



# Budget & Appropriations Meeting Agenda

Committee Chair: Vedat Gashi

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, January 9, 2023**

**10:00 AM**

**Committee Room**

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## CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

Discussion on Yonkers Contracting Pending Litigation

Joint with LMC.

Guests:

County Attorney John Nonna-LAW

Ira Schulman-Sheppard Mullin

1. [2022-531](#) **ACT - Lawsuit Settlement of Krassowski v. County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Jacek Krassowski v. County of Westchester, et al., in the amount of SEVEN HUNDRED, FIFTY THOUSAND (\$750,000) DOLLARS.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Jack Micciche



2.     [2022-565](#)     **ACT - Lawsuit Settlement County of Westchester v. Unity Mechanical Corp.**

AN ACT authorizing the County Attorney to settle the lawsuit of County of Westchester v. Unity Mechanical Corp.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Justin Adin

3.     [2022-584](#)     **ACT - Agreement Amendment re: County Trunk Sanitary Sewer System**

AN ACT authorizing the County of Westchester to amend the agreement with the law firm of Abrams, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP for "Of Counsel" legal services in connection with the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC and classified as an Inactive Hazardous Waste Disposal Site on River Street in the Village of Hastings-on-Hudson.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Rachel Noe

4.     [2022-593](#)     **ACT - Lawsuit Settlement Green v. Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Beth Green v. County of Westchester in the amount of EIGHT HUNDRED FIFTY THOUSAND (\$850,000) DOLLARS, inclusive of attorney's fees.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Jane Hogan-Felix

5. [2023-3](#) **BOND ACT-BO116-Infrastructure Rehab.-Peekskill District Office**

A BOND ACT authorizing the issuance of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS in bonds of Westchester County to finance Capital Project B0116 - Infrastructure Rehabilitation, Peekskill District Office (2021-2025).

**SUBMITTED BY: BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning) Rob Abbamont

6. [2023-4](#) **BOND ACT-A0134, A0138, A0140-Various Capital Projects-Westchester County Airport**

A BOND ACT authorizing the issuance of FOUR MILLION, FIFTY THOUSAND (\$4,050,000) DOLLARS in bonds of Westchester County to finance the following three (3) capital projects at the Westchester County Airport: A0134-HVAC Upgrades, Terminal Bldg., A0138-Ramp Service Equipment and A0140-Electrical, Data and Security Systems Upgrades.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning) Rob Abbamont

Airport Manager April Gasparri

7. [2023-6](#) **BOND ACT-BO14E, BO124, BPF39**

A BOND ACT authorizing the issuance of THIRTEEN MILLION, THREE HUNDRED THOUSAND (\$13,300,000) DOLLARS in bonds of Westchester County to finance the following three (3) Capital Projects: B014E-Exterior Infrastructure Improvement, White Plains Complex (2021-2025), B0124-White Plains Complex Lighting Systems and BPF39-Electric Vehicle Charging Stations and Infrastructure.

**SUBMITTED BY: BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning) Rob Abbamont

8. [2023-7](#) **BOND ACT-RB210, RB212, RB214, RB233, RB234, RB235, RB236, RB237, P0032**

A BOND ACT authorizing the issuance of SIXTEEN MILLION, SIX HUNDRED FORTY THOUSAND (\$16,640,000) DOLLARS in bonds of Westchester County to finance the following nine (9) capital projects: RB210-Pelham Shore Rd., CR 65A, Pelham, RB212-Bryant Ave., CR 153, White Plains, RB214-Lake St., CR 32B, White Plains, RB233-Virginia Rd., CR 35/51, Mt. Pleasant/North Castle, RB234 Heathcote Bypass, CR 143 Scarsdale, RB235-Pearl St., CR 43, Port Chester, RB236-North Division St/South St, CR 6311, Peekskill, RB237-East/West Main St, CR 25/251, Peekskill and P0032-Playland Parkway, CR 152, Rye.

***SUBMITTED BY: BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION***

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning) Rob Abbamont

9. [2022-585](#) **BOND ACT(Amended)-BPL26-2001-Flood Mitigation**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of ONE MILLION, FIVE HUNDRED THOUSAND (\$1,500,000) DOLLARS to finance a component of Capital Project BPL26 - Flood Mitigation.

***SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION***

Joint with PWT.

Guests: Planning Department

Assistant Commissioner David Kvinge

10. [2022-586](#) **IMA (Amend)-Flood Mitigation-Village of Mamaroneck**

AN ACT authorizing the County of Westchester to amend the existing intermunicipal agreement with the Village of Mamaroneck in order to increase the County's contribution toward a flood mitigation project.

***SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION***

Joint with PWT.

Guests: Planning Department

Assistant Commissioner David Kvinge

## II. OTHER BUSINESS

## III. RECEIVE & FILE

1. [2022-532](#) **BOND ACT-RB210-Pelham Shore Rd, Pelham**

A BOND ACT authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds of Westchester County to finance Capital Project RB210 - Pelham Shore Rd., C.R. 65A, Pelham.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

2. [2022-533](#) **BOND ACT-RB212-Bryant Ave, White Plains**

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project RB212 - Bryant Ave., CR 153, White Plains.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

3. [2022-534](#) **BOND ACT-RB214-Lake St, White Plains**

A BOND ACT authorizing the issuance of FOUR HUNDRED TWENTY-FIVE THOUSAND (\$425,000) DOLLARS in bonds of Westchester County to finance Capital Project RB214, Lake St., CR32B, White Plains.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

4. [2022-535](#) **BOND ACT-RB233-Virginia Rd, Mount Pleasant-No. Castle**

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance Capital Project RB233 - Virginia Rd., CR 35/51, Mt. Pleasant/North Castle.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

5. [2022-536](#) **BOND ACT-RB234-Heathcote Bypass, Scarsdale**

A BOND ACT authorizing the issuance of SEVEN HUNDRED SEVENTY-FIVE THOUSAND (\$775,000) DOLLARS in bonds of Westchester County to finance Capital Project RB234 - Heathcote Bypass CR 143, Scarsdale.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

6.     [2022-537](#)     **BOND ACT-RB235-Pearl St, Port Chester**

A BOND ACT authorizing the issuance of FOUR HUNDRED TWENTY THOUSAND (\$420,000) DOLLARS in bonds of Westchester County to finance Capital Project RB235 - Pearl St., CR 43, Port Chester.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

7.     [2022-538](#)     **BOND ACT-RB236-North Division St-South St, Peekskill**

A BOND ACT authorizing the issuance of ONE MILLION, SIX HUNDRED TWENTY THOUSAND (\$1,620,000) DOLLARS in bonds of Westchester County to finance Capital Project RB236 - North Division St./South St., CR 6311, Peekskill.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

8.     [2022-539](#)     **BOND ACT-RB237-East-West Main St, Peekskill**

A BOND ACT authorizing the issuance of SIX MILLION, ONE HUNDRED FIFTY THOUSAND (\$6,150,000) DOLLARS in bonds of Westchester County to finance Capital Project RB237 - East/West Main St., CR 25/25I, Peekskill.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

9.     [2022-540](#)     **BOND ACT-P0032-Playland Parkway, Rye**

A BOND ACT authorizing the issuance of THREE MILLION, THREE HUNDRED FIFTY THOUSAND (\$3,350,000) DOLLARS in bonds of Westchester County to finance Capital Project P0032 - Playland Parkway, CR 152, Rye.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

11.    [2022-543](#)     **BOND ACT-A0134-HVAC Upgrades, Terminal Bldg.**

A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project A0134 -HVAC Upgrades, Terminal Building.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

**12. [2022-544](#) BOND ACT-A0138-Ramp Service Equipment**

A BOND ACT authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds of Westchester County to finance Capital Project A0138 - Ramp Service Equipment.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

**13. [2022-545](#) BOND ACT-A0140-Electrical, Data & Security Systems Upgrades**

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project A0140 - Electrical, Data and Security Systems Upgrades.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

**14. [2022-546](#) BOND ACT-B014E-Exterior Infrast. Repairs, White Plains Complex**

A BOND ACT authorizing the issuance of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS in bonds of Westchester County to finance Capital Project B014E - Exterior Infrastructure Repairs, White Plains Complex (2021-2025).

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

**15. [2022-547](#) BOND ACT-B0116-Infrast. Rehab., Peekskill D.O.**

A BOND ACT authorizing the issuance of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS in bonds of Westchester County to finance Capital Project B0116 - Infrastructure Rehabilitation, Peekskill District Office (2021-2025).

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

**16. [2022-548](#) BOND ACT-B0124-White Plains Complex Lighting Systems**

A BOND ACT authorizing the issuance of FOUR MILLION, EIGHT HUNDRED THOUSAND (\$4,800,000) DOLLARS in bonds of Westchester County to finance Capital Project B0124 - White Plains Complex Lighting Systems.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

**17. [2022-549](#) BOND ACT-BPF39-Electric Vehicle Charging Stations & Infrast.**

A BOND ACT authorizing the issuance of EIGHT MILLION (\$8,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BPF39 - Electric Vehicle Charging Stations and Infrastructure.

***COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION***

**ADJOURNMENT**

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a transmittal from the County Attorney recommending the adoption of an Act that, if approved by this Board, would authorize the settlement of the lawsuit of Jacek Krassowski v. County of Westchester, et al., in the amount of \$750,000.00.

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$750,000.00. Bruce E. Cohen, Esq., Law Offices of Bruce E. Cohen & Associates, P.C., 425 Broadhollow Road, Suite 310, Melville, New York 11747, represents the Plaintiff.

This matter arises out of a construction accident that occurred on March 2, 2020, during Plaintiff's employment as a roofing laborer with non-party KDA Roofing, a subcontractor of co-defendant Sony NY Management & Construction Corporation ("Sony"), in connection with Contract 15-518 between the County and Sony for the replacement of, *inter alia*, various portions of the roofs of the Westchester County Department of Correction's ("WCDOC") facilities at 10 Woods Road, Valhalla, New York.

The accident purportedly occurred when Plaintiff slipped on ice located on the north-sloped portion of the WCDOC J-Block facility roof, causing him to fall approximately fifteen feet to the ground, hitting a barbed-wired fence in the process. Plaintiff had with him at the time of his fall a safety harness and a safety line which was unsecured. Plaintiff was taken by ambulance to the Westchester Medical Center for treatment. Plaintiff alleges that he suffered compression fractures of the T6 and T10 vertebrae, a non-displaced fracture of the anterior sternum, and mild compressions of the C6-C7, T1-T2 and T10-11 vertebrae as a result of his fall. After discharge from Westchester Medical Center, Plaintiff was treated by an orthopedic spine surgeon and an anesthesiologist and pain management physician. On June 17, 2022, a lumbar block was done at



three levels of Plaintiff's lumbar spine. Plaintiff currently complains of persistent pain and spasms in his lumbar region, which he claims precludes him from resuming his employment as a roofing laborer.

At the close of discovery, the County moved for summary judgment. The basis of the County's motion was that Plaintiff failed to properly use the safety harness and safety line provided prior to stepping onto the north-sloped portion of the J-Block roof, thus proximately causing his fall. In its March 17, 2022 Decision and Order, a copy of which is attached, the Court granted the County's motion in part and denied the County's motion in part. The basis of the Court's denial was (a) that the County had a non-delegable duty to provide a safety device to Plaintiff while working on the J-Block roof, and (b) the absence of evidence that the County or Sony instructed Plaintiff where to anchor his safety line precludes a finding that the County satisfied its non-delegable.

Co-defendant Sony has failed to appear in this action. All efforts to contact representatives of Sony have gone unanswered. Pursuant to the County's contract with Sony, Sony was required to (a) indemnify and save the County harmless from all suites of any kind and nature whatsoever from or on account of the construction contemplated by the contract, and (b) provide the County proof of liability insurance and a certificate naming the County as an additional insured. Demands for indemnification were served on both Sony and its insurance provider; however, the certificate of liability insurance naming the County as an additional insured expired prior to the date of Plaintiff's accident, and there is no evidence that the certificate was ever renewed. Notwithstanding, the County still has an active cross-claim against Sony for indemnification.

The requested settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Jacek Krassowski v. County of Westchester, et al., in the amount of \$750,000.00, Westchester County Supreme Court Index No. 59834/2020. An affirmative vote of a majority of the Board is required to pass this Legislation.

Dated: White Plains, New York

January 9<sup>th</sup>, 2023

Vedat Jasli  
Catharine By  
D. Miller  
Colin O'H  
JTS R  
Nancy E. Barr  
Nancy E. Barr  
David J. Inibio

Vedat Jasli  
Catharine By  
D. Miller  
Colin O'H  
Nancy E. Barr

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023  
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.*

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**

ACT NO. -2022

AN ACT authorizing the County Attorney to settle the lawsuit of Jacek Krassowski v. County of Westchester, et al., Westchester County Supreme Court Index No. 59834/2020, in the amount of \$750,000.00

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

Section 1. The County Attorney is authorized to settle the lawsuit of Jacek Krassowski v. County of Westchester, et al., Westchester County Supreme Court Index No. 59834/2020, in the amount of \$750,000.00 inclusive of attorney's fees. The County will pay \$750, 000.00 out of the self-insured retention fund.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

SUPREME COURT: STATE OF NEW YORK  
 IAS PART WESTCHESTER COUNTY  
 PRESENT: HON. JOAN B. LEFKOWITZ, J.S.C.

To commence the statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

-----X  
 JACEK KRASSOWSKI,

Plaintiff,

## DECISION & ORDER

Index No: 59834/2020

-against-

Motion Sequence Nos. 02 and 04

COUNTY OF WESTCHESTER, THE COUNTY OF  
 WESTCHESTER DEPARTMENT OF  
 CORRECTION and SONY NY MANAGEMENT &  
 CONSTRUCTION CORP.,

Defendants.

-----X  
 The following papers (NYSCEF document nos. 25-40; 50-53; 55-56) were read on:  
 (1) the motion by the defendants, County of Westchester and The County of Westchester  
 Department of Correction (collectively, the County of Westchester), for an order, pursuant  
 to CPLR 3212, granting summary judgment dismissing so much of the complaint that  
 asserts a cause of action against it (sequence no. 02); and (2) that branch of the cross-  
 motion by the plaintiff for an order, pursuant to CPLR 3025 (b), granting him leave to  
 supplement the bill of particulars in order to allege certain provisions of the Industrial Code  
 (sequence no. 04).

### Motion Sequence No. 02

Notice of Motion-Statement of Facts-Affirmation-Affidavit-Exhibits (A-I)-Memo of Law  
 Reply Affirmation in Further Support and in Opposition-Reply Memo of Law

### Motion Sequence No. 04

Notice of Cross-Motion-Affirmation in Support and in Opposition-Affidavit

Upon reading the foregoing papers, the motions are determined as follows:

Plaintiff sues to recover monetary damages for personal injuries allegedly sustained  
 in a construction accident that occurred on March 2, 2020, during the course of his  
 employment as a roofing laborer with non-party subcontractor, KDA Roofing (hereinafter,  
 KDA), on premises owned by the defendant-movant, County of Westchester (hereinafter,  
 County), known as the Westchester County Jail, located at 10 Woods Road, Valhalla, New  
 York.

KDA was retained by the general contractor and defendant, Sony NY Management & Construction Corp. (hereinafter, Sony), to perform the roofing work at the Jail. Sony was retained by the County pursuant to a written contract to perform the roofing work at the Jail which involved the replacement of various portions of roofs. The accident purportedly occurred when the plaintiff slipped on ice located on an upper portion of a sloped roof while attempting to attach his safety harness, which was provided by KDA, to a ventilation box located near the center of said sloped roof.

As relevant herein, plaintiff alleges that the County is liable for his injuries based on the County's purported violations of Labor Law §§ 200, 240 (1), and 241 (6) and Industrial Code § 23-1.7. More specifically, plaintiff alleges "[t]hat the negligence of the defendants consisted, amongst other things, in failing to take precautions to avoid the occurrence herein, in causing and/or permitting the claimant to work in [an] unsafe area; in failing to have in place protective equipment as well as the failure to provide accessway that was not in an icy, slippery and dangerous condition" (Krassowski complaint at ¶ 19, NYSCEF Doc No. 1).

Following the completion of discovery, the County moves (#02) for an order, pursuant to CPLR 3212, granting summary judgment dismissing so much of the complaint that asserts a cause of action against it. Plaintiff opposes the motion and cross-moves (#04) for an order, pursuant to CPLR 3025 (b), granting him leave to supplement the bill of particulars to allege further violations of the Industrial Code.<sup>1</sup> The County opposes the cross-motion. The court consolidates the motions for joint disposition herein.

In support of its motion for summary judgment, the County proffers, among other things, the deposition transcript and affidavit of Edward Duffy (hereinafter, Duffy), Construction Coordinator for the County's Department of Public Works. Based thereon, the County submits that judgment should be granted to it as a matter of law. Regarding plaintiff's claim that the County is liable under Labor Law § 200, the County argues that pursuant to the contract between it and Sony, Sony was responsible for the means and methods of the project's completion. As such, the County asserts that it did not exercise supervisory control over the injury-producing work. The County further asserts that it had no notice, actual or constructive, of any ice condition on the roof and did not create said condition. Accordingly, the County submits that it cannot be held liable under section 200 of the Labor Law. In any event, the County notes that pursuant to the contract, Sony

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<sup>1</sup> By order dated and entered November 3, 2021, the court denied, as untimely, that branch of the plaintiff's cross-motion which sought an order, pursuant to CPLR 3212, granting him summary judgment on the issue of liability. The court further referred that branch of the cross-motion which sought an order, pursuant to CPLR 3025 (b), granting plaintiff leave to supplement his bill of particulars, to the IAS Part for determination (*see* NYSCEF Doc No. 57). The court considers that remaining branch of the plaintiff's cross-motion herein and further considers the cross-motion to the extent that it contains opposition to the County's summary judgment motion.



possessed the right to determine whether weather conditions permitted work on any given day. For the same reasons, the County argues that it cannot be held liable under Labor Law § 241 (6) which is premised upon the County's purported violation of 12 NYCRR § 23-1.7 (d). Regarding plaintiff's claim that the County is liable under Labor Law § 240 (1), the County contends that plaintiff was provided with an adequate safety device (a harness) and that the plaintiff's failure to properly secure his safety harness to a proper tie-in point (i.e. to the air conditioning unit located on the flat portion of the roof connected to the building) was the sole proximate cause of the accident. Since plaintiff was the sole proximate cause of the accident, the County further submits that it cannot be held liable under Labor Law § 240 (1).

In opposition, plaintiff contends, among other things, that he was not the sole proximate cause of his accident. Plaintiff asserts that the nearest ventilation box that he was told by his supervisor to secure his safety harness to was about 5-7 feet away from the point where he entered the second roof and that he had never been told by anyone to use any other places on the roof to connect his safety line, including any air conditioning units. Thus, plaintiff argues that because the County failed to provide him with more suitable protection to prevent his fall, he asserts that the County's motion should be denied.

In reply, the County argues, among other things, that plaintiff has not submitted opposition to the branch of the County's motion seeking dismissal of the claim premised upon violation of section 200 of the Labor Law. The County further asserts that plaintiff has failed to raise an issue of fact regarding its contention that he was the sole proximate cause of the accident. The County notes that plaintiff concedes that he observed ice on the roof that morning and, notwithstanding said observation, proceeded to walk onto the sloped roof. The County thus submits that plaintiff was the substantial cause of the events which produced his injuries and, as such, its motion should be granted.

On a motion for summary judgment the court's function is to determine whether triable issues of fact exist or whether judgment can be granted to a party on the proof submitted as a matter of law (*see* CPLR 3212 [b]; *Andre v Pomeroy*, 35 NY2d 361, 364 [1974]). In determining the motion, the court must view the evidence in a light most favorable to the nonmovant and is obliged to draw all reasonable inferences in the nonmovant's favor (*see Negri v Stop & Shop*, 65 NY2d 625, 626 [1985]; *Stukas v Streiter*, 83 AD3d 18, 22 [2d Dept 2011]). Such a motion may be granted only if the movant tenders sufficient evidence in admissible form demonstrating the absence of triable issues of material fact (*see Zuckerman v City of New York*, 49 NY2d 557, 562 [1980]). If the movant satisfies its prima facie burden, the burden of going forward shifts to the opponent of the motion to produce evidentiary proof in admissible form establishing the existence of material issues of fact requiring a trial (*see Zuckerman*, 49 NY2d at 562).

*Labor Law § 200*

“Section 200 of the Labor Law is a codification of the common-law duty imposed upon an owner or general contractor to provide construction site workers with a safe place to work” (*Comes v New York State Elec. & Gas Corp.*, 82 NY2d 876, 877 [1993]). “Cases involving Labor Law § 200 fall into two broad categories: namely, those where workers are injured as a result of dangerous or defective premises conditions at a worksite, and those involving the manner in which the work is performed” (*Ortega v Puccia*, 57 AD3d 54, 61 [2d Dept 2008]). Where, as here, “a plaintiff’s injuries arise not from the manner in which the work was being performed, but rather from an allegedly dangerous condition on the property,...a property owner will be liable under a theory of common-law negligence, as codified by Labor Law § 200, only when the owner created the complained-of condition, or when the owner failed to remedy a dangerous or defective condition of which it had actual or constructive notice” (*Martinez v City of New York*, 73 AD3d 993, 997 [2d Dept 2010]).

Here, the County established its prima facie entitlement to judgment as a matter of law dismissing the plaintiff’s claim premised upon violation of section 200 of the Labor Law by demonstrating that it did not create the alleged dangerous condition on the roof nor did it have notice, actual or constructive, of the alleged icy condition on the roof. Accordingly, the burden of going forward shifted to the plaintiff to raise a triable issue of material fact (*see Zuckerman*, 49 NY2d at 557).

In opposition, the plaintiff, who did not oppose this branch of the County’s motion, failed to raise a triable issue of material fact (*see CPLR 3212 [b]*). Accordingly, this branch of the County’s motion is granted, and this claim is dismissed.

*Labor Law § 240 (1)*

“Labor Law § 240 (1) imposes upon owners and general contractors, and their agents, a nondelegable duty to provide safety devices necessary to protect workers from risks inherent in elevated work sites” (*McCarthy v Turner Constr., Inc.*, 17 NY3d 369, 374 [2011]; *see also Ross v Curtis-Palmer Hydro-Elec. Co.*, 81 NY2d 494, 500 [1993] [“[i]t is by now well established that the duty imposed by Labor Law § 240(1) is nondelegable and that an owner or contractor who breaches that duty may be held liable in damages regardless of whether it has actually exercised supervision or control over the work.”]). The Court of Appeals has explained that “the statute is to be construed as liberally as may be for the accomplishment of the purpose for which it was framed” (*Ross*, 81 NY2d at 500 [internal quotation marks and ellipses omitted]). “To prevail on a cause of action alleging a violation of Labor Law § 240 (1), a plaintiff must establish that the statute was violated and that the violation was a proximate cause of his or her injuries” (*Morocho v Plainview-Old Bethpage Cent. Sch. Dist.*, 116 AD3d 935, 936 [2d Dept 2014]). “Where a plaintiff’s actions are the sole proximate cause of his injuries, liability under Labor Law § 240 (1) does not attach. Instead, the owner or contractor must breach the statutory duty under



section 240 (1) to provide a worker with adequate safety devices, and this breach must proximately cause the worker's injuries. These prerequisites do not exist if adequate safety devices are available at the job site, but the worker either does not use or misuses them" (*Robinson v East Med. Ctr., LP*, 6 NY3d 550, 554 [2006] [internal quotation marks, citations, brackets and ellipses omitted]). " '[T]he fact that a worker falls at a construction site, in itself, does not establish a violation of Labor Law § 240(1),' and when 'there are questions of fact as to whether the [structure] provided adequate protection,' summary judgment is not warranted" (*Giordano v Tishman Constr. Corp.*, 152 AD3d 470, 470-471 [1st Dept 2017], quoting *O'Brien v Port Auth. of N.Y. & N.J.*, 29 NY3d 27, 33 [2017]).

Here, the County failed to establish its prima facie entitlement to judgment as a matter of law dismissing the claim premised upon a violation of section 240 (1) of the Labor Law. The County failed to eliminate all triable issues of material fact regarding its contention that plaintiff was the sole proximate cause of the accident (*see Cahill v Triborough Bridge & Tunnel Auth.*, 4 NY3d 35, 40 [2004]; *Scruton v Acro-Fab Ltd.*, 144 AD3d 1502, 1505 [4th Dept 2016]). The affidavit of Duffy, proffered in support of the motion, is insufficient to eliminate all triable issues of fact as to whether the plaintiff's failure to use a more appropriate anchorage point (the air conditioning unit) to which the safety harness could have been tied-off, according to Duffy, was the sole proximate cause of the accident (*see Giordano*, 152 AD3d at 471; *Scruton*, 144 AD3d at 1505; *cf. Anderson v MSG Holdings, L.P.*, 146 AD3d 401, 404 [1st Dept 2017] ["[t]he fact that both Caro and O'Shaughnessy, as well as defendants' expert, later claimed in affidavits that plaintiff could have tied off to a raker beam above his head is of no moment, inasmuch as there is no evidence in the record that plaintiff was ever instructed or knew to use such points to tie off."]; *Miglionico v Bovis Lend Lease, Inc.*, 47 AD3d 561, 565 [1st Dept 2008]).

Since the County failed to establish its prima facie entitlement to judgment as a matter of law, the court need not consider the sufficiency of the opposing papers (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853 [1985]). Accordingly, this branch of the County's motion seeking dismissal of the plaintiff's claim premised upon a violation of Labor Law § 240 (1) is denied.

#### *Labor Law § 241 (6)*

Labor Law § 241 (6) imposes upon owners and contractors a nondelegable duty "to provide reasonable and adequate protection and safety for workers and to comply with the specific safety rules and regulations promulgated by the Commissioner of the Department of Labor" (*Ross*, 81 NY2d at 501-502 [internal quotation marks omitted]). "To prevail on a cause of action alleging a violation of Labor Law § 241 (6), a plaintiff must establish the violation of an Industrial Code provision that sets forth specific, applicable safety standards" (*Norero v 99-105 Third Ave. Realty, LLC*, 96 AD3d 727, 728 [2d Dept 2012]). Moreover, plaintiff must demonstrate that a defendant's alleged violation of the specific regulation was a proximate cause of the accident (*see Creese v Long Is. Light. Co.*, 98 AD3d 708, 710 [2d Dept 2012]). "A failure to identify the Industrial Code provision in the

complaint or bill of particulars is not fatal to such a claim” (*Jara v New York Racing Assn., Inc.*, 85 AD3d 1121, 1123 [2d Dept 2011] [internal quotation marks omitted]).

Plaintiff’s complaint alleges that the County violated Industrial Code § 23-1.7. The complaint does not specify the specific subsection under section 23-1.7 that the County purportedly violated. However, the complaint alleges that the County “fail[ed] to provide accessway that was not in an icy, slippery and dangerous condition” (Krassowski complaint at ¶ 19, NYSCEF Doc No. 1). Based thereon, it is evident that plaintiff intended to claim a violation of 12 NYCRR § 23-1.7 (d), which provides that “[e]mployers shall not suffer or permit any employee to use a floor, passageway, walkway, scaffold, platform or other elevated working surface which is in a slippery condition. Ice, snow, water, grease and any other foreign substance which may cause slippery footing shall be removed, sanded or covered to provide safe footing.” Moreover, the court notes that the County cannot claim any prejudice insofar as it sought summary judgment dismissing this particular regulation.

In support of its motion dismissing this claim, the County argues that because it did not have actual or constructive notice of the icy condition which caused plaintiff to fall, plaintiff’s claim premised upon a violation of this section of the Labor Law and this regulation of the Industrial Code fails as a matter of law (*see* Micciche memorandum of law in support at p. 5). While such argument is sufficient to establish entitlement to dismissal under section 200 of the Labor Law (*see Temes v Columbus Ctr. LLC*, 48 AD3d 281, 281 [1st Dept 2008]), it is insufficient, standing alone, to establish *prima facie* entitlement to judgment as a matter of law dismissing the plaintiff’s claim predicated upon section 241 (6) of the Labor Law (*see Rizzuto v L.A. Wenger Contr. Co.*, 91 NY2d 343, 350-351 [1998]; *Reynoso v Bovis Lend Lease LMB, Inc.*, 125 AD3d 740, 742 [2d Dept 2015]). In any event, as noted above, questions of fact remain as to whether plaintiff was the sole proximate cause of the accident (*cf. Gittleston v Cool Wind Ventilation Corp.*, 46 AD3d 855, 856 [2d Dept 2007]). Accordingly, this branch of the County’s motion seeking dismissal of the plaintiff’s claim premised upon a violation of Labor Law § 241 (6) is denied without regard to the sufficiency of the plaintiff’s opposing papers.

The court next addresses that branch of the cross-motion (#04) which seeks leave to supplement the bill of particulars to assert further violations of the Industrial Code. A motion to amend or supplement a bill of particulars is governed by the same standard as a motion to amend a pleading under CPLR 3025 (*see Cedano v New York Racing Assn., Inc.*, 171 AD3d 1126, 1127 [2d Dept 2019]; *Scarangelo v State of New York*, 111 AD2d 798, 798 [2d Dept 1985]). CPLR 3025 (b) provides, in relevant part, that “[a]ny motion to amend or supplement pleadings shall be accompanied by the proposed amended or supplemental pleading clearly showing the changes or additions to be made to the pleading.”

Here, in contravention of CPLR 3025 (b), plaintiff failed to submit a proposed supplemental bill of particulars with his cross motion. Accordingly, this branch of the cross motion is denied (*see Cedano*, 171 AD3d at 1127; *Scialdone v Stepping Stones Assoc., L.P.*, 148 AD3d 950, 952 [2d Dept 2017]).

All other arguments raised on the motions and evidence submitted by the parties in connection thereto have been considered by the court, notwithstanding the specific absence of reference thereto. Based on the foregoing, it is hereby:

ORDERED that the motion (#02) by the defendant County of Westchester seeking summary judgment is granted to the extent that the plaintiff's claim alleging a violation of Labor Law § 200 is dismissed, and the motion is otherwise denied as to the plaintiff's claims alleging a violation of Labor Law §§ 240 (1) and 241 (6); and it is further

ORDERED that the branch of the cross-motion (#04) by the plaintiff seeking leave to supplement his bill of particulars is denied; and it is further

ORDERED the matter shall be scheduled for a settlement conference on a date and time set by the clerk.

ENTER,

Dated: White Plains, New York  
March 17, 2022

  
HON. JOAN B. LEFKOWITZ, J.S.C.

To:

All counsel of record via NYSCEF

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Krassowski, Jacek

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost \$ 750,000

Total Current Year Revenue \$ \_\_\_\_\_

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0700 4410 4280 04

6N Fund:

Potential Related Operating Budget Expenses: Annual Amount \$ N/A

Describe: Settlement of General Liability Claim (G200022 Krassowski, Jacek)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Potential Related Revenues: Annual Amount \$ N/A

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

N/A

\_\_\_\_\_

Next Four years: N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Giacomo G. Micciche

Title: Assistant County Attorney

Department: Law

Reviewed By: [Signature]

PH

Budget Director

10/31/22

If you need more space, please attach additional sheets.

ACT 1 - 2023

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a transmittal from the County Attorney recommending the adoption of an Act that, if approved by this Board, would authorize the settlement of the lawsuit of Jacek Krassowski v. County of Westchester, et al., in the amount of \$750,000.00.

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$750,000.00. Bruce E. Cohen, Esq., Law Offices of Bruce E. Cohen & Associates, P.C., 425 Broadhollow Road, Suite 310, Melville, New York 11747, represents the Plaintiff.

This matter arises out of a construction accident that occurred on March 2, 2020, during Plaintiff's employment as a roofing laborer with non-party KDA Roofing, a subcontractor of co-defendant Sony NY Management & Construction Corporation ("Sony"), in connection with Contract 15-518 between the County and Sony for the replacement of, *inter alia*, various portions of the roofs of the Westchester County Department of Correction's ("WCDOC") facilities at 10 Woods Road, Valhalla, New York.

The accident purportedly occurred when Plaintiff slipped on ice located on the north-sloped portion of the WCDOC J-Block facility roof, causing him to fall approximately fifteen feet to the ground, hitting a barbed-wired fence in the process. Plaintiff had with him at the time of his fall a safety harness and a safety line which was unsecured. Plaintiff was taken by ambulance to the Westchester Medical Center for treatment. Plaintiff alleges that he suffered compression fractures of the T6 and T10 vertebrae, a non-displaced fracture of the anterior sternum, and mild compressions of the C6-C7, T1-T2 and T10-11 vertebrae as a result of his fall. After discharge from Westchester Medical Center, Plaintiff was treated by an orthopedic spine surgeon and an anesthesiologist and pain management physician. On June 17, 2022, a lumbar block was done at

three levels of Plaintiff's lumbar spine. Plaintiff currently complains of persistent pain and spasms in his lumbar region, which he claims precludes him from resuming his employment as a roofing laborer.

At the close of discovery, the County moved for summary judgment. The basis of the County's motion was that Plaintiff failed to properly use the safety harness and safety line provided prior to stepping onto the north-sloped portion of the J-Block roof, thus proximately causing his fall. In its March 17, 2022 Decision and Order, a copy of which is attached, the Court granted the County's motion in part and denied the County's motion in part. The basis of the Court's denial was (a) that the County had a non-delegable duty to provide a safety device to Plaintiff while working on the J-Block roof, and (b) the absence of evidence that the County or Sony instructed Plaintiff where to anchor his safety line precludes a finding that the County satisfied its non-delegable.

Co-defendant Sony has failed to appear in this action. All efforts to contact representatives of Sony have gone unanswered. Pursuant to the County's contract with Sony, Sony was required to (a) indemnify and save the County harmless from all suites of any kind and nature whatsoever from or on account of the construction contemplated by the contract, and (b) provide the County proof of liability insurance and a certificate naming the County as an additional insured. Demands for indemnification were served on both Sony and its insurance provider; however, the certificate of liability insurance naming the County as an additional insured expired prior to the date of Plaintiff's accident, and there is no evidence that the certificate was ever renewed. Notwithstanding, the County still has an active cross-claim against Sony for indemnification.

The requested settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Jacek Krassowski v. County of Westchester, et al., in the amount of \$750,000.00, Westchester County Supreme Court Index No. 59834/2020. An affirmative vote of a majority of the Board is required to pass this Legislation.

Dated: White Plains, New York

January 9<sup>th</sup>, 2023

Vedat Jasli  
Cubini Bz  
D. Miller  
Cubini Bz  
JTS R  
Nancy & Ben  
Lancey B. Miller & wife  
Doreen J. Tubito

Vedat Jasli  
Cubini Bz  
D. Miller  
Cubini Bz  
Nancy & Ben

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023  
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.***

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**



ACT NO. 1 -2023

AN ACT authorizing the County Attorney to settle the lawsuit of Jacek Krassowski v. County of Westchester, et al., Westchester County Supreme Court Index No. 59834/2020, in the amount of \$750,000.00

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

Section 1. The County Attorney is authorized to settle the lawsuit of Jacek Krassowski v. County of Westchester, et al., Westchester County Supreme Court Index No. 59834/2020, in the amount of \$750,000.00 inclusive of attorney's fees. The County will pay \$750, 000.00 out of the self-insured retention fund.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

SUPREME COURT: STATE OF NEW YORK  
 IAS PART WESTCHESTER COUNTY  
 PRESENT: HON. JOAN B. LEFKOWITZ, J.S.C.

To commence the statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

-----X  
 JACEK KRASSOWSKI,

Plaintiff,

DECISION & ORDER

Index No: 59834/2020

-against-

Motion Sequence Nos. 02 and 04

COUNTY OF WESTCHESTER, THE COUNTY OF  
 WESTCHESTER DEPARTMENT OF  
 CORRECTION and SONY NY MANAGEMENT &  
 CONSTRUCTION CORP.,

Defendants.  
 -----X

The following papers (NYSCEF document nos. 25-40; 50-53; 55-56) were read on:  
 (1) the motion by the defendants, County of Westchester and The County of Westchester Department of Correction (collectively, the County of Westchester), for an order, pursuant to CPLR 3212, granting summary judgment dismissing so much of the complaint that asserts a cause of action against it (sequence no. 02); and (2) that branch of the cross-motion by the plaintiff for an order, pursuant to CPLR 3025 (b), granting him leave to supplement the bill of particulars in order to allege certain provisions of the Industrial Code (sequence no. 04).

Motion Sequence No. 02

Notice of Motion-Statement of Facts-Affirmation-Affidavit-Exhibits (A-I)-Memo of Law  
 Reply Affirmation in Further Support and in Opposition-Reply Memo of Law

Motion Sequence No. 04

Notice of Cross-Motion-Affirmation in Support and in Opposition-Affidavit

Upon reading the foregoing papers, the motions are determined as follows:

Plaintiff sues to recover monetary damages for personal injuries allegedly sustained in a construction accident that occurred on March 2, 2020, during the course of his employment as a roofing laborer with non-party subcontractor, KDA Roofing (hereinafter, KDA), on premises owned by the defendant-movant, County of Westchester (hereinafter, County), known as the Westchester County Jail, located at 10 Woods Road, Valhalla, New York.

KDA was retained by the general contractor and defendant, Sony NY Management & Construction Corp. (hereinafter, Sony), to perform the roofing work at the Jail. Sony was retained by the County pursuant to a written contract to perform the roofing work at the Jail which involved the replacement of various portions of roofs. The accident purportedly occurred when the plaintiff slipped on ice located on an upper portion of a sloped roof while attempting to attach his safety harness, which was provided by KDA, to a ventilation box located near the center of said sloped roof.

As relevant herein, plaintiff alleges that the County is liable for his injuries based on the County's purported violations of Labor Law §§ 200, 240 (1), and 241 (6) and Industrial Code § 23-1.7. More specifically, plaintiff alleges "[t]hat the negligence of the defendants consisted, amongst other things, in failing to take precautions to avoid the occurrence herein, in causing and/or permitting the claimant to work in [an] unsafe area; in failing to have in place protective equipment as well as the failure to provide accessway that was not in an icy, slippery and dangerous condition" (Krassowski complaint at ¶ 19, NYSCEF Doc No. 1).

Following the completion of discovery, the County moves (#02) for an order, pursuant to CPLR 3212, granting summary judgment dismissing so much of the complaint that asserts a cause of action against it. Plaintiff opposes the motion and cross-moves (#04) for an order, pursuant to CPLR 3025 (b), granting him leave to supplement the bill of particulars to allege further violations of the Industrial Code.<sup>1</sup> The County opposes the cross-motion. The court consolidates the motions for joint disposition herein.

In support of its motion for summary judgment, the County proffers, among other things, the deposition transcript and affidavit of Edward Duffy (hereinafter, Duffy), Construction Coordinator for the County's Department of Public Works. Based thereon, the County submits that judgment should be granted to it as a matter of law. Regarding plaintiff's claim that the County is liable under Labor Law § 200, the County argues that pursuant to the contract between it and Sony, Sony was responsible for the means and methods of the project's completion. As such, the County asserts that it did not exercise supervisory control over the injury-producing work. The County further asserts that it had no notice, actual or constructive, of any ice condition on the roof and did not create said condition. Accordingly, the County submits that it cannot be held liable under section 200 of the Labor Law. In any event, the County notes that pursuant to the contract, Sony

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<sup>1</sup> By order dated and entered November 3, 2021, the court denied, as untimely, that branch of the plaintiff's cross-motion which sought an order, pursuant to CPLR 3212, granting him summary judgment on the issue of liability. The court further referred that branch of the cross-motion which sought an order, pursuant to CPLR 3025 (b), granting plaintiff leave to supplement his bill of particulars, to the IAS Part for determination (*see* NYSCEF Doc No. 57). The court considers that remaining branch of the plaintiff's cross-motion herein and further considers the cross-motion to the extent that it contains opposition to the County's summary judgment motion.

possessed the right to determine whether weather conditions permitted work on any given day. For the same reasons, the County argues that it cannot be held liable under Labor Law § 241 (6) which is premised upon the County's purported violation of 12 NYCRR § 23-1.7 (d). Regarding plaintiff's claim that the County is liable under Labor Law § 240 (1), the County contends that plaintiff was provided with an adequate safety device (a harness) and that the plaintiff's failure to properly secure his safety harness to a proper tie-in point (i.e. to the air conditioning unit located on the flat portion of the roof connected to the building) was the sole proximate cause of the accident. Since plaintiff was the sole proximate cause of the accident, the County further submits that it cannot be held liable under Labor Law § 240 (1).

In opposition, plaintiff contends, among other things, that he was not the sole proximate cause of his accident. Plaintiff asserts that the nearest ventilation box that he was told by his supervisor to secure his safety harness to was about 5-7 feet away from the point where he entered the second roof and that he had never been told by anyone to use any other places on the roof to connect his safety line, including any air conditioning units. Thus, plaintiff argues that because the County failed to provide him with more suitable protection to prevent his fall, he asserts that the County's motion should be denied.

In reply, the County argues, among other things, that plaintiff has not submitted opposition to the branch of the County's motion seeking dismissal of the claim premised upon violation of section 200 of the Labor Law. The County further asserts that plaintiff has failed to raise an issue of fact regarding its contention that he was the sole proximate cause of the accident. The County notes that plaintiff concedes that he observed ice on the roof that morning and, notwithstanding said observation, proceeded to walk onto the sloped roof. The County thus submits that plaintiff was the substantial cause of the events which produced his injuries and, as such, its motion should be granted.

On a motion for summary judgment the court's function is to determine whether triable issues of fact exist or whether judgment can be granted to a party on the proof submitted as a matter of law (*see* CPLR 3212 [b]; *Andre v Pomeroy*, 35 NY2d 361, 364 [1974]). In determining the motion, the court must view the evidence in a light most favorable to the nonmovant and is obliged to draw all reasonable inferences in the nonmovant's favor (*see Negri v Stop & Shop*, 65 NY2d 625, 626 [1985]; *Stukas v Streiter*, 83 AD3d 18, 22 [2d Dept 2011]). Such a motion may be granted only if the movant tenders sufficient evidence in admissible form demonstrating the absence of triable issues of material fact (*see Zuckerman v City of New York*, 49 NY2d 557, 562 [1980]). If the movant satisfies its prima facie burden, the burden of going forward shifts to the opponent of the motion to produce evidentiary proof in admissible form establishing the existence of material issues of fact requiring a trial (*see Zuckerman*, 49 NY2d at 562).

### *Labor Law § 200*

“Section 200 of the Labor Law is a codification of the common-law duty imposed upon an owner or general contractor to provide construction site workers with a safe place to work” (*Comes v New York State Elec. & Gas Corp.*, 82 NY2d 876, 877 [1993]). “Cases involving Labor Law § 200 fall into two broad categories: namely, those where workers are injured as a result of dangerous or defective premises conditions at a worksite, and those involving the manner in which the work is performed” (*Ortega v Puccia*, 57 AD3d 54, 61 [2d Dept 2008]). Where, as here, “a plaintiff’s injuries arise not from the manner in which the work was being performed, but rather from an allegedly dangerous condition on the property,...a property owner will be liable under a theory of common-law negligence, as codified by Labor Law § 200, only when the owner created the complained-of condition, or when the owner failed to remedy a dangerous or defective condition of which it had actual or constructive notice” (*Martinez v City of New York*, 73 AD3d 993, 997 [2d Dept 2010]).

Here, the County established its prima facie entitlement to judgment as a matter of law dismissing the plaintiff’s claim premised upon violation of section 200 of the Labor Law by demonstrating that it did not create the alleged dangerous condition on the roof nor did it have notice, actual or constructive, of the alleged icy condition on the roof. Accordingly, the burden of going forward shifted to the plaintiff to raise a triable issue of material fact (*see Zuckerman*, 49 NY2d at 557).

In opposition, the plaintiff, who did not oppose this branch of the County’s motion, failed to raise a triable issue of material fact (*see CPLR 3212 [b]*). Accordingly, this branch of the County’s motion is granted, and this claim is dismissed.

### *Labor Law § 240 (1)*

“Labor Law § 240 (1) imposes upon owners and general contractors, and their agents, a nondelegable duty to provide safety devices necessary to protect workers from risks inherent in elevated work sites” (*McCarthy v Turner Constr., Inc.*, 17 NY3d 369, 374 [2011]; *see also Ross v Curtis-Palmer Hydro-Elec. Co.*, 81 NY2d 494, 500 [1993] “[i]t is by now well established that the duty imposed by Labor Law § 240(1) is nondelegable and that an owner or contractor who breaches that duty may be held liable in damages regardless of whether it has actually exercised supervision or control over the work.”). The Court of Appeals has explained that “the statute is to be construed as liberally as may be for the accomplishment of the purpose for which it was framed” (*Ross*, 81 NY2d at 500 [internal quotation marks and ellipses omitted]). “To prevail on a cause of action alleging a violation of Labor Law § 240 (1), a plaintiff must establish that the statute was violated and that the violation was a proximate cause of his or her injuries” (*Morocho v Plainview-Old Bethpage Cent. Sch. Dist.*, 116 AD3d 935, 936 [2d Dept 2014]). “Where a plaintiff’s actions are the sole proximate cause of his injuries, liability under Labor Law § 240 (1) does not attach. Instead, the owner or contractor must breach the statutory duty under

section 240 (1) to provide a worker with adequate safety devices, and this breach must proximately cause the worker's injuries. These prerequisites do not exist if adequate safety devices are available at the job site, but the worker either does not use or misuses them" (*Robinson v East Med. Ctr., LP*, 6 NY3d 550, 554 [2006] [internal quotation marks, citations, brackets and ellipses omitted]). " '[T]he fact that a worker falls at a construction site, in itself, does not establish a violation of Labor Law § 240(1),' and when 'there are questions of fact as to whether the [structure] provided adequate protection,' summary judgment is not warranted" (*Giordano v Tishman Constr. Corp.*, 152 AD3d 470, 470-471 [1st Dept 2017], quoting *O'Brien v Port Auth. of N.Y. & N.J.*, 29 NY3d 27, 33 [2017]).

Here, the County failed to establish its prima facie entitlement to judgment as a matter of law dismissing the claim premised upon a violation of section 240 (1) of the Labor Law. The County failed to eliminate all triable issues of material fact regarding its contention that plaintiff was the sole proximate cause of the accident (*see Cahill v Triborough Bridge & Tunnel Auth.*, 4 NY3d 35, 40 [2004]; *Scruton v Acro-Fab Ltd.*, 144 AD3d 1502, 1505 [4th Dept 2016]). The affidavit of Duffy, proffered in support of the motion, is insufficient to eliminate all triable issues of fact as to whether the plaintiff's failure to use a more appropriate anchorage point (the air conditioning unit) to which the safety harness could have been tied-off, according to Duffy, was the sole proximate cause of the accident (*see Giordano*, 152 AD3d at 471; *Scruton*, 144 AD3d at 1505; *cf. Anderson v MSG Holdings, L.P.*, 146 AD3d 401, 404 [1st Dept 2017] ["[t]he fact that both Caro and O'Shaughnessy, as well as defendants' expert, later claimed in affidavits that plaintiff could have tied off to a raker beam above his head is of no moment, inasmuch as there is no evidence in the record that plaintiff was ever instructed or knew to use such points to tie off."]; *Miglionico v Bovis Lend Lease, Inc.*, 47 AD3d 561, 565 [1st Dept 2008]).

Since the County failed to establish its prima facie entitlement to judgment as a matter of law, the court need not consider the sufficiency of the opposing papers (*see Winegrad v New York Univ. Med. Ctr.*, 64 NY2d 851, 853 [1985]). Accordingly, this branch of the County's motion seeking dismissal of the plaintiff's claim premised upon a violation of Labor Law § 240 (1) is denied.

#### *Labor Law § 241 (6)*

Labor Law § 241 (6) imposes upon owners and contractors a nondelegable duty "to provide reasonable and adequate protection and safety for workers and to comply with the specific safety rules and regulations promulgated by the Commissioner of the Department of Labor" (*Ross*, 81 NY2d at 501-502 [internal quotation marks omitted]). "To prevail on a cause of action alleging a violation of Labor Law § 241 (6), a plaintiff must establish the violation of an Industrial Code provision that sets forth specific, applicable safety standards" (*Norero v 99-105 Third Ave. Realty, LLC*, 96 AD3d 727, 728 [2d Dept 2012]). Moreover, plaintiff must demonstrate that a defendant's alleged violation of the specific regulation was a proximate cause of the accident (*see Creese v Long Is. Light. Co.*, 98 AD3d 708, 710 [2d Dept 2012]). "A failure to identify the Industrial Code provision in the



complaint or bill of particulars is not fatal to such a claim” (*Jara v New York Racing Assn., Inc.*, 85 AD3d 1121, 1123 [2d Dept 2011] [internal quotation marks omitted]).

Plaintiff’s complaint alleges that the County violated Industrial Code § 23-1.7. The complaint does not specify the specific subsection under section 23-1.7 that the County purportedly violated. However, the complaint alleges that the County “fail[ed] to provide accessway that was not in an icy, slippery and dangerous condition” (Krassowski complaint at ¶ 19, NYSCEF Doc No. 1). Based thereon, it is evident that plaintiff intended to claim a violation of 12 NYCRR § 23-1.7 (d), which provides that “[e]mployers shall not suffer or permit any employee to use a floor, passageway, walkway, scaffold, platform or other elevated working surface which is in a slippery condition. Ice, snow, water, grease and any other foreign substance which may cause slippery footing shall be removed, sanded or covered to provide safe footing.” Moreover, the court notes that the County cannot claim any prejudice insofar as it sought summary judgment dismissing this particular regulation.

In support of its motion dismissing this claim, the County argues that because it did not have actual or constructive notice of the icy condition which caused plaintiff to fall, plaintiff’s claim premised upon a violation of this section of the Labor Law and this regulation of the Industrial Code fails as a matter of law (*see* Micciche memorandum of law in support at p. 5). While such argument is sufficient to establish entitlement to dismissal under section 200 of the Labor Law (*see Temes v Columbus Ctr. LLC*, 48 AD3d 281, 281 [1st Dept 2008]), it is insufficient, standing alone, to establish *prima facie* entitlement to judgment as a matter of law dismissing the plaintiff’s claim predicated upon section 241 (6) of the Labor Law (*see Rizzuto v L.A. Wenger Contr. Co.*, 91 NY2d 343, 350-351 [1998]; *Reynoso v Bovis Lend Lease LMB, Inc.*, 125 AD3d 740, 742 [2d Dept 2015]). In any event, as noted above, questions of fact remain as to whether plaintiff was the sole proximate cause of the accident (*cf. Gittleston v Cool Wind Ventilation Corp.*, 46 AD3d 855, 856 [2d Dept 2007]). Accordingly, this branch of the County’s motion seeking dismissal of the plaintiff’s claim premised upon a violation of Labor Law § 241 (6) is denied without regard to the sufficiency of the plaintiff’s opposing papers.

The court next addresses that branch of the cross-motion (#04) which seeks leave to supplement the bill of particulars to assert further violations of the Industrial Code. A motion to amend or supplement a bill of particulars is governed by the same standard as a motion to amend a pleading under CPLR 3025 (*see Cedano v New York Racing Assn., Inc.*, 171 AD3d 1126, 1127 [2d Dept 2019]; *Scarangelo v State of New York*, 111 AD2d 798, 798 [2d Dept 1985]). CPLR 3025 (b) provides, in relevant part, that “[a]ny motion to amend or supplement pleadings shall be accompanied by the proposed amended or supplemental pleading clearly showing the changes or additions to be made to the pleading.”

Here, in contravention of CPLR 3025 (b), plaintiff failed to submit a proposed supplemental bill of particulars with his cross motion. Accordingly, this branch of the cross motion is denied (*see Cedano*, 171 AD3d at 1127; *Scialdone v Stepping Stones Assoc., L.P.*, 148 AD3d 950, 952 [2d Dept 2017]).

All other arguments raised on the motions and evidence submitted by the parties in connection thereto have been considered by the court, notwithstanding the specific absence of reference thereto. Based on the foregoing, it is hereby:

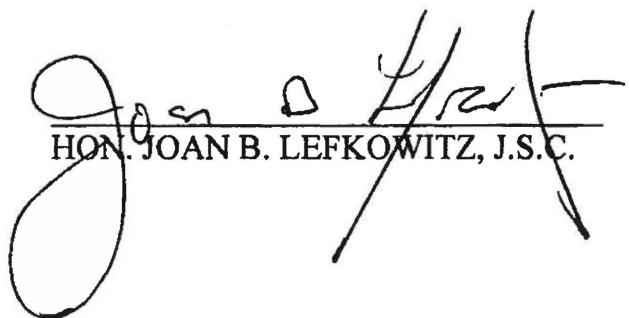
ORDERED that the motion (#02) by the defendant County of Westchester seeking summary judgment is granted to the extent that the plaintiff's claim alleging a violation of Labor Law § 200 is dismissed, and the motion is otherwise denied as to the plaintiff's claims alleging a violation of Labor Law §§ 240 (1) and 241 (6); and it is further

ORDERED that the branch of the cross-motion (#04) by the plaintiff seeking leave to supplement his bill of particulars is denied; and it is further

ORDERED the matter shall be scheduled for a settlement conference on a date and time set by the clerk.

ENTER,

Dated: White Plains, New York  
March 17, 2022

  
HON. JOAN B. LEFKOWITZ, J.S.C.

To:

All counsel of record via NYSCEF



# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Krassowski, Jacek

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost \$ 750,000

Total Current Year Revenue \$ \_\_\_\_\_

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0700 4410 4280 04

6N Fund:

Potential Related Operating Budget Expenses: Annual Amount \$ N/A

Describe: Settlement of General Liability Claim (G200022 Krassowski, Jacek)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Potential Related Revenues: Annual Amount \$ N/A

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

N/A

\_\_\_\_\_

Next Four years: N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Giacomo G. Micciche

Title: Assistant County Attorney

Department: Law

Reviewed By: [Signature]  
p#

Budget Director

10/31/22

If you need more space, please attach additional sheets.

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 1 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the settlement of the lawsuit of *County of Westchester v. Unity Mechanical Corp., The Netherlands Insurance Company, and Excelsior Insurance Company*, through the payment of \$2,100,000.00 to the County.

This Honorable Board authorized the County Attorney's Office to commence this action by Act \_\_-2016, and sought reimbursement from the defendants for defense and indemnification costs in a related action involving an injury to Joseph Gragnaniello, an employee of Unity Mechanical Corp. ("Unity"). The County settled the Gragnaniello action for \$2,875,000.00, which was approved by Act 40-2017.

Your Committee is informed that the County won summary judgment on liability against both Unity and its primary insurance carrier Netherlands. The trial court found that both Unity and Netherlands had a duty to defend and indemnify the County, and rejected counter-arguments from Unity regarding unsubstantiated negligence by the County. Your Committee is further informed that the only issues remaining for trial were the reasonableness of the County's settlement, and the amount of attorneys' fees the County was entitled to recover.

Your Committee notes that subsequent thereto, the County settled with Netherlands for the full amount the County could legally obtain against Netherlands—the policy limit, statutory interest, and defense costs—and therefore the approval by this Board was not required.

Your Committee is informed that Unity has appealed from the partial grant of summary judgment in favor of the County, which is still pending and the matter has been set for trial.

Your Committee is told that the parties have reached a settlement in the amount of \$2,100,000.00. When combined with the settlement with Netherlands, this more than makes the County whole—it covers the original \$2,875,000 paid, the County's defense costs and attorneys' fees in both the Gragnaniello action and this action, as well as approximately \$200,000 in interest. Alternatively, if the County proceeds to trial, it could risk a finding by the jury that results in a significantly lower recovery by the County.

The County Attorney has recommended that the County accept this settlement as a fair and equitable resolution of this action. Your Committee concurs with this recommendation and recommends that this Honorable Board adopt the proposed Act.

Dated: White Plains, New York

January 9<sup>th</sup>, 2023

Vedat Fashi

Admin. by  
W. H. M.

C. J. V. B.  
H. S. A.  
M. J. K. B.

James B. B. B.  
D. W. H. B.

Vedat Fashi

Admin. by  
W. H. M.

C. J. V. B.  
H. S. A.  
M. J. K. B.

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023  
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.*

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**

AN ACT authorizing the County Attorney to settle the lawsuit of *County of Westchester v. Unity Mechanical Corp., et al.*, pending in the Supreme Court of the State of New York, Westchester County Index No. 59897/2016

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

Section 1. The County Attorney is hereby authorized to settle the lawsuit of *County of Westchester v. Unity Mechanical Corp., et al.*, by acceptance of a payment to the County in an amount of \$2,100,000.00

Section 2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purposes hereof.

Section 3. This Act shall take effect immediately.

## FISCAL IMPACT STATEMENT

**SUBJECT:** Lawsuit Settlement: Unity Mechanical ☐ NO FISCAL IMPACT PROJECTED

### OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

**SECTION A - FUND**

☒ GENERAL FUND      ☐ AIRPORT FUND      ☐ SPECIAL DISTRICTS FUND

## SECTION B - EXPENSES AND REVENUES

Total Current Year Expense	N/A
----------------------------	-----

Total Current Year Revenue	\$	2,100,000
----------------------------	----	-----------

**Source of Funds** (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations  
☐ Additional Appropriations ☐ Other (explain)

**Identify Accounts:** 6N: 615-59-0693-3710-4280/04

Potential Related Operating Budget Expenses:	Annual Amount
	\$1,678,900

**Describe:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>Potential Related Operating Budget Revenues:</b>	Annual Amount	\$2,100,000
---	---------------	-------------

**Describe:** An Act authorizing the County Attorney to settle the lawsuit with Unity  
Mechanical Corp.

**Anticipated Savings to County and/or Impact on Department Operations:**

**Current Year:** \_\_\_\_\_

**Next Four Years:**

Prepared by:  Debra Ogden

**Title:** Sr. Budget Analyst

Department: Budget

**Date:** November 4, 2022

Reviewed By: [Signature]  
Budget Director

Date: 11/4/22



## ACT 2 - 2023

### BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the settlement of the lawsuit of *County of Westchester v. Unity Mechanical Corp., The Netherlands Insurance Company, and Excelsior Insurance Company*, through the payment of \$2,100,000.00 to the County.

This Honorable Board authorized the County Attorney's Office to commence this action by Act 140-2016, and sought reimbursement from the defendants for defense and indemnification costs in a related action involving an injury to Joseph Gragnaniello, an employee of Unity Mechanical Corp. ("Unity"). The County settled the Gragnaniello action for \$2,875,000.00, which was approved by Act 40-2017.

Your Committee is informed that the County won summary judgment on liability against both Unity and its primary insurance carrier Netherlands. The trial court found that both Unity and Netherlands had a duty to defend and indemnify the County, and rejected counter-arguments from Unity regarding unsubstantiated negligence by the County. Your Committee is further informed that the only issues remaining for trial were the reasonableness of the County's settlement, and the amount of attorneys' fees the County was entitled to recover.

Your Committee notes that subsequent thereto, the County settled with Netherlands for the full amount the County could legally obtain against Netherlands—the policy limit, statutory interest, and defense costs—and therefore the approval by this Board was not required.

Your Committee is informed that Unity has appealed from the partial grant of summary judgment in favor of the County, which is still pending and the matter has been set for trial.

Your Committee is told that the parties have reached a settlement in the amount of \$2,100,000.00. When combined with the settlement with Netherlands, this more than makes the County whole—it covers the original \$2,875,000 paid, the County's defense costs and attorneys' fees in both the Gragnaniello action and this action, as well as approximately \$200,000 in interest. Alternatively, if the County proceeds to trial, it could risk a finding by the jury that results in a significantly lower recovery by the County.

The County Attorney has recommended that the County accept this settlement as a fair and equitable resolution of this action. Your Committee concurs with this recommendation and recommends that this Honorable Board adopt the proposed Act.

Dated: White Plains, New York

January 9<sup>th</sup>, 2023

Vedat Fashi

Admin by  
W. M. M.

Colin V. B.  
H. S. A.  
Mancyparr

James B. B.  
D. W. M.

Vedat Fashi

Admin by

W. M. M.  
Colin V. B.  
Mancyparr

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023  
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.*

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**

ACT NO. 2 - 2023

AN ACT authorizing the County Attorney to settle the lawsuit of *County of Westchester v. Unity Mechanical Corp., et al.*, pending in the Supreme Court of the State of New York, Westchester County Index No. 59897/2016

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

Section 1. The County Attorney is hereby authorized to settle the lawsuit of *County of Westchester v. Unity Mechanical Corp., et al.*, by acceptance of a payment to the County in an amount of \$2,100,000.00

Section 2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purposes hereof.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Unity Mechanical ☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense N/A

Total Current Year Revenue \$ 2,100,000

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 6N: 615-59-0693-3710-4280/04

Potential Related Operating Budget Expenses: Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount \$2,100,000

Describe: An Act authorizing the County Attorney to settle the lawsuit with Unity  
Mechanical Corp.  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_  
\_\_\_\_\_

Next Four Years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: November 4, 2022

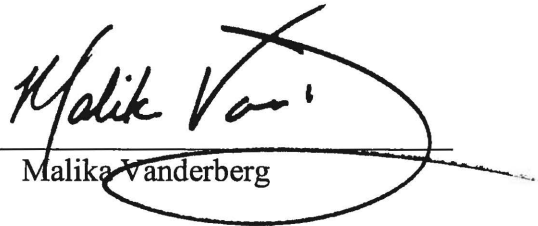
Reviewed By: Budget Director

Date: 11/4/22

STATE OF NEW YORK                    )  
  )     ss.  
WESTCHESTER COUNTY                )

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 2 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney, which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to amend its agreement (the "Agreement") with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP (the "Firm"), pursuant to which the Firm serves in an "Of Counsel" capacity to the County Attorney in connection with various legal issues relating to the upgrade of the County Trunk Sewer System located on River Street in the Village of Hastings-on-Hudson on certain real property owned by ARCO Environmental Remediation LLC ("ARCO"), which is classified as Inactive Hazardous Waste Disposal Site (the "Superfund Site"), in order to extend the term thereof through November 28, 2023 and change the name of the Firm to Abrams Fensterman, LLP.

On October 4, 2021 by Act No. 2021-183, your Honorable Board authorized the County to enter into the Agreement with the Firm for a term commencing upon execution and continuing for a one (1) year term for an amount not-to-exceed of Seventy-Five Thousand (\$75,000.00) Dollars at various hourly rates for various personnel. Subsequent to the adoption of the Act, the County entered into the Agreement with Firm, dated November 29, 2021.

The County Attorney has advised that, with the assistance of Edward Smith, the lead partner in the Firm, the County and ARCO have commenced negotiating an easement agreement, pursuant to which the County would be granted the right to upgrade the County trunk sanitary sewers and pumping station located on the Superfund Site. While the negotiations are ongoing, the Agreement with the Firm expired on November 28, 2022, and the name of the Firm has since changed from Abrams, Fensterman, Fensterman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP. In addition, the County continues to need Mr. Smith's expertise in the area of environmental law and CERCLA liability with regard to the negotiations with ARCO. Accordingly, authority is hereby requested to amend the Agreement to extend the term thereof through November 28, 2023 and change the name of the Firm from Abrams, Fensterman,



Fensterman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP. All other terms and conditions of the Agreement shall remain in full force and effect.

The County Attorney has advised that the County originally procured the services of this Firm in accordance with Section 7(a) of the Westchester County Procurement Policy and Procedures (the "Policy"), and the proposed amendment is a no-cost time extension with no additional funds being requested. Of the \$75,000.00 not to exceed amount authorized for the Agreement, approximately \$16,194.00 in services have been spent to date. Moreover, the proposed amendment will allow the County to continue to avail itself of the Firm's expertise in the area of environmental law and CERCLA liability and, thereby, protect the County's rights with respect to the County trunk sanitary sewers and pumping station located on the Superfund Site. Based upon these factors, a resolution has been approved by the Board of Acquisition and Contract to exempt the procurement of the amendment from the application of the Policy pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that this is not an action subject to the State Environmental Quality Review Act. Therefore, no further environmental review is required. Your Committee concurs with the Planning Department's conclusion.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Accordingly, your Committee recommends approval of the attached Act.

Dated: January 9<sup>th</sup>, 2023  
 White Plains, New York

Vedat Fathi  
 Arthur [Signature]  
 [Signature]  
 [Signature]  
 Nancy [Signature]  
 [Signature]  
 David J. Lubin

COMMITTEE ON

Budget & Appropriations

[Signature]  
 Coli [Signature]

Vedat Fathi  
 Arthur [Signature]  
 [Signature]  
 Nancy [Signature]  
 Coli [Signature]

Law & Major Contracts

Dated: January 9, 2023  
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.*

### COMMITTEES ON

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**

# FISCAL IMPACT STATEMENT

51

SUBJECT: No Cost 1 year Extension to Abrams Fensterman Aqt☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☐ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost \$ \_\_\_\_\_

Total Current Year Revenue \$ \_\_\_\_\_

Source of Funds (check one): ☐ Current Appropriations☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)Identify Accounts: \_\_\_\_\_  
\_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount \$ \_\_\_\_\_

Describe: To extend the agreement with the law firm of Abrams, Fensterman, Fensterman, Eisman  
Formato, Ferrara, Wolf & Carone, LLP by one year through November 28, 2023  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Revenues: Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Next Four years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Prepared by: William OlliTitle: Assistant Budget DirectorDepartment: BudgetReviewed By: [Signature]

Budget Director

10/24/22

If you need more space, please attach additional sheets.

**ACT NO. 2022 - \_\_\_\_\_**

AN ACT authorizing the County of Westchester to amend the agreement with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP for "Of Counsel" legal services in connection the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC and classified as an Inactive Hazardous Waste Disposal Site on River Street in the Village of Hastings-on-Hudson to extend the term by one (1) year from November 28, 2022 to November 28, 2023 and the change the name of the law firm from Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP.

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

Section 1. The County of Westchester ("County") is hereby authorized to amend the agreement dated November 29, 2021 (the "Agreement") with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP (the "Firm"), for the provision of "Of Counsel" legal services in connection with the portion of the County Trunk Sanitary Sewer System located on certain real property owned by ARCO Environmental Remediation LLC and classified as an Inactive Hazardous Waste Disposal Site on River Street in the Village of Hastings-on-Hudson, by extending the term thereof for one (1) year from November 28, 2022 through November 28, 2023 and changing the name of the Firm from Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP.

§2. That except as otherwise expressly amended hereby, all other terms and conditions of the Agreement, shall remain in full force and effect.

§3. The County Executive or his authorized designee, be and hereby is authorized to execute all instruments and to take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.

### ACT 3 - 2023

#### **HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney, which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to amend its agreement (the "Agreement") with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP (the "Firm"), pursuant to which the Firm serves in an "Of Counsel" capacity to the County Attorney in connection with various legal issues relating to the upgrade of the County Trunk Sewer System located on River Street in the Village of Hastings-on-Hudson on certain real property owned by ARCO Environmental Remediation LLC ("ARCO"), which is classified as Inactive Hazardous Waste Disposal Site (the "Superfund Site"), in order to extend the term thereof through November 28, 2023 and change the name of the Firm to Abrams Fensterman, LLP.

On October 4, 2021 by Act No. 2021-183, your Honorable Board authorized the County to enter into the Agreement with the Firm for a term commencing upon execution and continuing for a one (1) year term for an amount not-to-exceed of Seventy-Five Thousand (\$75,000.00) Dollars at various hourly rates for various personnel. Subsequent to the adoption of the Act, the County entered into the Agreement with Firm, dated November 29, 2021.

The County Attorney has advised that, with the assistance of Edward Smith, the lead partner in the Firm, the County and ARCO have commenced negotiating an easement agreement, pursuant to which the County would be granted the right to upgrade the County trunk sanitary sewers and pumping station located on the Superfund Site. While the negotiations are ongoing, the Agreement with the Firm expired on November 28, 2022, and the name of the Firm has since changed from Abrams, Fensterman, Fensterman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP. In addition, the County continues to need Mr. Smith's expertise in the area of environmental law and CERCLA liability with regard to the negotiations with ARCO. Accordingly, authority is hereby requested to amend the Agreement to extend the term thereof through November 28, 2023 and change the name of the Firm from Abrams, Fensterman,

Fensterman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP. All other terms and conditions of the Agreement shall remain in full force and effect.

The County Attorney has advised that the County originally procured the services of this Firm in accordance with Section 7(a) of the Westchester County Procurement Policy and Procedures (the "Policy"), and the proposed amendment is a no-cost time extension with no additional funds being requested. Of the \$75,000.00 not to exceed amount authorized for the Agreement, approximately \$16,194.00 in services have been spent to date. Moreover, the proposed amendment will allow the County to continue to avail itself of the Firm's expertise in the area of environmental law and CERCLA liability and, thereby, protect the County's rights with respect to the County trunk sanitary sewers and pumping station located on the Superfund Site. Based upon these factors, a resolution has been approved by the Board of Acquisition and Contract to exempt the procurement of the amendment from the application of the Policy pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that this is not an action subject to the State Environmental Quality Review Act. Therefore, no further environmental review is required. Your Committee concurs with the Planning Department's conclusion.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Accordingly, your Committee recommends approval of the attached Act.



Dated: January 9<sup>th</sup>, 2023

White Plains, New York

Vedat Fathi  
Arthur Van

Dr. H. Miller

LLS R

Nancy Egan

James B. ...

Doris J. Jubis

COMMITTEE ON

Budget & Appropriations

Dr. H. Miller  
C. ...

Vedat Fathi  
Arthur Van

Dr. H. Miller

Nancy Egan

Colin ...

Law & Major Contracts

Dated: January 9, 2023  
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.***

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**

# FISCAL IMPACT STATEMENT

SUBJECT: No Cost 1 year Extension to Abrams Fensterman Agt

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☐ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost \$ \_\_\_\_\_

Total Current Year Revenue \$ \_\_\_\_\_

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount \$ \_\_\_\_\_

Describe: To extend the agreement with the law firm of Abrams, Fensterman, Fensterman, Eisman  
Formato, Ferrara, Wolf & Carone, LLP by one year through November 28, 2023

Potential Related Revenues: Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four years: \_\_\_\_\_

Prepared by: William Olli

Title: Assistant Budget Director

Department: Budget

Reviewed By: [Signature]

Budget Director

10/24/22

If you need more space, please attach additional sheets.

**ACT NO. 2023 - 3**

AN ACT authorizing the County of Westchester to amend the agreement with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP for "Of Counsel" legal services in connection the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC and classified as an Inactive Hazardous Waste Disposal Site on River Street in the Village of Hastings-on-Hudson to extend the term by one (1) year from November 28, 2022 to November 28, 2023 and the change the name of the law firm from Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP.

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

Section 1. The County of Westchester ("County") is hereby authorized to amend the agreement dated November 29, 2021 (the "Agreement") with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP (the "Firm"), for the provision of "Of Counsel" legal services in connection with the portion of the County Trunk Sanitary Sewer System located on certain real property owned by ARCO Environmental Remediation LLC and classified as an Inactive Hazardous Waste Disposal Site on River Street in the Village of Hastings-on-Hudson, by extending the term thereof for one (1) year from November 28, 2022 through November 28, 2023 and changing the name of the Firm from Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP to Abrams Fensterman, LLP.

§2. That except as otherwise expressly amended hereby, all other terms and conditions of the Agreement, shall remain in full force and effect.

§3. The County Executive or his authorized designee, be and hereby is authorized to execute all instruments and to take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.

STATE OF NEW YORK                    )  
  )     ss.  
WESTCHESTER COUNTY                )

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 3 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Beth Green v County of Westchester et al. in the amount of \$850,000.00 inclusive of attorney's fees.

This lawsuit is pending in the Westchester County Supreme Court before the Honorable Lewis Lubell. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$850,000.00, inclusive of attorney's fees.

Matthew Levy, Esq. of Gallo Vitucci Klar, LLP, 1 Bridge Street, Suite 140, Irvington, New York 10533, is representing the plaintiff, Beth Green.

This lawsuit arises out of a slip and fall accident which occurred at Saxon Woods Golf Course on September 20, 2019 at approximately 5:15 p.m. The plaintiff was attempting to walk over the third hole foot bridge with her right foot when she placed her foot on the first wooden plank and slipped and fell off of the bridge. She suffered a complete tear and avulsion of her right hamstring and was told she was not a good candidate for corrective surgery. She thereafter engaged in physical therapy to strengthen the muscles surrounding the hamstring for approximately one year. Shortly after completing physical therapy for the hamstring she began to complain of right hip pain. She began a course of physical therapy for the right hip, which culminated in a total hip replacement in June of 2022. Plaintiff claims that the non-skid matting on the foot bridge was worn thin and, therefore, the bridge was slipperier than it appeared to be.

The bridge was replaced after the claim was filed but before the plaintiff's expert had a chance to examine it. The Court granted plaintiff's motion for spoliation and precluded the County from offering evidence or disputing plaintiff's claim that the foot bridge was slippery and dangerous. The Court, thereafter, granted the plaintiff's motion for summary judgment and, as a result, the only issue before the Court is damages.

The Court has already determined that the County was negligent for allowing the foot bridge to exist in a slippery and dangerous condition. The plaintiff will further argue that the County's negligence was the proximate cause of her injuries and that there is a causal connection between the hamstring injury and the resulting hip replacement surgery.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Beth Green v County of Westchester et al, in the amount of \$850,000.00, Westchester County Supreme Court Index No. 64292/2019, inclusive of attorney's fees.

---

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Beth Green v County of Westchester et al, in the amount of \$850,000.00,



Westchester County Supreme Court Index No. 64292/2019, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

January 9<sup>th</sup>, 2023

Vedat Fehi

Cabrini

West 17th

Citi

SEGA

Spencer

Henry J. B. Johnson

Doris Lubick

Vedat Fehi

Cabrini

West 17th

Citi

Spencer

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023  
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.*

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**

ACT NO. -2022

AN ACT authorizing the County Attorney to settle the lawsuit of Beth Green v County of Westchester, et al, Westchester County Supreme Court Index No. 64292/2019, in the amount of \$850,000.00, inclusive of attorney's fees

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

Section 1. The County Attorney is authorized to settle the lawsuit of Beth Green v. County of Westchester, et al, Westchester County Supreme Court Index No. 64292/2019, in the amount of \$850,000.00, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Beth Green

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 850,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0698/4210 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G180207 Green, Beth

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Jane Hogan felix

Title: Associate County Attorney

Department: Law

Date: November 22, 2022

NO  
Reviewed By:

Laurenne C. [Signature]  
Budget Director

Date: 11/25/22

ACT 4 - 2023

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Beth Green v County of Westchester et al., in the amount of \$850,000.00 inclusive of attorney's fees.

This lawsuit is pending in the Westchester County Supreme Court before the Honorable Lewis Lubell. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$850,000.00, inclusive of attorney's fees.

Matthew Levy, Esq. of Gallo Vitucci Klar, LLP, 1 Bridge Street, Suite 140, Irvington, New York 10533, is representing the plaintiff, Beth Green.

This lawsuit arises out of a slip and fall accident which occurred at Saxon Woods Golf Course on September 20, 2019 at approximately 5:15 p.m. The plaintiff was attempting to walk over the third hole foot bridge with her right foot when she placed her foot on the first wooden plank and slipped and fell off of the bridge. She suffered a complete tear and avulsion of her right hamstring and was told she was not a good candidate for corrective surgery. She thereafter engaged in physical therapy to strengthen the muscles surrounding the hamstring for approximately one year. Shortly after completing physical therapy for the hamstring she began to complain of right hip pain. She began a course of physical therapy for the right hip, which culminated in a total hip replacement in June of 2022. Plaintiff claims that the non-skid matting on the foot bridge was worn thin and, therefore, the bridge was slipperier than it appeared to be.

The bridge was replaced after the claim was filed but before the plaintiff's expert had a chance to examine it. The Court granted plaintiff's motion for spoliation and precluded the County from offering evidence or disputing plaintiff's claim that the foot bridge was slippery and dangerous. The Court, thereafter, granted the plaintiff's motion for summary judgment and, as a result, the only issue before the Court is damages.

The Court has already determined that the County was negligent for allowing the foot bridge to exist in a slippery and dangerous condition. The plaintiff will further argue that the County's negligence was the proximate cause of her injuries and that there is a causal connection between the hamstring injury and the resulting hip replacement surgery.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Beth Green v County of Westchester et al, in the amount of \$850,000.00, Westchester County Supreme Court Index No. 64292/2019, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Beth Green v County of Westchester et al., in the amount of \$850,000.00,

Westchester County Supreme Court Index No. 64292/2019, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

January 9<sup>th</sup>, 2023

Vedat J. Ali

Cubie B.

W. M.

C. M.

S. A.

M. B.

T. J. B.

D. J. B.

Vedat J. Ali

Cubie B.

W. M.

C. M.

S. A.

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023  
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.*

**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Law & Major Contracts**



ACT NO. 4 - 2023

AN ACT authorizing the County Attorney to settle the lawsuit of Beth Green v County of Westchester, et al, Westchester County Supreme Court Index No. 64292/2019, in the amount of \$850,000.00, inclusive of attorney's fees

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

Section 1. The County Attorney is authorized to settle the lawsuit of Beth Green v. County of Westchester, et al, Westchester County Supreme Court Index No. 64292/2019, in the amount of \$850,000.00, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Beth Green

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 850,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0698/4210 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G180207 Green, Beth

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Jane Hogan felix

Title: Associate County Attorney

Department: Law

Date: November 22, 2022

DJO  
Reviewed By:

Lawrence C. Hogan  
Budget Director

Date: 11/25/22

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 4 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



Reference B0116

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$500,000, to authorize the County of Westchester ("County") to finance capital project B0116– Infrastructure Rehabilitation, Peekskill District Office (2021-2025) ("B0116").

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, LLP would finance the cost of design associated with the replacement of windows and storefronts at the Peekskill District Office. The Department of Public Works and Transportation has advised that these windows and storefronts have reached the end of their useful lives and are in need of replacement. The replacement windows and storefronts will be thermally broken, Low-E double glazed.

Following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by outside consultants. Construction is estimated to take nine (9) months and will begin after award and execution of the construction contracts, subject to your Honorable Board's approval of construction funding.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: January 9th, 2023  
White Plains, New York

*Manuella Dowd*  
*Vident Fabian*  
*Adrienne Bos*  
*Debra M...*  
*Stacy*

COMMITTEE ON

kjpg 12-02-22

*Frank J. Scheraga*

*Adrienne Bos*  
*Stacy*  
*Manuella*  
*Doreen J. Tubish*

Budget & Appropriations

Public Works & Transportation

Dated: January 9, 2023  
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.*


**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Public Works & Transportation**

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0116 Infrastructure Rehabilitation, Peekskill District Office (2021-2025)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-23-2022 (Unique ID: 2031)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING IMPROVEMENTS TO THE PEEKSKILL DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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, \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of windows and storefronts at the Peekskill District Office; 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 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 \$500,000. The plan of financing includes the issuance of \$500,000 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 of said specific object or purpose, within the limitations of Section 11.00 a. 62(2<sup>nd</sup>) of the Law, is five (5) 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 \$500,000. 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 \$500,000 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.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on                   , 20\_\_ and approved by the County Executive on                   , 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day  
of                   , 20\_\_.

(SEAL)

\_\_\_\_\_  
The Clerk and Chief Administrative Officer of the  
County Board of Legislators  
County of Westchester, New York

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING IMPROVEMENTS TO THE PEEKSKILL DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of windows and storefronts at the Peekskill District Office; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued  
and period of probable usefulness: \$500,000; five (5) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board  
of Legislators of the County of Westchester, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0116

☐ 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 \$ 500,000 PPU 5 Anticipated Interest Rate 2.57%

Anticipated Annual Cost (Principal and Interest): \$ 107,704

Total Debt Service (Annual Cost x Term): \$ 538,520

Finance Department: Interest rates from December 5, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Department of Public Works and Transportation

Date: 12/5/22

Reviewed By: [Signature]

12/6/22

Budget Director

Date: 12/7/22



## CAPITAL PROJECT FACT SHEET

**Project ID:\***

B0116

☐ CBA

**Fact Sheet Date:\***

01-03-2023

**Fact Sheet Year:\***

2023

**Project Title:\***

INFRASTRUCTURE  
REHABILITATION, PEEKSKILL  
DISTRICT OFFICE (2021-2025)

**Legislative District ID:**

1,

**Category\***

BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***

PUBLIC WORKS

**CP Unique ID:**

2031

**Overall Project Description**

This project funds the rehabilitation of building exteriors, interiors, building systems and sitework at the Peekskill District Office.

☒ 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	3,000	0	3,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	3,000	0	3,000	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design associated with the replacement of windows and storefronts at the Peekskill District Office.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

500,000

**Comments:**

**Energy Efficiencies:**

THE REPLACEMENT WINDOWS AND STOREFRONTS WILL BE THERMALLY BROKEN, LOW-E DOUBLE GLAZED WINDOWS AND STOREFRONTS.

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-23-2022

**Department of Public Works**  
RJB4

**Date**  
09-23-2022

**Budget Department**  
LMY1

**Date**  
09-23-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## INFRASTRUCTURE REHABILITATION, PEEKSKILL DISTRICT OFFICE (2021-2025) ( B0116 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	3,000			3,000					
Non County Share									
Total	3,000			3,000					

### **Project Description**

This project funds the rehabilitation of building exteriors, interiors, building systems and sitework at the Peekskill District Office.

### **Current Year Description**

The current year request funds replacement of windows and storefronts.

<b>Current Year Financing Plan</b>				
Year	Bonds	Cash	Non County Shares	Total
2023	3,000,000			3,000,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$500,000, to authorize the County of Westchester (“County”) to finance capital project B0116– Infrastructure Rehabilitation, Peekskill District Office (2021-2025) (“B0116”).

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, LLP would finance the cost of design associated with the replacement of windows and storefronts at the Peekskill District Office. The Department of Public Works and Transportation has advised that these windows and storefronts have reached the end of their useful lives and are in need of replacement. The replacement windows and storefronts will be thermally broken, Low-E double glazed.

Following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by outside consultants. Construction is estimated to take nine (9) months and will begin after award and execution of the construction contracts, subject to your Honorable Board’s approval of construction funding.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: January 9th, 2023  
White Plains, New York

Theresa Egan Don/Chick  
Robert J. L. L.  
Catherine B. B.  
W. J. M.  
J. J. L.

COMMITTEE ON

k/jpg/12-02-22

Theresa Egan Don/Chick

Robert J. L. L.  
Catherine B. B.  
W. J. M.  
J. J. L.  
Theresa Egan Don/Chick  
Robert J. L. L.

Budget & Appropriations

Public Works & Transportation

Dated: January 9, 2023  
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.***


**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Public Works & Transportation**

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0116 Infrastructure Rehabilitation, Peekskill District Office (2021-2025)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-23-2022 (Unique ID: 2031)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

## ACT NO. 5 - 2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING IMPROVEMENTS TO THE PEEKSKILL DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 01/09 , 2023 )

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, \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of windows and storefronts at the Peekskill District Office; 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 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 \$500,000. The plan of financing includes the issuance of \$500,000 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 of said specific object or purpose, within the limitations of Section 11.00 a. 62(2<sup>nd</sup>) of the Law, is five (5) 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 \$500,000. 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 \$500,000 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.

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0116

☐ 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 \$ 500,000 PPU 5 Anticipated Interest Rate 2.57%

Anticipated Annual Cost (Principal and Interest): \$ 107,704

Total Debt Service (Annual Cost x Term): \$ 538,520

Finance Department: Interest rates from December 5, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Department of Public Works and Trans

Date: 12/5/22

Reviewed By: WRB/22

Date: 12/7/22

Budget Director



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>B0116</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> INFRASTRUCTURE REHABILITATION, PEEKSKILL DISTRICT OFFICE (2021-2025)	<b>Legislative District ID:</b> 1,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2031

### Overall Project Description

This project funds the rehabilitation of building exteriors, interiors, building systems and sitework at the Peekskill District Office.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	3,000	0	3,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	3,000	0	3,000	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design associated with the replacement of windows and storefronts at the Peekskill District Office.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

500,000

### Comments:

### Energy Efficiencies:

THE REPLACEMENT WINDOWS AND STOREFRONTS WILL BE THERMALLY BROKEN, LOW-E DOUBLE GLAZED WINDOWS AND STOREFRONTS.

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-23-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-23-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## INFRASTRUCTURE REHABILITATION, PEEKSKILL DISTRICT OFFICE (2021-2025) ( B0116 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	3,000			3,000					
Non County Share									
Total	3,000			3,000					

### **Project Description**

This project funds the rehabilitation of building exteriors, interiors, building systems and sitework at the Peekskill District Office.

### **Current Year Description**

The current year request funds replacement of windows and storefronts.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	3,000,000			3,000,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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 January 9, 2023 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  
January 5, 2023

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:

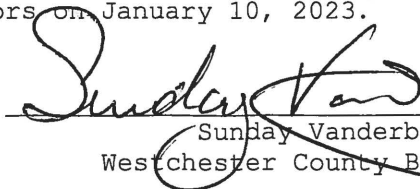
Designated Location(s)  
of posted notice

Date of Posting  
January 5, 2023

[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 January 10, 2023.



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



STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No. 5 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total amount of \$4,050,000 to authorize the County of Westchester (the "County") to finance the following three (3) capital projects:

A0134 – HVAC Upgrades, Terminal Building  
A0138 – Ramp Service Equipment  
A0140 – Electrical, Data and Security Systems Upgrades

Your Committee is advised that the Bond Act, prepared by the law firm of Harris Beach, PLLC, would authorize the County to issue bonds in the total amount of \$4,050,000 to finance various capital projects at the Westchester County Airport, including:

- (i) Design and construction associated with the first phase of the HVAC unit replacement project at the terminal building.
- (ii) The purchase of three (3) new push-backs, which will replace units that were originally purchased in 2003, 2010, 2011. Additionally, one (1) new air start will also be purchased.
- (iii) Design and construction associated with upgrades to the electrical infrastructure at the Airport parking garage and the upper rental car service area. The project will also include the installation of components to allow for the future use of electrical vehicle charging stations in the parking structure. Additionally, the project will fund upgrades to the Airport's access control, emergency alert system, video and badging system.

Your Committee is advised that the anticipated cost, anticipated project timeline, and whether the design is anticipated to be undertaken in-house staff or by consultants for each capital project is set forth below:

**BOND ACT – AIRPORT CAPITAL PROJECTS**

Cap ID	Project	Anticipated Amount	Design Assignment	Time Frame (Months)	
				Design	Const/Delivery
A0134	HVAC Upgrades, Terminal Building	\$750,000	Consultant	4	6
A0138	Ramp Service Equipment	\$800,000	N/A	N/A	12
A0140	Electrical, Data and Security Systems Upgrades	2,500,000	Consultant	12	12
<b>Total:</b>		<b>\$4,050,000</b>			

Your Committee is advised that the proposed Bond Act authorizes financing for like objects or purposes in connection with three (3) capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

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: January 23<sup>rd</sup>, 2023  
White Plains, New York

Vedat Fadin  
S. S. S.  
James B. B. B.  
James B. B. B.  
The U. U.  
Colin B. B. B.  
Colin B. B. B.  
L. C. C. C.

S. S. S.  
James B. B. B.  
The U. U.  
Colin B. B. B.  
Colin B. B. B.


COMMITTEE ON

k/jpg/11/30/2022

Budget & Appropriations

Public Works & Transportation

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0134 HVAC UPGRADES TERMINAL BUILDING**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-23-2022 (Unique ID: 2045)

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

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


---

**COMMENTS:** 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  
Lorraine Marzola, Associate Budget Director  
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: January 11, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0138 RAMP SERVICE EQUIPMENT**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 01-10-2023 (Unique ID: 2046)

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)(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/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  
Lorraine Marzola, Associate Budget Director  
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation  
Robert Abbamont, Director of Operations, Department of Public Works & Transportation  
Dianne Vanadia, Senior Budget Analyst  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0140 ELECTRICAL, DATA AND SECURITY SYSTEMS UPGRADE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-23-2022 (Unique ID: 2048)

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/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  
Lorraine Marzola, Associate Budget Director  
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

REFERENCES A0134, A1038 and A0140

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EQUIPMENT FOR AND THE CONSTRUCTION OF IMPROVEMENTS TO THE COUNTY AIRPORT, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$4,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,050,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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, to the provisions of other laws applicable thereto, \$4,050,000 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 equipment for and the construction of improvements to the County Airport comprised of the following capital projects: A0134, A1038 and A0140, all as set forth in the County's current year Capital Budget, as amended. The total estimated maximum cost of said objects or purposes,

including preliminary costs and costs incidental thereto and the financing thereof is \$4,050,000. The plan of financing includes the issuance of \$4,050,000 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 objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 14 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 \$4,050,000. 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 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.

\* \* \*



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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this    day of       , 20\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EQUIPMENT FOR AND THE CONSTRUCTION OF IMPROVEMENTS TO THE COUNTY AIRPORT; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$4,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,050,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of the acquisition of equipment for and the construction of improvements to the County Airport for various departments comprised of the following capital projects: A0134, A1038 and A0140; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$4,050,000, ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the  
County Board of Legislators of the County of  
Westchester, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: \_\_\_\_\_

☐ 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

A0134; A0138; A0140

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,050,000 PPU 10 Anticipated Interest Rate 2.69%

Anticipated Annual Cost (Principal and Interest): \$ 464,889

Total Debt Service (Annual Cost x Term): \$ 4,648,890

Finance Department: Interest rates from December 5, 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: 44

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Brian Hegt

Title: Assistant to the Commissioner

Department: Public Works & Transportation

Date: 12/7/22

Reviewed By:

dv  
12/6/22

Budget Director

Date:

12/7/22

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> A0134	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> HVAC UPGRADES, TERMINAL BUILDING	<b>Legislative District ID:</b> 6,
<b>Category*</b> AIRPORT	<b>Department:*</b> AIRPORT/DOT	<b>CP Unique ID:</b> 2045

### Overall Project Description

This project funds removal of existing HVAC units and replacement with energy efficient units. Project also includes, but is not limited to, upgrades to electrical systems, modifications to structural supports and upgrades to the building management system (BMS).

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	3.150	350	750	2.050	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3.150	350	750	2.050	0	0	0	0

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

**Current Bond Description:** This request will fund design, construction and construction management of the first phase of the HVAC unit replacements.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
<b>Total:</b>	<b>\$ 750,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

750,000

### Comments:

### Energy Efficiencies:

PROJECT INCLUDES REPLACEMENT WITH ENERGY EFFICIENT ROOFTOP UNITS.

### Appropriation History:

Year	Amount	Description
2017	350,000	DESIGN.

### Total Appropriation History:

350,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-23-2022

**Department of Public Works**  
RJB4

**Date**  
09-23-2022

**Budget Department**  
LMY1

**Date**  
09-26-2022

**Requesting Department**  
RJB4

**Date**  
09-27-2022

## HVAC UPGRADES, TERMINAL BUILDING ( A0134 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ; 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	2023	2024	2025	2026	2027	Under Review
Gross	3,150	350		750	2,050				
Non County Share									
Total	3,150	350		750	2,050				

### **Project Description**

This project funds removal of existing HVAC units and replacement with energy efficient units. Project also includes, but is not limited to, upgrades to electrical systems, modifications to structural supports and upgrades to the building management system (BMS).

### **Current Year Description**

The current year request funds Phase I.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	750,000			750,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
2017	350,000	Design.	AWAITING BOND AUTHORIZATION
Total	350,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	350,000		350,000
Total	350,000		350,000

## CAPITAL PROJECT FACT SHEET

**Project ID:\***

A0138

☐ CBA

**Fact Sheet Date:\***

01-03-2023

**Fact Sheet Year:\***

2023

**Project Title:\***

RAMP SERVICE EQUIPMENT

**Legislative District ID:**

6.

**Category\***

AIRPORT

**Department:\***

AIRPORT/DOT

**CP Unique ID:**

2046

### Overall Project Description

This project provides for the purchase of replacement and new ramp service equipment that is necessary and required to maintain the safe and efficient operation of the Airport's Terminal Ramp.

☒ 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	800	0	800	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	800	0	800	0	0	0	0	0

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

**Current Bond Description:** This request will fund the purchase of one (1) electric push-back, and two (2) diesel push backs, replacing units that were originally purchased in 2003, 2010, 2011. Additionally, one (1) new air start will be purchased.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
<b>Total:</b>	<b>\$ 800,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

800,000

**Comments:**

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
01-10-2023

**Department of Public Works**  
RJB4

**Date**  
01-10-2023

**Budget Department**  
DEV9

**Date**  
01-11-2023

**Requesting Department**  
RJB4

**Date**  
01-11-2023



## RAMP SERVICE EQUIPMENT ( A0138 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project without physical planning aspects of concern to the Westchester County Planning Board.

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	800			800					
Non County Share									
Total	800			800					

### **Project Description**

This project provides for the purchase of replacement and new ramp service equipment that is necessary and required to maintain the safe and efficient operation of the Airport's Terminal Ramp.

### **Current Year Description**

The current year request funds this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	800,000			800,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

Project ID:* A0140	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2023
Fact Sheet Year:* 2023	Project Title:* ELECTRICAL, DATA AND SECURITY 6, SYSTEMS UPGRADES	Legislative District ID:
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 2048

### Overall Project Description

This project provides for upgrades to electrical, data and security systems that will result in an increase in reliability and safety along with maintaining the Airport's compliance with the TSA's regulations and best practices.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	5,150	0	2,500	1,750	900	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,150	0	2,500	1,750	900	0	0	0

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

**Current Bond Description:** This request will fund the design, construction and construction management of the upgrades to electrical infrastructure for the Airport Parking Structure and the upper Rental Car Service Area. The project scope will include installation of components to allow for the future use of EV charging stations. This will also fund the upgrades to the Airport's access control, emergency alert system, video and badging system.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	0
<b>Total:</b>	<b>\$ 2,500,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
2,500,000

### Comments:

### Energy Efficiencies:

**Total Financing History:**  
0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-23-2022

**Department of Public Works**  
RJB4

**Date**  
09-23-2022

**Budget Department**  
LMY1

**Date**  
09-26-2022

**Requesting Department**  
RJB4

**Date**  
09-27-2022

## ELECTRICAL, DATA AND SECURITY SYSTEMS UPGRADES ( A0140 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**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	2023	2024	2025	2026	2027	Under Review
Gross	5,150			2,500	1,750	900			
Non County Share									
Total	5,150			2,500	1,750	900			

### **Project Description**

This project provides for upgrades to electrical, data and security systems that will result in an increase in reliability and safety along with maintaining the Airport's compliance with the TSA's regulations and best practices.

### **Current Year Description**

The current year request funds upgrades to the Airport's access control, emergency alert system, video and badging system.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	2,500,000			2,500,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

# 2023-6

Reference B014E  
B0124  
BPF39

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total amount of \$13,300,000 to authorize the County of Westchester (the "County") to finance the following three (3) capital projects:

B014E– Exterior Infrastructure Improvement, White Plains Complex (2021-2025)

B0124– White Plains Complex Lighting Systems

BPF39– Electric Vehicle Charging Stations and Infrastructure

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$13,300,000 to finance various capital projects, including:

- (i) Design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building.
- (ii) Design, construction management and construction associated with the replacement of the existing lighting system at the Michaelian Office Building.
- (iii) Installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations.

Your Committee is advised that the anticipated cost, anticipated project timeline, and whether the design is anticipated to be undertaken in-house staff or by consultants for each capital project is set forth below:

**BOND ACT – BUILDINGS AND PARKING FACILITIES**

Cap ID	Project	Anticipated Amount	Design Assignment	Time Frame (Months)	
				Design	Construction
B014E	Exterior Infrastructure Improvement, White Plains Complex (2021-2025)	\$500,000	Staff	3	6
B0124	B0124– White Plains Complex Lighting Systems	\$4,800,000	NYPA	Currently underway. To be completed by the 4 <sup>th</sup> quarter of 2022	9
BPF39	Electric Vehicle Charging Stations and Infrastructure	8,000,000	Staff	Will vary by location	Will vary by location
<b>Total:</b>		<b>\$13,300,000</b>			

Your Committee is advised that the proposed Bond Act authorizes financing for like objects or purposes in connection with three (3) capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

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: January 9th, 2023  
White Plains, New York

COMMITTEE ON

k/jpg/11/30/2022

*Verdell Jodhi* *Decker*  
*Adrian*  
*Decker*  
*Decker*  
*Cheryl Green*  
*Nancy & Sam*

*Decker* *Decker*  
*Adrian*  
*Nancy & Sam*

Budget & Appropriations

Public works & Transportation

Dated: January 9, 2023  
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.*

**COMMITTEES ON**


Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Public Works & Transportation**



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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B014E Exterior Infrastructure Repairs, White Plains Complex (2021-2025)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2030)

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

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


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0124 WHITE PLAINS COMPLEX LIGHTING SYSTEMS**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-22-2022 (Unique ID: 2074)

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

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


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPF39 Electric Vehicle Charging Stations and Infrastructure**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-22-2022 (Unique ID: 2077)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- **617.5(c)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- **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:** The project will fund the purchase of electric vehicle charging stations to be added to existing or new county parking facilities to support/promote the use of electric vehicles, which will help to reduce greenhouse gas emissions. Purchase and installation of charging stations at existing parking facilities with nearby electrical access may be classified as Type II under the aforementioned sections. The addition of electric vehicle charging stations at new parking facilities or where electric service is not readily available at or near the project site will be reviewed further

for SEQR compliance at the time funding approval is being sought for the larger project or prior to contract approval for construction.

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  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS PURPOSES IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; 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 total cost of said objects or purposes, including preliminary costs and

costs incidental thereto and the financing thereof is \$13,300,000. The plan of financing includes the issuance of \$13,300,000 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.

<b>A</b>	<b>B</b>
\$500,000	the design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building
\$4,800,000	the design, construction management and construction associated with the replacement of the existing lighting system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls, and related work
\$8,000,000	the cost of the acquisition and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations

Section 2. The periods of probable usefulness ("PPU") of the objects or purposes for which said \$13,300,000 bonds authorized by this Act are to be issued, within the limitations of the respective subdivisions of Section 11.00.a of the Law, are as follows:

<b>Amount</b>	<b>Subdivision</b>	<b>PPU</b>
\$500,000	12(a)(2)	fifteen (15) years
\$4,800,000	13	ten (10) years
\$8,000,000	90	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 total amount of \$13,300,000. 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 \$13,300,000 as the estimated total cost of the aforesaid objects or purposes 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 in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*



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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS PURPOSES IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)

object or purpose: (i) the design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building, (ii) the design, construction management and construction associated with the replacement of the existing lighting system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls, and related work, and (iii) the cost of the acquisition and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations

amount of obligations to be issued      \$ 500,000; fifteen (15) years  
and periods of probable usefulness:    \$12,800,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B014E

☐ 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 \$ 500,000 PPU 15 Anticipated Interest Rate 2.92%

Anticipated Annual Cost (Principal and Interest): \$ 41,160

Total Debt Service (Annual Cost x Term): \$ 617,400

Finance Department: Interest rates from December 5, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Department of Public Works and Transportation

Date: 12/5/22

Reviewed By: *[Signature]*

dw16162

Budget Director

Date: 12/7/22

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>B014E</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025)	<b>Legislative District ID:</b> 8,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2030

### Overall Project Description

This project funds the rehabilitation of building exteriors and other sitework for the White Plains Complex.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	9,025	3,500	500	5,025	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	9,025	3,500	500	5,025	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 25

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

500,000

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2021	3,500,000	REHABILITATION OF BUILDING EXTERIORS AND OTHER SITEWORK FOR THE WHITE PLAINS COMPLEX

### Total Appropriation History:

3,500,000

### Financing History:

Year	Bond Act #	Amount	Issued	Description
21	21	3,500,000		0 EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025)

**Total Financing History:**  
3,500,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-22-2022

**Department of Public Works**  
RJB4

**Date**  
09-23-2022

**Budget Department**  
LMY1

**Date**  
09-23-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025) ( B014E )

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	9,025	3,500	25	500	5,025				
Non County Share									
Total	9,025	3,500	25	500	5,025				

### Project Description

This project funds the rehabilitation of building exteriors and other sitework for the White Plains Complex.

### Current Year Description

The current year request funds the rehabilitation of coping and stucco on the Courthouse and Low Rise Buildings.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	500,000			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
2021	3,500,000	Rehabilitation of building exteriors and other sitework for the White Plains Complex	DESIGN
Total	3,500,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000		3,500,000
Total	3,500,000		3,500,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
21 21	3,500,000			3,500,000
Total	3,500,000			3,500,000



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: \_\_\_\_\_

☐ 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

B0124; BPF39

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 12,800,000 PPU 10 Anticipated Interest Rate 2.69%

Anticipated Annual Cost (Principal and Interest): \$ 1,469,277

Total Debt Service (Annual Cost x Term): \$ 14,692,770

Finance Department: Interest rates from December 5, 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: 139

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Dir. Of Op. (Cap PLN)

Department: DPW&T

Date: 12/7/22

Reviewed By: 

00121122 Budget Director

Date: 12/7/22

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
B0124

☐ CBA

**Fact Sheet Date:\***  
01-03-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
WHITE PLAINS COMPLEX LIGHTING 8,  
SYSTEMS

**Legislative District ID:**

**Category\***  
BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***  
PUBLIC WORKS

**CP Unique ID:**  
2074

**Overall Project Description**

This project will fund the replacement of the existing fluorescent light fixtures to LED light fixtures and upgrade of the associated lighting control system.

☒ 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	2023	2024	2025	2026	2027	Under Review
Gross	4,800	0	4,800	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,800	0	4,800	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the replacement of the existing system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	4,800,000
Cash:	0
<b>Total:</b>	<b>\$ 4,800,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

4,800,000

**Comments:**

**Energy Efficiencies:**

THIS PROJECT WILL REPLACE THE EXISTING LIGHTING FIXTURES WITH NEW ENERGY EFFICIENT LED LIGHTING FIXTURES AND PROVIDE ENERGY EFFICIENT LIGHTING CONTROLS AS REQUIRED BY THE NY STATE ENERGY CONSERVATION CODE.

**Total Financing History:**

0



**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-22-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMYI

**Date**

09-23-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## WHITE PLAINS COMPLEX LIGHTING SYSTEMS ( B0124 )

**User Department :** Public Works  
**Managing Department(s) :** Public Works ;  
**Estimated Completion Date:** TBD  
**Planning Board Recommendation:**

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	4,800			4,800					
Non County Share									
Total	4,800			4,800					

### **Project Description**

This project will fund the replacement of the existing fluorescent light fixtures to LED light fixtures and upgrade of the associated lighting control system.

### **Current Year Description**

The current request funds work at the Michaelian Office Building.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	4,800,000			4,800,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
BPF39

☐ CBA

**Fact Sheet Date:\***  
01-03-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
ELECTRIC VEHICLE CHARGING  
STATIONS AND INFRASTRUCTURE

**Legislative District ID:**

**Category\***  
BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***  
PUBLIC WORKS

**CP Unique ID:**  
2077

**Overall Project Description**

This project funds the installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations. The County will work with NYSERDA, NYPA and NYSDEC to explore any Non-County funding that may be available for this project.

☒ 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	82,000	2,000	18,000	25,000	25,000	12,000	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	82,000	2,000	18,000	25,000	25,000	12,000	0	0

**Expended/Obligated Amount (in thousands) as of :** 582

**Current Bond Description:** Funding is requested for the installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
<b>Total:</b>	<b>\$ 8,000,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

8,000,000

**Comments:**

**Energy Efficiencies:**

THIS PROJECT PROMOTES THE USE OF ELECTRIC VEHICLES WHICH HELPS TO REDUCE GREENHOUSE GAS EMISSIONS.

**Appropriation History:**

Year	Amount	Description
2020	1,000,000	FUNDING FOR INITIAL PHASE
2022	1,000,000	ADDITIONAL INSTALLATION OF ELECTRIC VEHICLE (EV) CHARGING STATIONS

**Total Appropriation History:**

2,000,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
20	84	1,000,000	143,750	INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS ACROSS COUNTY
21	220	1,000,000	0	ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE

**Total Financing History:**

2,000,000

**Recommended By:****Department of Planning**

WBB4

**Date**

09-22-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-23-2022

**Requesting Department**

RJB4

**Date**

09-23-2022

## ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE ( BPF39 )

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	82,000	2,000	582	18,000	25,000	25,000	12,000		
Non County Share									
Total	82,000	2,000	582	18,000	25,000	25,000	12,000		

### Project Description

This project funds the installation of electric vehicle (EV) charging stations and associated infrastructure at various County and municipal locations. The County will work with NYSDERDA, NYPA and NYSDEC to explore any Non-County funding that may be available for this project.

### Current Year Description

The current year request funds additional EV charging stations.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	18,000,000			18,000,000

### 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
2020	1,000,000	Funding for initial phase	IN PROGRESS
2022	1,000,000	Additional installation of electric vehicle (EV) charging stations	IN PROGRESS
Total	2,000,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,000,000	143,750	1,856,250
Total	2,000,000	143,750	1,856,250

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
84 20	1,000,000	12/01/21	143,750	856,250
220 21	1,000,000			1,000,000
Total	2,000,000		143,750	1,856,250

(BOND) ACT 6 - 2023

Reference B014E  
B0124  
BPF39

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total amount of \$13,300,000 to authorize the County of Westchester (the "County") to finance the following three (3) capital projects:

B014E– Exterior Infrastructure Improvement, White Plains Complex (2021-2025)  
B0124– White Plains Complex Lighting Systems  
BPF39– Electric Vehicle Charging Stations and Infrastructure

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$13,300,000 to finance various capital projects, including:

- (i) Design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building.
- (ii) Design, construction management and construction associated with the replacement of the existing lighting system at the Michaelian Office Building.
- (iii) Installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations.

Your Committee is advised that the anticipated cost, anticipated project timeline, and whether the design is anticipated to be undertaken in-house staff or by consultants for each capital project is set forth below:

**BOND ACT – BUILDINGS AND PARKING FACILITIES**

Cap ID	Project	Anticipated Amount	Design Assignment	Time Frame (Months)	
				Design	Construction
B014E	Exterior Infrastructure Improvement, White Plains Complex (2021-2025)	\$500,000	Staff	3	6
B0124	B0124– White Plains Complex Lighting Systems	\$4,800,000	NYPA	Currently underway. To be completed by the 4 <sup>th</sup> quarter of 2022	9
BPF39	Electric Vehicle Charging Stations and Infrastructure	8,000,000	Staff	Will vary by location	Will vary by location
<b>Total:</b>		<b>\$13,300,000</b>			

Your Committee is advised that the proposed Bond Act authorizes financing for like objects or purposes in connection with three (3) capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

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: January 9th, 2023  
White Plains, New York

COMMITTEE ON

k/jpg/11/30/2022

*Vedat Jochi* *De/De*  
*Admiral*  
*De/De*  
*De/De*  
*De/De*  
*De/De*  
*Nancy & Ban*

*De/De* *De/De*  
*Admiral*  
*Nancy & Ban*

Budget & Appropriations

Public Works & Transportation



Dated: January 9, 2023  
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.*


**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Public Works & Transportation**

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B014E Exterior Infrastructure Repairs, White Plains Complex (2021-2025)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2030)

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

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

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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



DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0124 WHITE PLAINS COMPLEX LIGHTING SYSTEMS**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2074)

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:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPF39 Electric Vehicle Charging Stations and Infrastructure**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2077)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- **617.5(c)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- **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.

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**COMMENTS:** The project will fund the purchase of electric vehicle charging stations to be added to existing or new county parking facilities to support/promote the use of electric vehicles, which will help to reduce greenhouse gas emissions. Purchase and installation of charging stations at existing parking facilities with nearby electrical access may be classified as Type II under the aforementioned sections. The addition of electric vehicle charging stations at new parking facilities or where electric service is not readily available at or near the project site will be reviewed further

for SEQR compliance at the time funding approval is being sought for the larger project or prior to contract approval for construction.

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  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. 6 -2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS PURPOSES IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 01/09 , 2023 )

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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; 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 total cost of said objects or purposes, including preliminary costs and

costs incidental thereto and the financing thereof is \$13,300,000. The plan of financing includes the issuance of \$13,300,000 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.

<b>A</b>	<b>B</b>
\$500,000	the design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building
\$4,800,000	the design, construction management and construction associated with the replacement of the existing lighting system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls, and related work
\$8,000,000	the cost of the acquisition and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations

Section 2. The periods of probable usefulness (“PPU”) of the objects or purposes for which said \$13,300,000 bonds authorized by this Act are to be issued, within the limitations of the respective subdivisions of Section 11.00.a of the Law, are as follows:

<b>Amount</b>	<b>Subdivision</b>	<b>PPU</b>
\$500,000	12(a)(2)	fifteen (15) years
\$4,800,000	13	ten (10) years
\$8,000,000	90	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 total amount of \$13,300,000. 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 \$13,300,000 as the estimated total cost of the aforesaid objects or purposes 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 in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B014E

☐ 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 \$ 500,000 PPU 15 Anticipated Interest Rate 2.92%

Anticipated Annual Cost (Principal and Interest): \$ 41,160

Total Debt Service (Annual Cost x Term): \$ 617,400

Finance Department: Interest rates from December 5, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Department of Public Works and Transportation

Date: 12/5/22

Reviewed By: dw 12/6/22

Budget Director

Date: 12/7/22

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>B014E</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025)	<b>Legislative District ID:</b> 8,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2030

### Overall Project Description

This project funds the rehabilitation of building exteriors and other sitework for the White Plains Complex.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	9,025	3,500	500	5,025	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	9,025	3,500	500	5,025	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 25

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

500,000

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2021	3,500,000	REHABILITATION OF BUILDING EXTERIORS AND OTHER SITWORK FOR THE WHITE PLAINS COMPLEX

### Total Appropriation History:

3,500,000

### Financing History:

Year	Bond Act #	Amount	Issued	Description
21	21	3,500,000	0	EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025)

**Total Financing History:**

3,500,000

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-22-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-23-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025) ( B014E )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	9,025	3,500	25	500	5,025				
Non County Share									
Total	9,025	3,500	25	500	5,025				

### Project Description

This project funds the rehabilitation of building exteriors and other sitework for the White Plains Complex.

### Current Year Description

The current year request funds the rehabilitation of coping and stucco on the Courthouse and Low Rise Buildings.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	500,000			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
2021	3,500,000	Rehabilitation of building exteriors and other sitework for the White Plains Complex	DESIGN
Total	3,500,000		

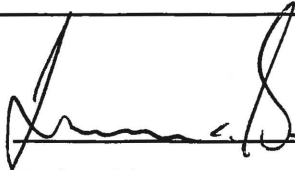
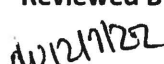
### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000		3,500,000
Total	3,500,000		3,500,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
21 21	3,500,000			3,500,000
Total	3,500,000			3,500,000

# FISCAL IMPACT STATEMENT

<b>CAPITAL PROJECT #:</b> _____		<input type="checkbox"/> <b>NO FISCAL IMPACT PROJECTED</b>	
<b>SECTION A - CAPITAL BUDGET IMPACT</b> To Be Completed by Budget			
<input checked="" type="checkbox"/> <b>GENERAL FUND</b>	<input type="checkbox"/> <b>AIRPORT FUND</b>	<input type="checkbox"/> <b>SPECIAL DISTRICTS FUND</b>	
<b>Source of County Funds</b> (check one):		<input checked="" type="checkbox"/> <b>Current Appropriations</b>	
		<input type="checkbox"/> <b>Capital Budget Amendment</b>	
<b>B0124; BPF39</b>			
<b>SECTION B - BONDING AUTHORIZATIONS</b> To Be Completed by Finance			
<b>Total Principal</b>	\$	12,800,000	<b>PPU</b> 10 <b>Anticipated Interest Rate</b> 2.69%
<b>Anticipated Annual Cost</b> (Principal and Interest):		\$ 1,469,277	
<b>Total Debt Service</b> (Annual Cost x Term):		\$ 14,692,770	
<b>Finance Department:</b> Interest rates from December 5, 2022 Bond Buyer - ASBA			
<b>SECTION C - IMPACT ON OPERATING BUDGET</b> (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
<b>Potential Related Expenses</b> (Annual):		\$	-
<b>Potential Related Revenues</b> (Annual):		\$	-
<b>Anticipated savings to County and/or impact of department operations</b> (describe in detail for current and next four years):			
<b>SECTION D - EMPLOYMENT</b> As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
<b>Number of Full Time Equivalent (FTE) Jobs Funded:</b>		139	
<b>SECTION E - EXPECTED DESIGN WORK PROVIDER</b>			
<input checked="" type="checkbox"/> <b>County Staff</b>	<input checked="" type="checkbox"/> <b>Consultant</b>	<input type="checkbox"/> <b>Not Applicable</b>	
<b>Prepared by:</b> Robert Abbamont		<div style="text-align: right;"> <b>Budget Director</b></div>	
<b>Title:</b> Dir. Of Op. (Cap PLN)			
<b>Department:</b> DPW&T			
<b>Date:</b> 12/7/22			
		<b>Reviewed By:</b> 	<b>Date:</b> 12/7/22

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> B0124	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> WHITE PLAINS COMPLEX LIGHTING 8, SYSTEMS	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2074

### Overall Project Description

This project will fund the replacement of the existing fluorescent light fixtures to LED light fixtures and upgrade of the associated lighting control system.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	4,800	0	4,800	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,800	0	4,800	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the replacement of the existing system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls and related work.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,800,000
Cash:	0
<b>Total:</b>	<b>\$ 4,800,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

4,800,000

### Comments:

### Energy Efficiencies:

THIS PROJECT WILL REPLACE THE EXISTING LIGHTING FIXTURES WITH NEW ENERGY EFFICIENT LED LIGHTING FIXTURES AND PROVIDE ENERGY EFFICIENT LIGHTING CONTROLS AS REQUIRED BY THE NY STATE ENERGY CONSERVATION CODE.

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-22-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-23-2022

**Requesting Department**

JZR7

**Date**

09-23-2022



## WHITE PLAINS COMPLEX LIGHTING SYSTEMS ( B0124 )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:**

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	4,800			4,800					
Non County Share									
Total	4,800			4,800					

### **Project Description**

This project will fund the replacement of the existing fluorescent light fixtures to LED light fixtures and upgrade of the associated lighting control system.

### **Current Year Description**

The current request funds work at the Michaelian Office Building.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	4,800,000			4,800,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BPF39	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2077

### Overall Project Description

This project funds the installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations. The County will work with NYSERDA, NYPA and NYSDEC to explore any Non-County funding that may be available for this project.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	82,000	2,000	18,000	25,000	25,000	12,000	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	82,000	2,000	18,000	25,000	25,000	12,000	0	0

**Expended/Obligated Amount (in thousands) as of :** 582

**Current Bond Description:** Funding is requested for the installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
Total:	<b>\$ 8,000,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

8,000,000

#### Comments:

#### Energy Efficiencies:

THIS PROJECT PROMOTES THE USE OF ELECTRIC VEHICLES WHICH HELPS TO REDUCE GREENHOUSE GAS EMISSIONS.

#### Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDING FOR INITIAL PHASE
2022	1,000,000	ADDITIONAL INSTALLATION OF ELECTRIC VEHICLE (EV) CHARGING STATIONS

#### Total Appropriation History:

2,000,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
20	84	1,000,000	143,750	INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS ACROSS COUNTY
21	220	1,000,000	0	ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE

**Total Financing History:**

2,000,000

**Recommended By:****Department of Planning**

WBB4

**Date**

09-22-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-23-2022

**Requesting Department**

RJB4

**Date**

09-23-2022

## ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE ( BPF39 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	82,000	2,000	582	18,000	25,000	25,000	12,000		
Non County Share									
Total	82,000	2,000	582	18,000	25,000	25,000	12,000		

### Project Description

This project funds the installation of electric vehicle (EV) charging stations and associated infrastructure at various County and municipal locations. The County will work with NYSDERDA, NYPA and NYSDEC to explore any Non-County funding that may be available for this project.

### Current Year Description

The current year request funds additional EV charging stations.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	18,000,000			18,000,000

### 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
2020	1,000,000	Funding for initial phase	IN PROGRESS
2022	1,000,000	Additional installation of electric vehicle (EV) charging stations	IN PROGRESS
Total	2,000,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,000,000	143,750	1,856,250
Total	2,000,000	143,750	1,856,250

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
84 20	1,000,000	12/01/21	143,750	856,250
220 21	1,000,000			1,000,000
Total	2,000,000		143,750	1,856,250

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 January 9, 2023 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  
January 5, 2023

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:

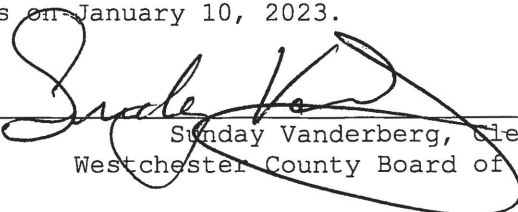
Designated Location(s)  
of posted notice

Date of Posting  
January 5, 2023

[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 January 10, 2023.



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

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

AYES:

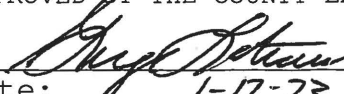
Legislator Jose Alvarado  
Legislator Nancy Barr  
Legislator Catherine Borgia  
Legislator Benjamin Boykin  
Legislator Terry Clements  
Legislator Margaret Cunzio  
Legislator Vedat Gashi  
Legislator Christopher Johnson  
Legislator Damon Maher  
Legislator James Nolan  
Legislator Catherine Parker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

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

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

  
Date: 1-12-23

STATE OF NEW YORK            )  
  )     ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No. 6 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



# 2023-7

References RB210, RB212, RB214  
RB233, RB234, RB235,  
RB236, RB237, P0032

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total aggregate amount of \$16,640,000 to authorize the County of Westchester (the "County") to finance the following nine (9) capital projects:

RB210 – Pelham Shore Rd, CR 65A, Pelham  
RB212 – Bryant Ave, CR 153, White Plains  
RB214 – Lake St, CR 32B, White Plains  
RB233 – Virginia Rd, CR 35/51, Mt. Pleasant/ North Castle  
RB234 – Heathcote Bypass, CR 143, Scarsdale  
RB235 – Pearl St, CR 43, Port Chester  
RB236 – North Division St/South St, CR 63II, Peekskill  
RB237 – East/West Main St, CR 25/25I, Peekskill  
P0032 – Playland Parkway, CR 152, Rye

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$16,640,000 to finance the cost of design and construction associated with the rehabilitation of various County roads and related work, including:

- (i) Rehabilitation of approximately 0.32 miles of Pelham Shore Road from the Pelham Manor/New Rochelle line to the Bronx line. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (ii) Rehabilitation of approximately 0.64 miles of Bryant Avenue from North Street to Westchester Avenue eastbound. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (iii) Rehabilitation of approximately 0.23 miles of Lake Street from the entrance to Delfino Park to Harrison Boulevard. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.



- (iv) Rehabilitation of approximately 0.26 miles of Virginia Road from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters. The work will include milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (v) Rehabilitation of approximately 0.61 miles of the Heathcote Bypass from the pedestrian overpass to Secor Road. The work will include milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (vi) Rehabilitation of approximately 0.11 miles of Pearl Street from Irving Avenue to King Street. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (vii) Rehabilitation of approximately 0.54 miles of North Division Street/South Street from Highland Avenue to Washington Avenue. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (viii) Rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (ix) rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

Your Committee is advised that the anticipated cost estimates, anticipated project timeline, and whether the design is anticipated to be undertaken in-house or by consultants for each capital project is set forth below:

# **BOND ACT – ROAD RESURFACING PROJECTS**

Cap ID	Project	Anticipated Amount	PCI	AADT	Design Assignment	Time Frame (Months)	
						Design	Const
RB210	Pelham Shore Rd, CR 65A, Pelham	\$800,000	62	10,642	Staff	6	4
RB212	Bryant Ave, CR 153, White Plains	\$2,500,000	64	7,129	Consultant	8	6
RB214	Lake St, CR 32B, White Plains	\$425,000	54	13,208	Staff	5	4
RB233	Virginia Rd, CR 35/51, Mt. Pleasant/ North Castle	\$600,000	61	7,626	Staff	6	4
RB234	Heathcote Bypass, CR 143, Scarsdale	\$775,000	62	4,740	Staff	6	8
RB235	Pearl St, CR 43, Port Chester	\$420,000	69	5,469	Staff	6	4
RB236	North Division St/South St, CR 63II, Peekskill	\$1,620,000	75	5,993	Consultant	9	6
RB237	East/West Main St, CR 25/25I, Peekskill	\$6,150,000	76	12,346	Consultant	12	8
P0032	Playland Parkway, CR 152, Rye	\$3,350,000	68	6,016	Consultant	9	6
<b>Total:</b>		<b>\$16,640,000</b>					

Your Committee is advised that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects have 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: January 9<sup>th</sup>, 2023  
White Plains, New York

Vedat J. J. J.  
Catherine M.  
S. J.  
Nancy E. B.

COMMITTEE ON

jpg/11-30-22

James J. J.

D. J.  
A. M.

S. J.  
Catherine M.  
Nancy E. B.  
D. J.

Budget & Appropriations

Public Works & Transportation

Dated: January 9, 2023  
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.*


**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Public Works & Transportation**

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB210 PELHAM SHORE ROAD, CR 65A, PELHAM**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2034)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---


**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

---

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB212 BRYANT AVENUE, CR 153, WHITE PLAINS**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2035)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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



DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB214 LAKE STREET, CR 32B, WHITE PLAINS**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2036)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---


**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

---

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB233 VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2037)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** None.


DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

---



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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB234 HEATHCOTE BYPASS, CR 143, SCARSDALE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2038)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB235 PEARL STREET, CR 43, PORT CHESTER**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2039)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB236 NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2040)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB237 EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2041)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---


**COMMENTS:** Drainage work under this classification is limited to repair, rehabilitation, or modification of existing facilities not exceeding 4,000 square feet of new disturbance or resulting in significant alterations to flow or discharges that would impact the environment. Any drainage improvements exceeding such thresholds will be subject to further review pursuant to SEQR.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

---

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
P0032 PLAYLAND PARKWAY, CR 152, RYE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2033)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** Drainage work under this classification is limited to repair, rehabilitation, or modification of existing facilities not exceeding 4,000 square feet of new disturbance or resulting in significant alterations to flow or discharges that would impact the environment. Any drainage improvements exceeding such thresholds will be subject to further review pursuant to SEQR.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

REFERENCE P0032  
RB210  
RB212  
RB214  
RB233  
RB234  
RB235  
RB236  
RB237

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,640,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,640,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,640,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction and construction management associated with the rehabilitation of the following respective County roadways as

set forth in column B of the schedule below; 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 total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$16,640,000. The plan of financing includes the issuance of \$16,640,000 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.

<b>A</b>	<b>B</b>
\$3,350,000	approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
800,000	approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
2,500,000	approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
425,000	approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
600,000	approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
775,000	approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work
420,000	approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work



1,620,000	approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
6,150,000	approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$16,640,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00.a 20(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 total amount of \$16,640,000. 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 \$16,640,000 as the estimated total cost of the aforesaid class of objects or purposes 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 in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,640,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,640,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,640,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)

object or purpose: the design, construction management and construction associated with the rehabilitation of various County roadways in and for the County; all as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued \$16,640,000; fifteen (15) years  
and period of probable usefulness:

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: \_\_\_\_\_

☐ 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

RB210, RB212, RB214, RB233, RB234, RB235, RB236, RB237, P0032

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 16,640,000 PPU 15 Anticipated Interest Rate 2.92%

Anticipated Annual Cost (Principal and Interest): \$ 1,369,792

Total Debt Service (Annual Cost x Term): \$ 20,546,880

Finance Department: Interest rates from December 5, 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: 181

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Department of Public Works and Transportation

Date: 12/5/22

Reviewed By: 

Budget Director

Date: 12/7/22

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB210</b>	<input type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> <b>01-03-2023</b>
<b>Fact Sheet Year:*</b> <b>2023</b>	<b>Project Title:*</b> <b>PELHAM SHORE ROAD, CR 65A, PELHAM</b>	<b>Legislative District ID:</b> <b>11,</b>
<b>Category*</b> <b>ROADS &amp; BRIDGES</b>	<b>Department:*</b> <b>PUBLIC WORKS</b>	<b>CP Unique ID:</b> <b>2034</b>

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	800	0	800	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	800	0	800	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
<b>Total:</b>	<b>\$ 800,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

800,000

**Comments:**

PCI: 62 (2019); AADT: 10,642

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PELHAM SHORE ROAD, CR 65A, PELHAM ( RB210 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	800			800					
Non County Share									
Total	800			800					

### **Project Description**

This project will fund the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	800,000			800,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.



## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
RB212

☐ CBA

**Fact Sheet Date:\***  
01-03-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
BRYANT AVENUE, CR 153, WHITE  
PLAINS

**Legislative District ID:**  
5,

**Category\***  
ROADS & BRIDGES

**Department:\***  
PUBLIC WORKS

**CP Unique ID:**  
2035

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

☒ 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	2023	2024	2025	2026	2027	Under Review
Gross	2,500	0	2,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,500	0	2,500	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	0
<b>Total:</b>	<b>\$ 2,500,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

2,500,000

**Comments:**

PCI: 64 (2019); AADT: 7,129

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## BRYANT AVENUE, CR 153, WHITE PLAINS ( RB212 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	2,500			2,500					
Non County Share									
Total	2,500			2,500					

### **Project Description**

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	2,500,000			2,500,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

**Project ID:\*  
RB214**

☐ CBA

**Fact Sheet Date:\***  
01-03-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
LAKE STREET, CR 32B, WHITE  
PLAINS

**Legislative District ID:**  
5,

**Category\***  
ROADS & BRIDGES

**Department:\***  
PUBLIC WORKS

**CP Unique ID:**  
2036

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard.

☒ 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	425	0	425	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	425	0	425	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	425,000
Cash:	0
<b>Total:</b>	<b>\$ 425,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

425,000

**Comments:**

PCI: 54 (2019); AADT: 13,208

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## LAKE STREET, CR 32B, WHITE PLAINS ( RB214 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	425			425					
Non County Share									
Total	425			425					

### **Project Description**

This project will fund the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard.

### **Current Year Description**

The current year request funds design, construction and construction management.

<b>Current Year Financing Plan</b>				
Year	Bonds	Cash	Non County Shares	Total
2023	425,000			425,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
RB233

☐ CBA

**Fact Sheet Date:\***  
01-03-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
VIRGINIA ROAD, CR 35/51, MOUNT  
PLEASANT/NORTH CASTLE

**Legislative District ID:**  
3,

**Category\***  
ROADS & BRIDGES

**Department:\***  
PUBLIC WORKS

**CP Unique ID:**  
2037

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters.

☒ 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	2023	2024	2025	2026	2027	Under Review
Gross	600	0	600	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	600	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
<b>Total:</b>	<b>\$ 600,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

600,000

**Comments:**

PCI: 61 (2019); AADT: 7,626

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022



## VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE ( RB233 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	600			600					
Non County Share									
Total	600			600					

### **Project Description**

This project will fund the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	600,000			600,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

**Project ID:\***

RB234

☐ CBA

**Fact Sheet Date:\***

01-03-2023

**Fact Sheet Year:\***

2023

**Project Title:\***

HEATHCOTE BYPASS, CR 143,  
SCARSDALE

**Legislative District ID:**

5,

**Category\***

ROADS & BRIDGES

**Department:\***

PUBLIC WORKS

**CP Unique ID:**

2038

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road.

☒ 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	775	0	775	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	775	0	775	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	775,000
Cash:	0
<b>Total:</b>	<b>\$ 775,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

775,000

**Comments:**

PCI: 62 (2019); AADT: 4,740

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## HEATHCOTE BYPASS, CR 143, SCARSDALE ( RB234 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	775			775					
Non County Share									
Total	775			775					

### **Project Description**

This project will fund the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	775,000			775,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB235</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PEARL STREET, CR 43, PORT CHESTER	<b>Legislative District ID:</b> 6,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2039

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	420	0	420	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	420	0	420	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	420,000
Cash:	0
<b>Total:</b>	<b>\$ 420,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

420,000

**Comments:**

PCI: 69 (2019); AADT: 5,469

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PEARL STREET, CR 43, PORT CHESTER ( RB235 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	420			420					
Non County Share									
Total	420			420					

### **Project Description**

This project will fund the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	420,000			420,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
RB236

☐ CBA

**Fact Sheet Date:\***  
01-03-2023

**Fact Sheet Year:\***  
2023

**Project Title:\***  
NORTH DIVISION STREET/SOUTH  
STREET, CR 63II, PEEKSKILL

**Legislative District ID:**  
1,

**Category\***  
ROADS & BRIDGES

**Department:\***  
PUBLIC WORKS

**CP Unique ID:**  
2040

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue.

☒ 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	2023	2024	2025	2026	2027	Under Review
Gross	1,620	1,000	620	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,620	1,000	620	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	1,620,000
Cash:	0
<b>Total:</b>	<b>\$ 1,620,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

1,620,000

**Comments:**

PCI: 75 (2019); AADT: 5,992

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2022	1,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**

1,000,000

**Total Financing History:**

0



**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL ( RB236 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	1,620	1,000		620					
Non County Share									
Total	1,620	1,000		620					

### **Project Description**

This project will fund the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue.

### **Current Year Description**

The current year request funds additional costs for this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	620,000			620,000

### **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
2022	1,000,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	1,000,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
Total	1,000,000		1,000,000

## CAPITAL PROJECT FACT SHEET

Project ID:* RB237	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2023
Fact Sheet Year:* 2023	Project Title:* EAST/WEST MAIN STREET, CR25/251, 1, PEEKSKILL	Legislative District ID:
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2041

### Overall Project Description

This project will fund the rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	6,150	2,500	3,650	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,150	2,500	3,650	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,150,000
Cash:	0
Total:	<b>\$ 6,150,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

6,150,000

### Comments:

PCI: 76 (2019); AADT: 12,346

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2022	2,500,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

### Total Appropriation History:

2,500,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL ( RB237 )

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	6,150	2,500		3,650					
Non County Share									
Total	6,150	2,500		3,650					

### Project Description

This project will fund the rehabilitation of approximately 1.4 miles of East Main Street from the Cortland/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9.

### Current Year Description

The current year request funds additional costs for this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	3,650,000			3,650,000

### 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
2022	2,500,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	2,500,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,500,000		2,500,000
Total	2,500,000		2,500,000

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>P0032</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PLAYLAND PARKWAY, CR 152, RYE 7,	<b>Legislative District ID:</b>
<b>Category*</b> PARKWAYS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2033

### Overall Project Description

This project will fund the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	3,350	0	3,350	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,350	0	3,350	0	0	0	0	0

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

<b>Current Bond Description:</b>	
Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	3,350,000
Cash:	0
<b>Total:</b>	<b>\$ 3,350,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

3,350,000

### Comments:

PCI: 68 (2019); AADT: 6,016

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PLAYLAND PARKWAY, CR 152, RYE ( P0032 )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,350			3,350					
Non County Share									
Total	3,350			3,350					

### **Project Description**

This project will fund the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### **Current Year Description**

The current year request funds design, construction and construction management.

<b>Current Year Financing Plan</b>				
Year	Bonds	Cash	Non County Shares	Total
2023	3,350,000			3,350,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”) in the total aggregate amount of \$16,640,000 to authorize the County of Westchester (the “County”) to finance the following nine (9) capital projects:

RB210 – Pelham Shore Rd, CR 65A, Pelham  
RB212 – Bryant Ave, CR 153, White Plains  
RB214 – Lake St, CR 32B, White Plains  
RB233 – Virginia Rd, CR 35/51, Mt. Pleasant/ North Castle  
RB234 – Heathcote Bypass, CR 143, Scarsdale  
RB235 – Pearl St, CR 43, Port Chester  
RB236 – North Division St/South St, CR 63II, Peekskill  
RB237 – East/West Main St, CR 25/25I, Peekskill  
P0032 – Playland Parkway, CR 152, Rye

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$16,640,000 to finance the cost of design and construction associated with the rehabilitation of various County roads and related work, including:

- (i) Rehabilitation of approximately 0.32 miles of Pelham Shore Road from the Pelham Manor/New Rochelle line to the Bronx line. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (ii) Rehabilitation of approximately 0.64 miles of Bryant Avenue from North Street to Westchester Avenue eastbound. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (iii) Rehabilitation of approximately 0.23 miles of Lake Street from the entrance to Delfino Park to Harrison Boulevard. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

- (iv) Rehabilitation of approximately 0.26 miles of Virginia Road from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters. The work will include milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (v) Rehabilitation of approximately 0.61 miles of the Heathcote Bypass from the pedestrian overpass to Secor Road. The work will include milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (vi) Rehabilitation of approximately 0.11 miles of Pearl Street from Irving Avenue to King Street. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (vii) Rehabilitation of approximately 0.54 miles of North Division Street/South Street from Highland Avenue to Washington Avenue. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (viii) Rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.
- (ix) rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

Your Committee is advised that the anticipated cost estimates, anticipated project timeline, and whether the design is anticipated to be undertaken in-house or by consultants for each capital project is set forth below:

# **BOND ACT – ROAD RESURFACING PROJECTS**

Cap ID	Project	Anticipated Amount	PCI	AADT	Design Assignment	Time Frame (Months)	
						Design	Const
RB210	Pelham Shore Rd, CR 65A, Pelham	\$800,000	62	10,642	Staff	6	4
RB212	Bryant Ave, CR 153, White Plains	\$2,500,000	64	7,129	Consultant	8	6
RB214	Lake St, CR 32B, White Plains	\$425,000	54	13,208	Staff	5	4
RB233	Virginia Rd, CR 35/51, Mt. Pleasant/ North Castle	\$600,000	61	7,626	Staff	6	4
RB234	Heathcote Bypass, CR 143, Scarsdale	\$775,000	62	4,740	Staff	6	8
RB235	Pearl St, CR 43, Port Chester	\$420,000	69	5,469	Staff	6	4
RB236	North Division St/South St, CR 63II, Peekskill	\$1,620,000	75	5,993	Consultant	9	6
RB237	East/West Main St, CR 25/25I, Peekskill	\$6,150,000	76	12,346	Consultant	12	8
P0032	Playland Parkway, CR 152, Rye	\$3,350,000	68	6,016	Consultant	9	6
<b>Total:</b>		<b>\$16,640,000</b>					

Your Committee is advised that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects have 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: January 9<sup>th</sup>, 2023  
White Plains, New York

Vedat J. J. J.

Chairman to  
Sgt  
Nancy Barr

COMMITTEE ON

jpg/11-30-22

James J. J. J.

David J. J.  
W. J. J.

Sgt  
Chairman to  
Nancy Barr

D. J. J.

Budget & Appropriations

Public Works & Transportation

Dated: January 9, 2023  
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.*


**COMMITTEES ON**

Catherine F. Parker	Catherine F. Parker

**Budget & Appropriations**

**Public Works & Transportation**

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB210 PELHAM SHORE ROAD, CR 65A, PELHAM**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2034)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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



DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB212 BRYANT AVENUE, CR 153, WHITE PLAINS**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2035)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB214 LAKE STREET, CR 32B, WHITE PLAINS**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2036)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---


**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB233 VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2037)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB234 HEATHCOTE BYPASS, CR 143, SCARSDALE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2038)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB235 PEARL STREET, CR 43, PORT CHESTER**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2039)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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



DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB236 NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2040)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.


---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB237 EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2041)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** Drainage work under this classification is limited to repair, rehabilitation, or modification of existing facilities not exceeding 4,000 square feet of new disturbance or resulting in significant alterations to flow or discharges that would impact the environment. Any drainage improvements exceeding such thresholds will be subject to further review pursuant to SEQR.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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



DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
P0032 PLAYLAND PARKWAY, CR 152, RYE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2033)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

---

**COMMENTS:** Drainage work under this classification is limited to repair, rehabilitation, or modification of existing facilities not exceeding 4,000 square feet of new disturbance or resulting in significant alterations to flow or discharges that would impact the environment. Any drainage improvements exceeding such thresholds will be subject to further review pursuant to SEQ. R.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

REFERENCE P0032  
RB210  
RB212  
RB214  
RB233  
RB234  
RB235  
RB236  
RB237

ACT NO. 7 -2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,640,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,640,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,640,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 01/09 ,2023 )

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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction and construction management associated with the rehabilitation of the following respective County roadways as

set forth in column B of the schedule below; 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 total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$16,640,000. The plan of financing includes the issuance of \$16,640,000 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.

A	B
\$3,350,000	approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
800,000	approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
2,500,000	approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
425,000	approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
600,000	approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
775,000	approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work
420,000	approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work



1,620,000	approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
6,150,000	approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$16,640,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00.a 20(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 total amount of \$16,640,000. 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 \$16,640,000 as the estimated total cost of the aforesaid class of objects or purposes 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 in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: \_\_\_\_\_

☐ 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

RB210, RB212, RB214, RB233, RB234, RB235, RB236, RB237, P0032

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 16,640,000 PPU 15 Anticipated Interest Rate 2.92%

Anticipated Annual Cost (Principal and Interest): \$ 1,369,792

Total Debt Service (Annual Cost x Term): \$ 20,546,880

Finance Department: Interest rates from December 5, 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: 181

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☒ Consultant

☐ Not Applicable

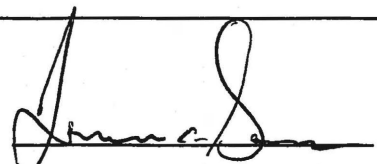
Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Department of Public Works and Transportation

Date: 12/5/22

Reviewed By:

  
Budget Director

Date:

12/7/22

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB210	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PELHAM SHORE ROAD, CR 65A, PELHAM	<b>Legislative District ID:</b> 11,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2034

### Overall Project Description

This project will fund the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	800	0	800	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	800	0	800	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
<b>Total:</b>	<b>\$ 800,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

800,000

### Comments:

PCI: 62 (2019); AADT: 10,642

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PELHAM SHORE ROAD, CR 65A, PELHAM ( RB210 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	800			800					
Non County Share									
Total	800			800					

### **Project Description**

This project will fund the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	800,000			800,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB212	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> BRYANT AVENUE, CR 153, WHITE PLAINS	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2035

### Overall Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

<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	2023	2024	2025	2026	2027	Under Review
Gross	2,500	0	2,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,500	0	2,500	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	0
<b>Total:</b>	<b>\$ 2,500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

2,500,000

### Comments:

PCI: 64 (2019); AADT: 7,129

### Energy Efficiencies:

### Total Financing History:

0



**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## BRYANT AVENUE, CR 153, WHITE PLAINS ( RB212 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	2,500			2,500					
Non County Share									
Total	2,500			2,500					

### **Project Description**

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	2,500,000			2,500,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB214	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> LAKE STREET, CR 32B, WHITE PLAINS	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2036

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	425	0	425	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	425	0	425	0	0	0	0	0

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

<b>Current Bond Description:</b> Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	425,000
Cash:	0
<b>Total:</b>	<b>\$ 425,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

425,000

**Comments:**

PCI: 54 (2019); AADT: 13,208

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## LAKE STREET, CR 32B, WHITE PLAINS ( RB214 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	425			425					
Non County Share									
Total	425			425					

### **Project Description**

This project will fund the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	425,000			425,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB233	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE	<b>Legislative District ID:</b> 3,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2037

### Overall Project Description

This project will fund the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	600	0	600	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	600	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
<b>Total:</b>	<b>\$ 600,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

600,000

### Comments:

PCI: 61 (2019); AADT: 7,626

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE ( RB233 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	600			600					
Non County Share									
Total	600			600					

### **Project Description**

This project will fund the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	600,000			600,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB234</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> HEATHCOTE BYPASS, CR 143, SCARSDALE	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2038

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	775	0	775	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	775	0	775	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	775,000
Cash:	0
<b>Total:</b>	<b>\$ 775,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

775,000

**Comments:**

PCI: 62 (2019); AADT: 4,740

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## HEATHCOTE BYPASS, CR 143, SCARSDALE ( RB234 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	775			775					
Non County Share									
Total	775			775					

### **Project Description**

This project will fund the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	775,000			775,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB235	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PEARL STREET, CR 43, PORT CHESTER	<b>Legislative District ID:</b> 6,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2039

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	420	0	420	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	420	0	420	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	420,000
Cash:	0
<b>Total:</b>	<b>\$ 420,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

420,000

**Comments:**

PCI: 69 (2019); AADT: 5,469

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PEARL STREET, CR 43, PORT CHESTER ( RB235 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	420			420					
Non County Share									
Total	420			420					

### **Project Description**

This project will fund the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	420,000			420,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB236	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL	<b>Legislative District ID:</b> 1,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2040

### Overall Project Description

This project will fund the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	1,620	1,000	620	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,620	1,000	620	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,620,000
Cash:	0
<b>Total:</b>	<b>\$ 1,620,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

1,620,000

### Comments:

PCI: 75 (2019); AADT: 5,992

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2022	1,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

### Total Appropriation History:

1,000,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022



## NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL ( RB236 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	1,620	1,000		620					
Non County Share									
Total	1,620	1,000		620					

### Project Description

This project will fund the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue.

### Current Year Description

The current year request funds additional costs for this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	620,000			620,000

### 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
2022	1,000,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	1,000,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
Total	1,000,000		1,000,000

## CAPITAL PROJECT FACT SHEET

Project ID:* RB237	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2023
Fact Sheet Year:* 2023	Project Title:* EAST/WEST MAIN STREET, CR25/25I, 1, PEEKSKILL	Legislative District ID:
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2041

### Overall Project Description

This project will fund the rehabilitation of approximately 1.4 miles of East Main Street from from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	6,150	2,500	3,650	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,150	2,500	3,650	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,150,000
Cash:	0
Total:	<b>\$ 6,150,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

6,150,000

### Comments:

PCI: 76 (2019); AADT: 12,346

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2022	2,500,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

### Total Appropriation History:

2,500,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL ( RB237 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	6,150	2,500		3,650					
Non County Share									
Total	6,150	2,500		3,650					

### **Project Description**

This project will fund the rehabilitation of approximately 1.4 miles of East Main Street from the Cortland/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9.

### **Current Year Description**

The current year request funds additional costs for this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	3,650,000			3,650,000

### **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
2022	2,500,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	2,500,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	2,500,000		2,500,000
Total	2,500,000		2,500,000

## CAPITAL PROJECT FACT SHEET

Project ID:* P0032	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2023
Fact Sheet Year:* 2023	Project Title:* PLAYLAND PARKWAY, CR 152, RYE 7,	Legislative District ID:
Category* PARKWAYS	Department:* PUBLIC WORKS	CP Unique ID: 2033

### Overall Project Description

This project will fund the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

<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	2023	2024	2025	2026	2027	Under Review
Gross	3,350	0	3,350	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,350	0	3,350	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,350,000
Cash:	0
<b>Total:</b>	<b>\$ 3,350,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

3,350,000

### Comments:

PCI: 68 (2019); AADT: 6,016

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PLAYLAND PARKWAY, CR 152, RYE ( P0032 )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,350			3,350					
Non County Share									
Total	3,350			3,350					

### **Project Description**

This project will fund the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### **Current Year Description**

The current year request funds design, construction and construction management.

<b>Current Year Financing Plan</b>				
Year	Bonds	Cash	Non County Shares	Total
2023	3,350,000			3,350,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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 January 9, 2023 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  
January 5, 2023

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:

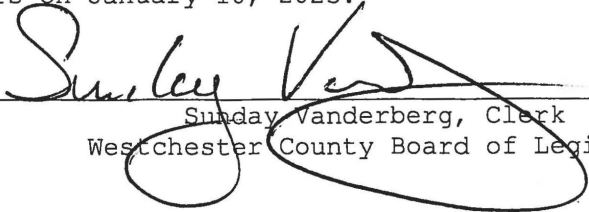
Designated Location(s)  
of posted notice

Date of Posting  
January 5, 2023

[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 January 10, 2023.



  
Sunday Vanderberg, Clerk  
Westchester County Board of Legislators



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

AYES:

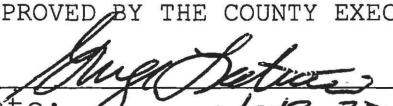
Legislator Jose Alvarado  
Legislator Nancy Barr  
Legislator Catherine Borgia  
Legislator Benjamin Boykin  
Legislator Terry Clements  
Legislator Margaret Cunzio  
Legislator Vedat Gashi  
Legislator Christopher Johnson  
Legislator Damon Maher  
Legislator James Nolan  
Legislator Catherine Parker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

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

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

  
Date: 1-12-23

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No. 7 - 2023, 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 January 9, 2023, and approved by the County Executive on January 12, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York



**THE HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an amended bond act (the “Amended Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$1,500,000.00 to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Also, attached is an act (the “Act”) authorizing the County to amend the existing intermunicipal agreement (the “IMA”) with the Village of Mamaroneck (the “Village”).

The Amended Bond Act, in the total amount of \$2,500,000.00, which includes \$1,000,000.00 in previously authorized bonds of the County, would provide additional funding for the County’s portion of a municipally proposed flood mitigation project to reconstruct the Hillside Avenue bridge in the Village (the “Project”). The reconstruction of the Hillside Avenue bridge to increase the span and widen the culvert over the Mamaroneck River, has been identified in the U.S. Army Corps of Engineers General Re-evaluation Report for the Mamaroneck and Sheldrake Rivers as having flood mitigation benefits for properties in the area. Additional funds are now needed to complete the Project to offset cost increases. Necessary administrative approvals prevented the project from moving forward for several months. When the approvals were attained, the costs associated with the project increased substantially, as reflected in the proposal put forward by the lowest reasonable bidder, which exceeded the funds available for the project by \$978,000. It was initially believed that NYS DOT funds, which were being administered by the County, could cover the shortfall but this turned out not to be the case. Additionally, since the time the lowest responsible bidder’s proposal was accepted, the cost of the project also increased due to material and supply chain issues. Additional funds are now needed to cover the costs of the already completed project.

Your Committee is advised that the Act would authorize the County to amend an IMA with the Village in order to increase the County’s contribution toward the Project by an additional \$1,365,429.24, from an amount not-to-exceed \$1,000,000.00 to an amount not-to-exceed \$2,365,429.24. The remaining bond funds will be used to support County review and administration.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with the Project as follows: Bond Act No. 247-2019 in the amount of \$1,000,000.00, which financed the County's initial 50% contribution toward Phase II funding for the Project. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 247-2019 be amended to increase the initial amount authorized by \$1,500,000.00, for a new total authorized amount, as amended, of \$2,500,000.00.

The Planning Department has advised that pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR), the Village classified the Hillside Avenue Bridge replacement project as an Unlisted action. On June 25, 2019, the Village Board of Trustees issued a notice of intent to serve as lead agency and circulated Part I of a full Environmental Assessment Form. On August 26, 2019, the Village issued a Negative Declaration for the project. No changes are proposed to the project scope. Since the Village undertook coordinated review and the County was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required to adopt the Amended Bond Act, while the Act authorizing the amendment to the IMA with the Village may be adopted upon an affirmative vote of a majority of the members of your Honorable Board following the adoption of the Amended Bond Act.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Acts.

Dated: January 23<sup>rd</sup>, 2023

White Plains, New York

Robert J. L. L.  
S. L. L.  
James J. L. L. L.  
James J. L. L.  
L. L. L.  
L. L. L.  
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L. L. L.  
L. L. L.

L. L. L.  
James J. L. L.  
L. L. L.  
L. L. L.  
L. L. L.

Budget & Appropriations

Public Works & Transportation

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL26

☐ 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 \$ 2,500,000 PPU 20 Anticipated Interest Rate 3.83%

Anticipated Annual Cost (Principal and Interest): \$ 175,312

Total Debt Service (Annual Cost x Term): \$ 3,506,240

Finance Department: Interest rates from November 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):

Funds will be used towards reconstruction of bridge. Project is managed and overseen by local municipality. No impact to department operations.

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 0

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: David Kvinge

Title: Assistant Commissioner

Department: Planning Department

Date: 11/16/22

Reviewed By: 

Budget Director

Date: 11/17/22

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

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

DATE: October 31, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL26 FLOOD MITIGATION – Hillside Ave Bridge, Mamaroneck**

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The Planning Department has reviewed Capital Project BPL26 - Flood Mitigation (Unique ID: 2001) with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The current request will provide additional funding assistance to the Village of Mamaroneck for the replacement of the Hillside Avenue Bridge in the Village of Mamaroneck, amending the previous bond act and IMA. No changes to the project scope are proposed. The existing bridge is in poor condition and is subject to overtopping during flood events. The replacement bridge will be slightly higher, wider, and will have deeper footings. The expanded hydraulic opening of the new bridge will lower upstream surface water elevation during storm events.

Pursuant to SEQR, the Village of Mamaroneck classified the Hillside Avenue Bridge replacement project as an Unlisted action. On June 25, 2019, the Village of Mamaroneck Board of Trustees issued a notice of intent to serve as lead agency and circulated Part 1 of a full Environmental Assessment Form. On August 26, 2019, the Village issued a Negative Declaration for the project. Since the Village of Mamaroneck undertook coordinated review and the County of Westchester was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

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  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Yazzetta, Associate Budget Director  
William Brady, Chief Planner  
Claudia Maxwell, Associate Environmental Planner



ACT NO. -20 \_\_\_\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 3, 2019 IN RELATION TO THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, AT THE MAXIMUM ESTIMATED COST OF \$2,500,000. (Adopted \_\_\_\_\_, 20\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,000,000 bonds to the County's share of the cost of a flood mitigation project in the Village of Mamaroneck as described in the Village of Mamaroneck's Project Application to the County under the Westchester County Flood Action Program, in particular the reconstruction of the Hillside Avenue bridge in the Village of Mamaroneck, pursuant to Act No. 247-2019 duly adopted on December 3, 2019; and

WHEREAS, it has been determined that additional funds are needed due to materials and supply chain issues that have arisen and resulted in delays and cost increases, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for the estimated cost of such improvement;

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

SECTION (A) The bond act duly adopted by this Board on December 3, 2019, entitled:

"ACT NO. 247-2019



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 COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, 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; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS."

is hereby amended to read as follows:

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, an Intermunicipal Agreement between the County and the Village of Mamaroneck, and to the provisions of other laws applicable thereto; \$2,500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County's share of the cost of a flood mitigation project in the above-referenced municipalities as described in said

municipalities' Project Applications to the County under the Westchester County Flood Action Program, in particular the reconstruction of the Hillside Avenue bridge in the Village of Mamaroneck, 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 total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,500,000. The plan of financing includes the issuance of \$2,500,000 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 of the specific object or purpose for which said \$2,500,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.10 of the Law, is twenty (20) 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 \$2,500,000. 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 \$2,500,000 as the estimated total cost of the aforesaid objects or purposes 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.

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.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_  
with the original on file in my office, and that the same is a correct transcript therefrom and of  
the whole of the said original Act, which was duly adopted by the County Board of Legislators of  
the County of Westchester on                    , 20\_\_\_\_ and approved by the County Executive  
on            , 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
corporate seal of said County Board of Legislators  
this    day of            , 20\_\_\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on December 3, 2019 and amended on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 3, 2019 and amended on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the County's share of the cost of flood mitigation projects in the Village of Mamaroneck as described in the Village of Mamaroneck's project applications to the County under the Westchester County flood action program, in particular the reconstruction of the Hillside Avenue Bridge in the Village of Mamaroneck, all as set forth in the County's current year capital budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$2,500,000; twenty (20) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board  
of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

**Project ID:\***

BPL26

☐ CBA

**Fact Sheet Date:\***

08-11-2022

**Fact Sheet Year:\***

2022

**Project Title:\***

FLOOD MITIGATION

**Legislative District ID:**

7

**Category\***

BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***

PLANNING

**CP Unique ID:**

2001

### Overall Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

☐ Best Management Practices

☐ Energy Efficiencies

☒ Infrastructure

☒ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☒ Other(FLOOD MITIGATION)

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

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	51,750	20,750	11,000	0	0	0	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	51,750	20,750	11,000	0	0	0	0	20,000

**Expended/Obligated Amount (in thousands) as of :** 6,626

**Current Bond Description:** The current request is to amend the original bond act (247-2019) for the Hillside Avenue Bridge project in the Village of Mamaroneck. Additional funds are required as a result of cost increases due to materials and supply chain issues that have resulted in delays and cost increases. The total funding requested, including both the previous funding and the current request, will remain less than 50% of the total project cost in accordance with the requirements of the Stormwater Management Law.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,500,000
Cash:	0
<b>Total:</b>	<b>\$ 1,500,000</b>

### SEQR Classification:

UNLISTED

### Amount Requested:

1,500,000

### Comments:

The project location (Hillside Avenue Bridge in the Village of Mamaroneck) was added to the BPL26 capital project as part of the original bond act (247-2019), which required a CBA. This request is to amend that bond act to add funds to it, not to add funds to the BPL26 capital project. Therefore, this request is not a CBA. The Village classified the project as an Unlisted action and conducted coordinated review in 2019, including the County. The project scope has not changed, and no further environmental review is required.

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A STUDY FOR A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS

**Total Appropriation History:**

31,750,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,875	2,502,239	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	70,000	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	108	300,000	123,508	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	1,000,000	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	0	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	0	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)
22	85	130,000	0	FLOOD MITIGATION-DOBBS FERRY (UNIQUES ID# 1948)

**Total Financing History:**

8,436,499

**Recommended By:**

Department of Planning  
WBB4

Date  
10-26-2022

Department of Public Works  
RJB4

Date  
10-27-2022

Budget Department  
LMY1

Date  
11-01-2022

Requesting Department  
WBB4

Date  
11-01-2022



## FLOOD MITIGATION ( BPL26 )

**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	51,750	20,750	6,626	11,000					20,000
Non County Share									
Total	51,750	20,750	6,626	11,000					20,000

### **Project Description**

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

### **Current Year Description**

The current year request funds The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2022	11,000,000			11,000,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	PARTIALLY IN PROGRESS
2013	5,000,000	Flood related projects	AWAITING BOND AUTHORIZATION
2015	150,000	Design of a study for a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
Total	20,750,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	20,750,000	6,009,371	14,740,629
Total	20,750,000	6,009,371	14,740,629

# FLOOD MITIGATION ( BPL26 )

## Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
79 09	900,000	12/02/10	358,000	499
		12/02/10	(358,000)	
		11/30/11	522,141	
		11/30/11	77,859	
		11/19/15	250,434	
		11/19/15	48,566	
		11/19/15	501	
140 09	2,441,625	10/24/12	740,494	
		10/24/12	75,506	
		10/24/12	6,240	
		12/10/13	852,989	
		12/10/13	104,011	
		12/10/13	2,925	
		11/19/15	334,212	
		11/19/15	64,813	
		11/19/15	669	
		12/15/16	259,766	
11 17	2,974,875	12/15/17	31,948	472,636
		12/15/17	5,866	
		12/15/17	50	
		12/15/17	29,606	
		12/15/17	5,436	
		12/15/17	46	
		12/10/18	660,625	
		12/10/19	959,846	
		12/10/19	189,546	
		12/10/19	117,641	
		12/10/19	23,231	
		04/30/20	478,398	
171 18	70,000			70,000
108 19	300,000			300,000
247 19	1,000,000			1,000,000
171 21	350,000			350,000
175 21	270,000			270,000

AN ACT authorizing the County of Westchester to amend the existing intermunicipal agreement with the Village of Mamaroneck in order to increase the County's contribution toward a flood mitigation project.

**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 amend the existing intermunicipal agreement (the "IMA") with the Village of Mamaroneck (the "Village") in order to reflect an additional County contribution of \$1,365,429.24 towards a Flood Mitigation project in the Village to reconstruct the Hillside Avenue Bridge (the "Project") as follows:

<b>Original Project Cost</b>	<b>Original Municipal Share</b>	<b>Original County Share</b>	<b>Original County Admin Cost</b>
\$2,000,000	\$1,000,000	\$1,000,000	\$0
<b>Revised Project Cost</b>	<b>Revised Municipal Share</b>	<b>Revised County Share</b>	<b>Revised County Admin Costs</b>
\$5,214,429.24	\$2,849,000	\$2,365,429.24	\$134,570.76

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

§3. This Act shall take effect immediately.

**THIS 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

(hereinafter referred to as the "County")

and

**THE VILLAGE OF MAMARONECK**, a municipal corporation of the State of New York, having an office and place of business at 123 Mamaroneck Avenue, Mamaroneck, New York, 10543

(hereinafter referred to as the "Municipality").

**WITNESSETH:**

**WHEREAS**, on or about January 6, 2021, the County and the Municipality entered into an agreement pursuant to which the County agreed to contribute up to \$1,000,000.00 toward a flood mitigation project in the Village of Mamaroneck to reconstruct the Hillside Avenue Bridge to be undertaken by the Municipality (the "Project"), the total cost of which was estimated to be \$2,000,000.00, with the balance of funding to be contributed by the Municipality (the "Agreement"); and

**WHEREAS**, as a result of cost increases due to materials and supply chain issues that have resulted in delays, additional funds are now required to complete the Project; and

**WHEREAS**, total project costs have increased from \$2,000,000.00 to an estimated \$5,214,429.24, an increase of over \$3,000,000.00; and

**WHEREAS**, the Municipality has received a grant from New York State in the amount of \$2,849,000 for the Project; and

**WHEREAS**, the Municipality has requested additional County funding up to a total maximum of \$2,365,429.24, representing no more than one-half of the cost of the total increase of the Project; and

**WHEREAS**, the parties now desire to amend the Agreement in order to increase the amount of the County's contribution toward the Project by an additional \$1,365,429.24, from an amount not-to-exceed \$1,000,000.00, to an amount not-to-exceed \$2,365,429.24.

**NOW, THEREFORE**, in consideration of the promises and covenants herein, the parties agree as follows:

1. The parties desire to amend the Agreement in order to reflect the County's additional contribution of \$1,365,429.24 toward the Project, from an amount not-to-exceed \$1,000,000.00 to an amount not-to-exceed \$2,365,429.24. Accordingly, the second full paragraph of Section 2.0 of ARTICLE II of the Agreement is hereby deleted in its entirety and the following is substituted in its place:

"The County agrees to finance the design, specification, construction documents and construction for the Project on a reimbursement basis. It is recognized and understood by the Municipality that at the time of execution of this Agreement, the County has obtained appropriations and bonding authority to fund up to \$2,365,429.24 for the construction of the Project. The County share of the construction of the Project shall not exceed that amount. Project construction costs up to \$5,214,429.24 shall be paid up to fifty (50) percent by the County (up to \$2,365,429.24) and fifty (50) percent by the Municipality; provided, however, should the total Project construction costs be less than \$5,214,429.24, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in relation to the Project that exceed the County's contribution set forth herein, and under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder in connection with this Project except as herein expressly set forth."

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

3. This Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, the parties hereto have agreed and caused this  
Amendment to be executed.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Norma Drummond  
Commissioner of Planning

**THE VILLAGE OF MAMARONECK**

By: \_\_\_\_\_  
Name:  
Title:

Approved by the Board of Legislators of the County of Westchester by Act No. \_\_\_\_\_-2022.

Approved by the Village Board of the Municipality on the \_\_\_\_ day of \_\_\_\_\_, 2022

Approved as to form and  
manner of execution:

\_\_\_\_\_  
Sr. Assistant County Attorney  
County of Westchester

K/G/2022 Bonding Spreadsheet/BPL26 Hillside Avenue Bridge/IMA Amendment (VOM) 10-27-22

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

**Signature and Office of individual taking acknowledgment**

**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_,  
(Officer other than officer signing contract)

certify that I am the \_\_\_\_\_ of the \_\_\_\_\_, a municipal  
(Title) (the "Municipality")

corporation duly organized and in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the  
New York Business Corporate Law)

named in the foregoing agreement; that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution the  
\_\_\_\_\_ of the Municipality and that said agreement was  
(Title of such person)

duly signed for and on behalf of said Municipality by authority of its Board of \_\_\_\_\_,  
thereunto duly authorized and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me personally came  
\_\_\_\_\_, whose signature appears above, to me known,  
and known to me to be the \_\_\_\_\_ of \_\_\_\_\_  
(Title)

\_\_\_\_\_, the Municipality described in and which  
executed the above certificate, who being by me duly sworn did depose and say that he/she, the said  
\_\_\_\_\_ of said Municipality resides at \_\_\_\_\_  
\_\_\_\_\_, and that he/she signed his/her name  
hereto by order of the Board of \_\_\_\_\_ of said Municipality.

\_\_\_\_\_  
Notary Public  
County of \_\_\_\_\_



George Latimer  
County Executive

October 18, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval are nine (9) bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total aggregate amount of \$16,640,000 to finance the following nine (9) capital projects for 2023:

\$800,000	Serial Bonds for	Pelham Shore Rd, CR 65A, Pelham (RB210)
\$2,500,000	Serial Bonds for	Bryant Ave, CR 153, White Plains (RB212)
\$425,000	Serial Bonds for	Lake St, CR 32B, White Plains (RB214)
\$600,000	Serial Bonds for	Virginia Rd, CR 35/51, Mt. Pleasant/ North Castle (RB233)
\$775,000	Serial Bonds for	Heathcote Bypass, CR 143, Scarsdale (RB234)
\$420,000	Serial Bonds for	Pearl St, CR 43, Port Chester (RB235)
\$1,620,000	Serial Bonds for	North Division St/South St, CR 63II, Peekskill (RB236)
\$6,150,000	Serial Bonds for	East/West Main St, CR 25/25I, Peekskill (RB237)
\$3,350,000	Serial Bonds for	Playland Parkway, CR 152, Rye (P0032)

It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit these Bond Acts now so that the referenced projects will be ready to proceed without delay in early 2023.

The Planning Department has advised that based on its review the above projects are "Type II" actions under the State Environmental Quality Review Act, 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant effect on the environment. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Approval of these Bond Acts totaling \$16,640,000 is necessary so that the Commissioner of Finance may enter the bond market at the most opportune time.

I recommend your Board's favorable action on the annexed proposed Bond Acts.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
County Executive

GL/LS/jpg  
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$800,000, to authorize the County of Westchester ("County") to finance capital project RB210 – Pelham Shore Rd, CR 65A, Pelham ("RB210") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.32 miles of roadway from the Pelham Manor/New Rochelle line to the Bronx line. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 10,642 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2019 was 62 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by in-house staff. Construction is estimated to take four (4) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k.jpg 09-22-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB210

☐ 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    \$                      800,000            PPU    15            Anticipated Interest Rate    3.52%

Anticipated Annual Cost (Principal and Interest):                      \$    67,989

Total Debt Service (Annual Cost x Term):                      \$    1,019,835

Finance Department:            Interest rates from October 12, 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:                      9

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by:                      Robert Abbamont

Title:                      Director of Operations (Capital)

Department:                      Public Works/Transportation


Date:                      10/17/22

Reviewed By: 

Budget Director

Date: \_\_\_\_\_

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB210 PELHAM SHORE ROAD, CR 65A, PELHAM**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2034)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20 \_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO PELHAM SHORE ROAD, CR 65A, PELHAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$800,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$800,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Pelham Shore Road, CR 65A, Pelham, including design, construction management and construction associated with the rehabilitation of approximately 0.32 miles of roadway from the Pelham Manor/New Rochelle line to the Bronx line, including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new parking markings and related work, 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 \$800,000. The plan of financing includes the issuance of \$800,000 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 of the object or purpose for which the \$800,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$800,000. 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 \$800,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO PELHAM SHORE ROAD, CR 65A, PELHAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$800,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Pelham Shore Road, CR 65A, Pelham, including design, construction management and construction associated with the rehabilitation of approximately 0.32 miles of roadway from the Pelham Manor/New Rochelle line to the Bronx line, including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new parking markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$800,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB210</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PELHAM SHORE ROAD, CR 65A, PELHAM	<b>Legislative District ID:</b> 11,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2034

### Overall Project Description

This project will fund the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	800	0	800	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	800	0	800	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
<b>Total:</b>	<b>\$ 800,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

800,000

### Comments:

PCI: 62 (2019); AADT: 10,642

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## PELHAM SHORE ROAD, CR 65A, PELHAM ( RB210 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	800			800					
Non County Share									
Total	800			800					

### **Project Description**

This project will fund the rehabilitation of approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	800,000			800,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$2,500,000, to authorize the County of Westchester ("County") to finance capital project RB212 – Bryant Ave, CR 153, White Plains ("RB212") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 7,129 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2019 was 64 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete and will be performed by outside consultants. Construction is estimated to take six (6) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k.jpg 09-22-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB212

☐ 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 \$ 2,500,000 PPU 15 Anticipated Interest Rate 3.45%

Anticipated Annual Cost (Principal and Interest): \$ 212,466

Total Debt Service (Annual Cost x Term): \$ 3,186,990

Finance Department: Interest rates from October 12, 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: 27

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/17/22

Reviewed By: 

Budget Director

Date: 10/17/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB212 BRYANT AVENUE, CR 153, WHITE PLAINS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2035)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO BRYANT AVENUE, CR 153, WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$2,500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Bryant Avenue, CR 153, White Plains, including design, construction management and construction associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound, including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work, 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 \$2,500,000. The plan of financing includes the issuance of \$2,500,000 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 of the object or purpose for which the \$2,500,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$2,500,000. 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 \$2,500,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

(SEAL)



## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO BRYANT AVENUE, CR 153, WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Bryant Avenue, CR 153, White Plains, including design, construction management and construction associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$2,500,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New  
York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB212	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> BRYANT AVENUE, CR 153, WHITE PLAINS	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2035

### Overall Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	2,500	0	2,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,500	0	2,500	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	0
<b>Total:</b>	<b>\$ 2,500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

2,500,000

### Comments:

PCI: 64 (2019); AADT: 7,129

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## BRYANT AVENUE, CR 153, WHITE PLAINS ( RB212 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	2,500			2,500					
Non County Share									
Total	2,500			2,500					

### **Project Description**

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	2,500,000			2,500,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$425,000 to authorize the County of Westchester (“County”) to finance capital project RB214 – Lake St, CR 32B, White Plains (“RB214”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

The Department of Public Works and Transportation (“Department”) has advised that this road, which has an average annual daily traffic count (“AADT”) of 13,208 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2019 was 54 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take five (5) months to complete and will be performed by in-house staff. Construction is estimated to take four (4) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB214

☐ 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 \$ 425,000 PPU 15 Anticipated Interest Rate 3.60%

Anticipated Annual Cost (Principal and Interest): \$ 36,119

Total Debt Service (Annual Cost x Term): \$ 541,785

Finance Department: Interest rates from October 12, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 10/17/22


Reviewed By:

Budget Director

Date:

10/17/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB214 LAKE STREET, CR 32B, WHITE PLAINS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2036)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



ACT NO. - 20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO LAKE STREET, CR 32B, WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$425,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$425,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Lake Street, CR32B, White Plains, including design, construction management and construction associated with the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work, 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 \$425,000. The plan of financing includes the issuance of \$425,000 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 of the object or purpose for which the \$425,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$425,000. 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 \$425,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO LAKE STREET, CR 32B, WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$425,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Lake Street, CR 32B, White Plains, including design, construction management and construction associated with the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$425,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB214</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> LAKE STREET, CR 32B, WHITE PLAINS	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2036

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	425	0	425	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	425	0	425	0	0	0	0	0

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

<b>Current Bond Description:</b> Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	425,000
Cash:	0
<b>Total:</b>	<b>\$ 425,000</b>

**SEQR Classification:**  
 TYPE II

**Amount Requested:**  
 425,000

**Comments:**  
 PCI: 54 (2019); AADT: 13,208

**Energy Efficiencies:**

**Total Financing History:**  
 0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022



## LAKE STREET, CR 32B, WHITE PLAINS ( RB214 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	425			425					
Non County Share									
Total	425			425					

### **Project Description**

This project will fund the rehabilitation of approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	425,000			425,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$600,000, to authorize the County of Westchester ("County") to finance capital project RB233 – Virginia Rd, CR 35/51, Mt. Pleasant/ North Castle ("RB233") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters. The work will include milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 7,626 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2019 was 61 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by in-house staff. Construction is estimated to take four (4) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB233

☐ 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 \$ 600,000 PPU 15 Anticipated Interest Rate 3.55%

Anticipated Annual Cost (Principal and Interest): \$ 50,992

Total Debt Service (Annual Cost x Term): \$ 764,880

Finance Department: Interest rates from October 12, 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: 7

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/17/22

Reviewed By: [Signature]

Budget Director

Date: 10/17/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB233 VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2037)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_\_\_

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 IMPROVEMENTS TO VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTHCASTLE; 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; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$600,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Virginia Road, CR 35/51, Mount Pleasant/North Castle, including design, construction management and construction associated with the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, 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 \$600,000. The plan of financing includes the issuance of \$600,000 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 of the object or purpose for which the \$600,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$600,000. 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 \$600,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day  
of     , 20\_\_\_\_.

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New  
York

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO VIRGINIA ROAD, CR 35/51. MOUNT PLEASANT/NORTHCASTLE; 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; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Virginia Road, CR 35/51, Mount Pleasant/North Castle, including design, construction management and construction associated with the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$600,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB233	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE	<b>Legislative District ID:</b> 3,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2037

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	600	0	600	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	600	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
Total:	<b>\$ 600,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

600,000

**Comments:**

PCI: 61 (2019); AADT: 7,626

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## VIRGINIA ROAD, CR 35/51, MOUNT PLEASANT/NORTH CASTLE ( RB233 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	600			600					
Non County Share									
Total	600			600					

### **Project Description**

This project will fund the rehabilitation of approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	600,000			600,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$775,000, to authorize the County of Westchester ("County") to finance capital project RB234 – Heathcote Bypass, CR 143, Scarsdale ("RB234") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road. The work will include milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 4,740 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2019 was 62 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by in-house staff. Construction is estimated to take eight (8) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k.jpg 09-22-22



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB234

☐ 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 \$ 775,000 PPU 15 Anticipated Interest Rate 3.52%

Anticipated Annual Cost (Principal and Interest): \$ 65,865

Total Debt Service (Annual Cost x Term): \$ 987,975

Finance Department: Interest rates from October 12, 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: 8

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 10/17/22

Reviewed By: [Signature]

Budget Director

Date: 10/17/22

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

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



DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB234 HEATHCOTE BYPASS, CR 143, SCARSDALE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2038)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$775,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO HEATHCOTE BYPASS, CR 143, SCARSDALE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$775,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$775,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$775,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Heathcote Bypass, CR 143, Scarsdale, including design, construction management and construction associated with the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work, 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 \$775,000. The plan of financing includes the issuance of \$775,000 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 of the object or purpose for which the \$775,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$775,000. 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 \$775,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$775,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO HEATHCOTE BYPASS, CR 143, SCARSDALE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$775,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$775,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Heathcote Bypass, CR 143, Scarsdale, including design, construction management and construction associated with the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$775,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB234</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> HEATHCOTE BYPASS, CR 143, SCARSDALE	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2038

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	775	0	775	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	775	0	775	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	775,000
Cash:	0
<b>Total:</b>	<b>\$ 775,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

775,000

**Comments:**

PCI: 62 (2019); AADT: 4,740

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## HEATHCOTE BYPASS, CR 143, SCARSDALE ( RB234 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	775			775					
Non County Share									
Total	775			775					

### **Project Description**

This project will fund the rehabilitation of approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	775,000			775,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$420,000, to authorize the County of Westchester (“County”) to finance capital project RB235 – Pearl St, CR 43, Port Chester (“RB235”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

The Department of Public Works and Transportation (“Department”) has advised that this road, which has an average annual daily traffic count (“AADT”) of 5,469 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2019 was 69 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by in-house staff. Construction is estimated to take four (4) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k.jpg 09-22-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB235

☐ 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 \$ 420,000 PPU 15 Anticipated Interest Rate 3.60%

Anticipated Annual Cost (Principal and Interest): \$ 35,694

Total Debt Service (Annual Cost x Term): \$ 535,410

Finance Department: Interest rates from October 12, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/17/22

Reviewed By: [Signature]

Budget Director

Date: 10/17/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB235 PEARL STREET, CR 43, PORT CHESTER**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2039)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$420,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO PEARL STREET, CR 43, PORT CHESTER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$420,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$420,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$420,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Pearl Street, CR 43, Port Chester, including design, construction management and construction associated with the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, 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 \$420,000. The plan of financing includes the issuance of \$420,000 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 of the object or purpose for which the \$420,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$420,000. 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 \$420,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day  
of     , 20\_\_\_\_.

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

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$420,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO PEARL STREET, CR 43, PORT CHESTER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$420,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$420,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Pearl Street, CR 43, Port Chester, including design, construction management and construction associated with the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street, including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$420,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB235	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PEARL STREET, CR 43, PORT CHESTER	<b>Legislative District ID:</b> 6,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2039

**Overall Project Description**

This project will fund the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	420	0	420	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	420	0	420	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	420,000
Cash:	0
<b>Total:</b>	<b>\$ 420,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

420,000

**Comments:**

PCI: 69 (2019); AADT: 5,469

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMYI

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## PEARL STREET, CR 43, PORT CHESTER ( RB235 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	420			420					
Non County Share									
Total	420			420					

### **Project Description**

This project will fund the rehabilitation of approximately 0.11 miles of roadway from Irving Avenue to King Street.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	420,000			420,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$1,620,000, to authorize the County of Westchester ("County") to finance capital project RB236 – North Division St/South St, CR 63II, Peekskill ("RB236") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 5,992 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2019 was 75 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take nine (9) months to complete and will be performed by outside consultants. Construction is estimated to take six (6) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k.jpg 09-22-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB236

☐ 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 \$ 1,620,000 PPU 15 Anticipated Interest Rate 3.47%

Anticipated Annual Cost (Principal and Interest): \$ 137,678

Total Debt Service (Annual Cost x Term): \$ 2,065,170

Finance Department: Interest rates from October 12, 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: 18

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/17/22

Reviewed By: 

Budget Director

Date: 10/17/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB236 NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2040)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,620,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,620,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,620,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$1,620,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the construction of improvements to North Division Street/South Street, CR63II, Peekskill, including design, construction management and construction associated with the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, 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 \$1,620,000. The plan of financing includes the issuance of \$1,620,000 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 of the object or purpose for which the \$1,620,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$1,620,000. 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 \$1,620,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*



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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,620,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,620,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,620,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to North Division Street/South Street, CR63II, Peekskill, including design, construction management and construction associated with the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue, including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued

and period of probable usefulness: \$1,620,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

---

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB236</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> NORTH DIVISION STREET/SOUTH STREET, CR 631I, PEEKSKILL	<b>Legislative District ID:</b> 1,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2040

### Overall Project Description

This project will fund the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	1,620	1,000	620	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	1,620	1,000	620	0	0	0	0	0

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

<b>Current Bond Description:</b> Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	1,620,000
Cash:	0
<b>Total:</b>	<b>\$ 1,620,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

1,620,000

### Comments:

PCI: 75 (2019); AADT: 5,992

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2022	1,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

### Total Appropriation History:

1,000,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

# NORTH DIVISION STREET/SOUTH STREET, CR 63II, PEEKSKILL ( RB236 )

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	1,620	1,000		620					
Non County Share									
Total	1,620	1,000		620					

## Project Description

This project will fund the rehabilitation of approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue.

## Current Year Description

The current year request funds additional costs for this project.

## Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	620,000			620,000

## 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
2022	1,000,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	1,000,000		

## Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
Total	1,000,000		1,000,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$6,150,000, to authorize the County of Westchester (“County”) to finance capital project RB237 – East/West Main St, CR 25/25I, Peekskill (“RB237”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9. The work will include milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

The Department of Public Works and Transportation (“Department”) has advised that this road, which has an average annual daily traffic count (“AADT”) of 12,346 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2019 was 76 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by outside consultants. Construction is estimated to take eight (8) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

kjpg 09-22-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB237

☐ 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 \$ 6,150,000 PPU 15 Anticipated Interest Rate 3.44%

Anticipated Annual Cost (Principal and Interest): \$ 522,667

Total Debt Service (Annual Cost x Term): \$ 7,840,005

Finance Department: Interest rates from October 12, 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: 67

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 10/17/22


Reviewed By: 

Budget Director

Date: 10/17/22



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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB237 EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2041)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** Drainage work under this classification is limited to repair, rehabilitation, or modification of existing facilities not exceeding 4,000 square feet of new disturbance or resulting in significant alterations to flow or discharges that would impact the environment. Any drainage improvements exceeding such thresholds will be subject to further review pursuant to SEQR.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20 \_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,150,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,150,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,150,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$6,150,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to East/West Main Street, CR 25/25I, Peekskill, including design, construction management and construction associated with the rehabilitation of approximately 1.4 miles of East Main Street from the Cortland/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, 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 \$6,150,000. The plan of financing includes the issuance of \$6,150,000 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 of the object or purpose for which the \$6,150,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$6,150,000. 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 \$6,150,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day  
of     , 20\_\_\_\_.

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

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,150,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO EAST/WEST MAIN STREET, CR25/251, PEEKSKILL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,150,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,150,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to East/West Main Street, CR25/251, Peekskill, including design, construction management and construction associated with the rehabilitation of approximately 1.4 miles of East Main Street from the Cortland/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$6,150,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB237	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> EAST/WEST MAIN STREET, CR25/251, I, PEEKSKILL	<b>Legislative District ID:</b>
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2041

**Overall Project Description**

This project will fund the rehabilitation of approximately 1.4 miles of East Main Street from from the Cortlandt/Pekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	6,150	2,500	3,650	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,150	2,500	3,650	0	0	0	0	0

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

<b>Current Bond Description:</b> Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.4 miles of East Main Street from the Cortlandt/Pekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	6,150,000
Cash:	0
<b>Total:</b>	<b>\$ 6,150,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
6,150,000

**Comments:**  
PCI: 76 (2019); AADT: 12,346

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2022	2,500,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**  
2,500,000

**Total Financing History:**  
0



**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-20-2022

**Department of Public Works**

RJB4

**Date**

09-20-2022

**Budget Department**

LMY1

**Date**

09-22-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## EAST/WEST MAIN STREET, CR25/25I, PEEKSKILL ( RB237 )

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	6,150	2,500		3,650					
Non County Share									
Total	6,150	2,500		3,650					

### Project Description

This project will fund the rehabilitation of approximately 1.4 miles of East Main Street from the Cortland/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9.

### Current Year Description

The current year request funds additional costs for this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	3,650,000			3,650,000

### 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
2022	2,500,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	2,500,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,500,000		2,500,000
Total	2,500,000		2,500,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$3,350,000, to authorize the County of Westchester ("County") to finance capital project P0032 – Playland Parkway, CR 152, Rye ("P0032") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp. The work will include milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 6,016 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2019 was 68 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take nine (9) months to complete and will be performed by outside consultants. Construction is estimated to take six (6) months 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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k.jpg 09-22-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: P0032

☐ 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 \$ 3,350,000 PPU 15 Anticipated Interest Rate 3.45%

Anticipated Annual Cost (Principal and Interest): \$ 318,038

Total Debt Service (Annual Cost x Term): \$ 4,770,570

Finance Department: Interest rates from October 12, 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: 36

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/17/22

Reviewed By: 

Budget Director

Date: 10/17/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
P0032 PLAYLAND PARKWAY, CR 152, RYE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-20-2022 (Unique ID: 2033)

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)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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**COMMENTS:** Drainage work under this classification is limited to repair, rehabilitation, or modification of existing facilities not exceeding 4,000 square feet of new disturbance or resulting in significant alterations to flow or discharges that would impact the environment. Any drainage improvements exceeding such thresholds will be subject to further review pursuant to SEQ. R.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20 \_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO PLAYLAND PARKWAY, CR 152, RYE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,350,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$3,350,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to Playland Parkway, CR 152, Rye, including design, construction management and construction associated with the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp, including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work, 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 \$3,350,000. The plan of financing includes the issuance of \$3,350,000 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 of the object or purpose for which the \$3,350,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a. 20(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 \$3,350,000. 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 \$3,350,000 as the estimated total cost of the aforesaid objects or purposes 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 not earlier than January 1, 2023 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day  
of     , 20\_\_\_\_.

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

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO PLAYLAND PARKWAY, CR 152, RYE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,350,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of improvements to Playland Parkway, CR152, Rye, including design, construction management and construction associated with the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp, including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued  
and period of probable usefulness: \$3,350,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> P0032	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PLAYLAND PARKWAY, CR 152, RYE 7,	<b>Legislative District ID:</b>
<b>Category*</b> PARKWAYS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2033

### Overall Project Description

This project will fund the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	3,350	0	3,350	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,350	0	3,350	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,350,000
Cash:	0
Total:	<b>\$ 3,350,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

3,350,000

#### Comments:

PCI: 68 (2019); AADT: 6,016

#### Energy Efficiencies:

#### Total Financing History:

0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-20-2022

**Department of Public Works**  
RJB4

**Date**  
09-20-2022

**Budget Department**  
LMY1

**Date**  
09-22-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## PLAYLAND PARKWAY, CR 152, RYE ( P0032 )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,350			3,350					
Non County Share									
Total	3,350			3,350					

### **Project Description**

This project will fund the rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	3,350,000			3,350,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

George Latimer  
County Executive

October 21, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval are three (3) bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total aggregate amount of \$4,050,000 to finance the following three (3) capital projects for 2023:

\$750,000	Serial Bonds for	HVAC Upgrades, Terminal Building (A0134)
\$800,000	Serial Bonds for	Ramp Service Equipment (A0138)
\$2,500,000	Serial Bonds for	Electrical, Data and Security Systems Upgrades(A0140)

It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit these Bond Acts now so that the referenced projects will be ready to proceed without delay in early 2023.

The Planning Department has advised that based on its review the above projects are "Type II" actions under the State Environmental Quality Review Act, 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant effect on the environment and therefore do not require further environmental review. If you concur in this determination, no further action is required.

Approval of these Bond Acts totaling \$4,050,000 is necessary so that the Commissioner of Finance may enter the bond market at the most opportune time.

I recommend your Board's favorable action on the annexed proposed Bond Acts.

Sincerely,



George Latimer  
County Executive

GL/LS/HJG/jpg



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$750,000, to authorize the County of Westchester ("County") to finance capital project A0134 – HVAC Upgrades, Terminal Building ("A0134") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Harris Beach, PLLC, would finance the cost of design, construction and construction management of the first phase of the HVAC unit replacement project at the terminal building at the County Airport.

The Department of Public Works & Transportation has advised that the existing HVAC units at the terminal have exceeded their useful life and are in need of replacement. Work under this phase will include the removal of existing HVAC units and replacement with new energy efficient rooftop units.

Following bonding authorization, design will be scheduled and is anticipated to take four (4) months to complete and will be performed by an outside consultant. Construction is estimated to take six (6) months and will begin after award and execution of the construction contracts.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

k/jpg 09-29-22

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0134

☐ 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 \$ 750,000 PPU 10 Anticipated Interest Rate 3.37%

Anticipated Annual Cost (Principal and Interest): \$ 88,336

Total Debt Service (Annual Cost x Term): \$ 883,360

Finance Department: Interest rates from October 18, 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: 8

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Brian Hegt

Title: Assistant to the Commissioner

Department: Public Works & Transportation


Date: 10/19/22

Reviewed By: [Signature]

Budget Director

Date: 10/22/22

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0134 HVAC UPGRADES TERMINAL BUILDING**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-23-2022 (Unique ID: 2045)

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:** 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  
Lorraine Marzola, Associate Budget Director  
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF THE CONSTRUCTION OF HVAC SYSTEM IMPROVEMENTS AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted, \_\_\_\_\_, 20\_\_)

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, to the provisions of other laws applicable thereto, \$750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance costs of the construction of HVAC system improvements at the County Airport, including design and construction management; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs

incidental thereto and the financing thereof is \$750,000. The plan of financing includes the issuance of \$750,000 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 \$750,000. 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 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.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

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



## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF THE CONSTRUCTION OF HVAC SYSTEM IMPROVEMENTS AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance costs of the construction of HVAC system improvements at the County Airport, including design and construction management; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$750,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> A0134	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> HVAC UPGRADES, TERMINAL BUILDING	<b>Legislative District ID:</b> 6,
<b>Category*</b> AIRPORT	<b>Department:*</b> AIRPORT/DOT	<b>CP Unique ID:</b> 2045

### Overall Project Description

This project funds removal of existing HVAC units and replacement with energy efficient units. Project also includes, but is not limited to, upgrades to electrical systems, modifications to structural supports and upgrades to the building management system (BMS).

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	3,150	350	750	2,050	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,150	350	750	2,050	0	0	0	0

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

**Current Bond Description:** This request will fund design, construction and construction management of the first phase of the HVAC unit replacements.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
<b>Total:</b>	<b>\$ 750,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

750,000

#### Comments:

#### Energy Efficiencies:

PROJECT INCLUDES REPLACEMENT WITH ENERGY EFFICIENT ROOFTOP UNITS.

#### Appropriation History:

Year	Amount	Description
2017	350,000	DESIGN.

#### Total Appropriation History:

350,000

#### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-23-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMYI

**Date**

09-26-2022

**Requesting Department**

RJB4

**Date**

09-27-2022

## HVAC UPGRADES, TERMINAL BUILDING ( A0134 )

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ; 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	2023	2024	2025	2026	2027	Under Review
Gross	3,150	350		750	2,050				
Non County Share									
Total	3,150	350		750	2,050				

### Project Description

This project funds removal of existing HVAC units and replacement with energy efficient units. Project also includes, but is not limited to, upgrades to electrical systems, modifications to structural supports and upgrades to the building management system (BMS).

### Current Year Description

The current year request funds Phase I.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	750,000			750,000

### Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

### Appropriation History

Year	Amount	Description	Status
2017	350,000	Design.	AWAITING BOND AUTHORIZATION
Total	350,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	350,000		350,000
Total	350,000		350,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$800,000, to authorize the County of Westchester (“County”) to finance capital project A0138 – Ramp Service Equipment (“A0138”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Harris Beach, PLLC, would fund the purchase of three (3) new push-backs, which will replace units that were originally purchased in 2003, 2010, 2011. Additionally, one (1) new air start will also be purchased. The Department of Public Works & Transportation has advised that the new ramp service equipment is required to maintain the safe and efficient operation of the Airport’s terminal ramp.

Following bonding authorization, it is expected that the new ramp service equipment will be ordered and the delivery time is estimated at twelve (12) months.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

kjpg/09-29-22

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0138

☐ 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 \$ 800,000 PPU 15 Anticipated Interest Rate 3.50%

Anticipated Annual Cost (Principal and Interest): \$ 67,925

Total Debt Service (Annual Cost x Term): \$ 1,018,875

Finance Department: Interest rates from October 18, 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: 9

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: Brian Hegt

Title: Assistant to the Commissioner

Department: Public Works & Transportation

Date: 10/19/22

Reviewed By: 

Budget Director

Date: 10/25/22

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

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



DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0138 RAMP SERVICE EQUIPMENT**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-23-2022 (Unique ID: 2046)

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)(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

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**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  
Lorraine Marzola, Associate Budget Director  
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF ACQUISITION OF RAMP SERVICE EQUIPMENT AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$800,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted, \_\_\_\_\_, 20\_\_)

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, to the provisions of other laws applicable thereto, \$800,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance costs of acquisition of ramp service equipment at the County Airport, including three (3) new push-backs; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the

the financing thereof is \$800,000. The plan of financing includes the issuance of \$800,000 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 class of objects or purposes for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 28 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 \$800,000. 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 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.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF ACQUISITION OF RAMP SERVICE EQUIPMENT AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$800,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose:     to finance costs of acquisition of ramp service equipment at the County Airport, including three (3) new push-backs; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness:     \$800,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

Project ID:* A0138	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2023
Fact Sheet Year:* 2023	Project Title:* RAMP SERVICE EQUIPMENT	Legislative District ID: 6,
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 2046

### Overall Project Description

This project provides for the purchase of replacement and new ramp service equipment that is necessary and required to maintain the safe and efficient operation of the Airport's Terminal Ramp.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	800	0	800	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	800	0	800	0	0	0	0	0

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

**Current Bond Description:** This request will fund the purchase of three (3) new diesel push-backs, replacing units that were originally purchased in 2003, 2010, 2011. Additionally, one (1) new air start will be purchased.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
<b>Total:</b>	<b>\$ 800,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

800,000

#### Comments:

#### Energy Efficiencies:

#### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-23-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-26-2022

**Requesting Department**

RJB4

**Date**

09-27-2022

## RAMP SERVICE EQUIPMENT ( A0138 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project without physical planning aspects of concern to the Westchester County Planning Board.

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	800			800					
Non County Share									
Total	800			800					

### **Project Description**

This project provides for the purchase of replacement and new ramp service equipment that is necessary and required to maintain the safe and efficient operation of the Airport's Terminal Ramp.

### **Current Year Description**

The current year request funds this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	800,000			800,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$2,500,000, to authorize the County of Westchester ("County") to finance capital project A0140 – Electrical, Data and Security Systems Upgrades ("A0140") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Harris Beach, PLLC, would fund design, construction and construction management associated with upgrades to the electrical infrastructure at the Airport parking garage and the upper rental car service area. The project will also include the installation of electrical vehicle chargers in the parking structure. Additionally, the project will fund upgrades to the Airport's access control, emergency alert system, video and badging system.

The Department of Public Works & Transportation has advised that upgrading the Airport's electrical, data and security systems will enhance Airport safety and enable the County to maintain compliance with TSA regulations and best practices.

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

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

k.jpg 09-29-22

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0140

☐ 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 \$ 2,500,000 PPU 10 Anticipated Interest Rate 3.27%

Anticipated Annual Cost (Principal and Interest): \$ 294,453

Total Debt Service (Annual Cost x Term): \$ 2,944,530

Finance Department: Interest rates from October 18, 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: 27

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Brian Hegt

Title: Assistant to the Commissioner

Department: Public Works & Transportation


Date: 10/19/22

Reviewed By: [Signature]

Budget Director

Date: 10/20/22

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0140 ELECTRICAL, DATA AND SECURITY SYSTEMS UPGRADE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-23-2022 (Unique ID: 2048)

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.

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**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  
Lorraine Marzola, Associate Budget Director  
Brian Hegt, Assistant to the Commissioner, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COSTS OF IMPROVEMENTS TO ELECTRICAL, DATA AND SECURITY SYSTEMS AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted, \_\_\_\_\_, 20\_\_)

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, to the provisions of other laws applicable thereto, \$2,500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the costs of improvements to electrical, data and Security Systems at the County Airport, including the design, construction and construction management of the upgrades to electrical infrastructure for the Airport parking structure and the upper rental car service area, the installation of electrical vehicle chargers in the parking structure, Airport's access control, emergency alert systems, video and badging 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,500,000. The plan of financing includes the issuance of \$2,500,000 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 objects or purposes for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 13(a) 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 \$2,500,000. 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 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.

\* \* \*



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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF IMPROVEMENTS TO ELECTRICAL, DATA AND SECURITY SYSTEMS AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance costs of improvements to electrical, data and Security Systems at the County Airport, including the design, construction and construction management of the upgrades to electrical infrastructure for the Airport parking structure and the upper rental car service area, the installation of electrical vehicle chargers in the parking structure, Airport's access control, emergency alert systems, video and badging system; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$2,500,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

Project ID:* A0140	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2023
Fact Sheet Year:* 2023	Project Title:* ELECTRICAL, DATA AND SECURITY 6, SYSTEMS UPGRADES	Legislative District ID:
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 2048

### Overall Project Description

This project provides for upgrades to electrical, data and security systems that will result in an increase in reliability and safety along with maintaining the Airport's compliance with the TSA's regulations and best practices.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	5,150	0	2,500	1,750	900	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,150	0	2,500	1,750	900	0	0	0

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

**Current Bond Description:** This request will fund the design, construction and construction management of the upgrades to electrical infrastructure for the Airport Parking Structure and the upper Rental Car Service Area. The project will also include the installation of electrical vehicle chargers in the parking structure. This will also fund the upgrades to the Airport's access control, emergency alert system, video and badging system.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	0
<b>Total:</b>	<b>\$ 2,500,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

2,500,000

#### Comments:

#### Energy Efficiencies:

PROJECT INCLUDES EV CAR CHARGERS.

#### Total Financing History:

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-23-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-26-2022

**Requesting Department**

RJB4

**Date**

09-27-2022

## ELECTRICAL, DATA AND SECURITY SYSTEMS UPGRADES ( A0140 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**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	2023	2024	2025	2026	2027	Under Review
Gross	5,150			2,500	1,750	900			
Non County Share									
Total	5,150			2,500	1,750	900			

### **Project Description**

This project provides for upgrades to electrical, data and security systems that will result in an increase in reliability and safety along with maintaining the Airport's compliance with the TSA's regulations and best practices.

### **Current Year Description**

The current year request funds upgrades to the Airport's access control, emergency alert system, video and badging system.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	2,500,000			2,500,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

George Latimer  
County Executive

October 21, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval are four (4) bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total aggregate amount of \$13,800,000 to finance the following four (4) capital projects for 2023:

\$500,000	Serial Bonds for	Exterior Infrastructure Repairs, White Plains Complex (2021- 2025) (B014E)
\$500,000	Serial Bonds for	Infrastructure Rehabilitation, Peekskill District Office (2021- 2025) (B0116)
\$4,800,000	Serial Bonds for	White Plains Complex Lighting Systems (B0124)
\$8,000,000	Serial Bonds for	Electric Vehicle Charging Stations and Infrastructure (BPF39)

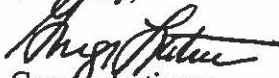
It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit these Bond Acts now so that the referenced projects will be ready to proceed without delay in early 2023.

The Planning Department has advised that based on its review the above projects are "Type II" actions under the State Environmental Quality Review Act, 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant effect on the environment. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Approval of these Bond Acts totaling \$13,800,000 is necessary so that the Commissioner of Finance may enter the bond market at the most opportune time.

I recommend your Board's favorable action on the annexed proposed Bond Acts.

Sincerely,

  
George Latimer  
County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$500,000, to authorize the County of Westchester ("County") to finance capital project B014E– Exterior Infrastructure Improvement, White Plains Complex (2021-2025) ("B014E") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building. The Department of Public Works and Transportation has advised that these buildings are in need of periodic exterior infrastructure maintenance due to their age.

Following bonding authorization, design will be scheduled and is anticipated to take three (3) months to complete and will be performed by in-house staff. Construction is estimated to take six (6) months and will begin after award and execution of the construction contracts.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

k.jpg 09-28-22

**COMMITTEE ON**



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B014E

☐ 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 \$ 500,000 PPU 15 Anticipated Interest Rate 3.56%

Anticipated Annual Cost (Principal and Interest): \$ 42,453

Total Debt Service (Annual Cost x Term): \$ 636,795

Finance Department: Interest rates from October 18, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/18/22

Reviewed By: [Signature]

Budget Director

Date: 11/02/22

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B014E Exterior Infrastructure Repairs, White Plains Complex (2021-2025)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2030)

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

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

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF EXTERIOR BUILDING IMPROVEMENTS TO THE DARONCO COURTHOUSE AND LOW RISE BUILDING, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_\_) )

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; \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such

Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$500,000. The plan of financing includes the issuance of \$500,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$500,000 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 \$500,000. 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 \$500,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to

providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_  
with the original on file in my office, and that the same is a correct transcript therefrom and of  
the whole of the said original Act, which was duly adopted by the County Board of Legislators  
of the County of Westchester on                    , 20\_\_\_\_ and approved by the County Executive  
on                    , 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
corporate seal of said County Board of Legislators  
this    day of                    , 20\_\_\_\_.

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF EXTERIOR BUILDING IMPROVEMENTS TO THE DARONCO COURTHOUSE AND LOW RISE BUILDING, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$500,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New  
York



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> B014E	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025)	<b>Legislative District ID:</b> 8,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2030

### Overall Project Description

This project funds the rehabilitation of building exteriors and other sitework for the White Plains Complex.

- |   |  |  |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	9,025	3,500	500	5,025	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	9,025	3,500	500	5,025	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 25

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the rehabilitation of the coping at the Richard J. Daronco Courthouse and the stucco at the Low Rise Building.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

500,000

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2021	3,500,000	REHABILITATION OF BUILDING EXTERIORS AND OTHER SITework FOR THE WHITE PLAINS COMPLEX

### Total Appropriation History:

3,500,000

### Financing History:

Year	Bond Act #	Amount	Issued	Description
21	21	3,500,000	0	EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025)

**Total Financing History:**  
3,500,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-22-2022

**Department of Public Works**  
RJB4

**Date**  
09-23-2022

**Budget Department**  
LMY1

**Date**  
09-23-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2021-2025) ( B014E )

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	9,025	3,500	25	500	5,025				
Non County Share									
Total	9,025	3,500	25	500	5,025				

### Project Description

This project funds the rehabilitation of building exteriors and other sitework for the White Plains Complex.

### Current Year Description

The current year request funds the rehabilitation of coping and stucco on the Courthouse and Low Rise Buildings.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	500,000			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
2021	3,500,000	Rehabilitation of building exteriors and other sitework for the White Plains Complex	DESIGN
Total	3,500,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000		3,500,000
Total	3,500,000		3,500,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
21 21	3,500,000			3,500,000
Total	3,500,000			3,500,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$500,000, to authorize the County of Westchester ("County") to finance capital project B0116– Infrastructure Rehabilitation, Peekskill District Office (2021-2025) ("B0116") for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design associated with the replacement of windows and storefronts at the Peekskill District Office. The Department of Public Works and Transportation has advised that these windows and storefronts have reached the end of their useful lives and are in need of replacement. The replacement windows and storefronts will be thermally broken, Low-E double glazed.

Following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by outside consultants. Construction is estimated to take nine (9) months and will begin after award and execution of the construction contracts, subject to your Honorable Board's approval of construction funding.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

k.jpg 09-22-22

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0116

☐ 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 \$ 500,000 PPU 5 Anticipated Interest Rate 3.45%

Anticipated Annual Cost (Principal and Interest): \$ 109,275

Total Debt Service (Annual Cost x Term): \$ 546,375

Finance Department: Interest rates from October 18, 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: 5

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/18/22

Reviewed By: [Signature]

Budget Director

Date: 10/20/22

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0116 Infrastructure Rehabilitation, Peekskill District Office (2021-2025)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-23-2022 (Unique ID: 2031)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING IMPROVEMENTS TO THE PEEKSKILL DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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, \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of windows and storefronts at the Peekskill District Office; 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 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 \$500,000. The plan of financing includes the issuance of \$500,000 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 of said specific object or purpose, within the limitations of Section 11.00 a. 62(2<sup>nd</sup>) of the Law, is five (5) 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 \$500,000. 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 \$500,000 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.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

\_\_\_\_\_  
The Clerk and Chief Administrative Officer of the  
County Board of Legislators  
County of Westchester, New York

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING IMPROVEMENTS TO THE PEEKSKILL DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of windows and storefronts at the Peekskill District Office; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued

and period of probable usefulness: \$500,000; five (5) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board  
of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> B0116	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> INFRASTRUCTURE REHABILITATION, PEEKSKILL DISTRICT OFFICE (2021-2025)	<b>Legislative District ID:</b> 1,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2031

**Overall Project Description**

This project funds the rehabilitation of building exteriors, interiors, building systems and sitework at the Peekskill District Office.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	3,000	0	3,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	3,000	0	3,000	0	0	0	0	0

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

<b>Current Bond Description:</b> Funding is requested for design associated with the replacement of windows and storefronts at the Peekskill District Office.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

500,000

**Comments:**

**Energy Efficiencies:**

THE REPLACEMENT WINDOWS AND STOREFRONTS WILL BE THERMALLY BROKEN, LOW-E DOUBLE GLAZED WINDOWS AND STOREFRONTS.

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

09-23-2022

**Department of Public Works**

RJB4

**Date**

09-23-2022

**Budget Department**

LMY1

**Date**

09-23-2022

**Requesting Department**

JZR7

**Date**

09-23-2022

## INFRASTRUCTURE REHABILITATION, PEEKSKILL DISTRICT OFFICE (2021-2025) ( B0116 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	3,000			3,000					
Non County Share									
Total	3,000			3,000					

### **Project Description**

This project funds the rehabilitation of building exteriors, interiors, building systems and sitework at the Peekskill District Office.

### **Current Year Description**

The current year request funds replacement of windows and storefronts.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	3,000,000			3,000,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$4,800,000, to authorize the County of Westchester (“County”) to finance capital project B0124– White Plains Complex Lighting Systems (“B0124”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of design, construction management and construction associated with the replacement of the existing lighting system at the Michaelian Office Building.

The Department of Public Works and Transportation has advised that this project will replace the existing fluorescent lighting fixtures with new energy efficient LED lighting fixtures and provide energy efficient lighting controls as required by the New York State Energy Conservation Code.

Design is currently underway by the New York Power Authority and is expected to be completed in the fourth quarter of 2022. Construction is estimated to take nine (9) months and will begin after award and execution of the Customer Project Commitment agreement with the New York Power Authority.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

k.jpg 09-28-22

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0124

☐ 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 \$ 4,800,000 PPU 10 Anticipated Interest Rate 3.25%

Anticipated Annual Cost (Principal and Interest): \$ 565,350

Total Debt Service (Annual Cost x Term): \$ 5,653,500

Finance Department: Interest rates from October 18, 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):

The annual energy cost savings for the new lighting system is estimated at \$70,000 per year.

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 52

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 10/18/22


Reviewed By:

Budget Director

Date:

10/20/22

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

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

DATE: October 5, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0124 WHITE PLAINS COMPLEX LIGHTING SYSTEMS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2074)

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:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF REPLACEMENT OF THE LIGHTING SYSTEM AT THE MICHAELIAN BUILDING, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,800,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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; \$4,800,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction associated with the replacement of the existing system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls, and related work, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The

estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$4,800,000. The plan of financing includes the issuance of \$4,800,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$4,800,000 bonds authorized by this Act are 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 \$4,800,000. 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 \$4,800,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to

providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_  
with the original on file in my office, and that the same is a correct transcript therefrom and of  
the whole of the said original Act, which was duly adopted by the County Board of Legislators  
of the County of Westchester on                    , 20\_\_\_\_ and approved by the County Executive  
on                    , 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
corporate seal of said County Board of Legislators  
this    day of                    , 20\_\_\_\_.

(SEAL)

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



## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF REPLACEMENT OF THE LIGHTING SYSTEM AT THE MICHAELIAN BUILDING, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,800,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,800,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction management and construction associated with the replacement of the existing system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls, and related work, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$4,800,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New  
York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>B0124</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> WHITE PLAINS COMPLEX LIGHTING 8, SYSTEMS	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2074

### Overall Project Description

This project will fund the replacement of the existing fluorescent light fixtures to LED light fixtures and upgrade of the associated lighting control system.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	4,800	0	4,800	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,800	0	4,800	0	0	0	0	0

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

<b>Current Bond Description:</b> Funding is requested for design, construction management and construction associated with the replacement of the existing system at the Michaelian Office Building with new energy efficient LED lighting, lighting controls and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	4,800,000
Cash:	0
<b>Total:</b>	<b>\$ 4,800,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
4,800,000

### Comments:

### Energy Efficiencies:

THIS PROJECT WILL REPLACE THE EXISTING LIGHTING FIXTURES WITH NEW ENERGY EFFICIENT LED LIGHTING FIXTURES AND PROVIDE ENERGY EFFICIENT LIGHTING CONTROLS AS REQUIRED BY THE NY STATE ENERGY CONSERVATION CODE.

**Total Financing History:**  
0

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-22-2022

**Department of Public Works**  
RJB4

**Date**  
09-23-2022

**Budget Department**  
LMY1

**Date**  
09-23-2022

**Requesting Department**  
JZR7

**Date**  
09-23-2022

## WHITE PLAINS COMPLEX LIGHTING SYSTEMS ( B0124 )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:**

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	4,800			4,800					
Non County Share									
Total	4,800			4,800					

### **Project Description**

This project will fund the replacement of the existing fluorescent light fixtures to LED light fixtures and upgrade of the associated lighting control system.

### **Current Year Description**

The current request funds work at the Michaelian Office Building.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2023	4,800,000			4,800,000

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (“Bond Act”) in the amount of \$8,000,000, to authorize the County of Westchester (“County”) to finance capital project BPF39– Electric Vehicle Charging Stations and Infrastructure (“BPF39”) for 2023.

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations. This project will promote the use of electric vehicles which will help to reduce greenhouse gas emissions.

Following bonding authorization, design will be scheduled and will be performed by in-house staff. The design and construction time frames will vary by specific location. The construction will begin after award and execution of the construction contracts.

Your Committee is advised that that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2023 Capital Budget. It is the County’s goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2023.

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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

k.jpg 09-28-22

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF39

☐ 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 \$ 8,000,000 PPU 10 Anticipated Interest Rate 3.24%

Anticipated Annual Cost (Principal and Interest): \$ 942,250

Total Debt Service (Annual Cost x Term): \$ 9,422,500

Finance Department: Interest rates from October 18, 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: 87

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 10/18/22

Reviewed By: [Signature]

Budget Director

Date: 10/20/22

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

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

DATE: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPF39 Electric Vehicle Charging Stations and Infrastructure**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-22-2022 (Unique ID: 2077)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- **617.5(c)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- **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.

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**COMMENTS:** The project will fund the purchase of electric vehicle charging stations to be added to existing or new county parking facilities to support/promote the use of electric vehicles, which will help to reduce greenhouse gas emissions. Purchase and installation of charging stations at existing parking facilities with nearby electrical access may be classified as Type II under the aforementioned sections. The addition of electric vehicle charging stations at new parking facilities or where electric service is not readily available at or near the project site will be reviewed further



for SEQR compliance at the time funding approval is being sought for the larger project or prior to contract approval for construction.

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  
Lorraine Marzola, Associate Budget Director  
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND INSTALLATION OF ELECTRIC VEHICLE (EV) CHARGING STATIONS AT VARIOUS COUNTY LOCATIONS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$8,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted \_\_\_\_\_, 20\_\_\_\_)

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, \$8,000,000 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 and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations, 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 total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$8,000,000. The plan of financing includes the issuance of \$8,000,000 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 class of objects or purposes, within the limitations of Section 11.00 a. 90 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 objects or purposes 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 \$8,000,000. 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 \$8,000,000 as the estimated total cost of the aforesaid class of objects or purposes 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 immediately upon approval by the County Executive.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on           , 20\_\_\_\_ and approved by the County Executive on           , 20\_\_\_\_.

IN WITNESS WHEREOF,   I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this    day  
of           , 20\_\_\_\_.

(SEAL)

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

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND INSTALLATION OF ELECTRIC VEHICLE (EV) CHARGING STATIONS AT VARIOUS COUNTY LOCATIONS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$8,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of the acquisition and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued  
and period of probable usefulness: \$8,000,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
The Clerk and Chief Administrative Officer of the  
County Board of Legislators, County of Westchester,  
New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BPF39	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-03-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2077

### Overall Project Description

This project funds the installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations. The County will work with NYSERDA, NYPA and NYSDEC to explore any Non-County funding that may be available for this project.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	82,000	2,000	18,000	25,000	25,000	12,000	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	82,000	2,000	18,000	25,000	25,000	12,000	0	0

**Expended/Obligated Amount (in thousands) as of :** 582

**Current Bond Description:** Funding is requested for the installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
<b>Total:</b>	<b>\$ 8,000,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

8,000,000

#### Comments:

#### Energy Efficiencies:

THIS PROJECT PROMOTES THE USE OF ELECTRIC VEHICLES WHICH HELPS TO REDUCE GREENHOUSE GAS EMISSIONS.

#### Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDING FOR INITIAL PHASE
2022	1,000,000	ADDITIONAL INSTALLATION OF ELECTRIC VEHICLE (EV) CHARGING STATIONS

#### Total Appropriation History:

2,000,000



**Financing History:**

Year	Bond Act #	Amount	Issued	Description
20	84	1,000,000	143,750	INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS ACROSS COUNTY
21	220	1,000,000	0	ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE

**Total Financing History:**

2,000,000

**Recommended By:****Department of Planning**  
WBB4**Date**  
09-22-2022**Department of Public Works**  
RJB4**Date**  
09-23-2022**Budget Department**  
LMY1**Date**  
09-23-2022**Requesting Department**  
RJB4**Date**  
09-23-2022

## ELECTRIC VEHICLE CHARGING STATIONS AND INFRASTRUCTURE ( BPF39 )

**User Department :** Public Works

**Managing Department(s) :** 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	2023	2024	2025	2026	2027	Under Review
Gross	82,000	2,000	582	18,000	25,000	25,000	12,000		
Non County Share									
Total	82,000	2,000	582	18,000	25,000	25,000	12,000		

### Project Description

This project funds the installation of electric vehicle (EV) charging stations and associated infrastructure at various County and municipal locations. The County will work with NYSDA, NYPA and NYSDC to explore any Non-County funding that may be available for this project.

### Current Year Description

The current year request funds additional EV charging stations.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	18,000,000			18,000,000

### 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
2020	1,000,000	Funding for initial phase	IN PROGRESS
2022	1,000,000	Additional installation of electric vehicle (EV) charging stations	IN PROGRESS
Total	2,000,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,000,000	143,750	1,856,250
Total	2,000,000	143,750	1,856,250

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
84 20	1,000,000	12/01/21	143,750	856,250
220 21	1,000,000			1,000,000
Total	2,000,000		143,750	1,856,250