

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$786,000, prepared by the law firm of Hawkins Delafield and Wood, LLP, to finance capital project WCC85 – Academic Arts Building Infrastructure Upgrade (“WCC85”).

The Bond Act, in the amount of \$786,000, would finance the County’s 50% share of the initial phase of the Academic Arts Building Infrastructure Upgrade project. Westchester Community College (the “College”) has advised that the total cost of this phase is \$1,572,000, of which 50% will be funded by New York State and 50% by the County. Work will include renovation of the theater rigging system and installation of approximately 120 feet of handrail to meet current code requirements, providing guardrails and reconstructing 50 linear feet of cheek wall. It will also include landscaping improvements and regrading to improve drainage. Additional items will include miscellaneous repointing and clear water repellent to brick façade; removal and examination of brick veneer from the canopy to investigate structural issues; and repairs to the canopy and replacement of the curtain-wall system.

Following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete and will be performed by outside consultants. It is estimated that construction will take 18 months to complete and will begin after award and execution of the construction contracts.

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

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: *May 24<sup>th</sup>*, 2021  
White Plains, New York

*Adrian P.*  
*Benjamin Boyfunt*  
*vedat fahri*

*Benjamin Boyfunt*  
*vedat fahri*

COMMITTEE ON

c/jpg/3-08-21

Budget &  
Appropriations

Public works  
&  
Transportation

Dated: May 24, 2021  
White Plains, New York

**The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.**

Committee(s) on:

**Budget & Appropriations**

*Nancy E. Dunn*  
*Margaret A. Cunzio*  
*Catherine F. Parker*  
*David Q. Jablonski*  
*Ruth Walker*  
*Alfreda Willis*  
*Cheryl*  
*Wamona R. Maher*  
*Tyler*

**Public Works & Transportation**

*David Q. Jablonski*  
*Mary Jane Skimsky*  
*Catherine F. Parker*  
*Ruth Walker*  
*Cheryl*  
*Tyler*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC85

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 \$ 786,000 PPU 15 Anticipated Interest Rate 1.15%

Anticipated Annual Cost (Principal and Interest): \$ 57,271

Total Debt Service (Annual Cost x Term): \$ 859,065

Finance Department: Interest rates from April 5, 2021 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

No Operating Impact

## SECTION D - EMPLOYMENT

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

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

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Dawn Gillins

Title: Controller

Department: Westchester Community College

Date: 4/12/21

Reviewed By: 

Deputy Budget Director

Date: 4/28/21

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

FROM: David S. Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: March 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC85 ACADEMIC ARTS BUILDING INFRASTRUCTURE UPGRADE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 11/18/2020 (Unique ID: 1547)

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.
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**COMMENTS:** This project includes the installation of a vegetated swale at the western corner of the Academic Arts Building to address the issue of stormwater entering an exit areaway. The swale will be between 30 and 40 feet long, approximately 10 feet wide, and will be designed in accordance with the New York State Stormwater Management Design Manual.

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

ACT NO. 97- 2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$786,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE PHASE I OF THE WESTCHESTER COMMUNITY COLLEGE ACADEMIC ARTS BUILDING INFRASTRUCTURE UPGRADE PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,572,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$786,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$786,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 05/24 , 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 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, \$786,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance Phase I of the Westchester Community College Academic Arts Building Infrastructure Upgrade Project, including work

required in the building include providing approximately 120 feet of handrail to meet current code and providing guardrails and reconstructing 50 linear feet of cheek wall, improving the landscaping and regrading to improve drainage, the performance of miscellaneous repointing and clear water repellent to brick façade; removal and examination of brick veneer at canopy to investigate structural issues; reconstruction of the canopy and replacement of the curtain-wall system; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,572,000. The plan of financing includes the issuance of \$786,000 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, and the application of \$786,000 expected to be received from the State of New York to be expended towards the cost of said object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$786,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(2) 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 \$786,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$1,572,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

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

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

the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

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**CAPITAL PROJECT FACT SHEET**

**Project ID:\***  
WCC85

CBA

**Fact Sheet Date:\***  
09-11-2020

**Fact Sheet Year:\***  
2020

**Project Title:\***  
ACADEMIC ARTS BUILDING  
INFRASTRUCTURE UPGRADE

**Legislative District ID:**  
3,

**Category\***  
WCC - BUILDINGS

**Department:\***  
COMMUNITY COLLEGE

**CP Unique ID:**  
1547

**Overall Project Description**

This project is for the Academic Arts Building that was constructed in 1980 and has a total of 86,321 square feet. This project includes infrastructure to the Building Site and Envelope, the Theater Rigging System, plumbing and electrical, and fire protective system code upgrades. This phase is for the Building Site and Envelope and full replacement of the theater rigging system.

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

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2020-21	2021-22	2022-23	2023-24	2024-25	Under Review
<b>Gross</b>	4,092	1,572	2,520	0	0	0	0	0
<b>Less Non-County Shares</b>	2,046	786	1,260	0	0	0	0	0
<b>Net</b>	2,046	786	1,260	0	0	0	0	0

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

<b>Current Bond Description:</b> Current bonding approval is necessary to fund the County's 50% share of this initial phase of the Academic Arts Building Infrastructure Upgrade project. This phase includes or the most significant work required in the building include providing approximately 120 feet of handrail to meet current code and providing guardrails and reconstructing 50 linear feet of cheek wall. It also includes improving the landscaping and regrading to improve drainage. Additional items include perform misc. repointing and clear water repellant to brick façade; removal and examination of brick veneer at canopy to investigate structural issues; repairs to the canopy and replacement of the curtain-wall system. The current rigging infrastructure puts student safety at risk.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 786,000
Bonds/Notes:	786,000
Cash:	0
<b>Total:</b>	<b>\$ 1,572,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
786,000

**Comments:**

The amount appropriated for the Area One Phase of this project is \$1,572,000. This bonding request in the amount of \$786,000 represents the County's 50% share of approved Capital Project WCC85 – Academic Arts Building Infrastructure Upgrade). New York State has approved funding on the remaining 50%.

**Energy Efficiencies:**

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2020	1,572,000	ACADEMIC ARTS BLDG INFRASTRUCTURE PH 1

**Total Appropriation History:**

1,572,000

**Total Financing History:**

0

**Recommended By:**

<b>Department of Planning</b>	<b>Date</b>
WBB4	11-18-2020

<b>Department of Public Works</b>	<b>Date</b>
RJB4	11-19-2020

<b>Budget Department</b>	<b>Date</b>
GKGA	01-14-2021

<b>Requesting Department</b>	<b>Date</b>
DAGX	01-19-2021

<b>WESTCHESTER COMMUNITY COLLEGE</b> <b>Academic Arts Building Infrastructure Upgrades (WCC85)</b>
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FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated							
	Ultimate							Under
	Total Cost	Approp.	2020/21	2021/22	2022/23	2023/24	2024/25	Review
Gross	4,092	1,572	2,520					
Less Non-County Shares	2,046	786	1,260					
Net	2,046	786	1,260					

Project Description:

This project includes repairs to the building envelope, window replacement, plumbing and electrical upgrades and fire protective system code upgrades.

Financing Plan:

	2020/21
	Appropriation
Non-County	\$ 1,260
Bonds and/ or Notes	\$ 1,260
Cash	
Gross Appropriation	\$ 2,520

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 May 24, 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  
May 20, 2021

WVOX  
FIOS1  
News Channel 12  
The Journal News  
Pluma Libre  
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:

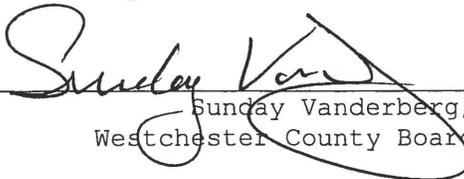
Designated Location(s)  
of posted notice

Date of Posting  
May 20, 2021

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on May 25, 2021.



  
\_\_\_\_\_  
Sunday Vanderberg, Clerk  
Westchester County Board of Legislators

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

AYES:

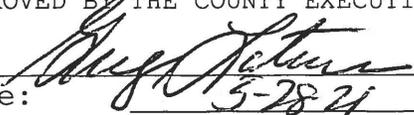
Legislator Jose Alvarado  
Legislator Nancy Barr  
Legislator Catherine Borgia  
Legislator Benjamin Boykin  
Legislator Terry Clements  
Legislator Margaret Cunzio  
Legislator Vedat Gashi  
Legislator Christopher Johnson  
Legislator Damon Maher  
Legislator Catherine Parker  
Legislator MaryJane Shimsky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

NOES:

ABSENT:                      Legislator Kitley Covill

The Bond Act was thereupon declared duly adopted.

\* \* \* \* \*  
APPROVED BY THE COUNTY EXECUTIVE

  
Date: 5-28-21

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No. 97 - 2021, 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 May 24, 2021, and approved by the County Executive on May 28, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 2<sup>nd</sup> day of June, 2021.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

