conditions, including: shallow bedrock which required additional rock drilling; debris and contaminated soil discovered throughout the site, which required proper removal and disposal; and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the project required design changes resulting from the unforeseen site conditions, including changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location than was originally shown on the plans to allow for advertising and income generating potentials for the City. Lastly, the additional funding is attributable to inflation, supply chain delays and cost increases due to Covid-19.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of RMF02 as indicated in the annexed fact sheet and as follows:

(i) Bond Act No. 43-2020 in the amount of \$365,000 to finance installation of tennis courts at Memorial Field;

(ii) Bond Act No. 44-2020 in the amount of \$525,000 to finance the cost of the installation of a skate park at Memorial Field;

(iii) Bond Act No. 45-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at Memorial Field;

(iv) Bond Act No. 46-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of a multi-purpose synthetic turf field at Memorial Field; and

(v) Bond Act No. 7-2021, which amended Bond Act Nos. 43-2020, 44-2020, 45-2020 and 46-2020, to increase the total aggregate amount authorized by \$2,666,000, and consolidated said bond acts into one amended bond act in the total authorized amount of \$14,352,000.

The Local Law

The Local Law would authorize the County to amend the IMA with the City to reflect the additional work associated with project RMF02 and to increase the County's commitment to finance the improvements to the Property to \$40,899,000.00.

By way of background, on January 5, 2009, your Honorable Board adopted Local Law No. 2-2009 authorizing the County to enter into the IMA with the City in order to lease the Property from the City for a term of fifteen (15) years. Your Honorable Board also adopted Bond Act No. 4-2009 authorizing the issuance of \$1,300,000 in County bonds to finance the design of the improvements to the Property. Subsequently, your Honorable Board adopted Bond Act No. 50-2010 authorizing the issuance of \$9,700,000 in County bonds to finance design and construction of these improvements.

The parties executed the IMA which required the City to undertake the design and construction of improvements to the Property. The County was required to reimburse the cost of the design and construction of those improvements up to an amount not to exceed \$9,700,000. The IMA provided that

the City could not deviate from the County-approved plans without the County's consent. Pursuant to the IMA the improvements included, but were not limited to: demolition of existing structures, stands and courts; construction of an illuminated synthetic turf football/soccer field; a natural turf illuminated soccer field; grandstands for 4,000 people; all-weather track; illuminated basketball court; new buildings to include a ticket booth, concession stand, bathrooms, press box with restroom and elevator, service building and locker rooms; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping (the "Project"). The IMA specifically provided that following construction, the City would be responsible for the operation, maintenance, scheduling and security of the Project at its own expense. In addition, the IMA required that the Project would be available to all Westchester County residents.

The County subsequently reimbursed the City a total of \$3,400,000, consisting of \$1,300,000 for design and \$2,100,000 for 25% of construction. However, the City violated the IMA by not constructing the Project, allowing unauthorized tennis courts to be constructed on the Property, and issuing a license to operate a tennis concession. The City also permitted approximately 18,000 tons of unknown dirt and debris to be dumped on the Property, resulting in a May 2017 New York State Department of Environmental Conservation ("NYSDEC") Consent Order requiring the City to perform testing and remediation of the Property.

On December 3, 2018, your Honorable Board adopted Local Law 2018-15 authorizing the County to amend the IMA ("First Amendment") to give the County responsibility for procuring final design services and construction of the Project. The First Amendment also gave the County control of all funds provided for the Project by the State of New York or governmental entities other than the City. The First Amendment was duly executed. The County's obligations under the First Amendment did not arise until the City remediated the Property to the full satisfaction of the NYSDEC and the County. The Property was subsequently remediated.

On April 14, 2020, your Honorable Board adopted Local Law 2020-4 authorizing the County to further amend the IMA ("Second Amendment") to revise the description of the Project including, but not limited to, the design, permitting, construction management and construction of: a multi-purpose synthetic turf field; an eight lane-running track and bleacher seating with a capacity of approximately 3,900; tennis courts; a skate park; and several buildings including, but not limited to, locker rooms, concessions, ticket sales, restrooms, security, and equipment storage; replacement of concrete sidewalk;

installation of chain link fencing; and associated infrastructure, site-work and landscaping, and other associated equipment and appurtenances as more particularly described in plans and specifications approved by the County Commissioner of Public Works and Transportation or the Commissioner's duly authorized designee. The Second Amendment also specified that the term of the IMA and lease, which commenced on December 24, 2008, will continue until the expiration of any bonds issued in connection with the IMA. Finally, in exchange for the Property being open to all County residents, the County agreed to finance the design, permitting, construction management and construction of the Project in a total amount not to exceed \$29,602,000.00. The Second Amendment also provided that if the Project costs exceed that amount, the City will be solely responsible for any additional amount. The Second Amendment was duly executed.

The County and the City propose to further amend the IMA to reflect the additional work to be performed by the County due to the above indicated unforeseen site conditions and to increase the County's commitment to finance the improvements to Memorial Field to a total aggregate amount of \$40,899,000.00. All other terms and conditions of the IMA, as previously amended, will remain in full force and effect.

The Local Law will require a public hearing be held. As such attached is a Resolution authorizing a public hearing as required by Section 209.141(4) of the Laws of Westchester County.

The Planning Department has reviewed the above referenced capital project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). The Planning Department has advised your Committee that this Project was originally reviewed pursuant to SEQR by the City. In accordance with SEQR, the City classified this Project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the Project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County was included as an involved agency, no further environmental review by the County was required. The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the project area. Since there will be no substantial changes in the scope of the project, the City's original Negative Declaration remains valid and no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department also reviewed the above referenced IMA amendment with respect to SEQR, noting that the City classified the overall Project as a Type I action and issued a Negative Declaration for the Project on April 27, 2010. The City undertook coordinated review and the County was included as an involved agency. The Project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department has advised that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As such, no further environmental review is required for the proposed legislation. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department 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, the related Bond Act, and the Local Law to amend the IMA and recommends approval of all three, noting that the Bond Act and Local Law 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. As the IMA amendment involves a lease longer than ten years, adoption of the Local Law also requires a two-thirds vote pursuant to Section 104.11[5](e) of the County Charter.

Dated: April 11, 2022.
White Plains, New York

<p>Vedat J. Ichi Nancy Ban Mary Jane Strick J. U. L. Sweet Blue John Dan M. Mike (w/o prejudice)</p>	<p>Nancy Ban Mary Jane Strick J. U. L.</p>	<p>Vedat J. Ichi Nancy Ban Mary Jane Strick Dan M. Mike (w/o prejudice)</p>	<p>Nancy Ban Mary Jane Strick Dan M. Mike (w/o prejudice)</p>
Budget & Appropriations	Public Works & Transportation	Laws & Major Contracts	Parks & Recreation

COMMITTEESON

Dated: April 11, 2022
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 1 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Public Works & Major Contacts

Law & Major Contracts

Parks & Recreation

David Q. Iuliano

Catherine F. Parker (WOP)

Catherine Byrnes

David Q. Iuliano

[Signature]

Catherine Byrnes

Catherine F. Parker (WOP)

[Signature]

Catherine F. Parker (WOP)

David Q. Iuliano

Catherine F. Parker (WOP)

Catherine Byrnes

Catherine Byrnes

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RMF02

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 10,000,000 PPU 15 Anticipated Interest Rate 1.83%

Anticipated Annual Cost (Principal and Interest): \$ 764,588

Total Debt Service (Annual Cost x Term): \$ 11,468,820

Finance Department: Interest rates from March 9, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 109

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T


Date: 3/21/22

Reviewed By: 

Deputy Budget Director

Date: 3/22/22

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney

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

DATE: February 28, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RMF02 RECONSTRUCTION OF MEMORIAL FIELD MT VERNON**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 1885) with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

As detailed in the Planning Department's previous memorandum for capital project RMF02, dated February 13, 2020, this project was originally reviewed pursuant to SEQR by the City of Mount Vernon. In accordance with SEQR, the City classified this project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County of Westchester was included as an involved agency, no further environmental review by the County was required.

The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the project area. Since there will be no substantial changes in the scope of the project, the City's original Negative Declaration remains valid and no further environmental review is required.

Do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

TO: David Vutera
Associate County Attorney

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



DATE: March 17, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MEMORIAL FIELD
MOUNT VERNON IMA AMENDMENT**

Pursuant to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves an amendment to an intermunicipal agreement (IMA) with the City of Mount Vernon for the redevelopment of Memorial Field Stadium, a municipal park located on Sanford Boulevard in Mount Vernon, which is owned by the City of Mount Vernon. The agreement, which was executed in 2010, provided for County funding assistance, under the County's Westchester Legacy Program (capital project BLA01), towards the cost of design and construction of the redevelopment project and the City would be responsible for all aspects of undertaking the project.

Pursuant to SEQR, the City of Mount Vernon Recreation Department classified the overall project as a Type I action and issued a Negative Declaration for the project on April 27, 2010. The City undertook coordinated review and the County of Westchester was included as an involved agency. The project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City of Mount Vernon in 2010.

As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department advises that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City of Mount Vernon in 2010. No further environmental review is required for the proposed legislation.

Please do not hesitate to contact me if you have any questions regarding this matter.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Hugh Greechan, Commissioner of Public Works and Transportation
Norma Drummond, Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Claudia Ng Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 18, 2022

RE: **Capital Budget Amendment –
RMF02 Reconstruction of Memorial Field, Mount Vernon and
BLA1A Parkland and Historical Preservation Program**

The County Executive is requesting an amendment to the 2022 Capital Budget to modify the funding of the above projects. Capital project RMF02 provides funding for the reconstruction of the 12 acre Memorial Field recreation facility in the City of Mount Vernon. Capital project BLA1A provides funding for land acquisition and improvements related to active recreation, preservation of open space, historic preservation and protection of our cultural heritage.

A Capital Budget Amendment is requested to increase the County share for RMF02 by \$10,000,000 and reallocating \$2,000,000 in County-shares from project BLA1A to RMF02.

Additional funds are being requested to finance the cost of additional work at Memorial Field which is necessary due to unforeseen site conditions, including: shallow bedrock which has required additional rock drilling, debris and contaminated soil discovered throughout the site which required proper removal and disposal, and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the unforeseen site conditions required changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location. Additional funds are also attributable to inflation, supply chain delays and cost increases due to Covid-19.

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
David Kvinge, Director, Environmental Planning
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2022 County Capital Budget Appropriations for Capital Projects RMF02 - Reconstruction of Memorial Field, Mt. Vernon; & BLA1A - Parkland & Historical Preservation Program (4th Street Playground, Mt. Vernon)

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

Section 1. The Capital section of the 2022 County Budget is hereby amended as follows:

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation			
RMF02	\$25,000,000	\$10,000,000	\$35,000,000
BLA1A	<u>\$19,300,000</u>	<u>-\$2,000,000</u>	<u>\$17,300,000</u>
TOTAL	\$44,300,000	\$8,000,000	\$52,300,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

RMF02

Bonds and/or Notes	\$19,750,000	\$10,000,000	\$29,750,000
Non County Shares	\$5,250,000		\$5,250,000
Cash	<u>\$0</u>	<u></u>	<u>\$0</u>
Total	\$25,000,000	\$10,000,000	\$35,000,000

BLA1A

Bonds and/or Notes	\$18,000,000	-\$2,000,000	\$16,000,000
Non County Shares	\$0		\$0
Cash	<u>\$1,300,000</u>	<u></u>	<u>\$1,300,000</u>
Total	\$19,300,000	-\$2,000,000	\$17,300,000

Section 3. The ACT shall take effect immediately.

ACT NO.49-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS AT THE MEMORIAL FIELD RECREATION FACILITY IN THE CITY OF MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted 04/25 , 2022)

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, and an Intermunicipal Agreement between the County and the city of Mount Vernon; \$10,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the construction of improvements at the Memorial Field recreation facility in the city of Mount Vernon, including additional work due to unforeseen site conditions such as rock and contaminated soil removal and disposal, additional rock drilling for the grandstand foundation, unstable rock slope removal and disposal, and relocation of score board, 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 \$10,000,000. The plan of financing includes the issuance of \$10,000,000 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 \$10,000,000. 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 \$10,000,000 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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* RMF02	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 01-18-2022
Fact Sheet Year:* 2022	Project Title:* RECONSTRUCTION OF MEMORIAL FIELD MT VERNON	Legislative District ID: 13,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 1885

Overall Project Description

This project provides funding for the reconstruction of the 12 acre Memorial Field recreation facility located in Mt. Vernon.

- | | | |
|---|--|--|
| <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	2022	2023	2024	2025	2026	Under Review
Gross	35,000	25,000	0	0	0	0	0	10,000
Less Non-County Shares	5,250	5,250	0	0	0	0	0	0
Net	29,750	19,750	0	0	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of : 24,932

Current Bond Description: Funding is requested for additional work due to unforeseen site conditions such as rock and contaminated soil removal and disposal, additional rock drilling for the grandstand foundation, unstable rock slope removal and disposal, and relocation of score board.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:

TYPE I

Amount Requested:

10,000,000

Comments:

A Capital Budget Amendment in the amount of \$10 million (shown under review) is being requested to provide funds for additional work due to unforeseen site conditions such as extensive buried rock, debris and contaminated soil throughout the entire site which needed to be removed and disposed of properly; shallow bedrock conditions under the grandstand structure required additional rock drilling to install associated foundations; unstable rock slope was larger than anticipated and required additional removals to meet a stable rock face per engineer; the scoreboard and its infrastructure needed to be relocated to a more visible location to allow for advertising and income generating potential.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	25,000,000	FUNDS THIS PROJECT

Total Appropriation History:

25,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	43	365,000	0	COST OF TENNIS COURTS CONSTRUCTION AT MEMORIAL FIELD, MT VERNON
20	44	525,000	0	PORTION OF THE COST OF SKATE PARK INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	45	5,398,000	0	PORTION OF THE COST OF RUNNING TRACK AND BLEACHER SEATING INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	46	5,398,000	0	PORTION OF THE COST OF SYNTHETIC TURF FIELD INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	47	5,398,000	0	PORTION OF THE COST OF BUILDING CONSTRUCTIONS AT MEMORIAL FIELD, MT VERNON
21	7	2,666,000	0	RECREATIONAL IMPROVEMENTS - MEMORIAL FIELD - COURTS, SKATE PARK, TRACK, BLEACHERS

Total Financing History:

19,750,000

Recommended By:

Department of Planning
WBB4

Date
02-22-2022

Department of Public Works
RJB4

Date
02-22-2022

Budget Department
GKGA

Date
02-23-2022

Requesting Department
KUU1

Date
02-23-2022

RECONSTRUCTION OF MEMORIAL FIELD MT VERNON (RMF02)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; 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	2022	2023	2024	2025	2026	Under Review
Gross	25,000	25,000	24,932						
Non County Share	(5,250)	(5,250)							
Total	19,750	19,750	24,932						

Project Description

This project provides funding for the reconstruction of the 12 acre Memorial Field recreation facility located in Mt. Vernon.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2020	25,000,000	Funds this project	CONSTRUCTION
Total	25,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	19,750,000	6,310,495	13,439,505
Federal Funds			
Funds Revenue			
State Funds	5,250,000		5,250,000
Total	25,000,000	6,310,495	18,689,505

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
43 20	365,000			365,000
44 20	525,000			525,000
45 20	5,398,000			5,398,000
46 20	5,398,000			5,398,000
47 20	5,398,000			5,398,000
7 21	2,666,000			2,666,000
Total	19,750,000			19,750,000

CAPITAL PROJECT FACT SHEET

Project ID:* BLA1A	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-09-2022
Fact Sheet Year:* 2022	Project Title:* PARKLAND AND HISTORICAL PRESERVATION PROGRAM	Legislative District ID: 13
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 1909

Overall Project Description

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to preserve green space, protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	23,600	19,300	1,300	0	0	0	0	3,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	23,600	19,300	1,300	0	0	0	0	3,000

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

Current Bond Description: Debt authorization is not being requested at this time.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	0
Cash:	<u>0</u>
Total:	\$ 0

SEQR Classification:

N/A

Amount Requested:

0

Comments:

A capital budget amendment is being requested in the amount of -\$2,000,000 of appropriations associated with the 4th Street Playground project to be transferred to RMF02 - Memorial Field, Mt. Vernon

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	17,000,000	LUDLOW PARK (WATER ACCESS PARK), YONKERS, \$10,000,000; 4TH STREET PLAYGROUND, MT. VERNON, \$2,000,000 AND RIVERWALK IMPROVEMENTS, YONKERS, \$5,000,000

Total Appropriation History:

18,000,000

Total Financing History:

0

Recommended By:

Department of Planning

WBB4

Date

03-15-2022

Department of Public Works

RJB4

Date

03-15-2022

Budget Department

GKGA

Date

03-15-2022

Requesting Department

WBB4

Date

03-15-2022

PARKLAND AND HISTORICAL PRESERVATION PROGRAM (BLA1A)

User Department : Planning
Managing Department(s) : Planning ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	24,300	18,000		1,300					5,000
Non County Share									
Total	24,300	18,000		1,300					5,000

Project Description

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to preserve green space, protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds design of Riverwalk improvements in Tarrytown.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022		1,300,000		1,300,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds and the cash to capital.

Appropriation History

Year	Amount	Description	Status
2020	1,000,000	Funds this project	AWAITING BOND AUTHORIZATION
2021	17,000,000	Ludlow Park (Water Access Park), Yonkers, \$10,000,000; 4th Street Playground, Mt. Vernon, \$2,000,000 and Riverwalk Improvements, Yonkers, \$5,000,000	AWAITING BOND AUTHORIZATION
Total	18,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	18,000,000		18,000,000
Total	18,000,000		18,000,000

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

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

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on April 25, 2022 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
April 20, 2022

WVOX
FIOS1
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:

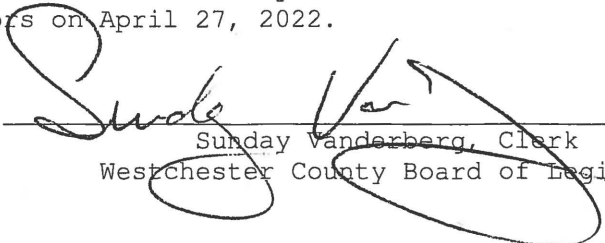
Designated Location(s)
of posted notice

Date of Posting
April 20, 2022

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on April 27, 2022.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Catherine Parker
Legislator Erika Pierce
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:

Legislator Damon Maher
Legislator James Nolan

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE

Date:


4-27-22

~~INTRO~~
LOCAL LAW NO. 2022 - 184

ALOCAL LAW authorizing the County of Westchester to enter into a third amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to the unforeseen site conditions and to increase the County's commitment to finance the improvements to a total amount of \$40,899,000.00.

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

Section 1. The County of Westchester (the "County") is hereby authorized to enter into a third amendment to an intermunicipal agreement (the "IMA") with the City of Mt. Vernon (the "City") for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to unforeseen site conditions and increase the County's commitment to finance the improvements to a total amount of \$40,899,000.00.

§2. The third amendment to the IMA shall be substantially similar to the form attached hereto as Schedule A. Except as specifically amended hereby, all terms and conditions set forth in the IMA, as previously amended, shall remain the same.

§3. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.

SCHEDULE "A"

THIRD AMENDMENT TO INTERMUNICIPAL AGREEMENT

THIS **THIRD AMENDMENT** made this day of , 2022 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 (hereafter the "County")

and

THE CITY OF MOUNT VERNON, a municipal corporation of the State of New York, having an office and place of business located at 1 Roosevelt Square, MountVernon, New York 10550 (hereafter the "City")

W I T N E S S E T H:

WHEREAS, on December 24, 2008, the County and the City executed an agreement (the "Agreement") whereby the County agreed to assist in funding certain improvements to City-owned property known as Memorial Field located on Sandford Boulevard in the City and consisting of approximately twelve (12) acres (the "Property"); and

WHEREAS, the improvements to the Property were to include but not be limited to the design, permitting, construction management and construction of an illuminated synthetic turf football/soccer field; a natural turf illuminated soccer field; grandstands for 4,000 people; all-weather track; illuminated basketball court; new buildings to include a ticket booth, concession stand, bathrooms, press box with restroom and elevator, service building and locker rooms; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping, and other associated equipment and appurtenances as more particularly described in plans and specifications approved by the County Commissioner of Parks, Recreation and Conservation or the Commissioner's duly authorized designee (the "Project"); and

WHEREAS, pursuant to the Agreement, the City was responsible for completing the improvements in accordance with County-approved plans but has failed to do so; and

WHEREAS, the City constructed tennis courts which encroach on the area where the Project is to be constructed and

WHEREAS, the County paid the City \$3,400,000 comprised of \$1,300,000 for design and \$2,100,000 for 25% of construction, and the City currently holds \$700,000 in County funds; and

WHEREAS, the City permitted construction debris to be dumped on the Property, resulting in a New York State Department of Environmental Conservation (“NYSDEC”) Consent Order requiring the City to remediate; and

WHEREAS, the parties entered into a First Amendment dated December 5, 2018, whereby the County agreed to assume responsibility for constructing the Project after the City has remediated the Property to the full satisfaction of NYSDEC and the County; and

WHEREAS, the parties entered into a Second Amendment dated November 18, 2021, in order to revise the description of the improvements, specify that the term of the agreement will continue until the expiration of any County bonds issued in connection with the improvements, and increase to \$29,602,000.00 the County’s commitment to finance the improvements; and

WHEREAS, the parties desire to further amend the IMA in order to provide for additional work to be performed by the County due to unforeseen site conditions and increase to \$40,899,000.00 the County’s commitment to finance the improvements; and

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

1. The Agreement is amended to provide for additional work to be performed by the County due to unforeseen site conditions including: shallow bedrock which required additional rock drilling; debris and contaminated soil discovered throughout the site, which required proper removal and disposal; and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the project required design changes resulting from the unforeseen site conditions, including changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location than was originally shown on the plans to allow for advertising and income generating potential for the City.

2. The first paragraph of Section 2.2 of the Agreement is deleted and replaced by the following:

In exchange for the Property being open to all County residents, the County agrees to finance the design, permitting, construction management and construction of the Project in a total amount not to exceed FORTY MILLION EIGHT HUNDRED NINETY NINE THOUSAND DOLLARS (\$40,899,000.00). Should the Project costs exceed that amount, the Municipality shall be solely responsible for any additional amount.

3. Section 3.0 of the Agreement is deleted and replaced with the following:

Section 3.0. Subject to the terms and conditions of Section 2.0, the Municipality hereby leases to the County the exclusive right to use and occupy the Property for the purposes of issuing bonds to finance the design and construction of the Project. It is also recognized and understood that the County’s sole responsibility shall be to provide an amount not to exceed FORTY MILLION

EIGHT HUNDRED NINETY NINE THOUSAND DOLLARS (\$40,899,000.00). toward the design and construction of the Project, and the Municipality shall assume all other responsibilities for all other costs and expenses relating to the Project and the Property.

4. Except as otherwise provided herein all other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

5. This Third 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 Third Amendment on the day and year first above written.

THE COUNTY OF WESTCHESTER

By: _____

CITY OF MOUNT VERNON

By: _____

Authorized and approved by the Westchester County Board of Legislators, at a meeting duly held on the ___ day of _____, 2022 by Local Law No. _____-2022.

Authorized and approved by the City Council of the City of Mount Vernon, at a meeting duly held on the ___ day of _____, 2022.

Approved:

Associate County Attorney
County of Westchester
Vutera/PRC/126229/IMA 3rd amendment Memorial Field 3-16-2022

CITY'S ACKNOWLEDGEMENT

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

On this ____ day of _____, 2022, 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
(City)

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

_____ of the _____
(Title) (Name of City)

(the "City") 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 City was, at the time of execution _____ of
(Title of such person),

the City, that said agreement was duly signed for on behalf of said City 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 _____, 2022, 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

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 48 - 2022, (Bond) Act No. 49 - 2022, and Local Law Intro No. 184 - 2022, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, (Bond) Act, and Local Law, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on April 25, 2022, and approved by the County Executive on April 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 28th day of April, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

