(BOND) ACT 207 - 2024 Reference BES24

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester ("County") of a bond act (the "Bond Act") in the total amount of $2,000,000 to finance capital project BES24 - Replacement of Smoke House Building ("BES24"). The Bond Act, which was prepared by the law firm Harris Beach PLLC, will finance the purchase of a new pre-fabricated smoke house fire prop building, associated design during construction, and any additional site work needed.

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

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

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

Your Committee is advised that design is complete. It is estimated that it will take approximately five (5) months for completion of the assembly and delivery of the pre-fabricated building.

Your Committee notes that your Honorable Board has previously authorized the County to issues bonds for a prior component of BES24 as follows: Bond Act No. 172-2023 in the amount of $810,000 which funded design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training prop. No bonds have been issued under Bond Act No. 172-2023.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: October 7th, 2024
White Plains, New York

c:\jpg\08.21.2024

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES24 ☐ **NO FISCAL IMPACT PROJECTED**

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND ☐ AIRPORT FUND ☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one): ☒ Current Appropriations

☐ Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal $ 2,000,000 **PPU** 15 **Anticipated Interest Rate** 2.75%

Anticipated Annual Cost (Principal and Interest): $ 164,452

Total Debt Service (Annual Cost x Term): $ 2,466,776

Finance Department: maab 9-19-24

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: 22

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 9/24/24

Reviewed By: DV 9/24/24

Budget Director

Date: 9/26/24

Westchester County

Memorandum
Department of Planning

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: September 18, 2024

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

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-21-2024 (Unique ID: 2444)

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

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

COMMENTS: None.

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

REFERENCE BES24

ACT NO. 207 - 2024

BOND ACT AUTHORIZING THE ISSUANCE OF $2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF A NEW SMOKE HOUSE FIRE PROP BUILDING; STATING THE ESTIMATED MAXIMUM COST THEREOF IS $2,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF $2,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 10/07 , 2024)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, $2,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of a new smoke house fire prop building, including design during construction and additional site 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 objects or purposes, including preliminary costs and costs incidental thereto

and the financing thereof, is $2,000,000. The plan of financing includes the issuance of $2,000,000 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 bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 11(a)(c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of $2,000,000. 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 §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and

relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

* * *

CAPITAL PROJECT FACT SHEET

Project ID:*	☐ CBA	Fact Sheet Date:*
BES24		08-09-2024
Fact Sheet Year:*	**Project Title:***	**Legislative District ID:**
2024	REPLACEMENT OF SMOKE HOUSE BUILDING	3,
Category*	**Department:***	**CP Unique ID:**
BUILDINGS, LAND & MISCELLANEOUS	EMERGENCY SERVICES	2444

Overall Project Description

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

☐ Best Management Practices ☐ Energy Efficiencies ☒ Infrastructure

☒ Life Safety ☐ Project Labor Agreement ☐ Revenue

☐ Security ☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	6,310	810	5,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,310	810	5,500	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 1

Current Bond Description: Funding is requested for purchase of the new pre-fabricated smoke house fire prop building, associated design during construction, and any additional site work needed

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

2,000,000

Expected Design Work Provider:

☐ County Staff ☒ Consultant ☐ Not Applicable

Comments:

Purchase of the pre-fab building is needed to complete the construction design and associated site work. Additional funding will be needed/requested for actual construction.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	810,000	DESIGN

Total Appropriation History:

810,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	172	810,000	0	REPLACEMENT OF SMOKE HOUSE BUILDING

Total Financing History:
810,000

Recommended By:

Department of Planning	**Date**
MLLL	08-21-2024
Department of Public Works	**Date**
RJB4	08-21-2024
Budget Department	**Date**
DEV9	08-21-2024
Requesting Department	**Date**
SBS9	08-21-2024

REPLACEMENT OF SMOKE HOUSE BUILDING
(BES24)

User Department : Emergency Services

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

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	6,310	810	1	5,500					
Non County Share									
Total	6,310	810	1	5,500					

Project Description

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

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	5,500,000			5,500,000

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
2023	810,000	Design	DESIGN
Total	810,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	810,000		810,000
Total	810,000		810,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
172 23	810,000			810,000
Total	810,000			810,000

430 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 October 7, 2024 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
News Channel 12	October 3, 2024
The Journal News	
Hometown Media	
CBS2NY	
The Examiner News	
WABCTV News	

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
www.westchesterlegislators.com	October 3, 2024

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 8, 2024.

Malika Vanderberg, Clerk
Westchester County Board of Legislators

COUNTY BOARD OF LEGISLATORS * COUNTY 1683 ORGANIZED * WESTCHESTER COUNTY, N.Y.

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

AYES: Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator David Imamura
Legislator James Nolan
Legislator Catherine Parker
Legislator Erika Pierce
Legislator Colin Smith
Legislator David Tubiolo
Legislator Emiljana Ulaj
Legislator Shanae Williams
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT: Legislator Judah Holstein

EXCUSED:

The Bond Act was thereupon declared duly adopted.

* * * * * * *

APPROVED BY THE COUNTY EXECUTIVE

Date: 10-9-24

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 207 - 2024, 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 October 7, 2024, and approved by the County Executive on October 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 9th day of October, 2024.

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York