

Board of Legislators

Meeting Agenda



800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, November 13, 2023

7:00 PM

Legislative Chambers

Regular Meeting

CALENDAR 23 (CONSENT)

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.

CALL TO ORDER

MINUTES APPROVAL

October 16, 2023 at 7pm.

PUBLIC COMMENT

Speakers _____

PUBLIC HEARING

1. [2023-292](#) PH - Proposed Additions to Westchester County Agricultural District No. 1

A Public Hearing on proposed additions to Westchester County Agricultural District No. 1. [Public Hearing set for November 13, 2023 at 7:30 p.m.].

SUBMITTED BY: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE

Speakers _____

*Please see Standing Committee Items Nos. 2023-293 & 294 for back-up.

2. [2023-399](#) PH - Instituting Actions and Settlement Authority

A Public Hearing on "A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority." [Public Hearing set for November 13, 2023 at 7:30 p.m.]. LOCAL LAW INTRO: 2023-400.

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

Speakers _____

*Please see Standing Committee Items No. 2023-400 for back-up.

UNFINISHED BUSINESS

I. COMMUNICATIONS

A. COUNTY EXECUTIVE

1. [2023-464](#) **County Roads and Related Work Bond Act Projects - 2024 - RB215, RB219, RB221, RB222, RB225, RB227**

A BOND ACT authorizing the issuance of TWELVE MILLION, SEVEN HUNDRED TWENTY THOUSAND (\$12,720,000) DOLLARS in bonds of Westchester County to finance six (6) Capital Projects: RB215 - Murray Avenue, CR 74, Mamaroneck (\$1,485,000), RB219 - McLean Avenue, CR 127, Yonkers (\$575,000), RB221 - South Ridge Street, CR 54B, Rye Brook (\$1,700,000), RB222 - Columbus Avenue, CR 6411, Mount Pleasant (\$2,300,000), RB225 - Seven Bridges Road, CR 21, New Castle (\$2,660,000), and RB227 - Old Mamaroenck Road, CR 26, White Plains (\$4,000,000).

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

2. [2023-465](#) **BOND ACT - ROAD/BRIDGE RESURFACING PROJECT - 2024 - RB226**

A BOND ACT authorizing the issuance of ONE MILLION, FOUR HUNDRED TWENTY THOUSAND (\$1,420,000) DOLLARS in bonds of Westchester County to finance Capital Project RB226 - Westchester Avenue, CR62, White Plains/Harrison.

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

3. [2023-466](#) **BOND ACT - ROAD/BRIDGE RESURFACING PROJECT - 2024 - RB04N**

A BOND ACT authorizing the issuance of TWO MILLION, FORTY-SIX THOUSAND (\$2,046,000) DOLLARS in bonds of Westchester County to finance Capital Project RB04N - NYS Route 22 Bridge over Armonk Road Connection, North Castle.

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

4. [2023-467](#) **Department of Public Works & Transportation Bond Act - 2024 - T0056**

A BOND ACT authorizing the issuance of ONE MILLION, TWO HUNDRED FIFTY THOUSAND (\$1,250,000) DOLLARS in bonds of Westchester County to finance Capital Project T0056 - Bus Stop Improvements II.

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

5. [2023-468](#) **Department of Public Works & Transportation Bond Act 2024 -T0072**

A BOND ACT authorizing the issuance of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS in bonds of Westchester County to finance Capital Project T0072 - Cerrato Bus Garage - Infrastructure and Site Improvements, Valhalla.

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

6. [2023-469](#) **BOND ACT - Environmental Facilities - 2024 - RD021**

A BOND ACT authorizing the issuance of FIVE MILLION, FIVE HUNDRED THOUSAND (\$5,500,000) DOLLARS in bonds of Westchester County to finance Capital Project RD021 - Haulage Vehicle and Solid Waste Equipment (Phase VI).

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

7. [2023-470](#) **BOND ACT - Environmental Facilities - 2024. SW034**

A BOND ACT authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds to finance Capital Project SW034 - Heavy Equipment and Vehicle Replacement, for 2024.

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

8. [2023-471](#) **BOND ACT - Environmental Facilities - 2024 - SBB16**

A BOND ACT authorizing the issuance of THREE MILLION (\$3,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SBB16 - Blind Brook WRRF Effluent Forcemain.

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

9. [2023-472](#) **BOND ACT - Environmental Facilities 2024 - SBB95**

A BOND ACT (Amended) authorizing the issuance of an additional FIVE MILLION, FIVE HUNDRED THOUSAND (\$5,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SBB95 - Playland Pumping Station Rehabilitation for 2024.

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

10. [2023-473](#) **Recreation Bond Acts - 2024 - RGP15, RGP16**

A BOND ACT authorizing the issuance of ONE MILLION, ONE HUNDRED THOUSAND (\$1,100,000) DOLLARS in bonds of Westchester County to finance Capital Projects: RGP15 - General Infrastructure - Fuel Tank Replacement (2024-2028) and RGP16 - General

Infrastructure - Roofing Systems (2024-2028).

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

11. [2023-474](#) **Recreation Bond Acts - 2024 - BPL36, T0073, T0047, RCC17, RBR07, B015E, RB180, RB04A, BCR50, BCR62**

A BOND ACT (Amended) authorizing the issuance of THIRTEEN MILLION, SIX HUNDRED FIFTY THOUSAND (\$13,650,000) DOLLARS in bonds of Westchester County to finance Capital Projects BPL36, T0073, T0047, RCC17, RBR07, B015E, RB180, RB04A, BCR50 and BCR62 - Amendment of bundled bond acts to remove a FIFTY THOUSAND (\$50,000) DOLLAR portion of the design bond authorization for RCC17 - County Center Facility Improvements.

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

12. [2023-475](#) **Recreation Bond Act - 2024 - RCC17**

A BOND ACT authorizing the issuance of TEN MILLION, FIFTY THOUSAND (\$10,050,000) DOLLARS in bonds of Westchester County to finance Capital Project RCC17 - County Center Facility Improvements.

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

13. [2023-476](#) **Westchester County Airport Bond Act - 2024 - A0139**

A BOND ACT authorizing the issuance of EIGHT HUNDRED FIFTY THOUSAND (\$850,000) DOLLARS in bonds of Westchester County for Capital Project A0139 - Fuel Farm Improvements.

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

14. [2023-477](#) **Westchester County Airport Bond Act - 2024 - A0142**

A BOND ACT authorizing the issuance of TWO MILLION, ONE HUNDRED THOUSAND (\$2,100,000) DOLLARS in bonds of Westchester County to finance Capital Project A0142 - U.S. Customs and Border Protection Facility and West Side Deicing Ramp.

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

15. [2023-478](#) **Westchester County Airport Bond Act - 2024 - A0147**

A BOND ACT authorizing the issuance of FIVE MILLION, THREE HUNDRED THOUSAND (\$5,300,000) DOLLARS in bonds of Westchester County to finance Capital Project A0147 - Terminal Systems Infrastructure.

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

16. [2023-488](#) **APPT-Commissioner of Dept. of Planning-Lopez**

A RESOLUTION appointing Blanca Lopez as the Commissioner of the Westchester County Department of Planning effective October 30, 2023.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

17. [2023-493](#) **CBA-RB151-Commerce Street, Mount Pleasant**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RB151 - Commerce Street, C.R. 29, Mount Pleasant.

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

18. [2023-494](#) **BOND ACT(Amended)-RB151-Commerce Street, Mount Pleasant**

A BOND ACT (Amended) authorizing the issuance of an additional ONE MILLION, TWO HUNDRED THOUSAND (\$1,200,000) DOLLARS in bonds of Westchester County to finance Capital Project RB151 - Commerce Street, Mount Pleasant.

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

19. [2023-495](#) **IMA-Justice Assistance Grant-Yonkers, Mount Vernon, New Rochelle**

AN ACT to authorize the County of Westchester to enter into a four-year intermunicipal agreement with the Cities of Yonkers, Mount Vernon and New Rochelle for the administration of the Edward Byrne Memorial Justice Assistance Grant for 2023.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

20. [2023-496](#) **ACT-Tourist Promotion Agency-2024**

AN ACT designating the Westchester County Office of Tourism and Film as the Tourist Promotion Agency for Westchester County for the period from January 1, 2024 through December 31, 2024.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

21. [2023-497](#) **RES-Tourist Promotion Agency-2024**

A RESOLUTION designating the Westchester County Office of Tourism and Film as the Promotion Agency for Westchester County for the period from January 1, 2024 through December 31, 2024.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

22. [2023-504](#) **ACT-Mortgage Tax Receipts-4-1-23 through 9-30-23**

AN ACT to authorize the Commissioner of the Westchester County Department of Finance to pay mortgage tax receipts to cities, towns and villages.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

23. [2023-505](#) ACT-Proposed Appropriations & Tax Levies for 2024 Budget

AN ACT adopting the County Budget and making appropriations and levying real property taxes for the conduct of the County Government for the year Two Thousand Twenty-four (2024).

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

SI. 24.[2023-508](#) CBA-RMAC4-Woodlands Lake Dam at V.E. Macy Park

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RMAC4 - Woodlands Lake Dam at V.E. Macy Park.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

SI. 27.[2023-509](#) BOND ACT(Amended)-RMAC4-Woodlands Lake Dam at V.E. Macy Park

A BOND ACT (Amended) authorizing an additional THREE MILLION (\$3,000,000) DOLLARS, making the total EIGHT MILLION (\$8,000,000) DOLLARS, in bonds of Westchester County to finance Capital Project RMAC4 - Woodlands Lake Dam, V.E. Macy Park.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

SI. 26.[2023-510](#) CBA-RBR04-Bronx River Reservation

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RBR04 - Bronx River Reservation.

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

SI. 25.[2023-511](#) BOND ACT(Amended)-RBR04-Bronx River Reservation

A BOND ACT (Amended) authorizing the issuance of an additional EIGHT MILLION, FIVE HUNDRED THOUSAND (\$8,500,000) DOLLARS, making the total FIFTEEN MILLION, THREE HUNDRED FIFTY THOUSAND (\$15,350,000) DOLLARS, in bonds of Westchester County to finance Capital Project RBR04 - Bronx River Reservation.

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

B. COUNTY ATTORNEY**1. [2023-489](#) ACT - Compromise of Claim - "B.J."**

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee "B.J." from a settlement of his legal action against a third-party tortfeasor.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**2. [2023-498](#) ACT - Lawsuit Settlement of Yonkers Contracting v. County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Yonkers Contracting v. County of Westchester in the amount of TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**SI. 3. [2023-507](#) ACT - Enter into Agreement with Jackson Lewis P.C. to serve in an "of counsel" to the County Attorney**

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment and benefits law.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**C. LEGISLATORS****1. [2023-491](#) IMA - City of Mt. Vernon Summer Basketball Program - 2023**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the City of Mount Vernon for a summer basketball program for the period July 13, 2023 through August 14, 2023 for a total amount not to exceed TWENTY SEVEN THOUSAND, EIGHT HUNDRED SEVEN (\$27,807) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND SENIORS & YOUTH**D. OTHERS****1. [2023-500](#) ACT - County Act to Digitize Records**

AN ACT designating all digitally created or digitally converted records filed in the Office of the County Clerk as the official copies of the records that shall be maintained in digital format for the legally prescribed retention period pursuant to New York State and Local Law.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS**II. NOTICES & PETITIONS****1. [2023-492](#) CLERK OF THE BOARD - Application for Real Property Tax Exemption - 70 PIER LLC**

Forwarded by the Clerk of the Board, an Application for Real Property Tax Exemption for 70

PIER LLC and City of Yonkers IDA.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

III. STANDING COMMITTEES

1. [2023-112](#) **APPT- Professional Prequalification Board-Rivera**

A RESOLUTION appointing Darlene E. Rivera, P.E. as the Professional Engineer member of the Westchester County Professional Prequalification Board for the term January 5, 2023 to December 31, 2027.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023 VOTE _____

2. [2023-235](#) **APPT-Airport Advisory Board-Woolley, Jr.**

A RESOLUTION appointing John Woolley, Jr., P.E. as a member of the Westchester County Airport Advisory Board for the term March 31, 2023 to December 31, 2023.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023 VOTE _____

3. [2023-293](#) **ENV RESO - Proposed Inclusion of Additions to Westchester County Agricultural District No. 1**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from the inclusion of additional parcels of land within Westchester County Agricultural District No. 1.

SUBMITTED BY: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE

RESOLUTION _____ - 2023 VOTE _____

4. [2023-294](#) **RESO - Proposed Inclusion of Additional Land to Westchester County Agricultural District No. 1**

A RESOLUTION to include additional parcels of land into the Westchester County Agricultural District No. 1.

SUBMITTED BY: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE

RESOLUTION _____ - 2023 VOTE _____

5. [2023-360](#) **ENV RES-RKD02-Kensico Dam Plaza Storage Building**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from Capital Project RKD02 - Kensico Dam Plaza Storage Building.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

RESOLUTION _____ - 2023

VOTE _____

6. [2023-361](#) **CBA-RKD02-Kensico Dam Plaza Storage Building**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RKD02 Kensico Dam Plaza Storage Building.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

ACT _____ - 2023

VOTE _____

7. [2023-362](#) **BOND ACT(Amended)-RKD02-Kensico Dam Plaza Storage Building**

A BOND ACT (Amended) in the total amount of SEVEN MILLION, EIGHT HUNDRED FIFTY THOUSAND (\$7,850,000) DOLLARS, which includes ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS in previously authorized bonds, authorizing the issuance of bonds of Westchester County to finance Capital Project RKD02 - Kensico Dam Plaza Storage Building.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023

VOTE _____

8. [2023-365](#) **BOND ACT-BPL35-Design-Hilltop Hanover Farm & Environmental Center**

A BOND ACT authorizing the issuance of ONE MILLION, TWO HUNDRED THOUSAND (\$1,200,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL35 - Hilltop Hanover Farm and Environmental Center.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023

VOTE _____

9. [2023-366](#) **BOND ACT-BPL35-Construction-Hilltop Hanover Farm & Environmental Center**

A BOND ACT authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL35 - Hilltop Hanover Farm and Environmental Center.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023

VOTE _____

10. [2023-371](#) **BOND ACT-BLA1A-Parkland & Historical Preservation Program**

A BOND ACT authorizing the issuance of TWO HUNDRED THOUSAND (\$200,000)

DOLLARS in bonds of Westchester County to finance Capital Project BLA1A - Parkland and Historical Preservation Program.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & RECREATION AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2023

VOTE _____

11. [2023-379](#) APPT-Pathologist-Medical Examiner-Milovanovic, M.D.

A RESOLUTION confirming the appointment of Dr. Aleksandar Milovanovic as Pathologist/Medical Examiner for the County of Westchester effective August 7, 2023.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

12. [2023-400](#) LL - Instituting Actions and Settlement Authority

A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

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

Local Law Intro No. 400 - 2023

VOTE _____

13. [2023-402](#) BOND ACT-RWW03-Willson's Woods Site Work

A BOND ACT authorizing the issuance of FOUR HUNDRED THOUSAND (\$400,000) DOLLARS in bonds of Westchester County to finance Capital Project RWW03 - Willson's Woods Site Work.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023

VOTE _____

14. [2023-403](#) BOND ACT-RSW03-Saxon Woods Pool Rehabilitation

A BOND ACT authorizing the issuance of NINE HUNDRED THOUSAND (\$900,000) DOLLARS in bonds of Westchester County to finance Capital Project RSW03 - Saxon Woods Pool Rehabilitation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023

VOTE _____

15. [2023-404](#) ENV RES-RGP11-Salt Shed Facilities

AN ENVIRONMENTAL RESOLUTION determining that the proposed action from Capital Project RGP11 - Salt Shed Facilities will not have any significant impact on the environment.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

RESOLUTION _____ - 2023 VOTE _____

16. [2023-405](#) **BOND ACT(Amended)-RGP11-Salt Shed Facilities**

A BOND ACT (Amended) authorizing the issuance of an additional TWO MILLION, EIGHT HUNDRED THOUSAND (\$2,800,000) DOLLARS in bonds of Westchester County to finance Capital Project RGP11 - Salt Shed Facilities.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023 VOTE _____

17. [2023-406](#) **BOND ACT-RGC19-Saxon Woods Golf Course Maintenance Facility**

A BOND ACT authorizing the issuance of ONE MILLION, TWO HUNDRED THOUSAND (\$1,200,000) DOLLARS in bonds of Westchester County to finance Capital Project RGC19 - Saxon Woods Golf Course Maintenance Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023 VOTE _____

18. [2023-407](#) **BOND ACT-RBM05-Blue Mountain Sportsmen Center Rehabilitation**

A BOND ACT authorizing the issuance of ONE MILLION, SIX HUNDRED THOUSAND (\$1,600,000) DOLLARS in bonds of Westchester County to finance Capital Project RBM05 - Blue Mountain Sportsman Center Rehabilitation II.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023 VOTE _____

19. [2023-411](#) **ENV RES-RLAS6-Lasdon Infrastructure-Site Work**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment from Capital Project RLAS6 - Lasdon Infrastructure/Site Work.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

RESOLUTION _____ - 2023 VOTE _____

20. [2023-412](#) **BOND ACT(Amended)-RLAS6-Lasdon Infrastructure-Site Work**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of THREE MILLION, FIVE HUNDRED FIFTEEN THOUSAND (\$3,515,000) DOLLARS to finance Capital Project RLAS6 - Lasdon Infrastructure/Site Work II.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

BOND ACT _____ - 2023

VOTE _____

21. [2023-426](#) **APPT-Asian American Advisory Board-Tang**

A RESOLUTION appointing May Tang as a member of the Westchester County Asian American Advisory Board for the term June 13, 2023 to December 31, 2023.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

22. [2023-428](#) **APPT-Fair Housing Board-Bernhard**

A RESOLUTION appointing Jennifer C. Bernhard as a member of the Westchester County Fair Housing Board for the term August 28, 2023 to December 31, 2024.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

23. [2023-430](#) **REAPPT-Climate Smart Communities Task Force-Wiegman**

A RESOLUTION reappointing Leo A. W. Wiegman as a member of the Westchester County Climate Smart Communities Task Force, for the term February 23, 2022 to December 31, 2024.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

24. [2023-431](#) **REAPPT-Human Rights Commission-Pogue**

A RESOLUTION reappointing Rev. Dr. Stephen Pogue as a member of the Westchester County Human Rights Commission for the term January 18, 2023 to December 31, 2025.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

25. [2023-432](#) **BOND ACT-CC104-Campus Infrastructure**

A BOND ACT authorizing the County of Westchester to issue bonds in the amount of SIX HUNDRED FIFTY-FIVE THOUSAND (\$655,000) DOLLARS in bonds of Westchester County to finance Capital Project CC104 - Campus Infrastructure.

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

BOND ACT _____ - 2023

VOTE _____

26. [2023-433](#) APPT-Parks, Recreation & Conservation Board-Barr

A RESOLUTION appointing Hon. Nancy Barr as an interim member of the Westchester County Parks, Recreation and Conservation Board for the term August 17, 2023 to December 31, 2023.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

27. [2023-445](#) APPT-Fire Advisory Board-Santone

A RESOLUTION appointing Greg Santone as a member of the Westchester County Fire Advisory Board for the term August 29, 2023 to December 31, 2025.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

[SI. 28.2023-453](#) PH-Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members." [Public Hearing set for _____, 2023 at _____ .m.]. LOCAL LAW INTRO 2023-454.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND BUDGET & APPROPRIATIONS

RESOLUTION _____ - 2023

VOTE _____

[SI. 29.2023-499](#) ACT-Agreement-District Attorney's Investigators PBA of Westchester County, Inc.

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the District Attorney's Investigators PBA of Westchester County, Inc. for a five (5) year period commencing on January 1, 2020 and ending on December 31, 2024.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

****Please note: This County Executive communication was placed directly into committee for immediate consideration.***

ACT _____ - 2023

VOTE _____

[SI. 30.2023-501](#) RES - 2024 Westchester County Budget - Suspending Rules 9 & 11

A RESOLUTION suspending Rules 9 & 11 of the Rules of Westchester County Board of Legislators with regard to the 2024 Proposed Westchester County Budget.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

RESOLUTION _____ - 2023

VOTE _____

SI. 31.2023-502 PH - 2024 Westchester County Budget

A Public Hearing on the Proposed 2024 Westchester County Budget for Wednesday, December 6, 2023 at 7:00 PM and designating which papers will publish the Notice of Public Hearing.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

RESOLUTION _____ - 2023

VOTE _____

SI. 32.2023-503 RES - 2024 Westchester County Budget - PH Rules for Webex

A RESOLUTION adopting certain rules for conduct of the Public Hearing for Webex concerning the Proposed 2024 Westchester County Budget.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

RESOLUTION _____ - 2023

VOTE _____

SI. 33.2023-506 ACT - Lawsuit Settlement of H.H. v. County of Westchester and Westchester Adult Protective Services

AN ACT authorizing the County Attorney to settle the Request for Authorization to settle the notice of claim filed by Adrienne J. Orbach, Esq., as guardian of the person and property of H.H., an incapacitated person against the County of Westchester and the Westchester County Adult Protective Services in the amount of EIGHT HUNDRED EIGHTY-ONE THOUSAND, SIXTY-TWO (\$881,062) DOLLARS.

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

****Please note: This County Executive communication was placed directly into committee for immediate consideration.***

ACT _____ - 2023

VOTE _____

IV. SPECIAL ORDERS**MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS****1. 2023-490 MEMORIAL RESOLUTIONS - 2023-17**

HON. BEN BOYKIN: William "Gus" Dorsey, Harry Jefferson, Pierre Poux, Paul Lawrence Davis, John Kirkpatrick

HON. MARGARET A. CUNZIO: Ann Antonecchia, Mary Ann Alagno, Christina Nassar,

Declan Patrick Redfern, Stephanie M. Schmiedel, Mary Ellen Turnesa De Felice, Adeline G. Brand

HON. VEDAT GASHI AND ALL LEGISLATORS: Donald "Don" Schipf

HON. DAVID IMAMURA: John "Jack" Degnan, Ann Marie Shimsky

LEGISLATORS TUBIOLO AND ALVARADO: Jose Ramon Soto Lora

LEGISLATORS TUBIOLO AND WOODSON-SAMUELS: Clair Evans

ADJOURNMENT

Next Meeting: December 11, 2023 at 10am.

RESOLUTION NO. 121 - 2023

RESOLVED, THAT THIS Board hold a public hearing pursuant to Section 303-b of the New York State Agriculture and Markets Law and Westchester County Act No. 95-2017 upon the proposed inclusion of additional parcels of land within Westchester County Agricultural District No. 1. The public hearing will be held at 7:30 p.m. on the 13 day of Nov, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of this hearing, in the form annexed hereto, to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose and shall further provide written notice, in the form annexed hereto, to each municipality with territory that would be encompassed within the proposed district and to the New York State Commissioner of Agriculture and Markets.

RESOLUTION NO. - 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro No. - 2023 entitled "A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority." The public hearing will be held at __.m. on the day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, N.Y. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.”

Your Committee is advised that Section 158.11 of the Laws of Westchester County establishes the powers and duties of the County Attorney and addresses the authority of that Office to institute actions and settle actions. Subsection 3 provides that the County Attorney has the authority to commence a proceeding to collect money judgments only where the amount of the judgment does not exceed \$10,000, exclusive of costs. This proposed Local Law would increase that amount to \$25,000, and exclude interest from that amount in addition to costs. Your Committee recognizes that a number of County departments, boards, and commissions have the authority to impose fines in various amounts, including the Department of Environmental Facilities that can impose fines of up to \$25,000 per day for violations of certain sections of law. By increasing the “not to exceed” amount in Section 158.11(3), it would allow the County Attorney to commence collection actions better in line with the authority of various County bodies to impose fines. The attached law also clarifies that, where there are multiple judgments against a single party, the County Attorney can collect all of them in a single action, where the aggregate exceeds the “not to exceed” so long as the individual judgments do not exceed the threshold.

Your Committee is further informed that Subsection 5 provides the authority of the County Attorney to settle actions against the County, either unilaterally or with the approval of the Board of Acquisition and Contract (“A&C”). Currently, the County Attorney may unilaterally settle actions for an amount not to exceed \$10,000; A&C can authorize settlements for personal injury or property

damage in an amount not to exceed \$75,000. These amounts were placed into the law in 1983 and have not been increased since. The proposed legislation would increase them to \$25,000 and \$150,000, respectively, which is less than the increase from inflation in the 40 years since their enactment. Consistent with this revision, the proposed local law also amends Section 297.31, which relates to settlements due to the County indemnifying an employee, referring back to the approval requirements in Section 158.11(5), so that approvals are consistent and uniform. Your Committee would note that Section 297.31 has not been amended since 1979, and making this amendment would allow for any future adjustments to be made once in Section 158.11, instead of in multiple locations throughout the County's laws.

Your Committee notes that the proposed Local Law would also modify what cases A&C can settle. Your Committee is informed that, in 1983, when this Honorable Board gave A&C settlement authority, the County had outside insurance. As a result of a change in the structure of that insurance, this Honorable Board gave settlement authority to A&C because there would be “potentially hundreds of general liability and worker’s compensation settlements” that would need approval. COMMITTEE REPORT IN SUPPORT OF LOCAL LAW 16-1983, *Proceedings of the County Board of Legislators (1983)*, p. 723. Providing A&C with the ability to authorize settlements of up to \$75,000 served to “relieve the County Board of this burden while maintaining appropriate fiscal and policy controls.” *Id.*

Your Committee recognizes that the County subsequently became self-insured for most items. Most of that self-insurance (as is relevant to this Local Law) is through the County’s 6-n fund. The proposed Local Law would modify 158.11(5) to provide that A&C’s authority applies to any action that is covered through the County’s 6-n fund or other insurance program. The vast majority of these actions already involve some form of personal injury or property damage. However, by extending the authority to all insurable actions, it would: (1) remove any confusion over whether or not a given claim

constitutes personal injury or property damage; and (2) maintain the original intent of granting A&C settlement authority in eliminating the need of your Honorable Board to deal with smaller settlements that are covered by the County's self-insurance (or other insurance policies) while still requiring your consent for larger settlements.

The final change would be to allow A&C to approve reductions in Workers' Compensation liens. These reductions, which are currently presented to your Honorable Board, are not subject to negotiation, and are calculated by a formula derived from statutory factors and long-standing decisional case law. Given that these reductions are formulaic, giving A&C the authority to approve them would alleviate your Honorable Board from needing to approve legislation that does not touch on policy considerations.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators

The Committee, after careful consideration, recommends the adoption of this local law.

Dated: October 16, 2023
White Plains, New York

Margaret A. Cigno

Dr. N. M.

Manuella Baur

Colin J. M.

Denise Ann

Vedat F. Ali

Bernard S. S. S. S.
Catherine B.

Dr. N. M.

Catherine B.

Manuella Baur

Colin J. M.

Denise Ann

Vedat F. Ali

Dr. N. M.

Catherine B.

Manuella Baur

Colin J. M.

Denise Ann

Denise Ann

Vedat F. Ali

COMMITTEES ON

Legislation

Budget & Appropriations

Law & Major Contracts

Dated: October 16, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Symra D. Brandon

Symra D. Brandon

COMMITTEES ON

Legislation

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Amendment of Section 158.11

☒ 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 \$ -

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 N/A

Describe: A local law amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

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: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: October 4, 2023

Reviewed By: PH

Budget Director

Date: 8/4/23

LOCAL LAW NO. ____ - 2023

A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

SECTION 1.

Subdivision 3 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

(3) The County Attorney shall not have the power to institute any proceedings on behalf of the county, or any of its officers, unless directed to do so by the County Board or an officer, board, commission or body having power or authority under statute to direct the starting of any such action or proceeding, except a proceeding for a money judgment only where the amount involved does not exceed [ten thousand dollars (\$10,000.00)] twenty-five thousand dollars (\$25,000.00) exclusive of interest and costs, or except as provided in subsection 4. hereof. Where a money judgment is comprised of multiple fines, penalties, or other judgments, the County Attorney is authorized to commence an action to collect such judgment where the aggregate judgment exceeds twenty-five thousand dollars, so long as no individual component judgment exceeds twenty-five thousand dollars.

SECTION 2.

Subdivision 5 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

Except as otherwise provided in this subdivision, the county attorney shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the County of Westchester without the previous authority of the county board or of the board, body, commission or office authorized or empowered by statute to direct or consent to such compromise, settlement or adjustment. He shall not permit, offer or confess judgment against the county or accept any offer or judgment in favor of the county for less than the amount claimed by the county, unless previously duly authorized to do so by the County Board. Notwithstanding the foregoing, the County Attorney shall be empowered to compromise, settle, or adjust rights, claims, demands or causes of action against the county for an amount not to exceed [ten thousand dollars (\$10,000.00)] twenty-five

thousand dollars (\$25,000.00) exclusive of interest and costs without the need for authorization from the County Board or of any other board, body, commission or office. In addition, the County Attorney with the approval of the County Board of Acquisition and Contract may compromise, settle or adjust rights, claims, demands or causes of action against the county [for personal injury or property damage] for which the County is authorized to make payment out of its self-insurance reserve fund pursuant to New York State General Municipal Law § 6-n or any other insurance program of the County's, for an amount not to exceed [seventy-five thousand dollars (\$75,000.00)] one hundred-and-fifty thousand dollars (\$150,000.00) exclusive of interests and costs. In addition, the County Attorney, with the approval of the County Board of Acquisition and Contract, may compromise, settle, or adjust liens in favor of the County under Section 29 of the New York State Workers' Compensation Law. In no event shall any inhibition contained in this section operate to limit or abridge the discretion of the County Attorney in regard to the proper conduct of the trial or appeal of any proceedings or action at law, or to deprive said County Attorney of the powers or privileges ordinarily exercised in the course of litigation by attorneys at law when acting for private clients.

SECTION 3.

Subdivision 3(c) of Section 297.31 of the Laws of Westchester County is hereby repealed and replaced with a new subdivision 3(c) to read as follows:

c. Where an employee is represented by the County Attorney, any proposed settlement which may be subject to indemnification by the county shall be subject to the requirements for approval contained in Section 158.11(5) of the Laws of Westchester County.

SECTION 4. Effective date.

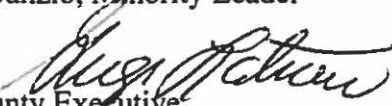
This Local Law shall take effect in 60 days.

RESOLUTION NO. ¹²²~~1~~ - 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro No. ⁴⁰⁰~~1~~ – 2023 entitled “A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.” The public hearing will be held at ^{7:30}~~9~~ .m. on the ^{13th} day of Nov, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, N.Y. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

October 12, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **1 Bond Act for 6 Capital Projects – and 2 Stand-Alone Bond Acts for 2024.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 16, 2023 Agenda.

Transmitted herewith for your review and approval is a Bond Act for 6 Capital Projects, as well as 2 stand-alone Bond Acts to finance capital projects for 2024.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 16, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

October 6, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the “Bundled Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue bonds in the total aggregate amount of \$12,720,000 to finance the following six (6) capital projects for 2024:

RB215 – Murray Avenue, CR 74, Mamaroneck
RB219 – McLean Avenue, CR 127, Yonkers
RB221 – South Ridge Street, CR 54B, Rye Brook
RB222 – Columbus Avenue, CR 64II, Mount Pleasant
RB225 – Seven Bridges Road, CR 21, New Castle
RB227 – Old Mamaroneck Road, CR 26, White Plains

The Bundled Bond Act, in the total amount of \$12,720,000, would authorize the County to issue bonds to finance the cost of design, construction management, and construction associated with the rehabilitation of various County roads and related work, including:

- (i) Rehabilitation of approximately 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (ii) Rehabilitation of approximately 0.15 miles of roadway from Putnam Avenue to Tibbets Road including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (iii) Rehabilitation of approximately 0.51 miles of roadway from Dixon Street to Westchester Avenue including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (iv) Rehabilitation of approximately 0.88 miles of roadway from Lakeview Avenue to Legion Drive including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900

- (v) Rehabilitation of approximately 1.21 miles of roadway from McKesson Hill Road to NYS Route 133 including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.
- (vi) Rehabilitation of approximately 1.83 miles of roadway from Mamaroneck Ave to the Scarsdale/White Plains Line including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.

It should be noted that the proposed Bundled 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 reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

Also transmitted herewith are two “stand alone” bond acts (the “Stand Alone Bond Acts”) which, if adopted, would authorize the County to issue bonds in the amounts of \$1,420,000 and \$2,046,000 respectively, to finance the following two (2) capital projects for 2024:

RB226 – Westchester Avenue, CR 62, White Plains/Harrison
 RB04N – NYS Route 22 Bridge over Armonk Road Connection, North Castle

The Stand Alone Bond Acts, in the amounts of \$1,420,000 and \$2,046,000 respectively, would authorize the County to issue bonds to finance the cost of design associated with the rehabilitation of a County road and a County bridge, including:

- (i) Rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road.
- (ii) Replacement of the existing NYS Route 22 Bridge over Armonk Road Connection, CR 68, North Castle, including replacement of the bridge structure with a precast arch with stone facing and associated work.

Your Honorable Board 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 (BUNDLED)

Cap ID	Project	Anticipated Amount	PCI/BCR	AADT	Design Assignment	Time Frame (Months)	
						Design	Const
RB215	Murray Avenue, CR 74, Mamaroneck	\$1,485,000	66	5,813	Staff	6	4
RB219	McLean Avenue, CR 127, Yonkers	\$575,000	61	14,566	Staff	4	4

RB221	South Ridge Street, CR 54B, Rye Brook	\$1,700,000	72	7,100	Staff	6	4
RB222	Columbus Avenue, CR 64II, Mount Pleasant	\$2,300,000	69	8,494	Staff	6	6
RB225	Seven Bridges Road, CR 21, New Castle	\$2,660,000	64	3,536	Staff	6	6
RB227	Old Mamaroneck Road, CR 26, White Plains	\$4,000,000	67	8,797	Consultant	6	6

BOND ACT – ROAD/BRIDGE RESURFACING PROJECTS (STAND ALONE)

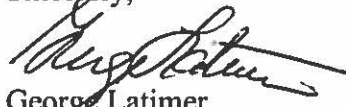
RB226	Westchester Avenue, CR 62, White Plains/Harrison	\$1,420,000	66	12,315	Consultant	9	12
RB04N	NYS Route 22 Bridge over Armonk Road Connection, North Castle	\$2,046,000	4.19	12,904	Consultant	24	36

It should be noted that the County Budget Department is submitting these bond acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

The Planning Department has advised that based on its review, the referenced capital projects may be classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of these projects to the County, favorable action on the proposed Bundled Bond Act and Stand Alone Bond Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/HJG/jpg/nn
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 (the “Bond Act”) in the total aggregate amount of \$12,720,000 to authorize the County of Westchester (the “County”) to finance the following six (6) capital projects for 2024:

RB215 – Murray Avenue, CR 74, Mamaroneck
RB219 – McLean Avenue, CR 127, Yonkers
RB221 – South Ridge Street, CR 54B, Rye Brook
RB222 – Columbus Avenue, CR 64II, Mount Pleasant
RB225 – Seven Bridges Road, CR 21, New Castle
RB227 – Old Mamaroneck Road, CR 26, White Plains

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 \$12,720,000 to finance the cost of design, construction management and construction associated with the rehabilitation of various County roads and related work, including:

- (i) Rehabilitation of approximately 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (ii) Rehabilitation of approximately 0.15 miles of roadway from Putnam Avenue to Tibbets Road including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (iii) Rehabilitation of approximately 0.51 miles of roadway from Dixon Street to Westchester Avenue including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.
- (iv) Rehabilitation of approximately 0.88 miles of roadway from Lakeview Avenue to Legion Drive including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

- (v) Rehabilitation of approximately 1.21 miles of roadway from McKesson Hill Road to NYS Route 133 including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.
- (vi) Rehabilitation of approximately 1.83 miles of roadway from Mamaroneck Ave to the Scarsdale/White Plains Line including milling; resurfacing; new curbing; guiderail replacement; new traffic signal 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
RB215	Murray Avenue, CR 74, Mamaroneck	\$1,485,000	66	5,813	Staff	6	4
RB219	McLean Avenue, CR 127, Yonkers	\$575,000	61	14,566	Staff	4	4
RB221	South Ridge Street, CR 54B, Rye Brook	\$1,700,000	72	7,100	Staff	6	4
RB222	Columbus Avenue, CR 64II, Mount Pleasant	\$2,300,000	69	8,494	Staff	6	6
RB225	Seven Bridges Road, CR 21, New Castle	\$2,660,000	64	3,536	Staff	6	6
RB227	Old Mamaroneck Road, CR 26, White Plains	\$4,000,000	67	8,797	Consultant	6	6
Total		\$12,720,000					

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.

It should be noted that the County Budget Department is submitting these bond acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

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

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

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

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

RB215; RB219; RB221; RB222; RB225; RB227

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 12,720,000 PPU 15 Anticipated Interest Rate 3.79%

Anticipated Annual Cost (Principal and Interest): \$ 1,121,712

Total Debt Service (Annual Cost x Term): \$ 16,825,680

Finance Department: Interest rates from October 10, 2023 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: 138

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 

09/10/11/23

Date:

Budget Director

10/11/23

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

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



DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR 2024 CAPITAL
PROJECTS BOND ACT – ROADWAY REHABILITATION**

In connection with the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (SEQR), the Department of Planning has reviewed the proposed bond act legislation that would finance the following capital projects:

Capital Project	Project Title	Fact Sheet ID	Approved by Planning
RB215	Murray Avenue, CR74, Mamaroneck	2294	8/30/2023
RB219	McLean Avenue, CR 127, Yonkers	2295	8/30/2023
RB221	South Ridge Street, CR 54B, Rye Brook	2296	8/30/2023
RB222	Columbus Avenue, CR 64II, Mount Pleasant	2297	8/30/2023
RB225	Seven Bridges Road, CR 21, New Castle	2298	8/30/2023
RB227	Old Mamaroneck Road, CR 26, White Plains	2300	8/30/2023

The Planning Department advises that these projects for which funding is being requested may be classified as **TYPE II actions** 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; and
- **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.

As such, no environmental review is required.

DSK/sed

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

REFERENCE RB215
RB219
RB221
RB222
RB225
RB227

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$12,720,000 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 \$12,720,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$12,720,000 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 \$12,720,000. The plan of financing includes the issuance of \$12,720,000 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
\$1,485,000	approximately 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
575,000	approximately 0.15 miles of roadway from Putnam Avenue to Tibbets Road including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
1,700,000	approximately 0.51 miles of roadway from Dixon Street to Westchester Avenue including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
2,300,000	approximately 0.88 miles of roadway from Lakeview Avenue to Legion Drive including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
2,660,000	approximately 1.21 miles of roadway from McKesson Hill Road to NYS Route 133 including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work
4,000,000	approximately 1.83 miles of roadway from Mamaroneck Ave to the Scarsdale/White Plains Line including milling; resurfacing; new curbing; guiderail replacement; 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 \$12,720,000 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 \$12,720,000. 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 \$12,720,000 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 not earlier than January 1, 2024 and 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 \$12,720,000 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 \$12,720,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$12,720,000 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 \$12,720,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:* RB215	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* MURRAY AVENUE, CR 74, MAMARONECK	Legislative District ID: 7,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2294

Overall Project Description

This project will fund the rehabilitation of approximately 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

Note: Project budget updated to reflect current cost estimate.

- | | | |
|---|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	1,485	0	1,485	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,485	0	1,485	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 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street 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:	1,485,000
Cash:	0
Total:	\$ 1,485,000

SEQR Classification:

TYPE II

Amount Requested:

1,485,000

Expected Design Work Provider:

- | | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|-------------------------------------|---|

Comments:

PCI: 66 (2019) / AADT: 5,813

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-30-2023

Department of Public Works
RJB4

Date
08-30-2023

Budget Department
DEV9

Date
08-31-2023

Requesting Department
RJB4

Date
08-31-2023

MURRAY AVENUE, CR 74, MAMARONECK (RB215)

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	2024	2025	2026	2027	2028	Under Review
Gross	1,485			1,485					
Non County Share									
Total	1,485			1,485					

Project Description

This project will fund the rehabilitation of approximately 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street 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 the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,485,000			1,485,000

Impact on Operating Budget

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

Recommended By:

Department of Planning
MLLL

Date
08-30-2023

Department of Public Works
RJB4

Date
08-30-2023

Budget Department
DEV9

Date
08-31-2023

Requesting Department
RJB4

Date
08-31-2023

CAPITAL PROJECT FACT SHEET

Project ID:* RB219	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* MCLEAN AVENUE, CR 127, YONKERS	Legislative District ID: 17,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2295

Overall Project Description

This project will fund the rehabilitation of approximately 0.15 miles of roadway from Putnam Avenue to Tibbets Road 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	2024	2025	2026	2027	2028	Under Review
Gross	575	0	575	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	575	0	575	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 0.15 miles of roadway from Putnam Avenue to Tibbets Road 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:	575,000
Cash:	0
Total:	\$ 575,000

SEQR Classification:

TYPE II

Amount Requested:

575,000

Expected Design Work Provider:

- | | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|-------------------------------------|---|

Comments:

PCI: 61 (2019) / AADT: 14,566

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-30-2023

Department of Public Works
RJB4

Date
08-30-2023

Budget Department
DEV9

Date
08-31-2023

Requesting Department
RJB4

Date
08-31-2023

MCLEAN AVENUE, CR 127, YONKERS (RB219)

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	2024	2025	2026	2027	2028	Under Review
Gross	575			575					
Non County Share									
Total	575			575					

Project Description

This project will fund the rehabilitation of approximately 0.15 miles of roadway from Putnam Avenue to Tibbetts Road 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 the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	575,000			575,000

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:* RB221	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* SOUTH RIDGE STREET, CR 54B, RYE 6, BROOK	Legislative District ID:
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2296

Overall Project Description

This project will fund the rehabilitation of approximately 0.51 miles of roadway from Dixon Street to Westchester Avenue 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	2024	2025	2026	2027	2028	Under Review
Gross	1,700	0	1,700	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,700	0	1,700	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 0.51 miles of roadway from Dixon Street to Westchester Avenue 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:	1,700,000
Cash:	0
Total:	\$ 1,700,000

SEQR Classification:

TYPE II

Amount Requested:

1,700,000

Expected Design Work Provider:

- | | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|-------------------------------------|---|

Comments:

PCI: 72 (2019) / AADT: 7,100

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-30-2023

Department of Public Works
RJB4

Date
08-30-2023

Budget Department
DEV9

Date
08-31-2023

Requesting Department
RJB4

Date
08-31-2023

SOUTH RIDGE STREET, CR 54B, RYE BROOK (RB221)

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	2024	2025	2026	2027	2028	Under Review
Gross	1,700			1,700					
Non County Share									
Total	1,700			1,700					

Project Description

This project will fund the rehabilitation of approximately 0.51 miles of roadway from Dixon Street to Westchester Avenue 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 the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,700,000			1,700,000

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:* RB222	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* COLUMBUS AVENUE, CR 64II, MOUNT PLEASANT	Legislative District ID: 3,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2297

Overall Project Description

This project will fund the rehabilitation of approximately 0.88 miles of roadway from Lakeview Avenue to Legion Drive 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	2024	2025	2026	2027	2028	Under Review
Gross	2,300	0	2,300	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,300	0	2,300	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 0.88 miles of roadway from Lakeview Avenue to Legion Drive 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:	2,300,000
Cash:	0
Total:	\$ 2,300,000

SEQR Classification:

TYPE II

Amount Requested:

2,300,000

Expected Design Work Provider:

- | | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|-------------------------------------|---|

Comments:

PCI: 69 (2019) / AADT: 8,494

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-30-2023

Department of Public Works
RJB4

Date
08-30-2023

Budget Department
DEV9

Date
08-31-2023

Requesting Department
RJB4

Date
08-31-2023

COLUMBUS AVENUE, CR 64II, MOUNT PLEASANT (RB222)

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	2024	2025	2026	2027	2028	Under Review
Gross	2,300			2,300					
Non County Share									
Total	2,300			2,300					

Project Description

This project will fund the rehabilitation of approximately 0.88 miles of roadway from Lakeview Avenue to Legion Drive 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 the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	2,300,000			2,300,000

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:* RB225	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* SEVEN BRIDGES ROAD, CR 21, NEW CASTLE	Legislative District ID: 4,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2298

Overall Project Description

This project will fund the rehabilitation of approximately 1.21 miles of roadway from McKesson Hill Road to NYS Route 133 including milling; resurfacing; new curbing; guiderail replacement; new traffic signal 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	2024	2025	2026	2027	2028	Under Review
Gross	2,660	0	2,660	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,660	0	2,660	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 1.21 miles of roadway from McKesson Hill Road to NYS Route 133 including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,660,000
Cash:	0
Total:	\$ 2,660,000

SEQR Classification:

TYPE II

Amount Requested:

2,660,000

Expected Design Work Provider:

- | | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|-------------------------------------|---|

Comments:

PCI: 64 (2019) / AADT: 3,536

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-30-2023

Department of Public Works
RJB4

Date
08-30-2023

Budget Department
DEV9

Date
08-31-2023

Requesting Department
RJB4

Date
08-31-2023

SEVEN BRIDGES ROAD, CR 21, NEW CASTLE (RB225)

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	2024	2025	2026	2027	2028	Under Review
Gross	2,660			2,660					
Non County Share									
Total	2,660			2,660					

Project Description

This project will fund the rehabilitation of approximately 1.21 miles of roadway from McKesson Hill Road to NYS Route 133 including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.

Current Year Description

The current year request funds the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	2,660,000			2,660,000

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:* RB227	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* OLD MAMARONECK ROAD, CR 26, WHITE PLAINS	Legislative District ID: 5,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2300

Overall Project Description

This project will fund the rehabilitation of approximately 1.83 miles of roadway from Mamaroneck Ave to the Scarsdale/White Plains Line including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.

Note: Project budget updated to reflect current cost estimate. Construction funding request moved forward to 2024.

<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	2024	2025	2026	2027	2028	Under Review
Gross	4,000	0	4,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,000	0	4,000	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 1.83 miles of roadway from Mamaroneck Ave to the Scarsdale/White Plains Line including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

4,000,000

Expected Design Work Provider:

<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable
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Comments:

PCI: 67 (2019) / AADT: 8,797

Energy Efficiencies:

Total Financing History:

0

OLD MAMARONECK ROAD, CR 26, WHITE PLAINS (RB227)

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	2024	2025	2026	2027	2028	Under Review
Gross	4,000			4,000					
Non County Share									
Total	4,000			4,000					

Project Description

This project will fund the rehabilitation of approximately 1.83 miles of roadway from Mamaroneck Ave to the Scarsdale/White Plains Line including milling; resurfacing; new curbing; guiderail replacement; new traffic signal loops; new pavement markings and related work.

Current Year Description

The current year request funds the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	4,000,000			4,000,000

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 \$1,420,000, to authorize the County of Westchester (“County”) to finance capital project RB226 – Westchester Avenue, CR 62, White Plains/Harrison (“RB226”) for 2024.

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 rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road. Work will include milling; resurfacing; new curbing; guiderail replacement; minor bus stops improvements; 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 12,315 is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2019 was 66 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 following bonding authorization, design will be scheduled and is anticipated to take nine (9) months to complete. It is anticipated that the design work will be completed by consultants. Construction is estimated to take twelve (12) months and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further authorization for construction bonding.

Your Committee is advised that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2024 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 2024.

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

It should be noted that an affirmative vote of two-thirds of the members of 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: _____, 2023
White Plains, New York

COMMITTEE ON

k/JG/09-05-2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB226

☐ 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 \$ 1,420,000 PPU 5 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 319,506

Total Debt Service (Annual Cost x Term): \$ 1,597,530

Finance Department: Interest rates from October 10, 2023 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: 15

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23


Reviewed By: 

DU 10/11/23

Budget Director

Date: 10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB226 WESTCHESTER AVENUE, CR 62, WHITE PLAINS/HARRISON**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-30-2023 (Unique ID: 2299)

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

- **617.5(c)(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: The current request is for design only.

DSK/sed

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,420,000 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 THE REHABILITATION OF WESTCHESTER AVENUE (CR 62) IN WHITE PLAINS AND HARRISON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,420,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,420,000 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, to the provisions of other laws applicable thereto, \$1,420,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road including milling; resurfacing; new curbing; guiderail

replacement; minor bus stops improvements; new traffic signal loops; new pavement markings 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,420,000. The plan of financing includes the issuance of \$1,420,000 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 said \$1,420,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) 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 \$1,420,000. 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 \$1,420,000 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 not earlier than January 1, 2024 and 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 \$1,420,000 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 THE REHABILITATION OF WESTCHESTER AVENUE (CR 62) IN WHITE PLAINS AND HARRISON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,420,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,420,000 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 cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road including milling; resurfacing; new curbing; guiderail replacement; minor bus stops improvements; new traffic signal loops; new pavement markings 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: \$1,420,000; 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

Project ID:* RB226	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* WESTCHESTER AVENUE, CR 62, WHITE PLAINS/HARRISON	Legislative District ID: 5, 6,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2299

Overall Project Description

This project will fund the rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road including milling; resurfacing; new curbing; guiderail replacement; minor bus stops improvements; new traffic signal loops; new pavement markings and related work.

Note: Project budget updated to reflect current cost estimate.

- | | | |
|---|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	12,200	0	1,420	10,780	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	12,200	0	1,420	10,780	0	0	0	0

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

Current Bond Description: Funding is requested for design associated with the rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road including milling; resurfacing; new curbing; guiderail replacement; minor bus stops improvements; new traffic signal loops; new pavement markings and related work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,420,000
Cash:	0
Total:	\$ 1,420,000

SEQR Classification:

TYPE II

Amount Requested:

1,420,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

PCI: 66 (2019) / AADT: 12,315

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-30-2023

Department of Public Works

RJB4

Date

08-30-2023

Budget Department

DEV9

Date

08-31-2023

Requesting Department

RJB4

Date

08-31-2023

WESTCHESTER AVENUE, CR 62, WHITE PLAINS/HARRISON (RB226)

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	2024	2025	2026	2027	2028	Under Review
Gross	12,200			1,420	10,780				
Non County Share									
Total	12,200			1,420	10,780				

Project Description

This project will fund the rehabilitation of approximately 4.2 miles of Westchester Ave (CR 62) Eastbound, between Corporate Park Drive and Purchase Street (NYS Route 120), and Westbound, between Purchase Street and Anderson Hill Road including milling; resurfacing; new curbing; guiderail replacement; minor bus stops improvements; new traffic signal loops; new pavement markings and related work.

Current Year Description

The current year request funds design.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,420,000			1,420,000

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 by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$2,046,000, to finance capital project RB04N – NYS Route 22 Bridge over Armonk Road Connection, CR 68, North Castle (BIN 1016550), for 2024. The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of design associated with the replacement of the existing bridge structure with a precast arch with stone facing and associated work.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which has an annual daily traffic count (“AADT”) of 12,904, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2020 the New York State Department of Transportation gave the bridge a condition rating of 4.19 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Following bonding authorization, design will be scheduled and is anticipated to take twenty-four (24) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately thirty-six (36) months and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

It should be noted that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2024 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 2024.

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

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

Dated: _____, 2023
White Plains, New York

c/jpg/8-23-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB04N

☐ 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 \$ 2,046,000 PPU 5 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 460,358

Total Debt Service (Annual Cost x Term): \$ 2,301,790

Finance Department: Interest rates from October 10, 2023 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: 22

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By:


DVID11/23

Budget Director

Date:

10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB04N NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION,
CR 68, NORTH CASTLE (BIN 1016550)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-22-2023 (Unique ID: 2293)

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

- **617.5(c)(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: The current request is for design only.

DSK/sed

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,046,000 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 THE REPLACEMENT OF THE NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION (CR #68), IN THE TOWN OF NEW CASTLE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,046,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,046,000 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, to the provisions of other laws applicable thereto, \$2,046,000 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 the existing NYS Route 22 bridge over Armonk Road Connection (CR #68) (BIN 1016550), in the Town of New Castle; all as set forth in the County's Current Year Capital

Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,046,000. The plan of financing includes the issuance of \$2,046,000 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 said \$2,046,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) 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 \$2,046,000. 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 \$2,046,000 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 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 \$2,046,000 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 THE REPLACEMENT OF THE NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION (CR #68), IN THE TOWN OF NEW CASTLE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,046,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,046,000 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 cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the existing NYS Route 22 bridge over Armonk Road Connection (CR #68) (BIN 1016550), in the Town of New Castle; 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: \$2,046,000; 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

Project ID:* RB04N	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION, CR 68, NORTH CASTLE (BIN 1016550)	Legislative District ID: 3,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2293

Overall Project Description

This project will fund the replacement of the existing structure with a precast arch with stone facing and associated 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	2024	2025	2026	2027	2028	Under Review
Gross	17,507	1,000	1,046	15,461	0	0	0	0
Less Non-County Shares	12,369	0	0	12,369	0	0	0	0
Net	5,138	1,000	1,046	3,092	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 the existing structure with a precast arch with stone facing and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,046,000
Cash:	0
Total:	\$ 2,046,000

SEQR Classification:

TYPE II

Amount Requested:

2,046,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

BCR: 4.19 (2020) / AADT: 12,904

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	1,000,000	DESIGN

Total Appropriation History:

1,000,000

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-22-2023

Department of Public Works

RJB4

Date

08-22-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

RJB4

Date

08-23-2023

NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION, CR 68, NORTH CASTLE (BIN 1016550) (RB04N)

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	2024	2025	2026	2027	2028	Under Review
Gross	17,507	1,000		1,046	15,461				
Non County Share	(12,369)				(12,369)				
Total	5,138	1,000		1,046	3,092				

Project Description

This project will fund the replacement of the existing structure with a precast arch with stone facing and associated work.

Current Year Description

The current year request provides additional design funds.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,046,000			1,046,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2023	1,000,000	Design	AWAITING BOND AUTHORIZATION
Total	1,000,000		

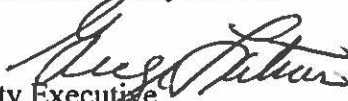
Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
Total	1,000,000		1,000,000

October 12, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive



RE: Message Requesting Immediate Consideration: **2 Bond Acts – 2024.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 16, 2023 Agenda.

Transmitted herewith for your review and approval are 2 Bond Acts to finance capital projects for 2024.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 16, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

October 6, 2023

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 two bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total amount of \$1,750,000, to finance the following capital projects for 2024:


\$1,250,000	Serial Bonds for	T0056	T0056 – Bus Stop Improvements II ("T0056")
\$500,000	Serial Bonds for	T0072	T0072 – Cerrato Bus Garage – Infrastructure and Site Improvements, Valhalla (2024-2028) ("T0072")

It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

The Planning Department has advised that it has reviewed the above projects in accordance with the annexed SEQR documentation and advised that based on its review, the above-referenced projects may be classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

I recommend your Board's favorable action on the annexed proposed Bond Acts.

Sincerely,



George Latimer
County Executive

Attachments

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestercountyny.gov
Telephone: (914)995-2900

westchestergov.com

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,250,000 to finance capital project T0056 – Bus Stop Improvements II (“T0056”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of construction of bus stop improvements throughout the County, including installation of replacement bus shelters and other bus stop related improvements.

The Department of Public Works & Transportation (“Department”) has advised that the Bee-Line bus system is served by over 3,000 bus stops. This on-going project will address needed repairs and improvements to a number of these stops.

The Planning Department has advised your Committee that based on its review, T0056 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that the County Budget Department is submitting these bond acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

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: _____, 20____
White Plains, New York

COMMITTEE ON

c/mg 8-29-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0056

☐ 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 \$ 1,250,000 PPU 5 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 281,255

Total Debt Service (Annual Cost x Term): \$ 1,406,275

Finance Department: Interest rates from October 10, 2023 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: 14

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/10/23


Reviewed By: 

09/10/11/23

Budget Director

Date: 10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T0056 BUS STOP IMPROVEMENTS II**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-22-2023 (Unique ID: 2345)

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

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

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF BUS STOP IMPROVEMENTS THROUGHOUT THE COUNTY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,250,000 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, and to the provisions of other laws applicable thereto, \$1,250,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the construction of bus stop improvements throughout the County, including installation of replacement bus shelters and other bus stop related improvements, 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 class of objects or purposes,

including preliminary costs and costs incidental thereto and the financing thereof is \$1,250,000. The plan of financing includes the issuance of \$1,250,000 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 class of objects or purposes for which said \$1,250,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 35 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 total amount of \$1,250,000. 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 \$1,250,000 as the estimated maximum 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 not earlier than January 1, 2024 and 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 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 \$1,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF BUS STOP IMPROVEMENTS THROUGHOUT THE COUNTY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,250,000 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 a portion of the cost of the construction of bus stop improvements throughout the County, including installation of replacement bus shelters and other bus stop related improvements, 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: \$1,250,000; 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

Project ID:* T0056	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* BUS STOP IMPROVEMENTS II	Legislative District ID: ALL
Category* TRANSPORTATION	Department:* AIRPORT/DOT	CP Unique ID: 2345

Overall Project Description

This multi-year project funds bus stops improvements. Improvements will include items such as: new paved areas, bus stop amenities, improved ADA accessibility, bus shelters, sidewalks, concrete bus stop pads (in-road), curbing and signage.

- | | | |
|---|---|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	3,350	2,850	250	250	0	0	0	0
Less Non-County Shares	400	400	0	0	0	0	0	0
Net	2,950	2,450	250	250	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 410

Current Bond Description: Purchase and installation of replacement bus shelters and other bus stop related improvements.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,250,000
Cash:	0
Total:	\$ 1,250,000

SEQR Classification:

TYPE II

Amount Requested:

1,250,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

SOME OF THE EXISTING HARD WIRED BUS SHELTERS WILL BE REPLACED WITH SOLAR POWERED SHELTERS.

Appropriation History:

Year	Amount	Description
2014	100,000	ANALYSIS AND DESIGN FOR THIS PROJECT
2015	500,000	CONTINUED IMPROVEMENTS TO BUS STOPS
2017	300,000	CONTINUED IMPROVEMENTS TO BUS STOP
2018	250,000	CONTINUED IMPROVEMENTS TO BUS STOP
2019	200,000	CONTINUED IMPROVEMENTS TO BUS STOP
2020	500,000	CHANGE OF FINANCING FOR THIS PROJECT DUE TO FTA FUNDS; CONTINUED IMPROVEMENTS TO BUS STOP
2022	1,000,000	ADDITIONAL IMPROVEMENTS TO BUS STOPS

Total Appropriation History:

2,850,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	220	1,100,000	0	BUS STOP IMPROVEMENTS II
21	216	350,000	0	BUS STOP IMPROVEMENTS II

Total Financing History:

1,450,000

Recommended By:**Department of Planning**

MLLL

Date

08-22-2023

Department of Public Works

RJB4

Date

08-22-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

RJB4

Date

08-29-2023

BUS STOP IMPROVEMENTS II (T0056)

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	2024	2025	2026	2027	2028	Under Review
Gross	3,350	2,850	347	250	250				
Non County Share	(400)	(400)							
Total	2,950	2,450	347	250	250				

Project Description

This multi-year project funds bus stops improvements. Improvements will include items such as: new paved areas, bus stop amenities, improved ADA accessibility, bus shelters, concrete bus stop pads (in-road), curbing and signage.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	250,000			250,000

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
2014	100,000	Analysis and design for this project	DESIGN
2015	500,000	Continued improvements to bus stops	DESIGN
2017	300,000	Continued improvements to bus stop	DESIGN
2018	250,000	Continued improvements to bus stop	DESIGN
2019	200,000	Continued improvements to bus stop	DESIGN
2020	500,000	Change of financing for this project due to FTA funds; Continued improvements to bus stop	DESIGN
2022	1,000,000	Additional improvements to bus stops	AWAITING BOND AUTHORIZATION
Total	2,850,000		

BUS STOP IMPROVEMENTS II (T0056)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,450,000		2,450,000
Federal Funds	400,000		400,000
Total	2,850,000		2,850,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
216 21	350,000			350,000
220 21	1,100,000			1,100,000
Total	1,450,000			1,450,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$500,000 to finance capital project T0072 – Cerrato Bus Garage – Infrastructure and Site Improvements, Valhalla (2024-2028) (“T0072”). The Bond Act, which was prepared by the law firm Harris Beach, will finance the cost of planning for infrastructure and site improvements to the County’s Cerrato Bus Garage in Valhalla, including removal of underground gas, oil, anti-freeze storage tanks and rehabilitation to the parking lot, including drainage, lighting and upgrade of detention ponds.

The Department of Public Works and Transportation (“Department”) has advised that the above noted equipment and facilities are approaching the end of their useful life and are in need of replacement.

Following bonding authorization, design will be scheduled and is anticipated to take four to six months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take four to six months to complete and will begin after award and execution of the construction contracts.

It should be noted that the County Budget Department is submitting these bond acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

The Planning Department has advised your Committee that based on its review, T0072 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0072

☐ 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 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 112,502

Total Debt Service (Annual Cost x Term): \$ 562,510

Finance Department: Interest rates from October 10, 2023 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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/10/23


Reviewed By: 

Dr 10/11/23

Budget Director

Date: 10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T0072 CERRATO BUS GARAGE – INFRASTRUCTURE AND SITE
IMPROVEMENTS, VALHALLA (2024-2028)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-21-2023 (Unique ID: 2347)

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

- **617.5(c)(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: The current request is for design only.

DSK/sed

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
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 PLANNING FOR THE INFRASTRUCTURE AND SITE IMPROVEMENTS TO THE CERRATO BUS GARAGE IN VALHALLA; 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 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 (the "County"), NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$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 planning for the infrastructure and site improvements to the Cerrato Bus Garage in Valhalla, including removal of underground gas, oil, anti-freeze storage tanks and rehabilitation to the parking lot, including

drainage, lighting and upgrade of detention ponds; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$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 applicable to the specific object or purpose for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2ND) 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. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes

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

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

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

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

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

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

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

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

* * *

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 PLANNING FOR THE INFRASTRUCTURE AND SITE IMPROVEMENTS TO THE CERRATO BUS GARAGE IN VALHALLA; 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 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 planning for the infrastructure and site improvements to the Cerrato Bus Garage in Valhalla, including removal of underground gas, oil, anti-freeze storage tanks and rehabilitation to the parking lot, including drainage, lighting and upgrade of detention ponds; 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

Project ID:* T0072	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* CERRATO BUS GARAGE - INFRASTRUCTURE AND SITE IMPROVEMENTS, VALHALLA (2024- 2028)	Legislative District ID: 3
Category* TRANSPORTATION	Department:* AIRPORT/DOT	CP Unique ID: 2347

Overall Project Description

This project is a continuation of Capital Project T0070. Appropriations in this project will fund infrastructure and site improvements at the Cerrato Bus Garage in Valhalla.

- | | | |
|---|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	11,500	0	500	5,000	6,000	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	11,500	0	500	5,000	6,000	0	0	0

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

Current Bond Description: DESIGN for 1) Removal of underground gas, oil, anti-freeze storage tanks and replaced with above ground tanks and 2) Rehabilitate parking lot including drainage & lighting and upgrade of detention ponds

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

500,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-21-2023

Department of Public Works

RJB4

Date

08-22-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

RJB4

Date

08-29-2023

CERRATO BUS GARAGE - INFRASTRUCTURE AND SITE IMPROVEMENTS, VALHALLA (2024-2028) (T0072)

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	2024	2025	2026	2027	2028	Under Review
Gross	11,500			500	5,000	6,000			
Non County Share									
Total	11,500			500	5,000	6,000			

Project Description

This project is a continuation of Capital Project T0070. Appropriations in this project will fund infrastructure and site improvements at the Cerrato Bus Garage in Valhalla.

Current Year Description

The current year request funds the design of removal of underground storage tanks with replacement of above ground tanks, rehabilitation of parking and driveway areas including EV charging stations, and upgrade of detention ponds.

Current Year Financing Plan


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

Impact on Operating Budget

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

October 12, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **4 Bond Acts – 2024.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 16, 2023 Agenda.

Transmitted herewith for your review and approval are 4 Bond Acts to finance capital projects for 2024.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 16, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 6, 2023

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 \$20,800,000 to finance the following four (4) capital projects for 2024:

\$5,500,000	Serial Bonds for	Haulage Vehicle and Solid Waste Equipment Phase I (RD021)
\$800,000	Serial Bonds for	Heavy Equipment and Vehicle Replacement (SW034)
\$3,000,000	Serial Bonds for	Blind Brook WRRF Effluent Forcemain (SBB16)
\$11,500,000*	Serial Bonds for	Playland Pumping Station Rehabilitation (SBB95) *total amount includes \$6,000,000 previously authorized

It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

The Planning Department has advised that based on its review, the above-referenced capital projects may be classified as a “Type II” actions pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no 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 \$20,800,000 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

GL/HJG/jpg/nn
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”) which, if adopted, will authorize the County of Westchester (“County”) to issue up to \$5,500,000 in bonds of the County to finance capital project RD021 - Haulage Vehicle and Solid Waste Equipment (Phase VI) (“RD021”) for the Department of Environmental Facilities (“Department”) on behalf of Refuse Disposal District No. 1 (“District”).

The Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of replacement of vehicles and equipment for District facilities and transfer stations.

The Department has further advised your Committee that RD021 funds the purchase and replacement of vehicles and equipment including, but not limited to, solid waste compactors, solid waste haulage vehicles such as tractors, trailers, and specialized vehicles, recyclables processing equipment, solid waste containers, other heavy equipment, and related expenses for use by the District, including those that have reached the end of their useful life.

Upon receipt by the Department of bonding authorization, and subsequent consent to incur indebtedness of the State Comptroller, it is anticipated that the vehicle and equipment purchase(s) will be completed by the fourth quarter of 2024.

It should be noted that your Honorable Board has authorized the County to issue bonds for RD021 as indicated in the annexed fact sheet.

The Department has advised that the Department, acting in its capacity as the County’s Solid Waste Agency (“Agency”), on behalf of the District, will separately seek the approval of your Honorable Board for an increase and improvement to facilities through separate submission of the 2023 Solid Waste Agency Report and, pursuant to New York State County Law § 268, seek consent for indebtedness from the New York State Comptroller.

It should be noted that obligations authorized by the proposed Bond Act shall neither be issued, nor may any related expenditure be made until the District has received New York State Comptroller approval.

The County Budget Department is submitting the proposed Bond Act to your Honorable Board simultaneously with the proposed 2024 Capital Budget so that the referenced project will be ready to proceed without delay following the District's anticipated receipt of New York State Comptroller consent in early 2024.

The Planning Department has advised your Committee that based on its review, RD021 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD021

☐ 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 \$ 5,500,000 PPU 10 Anticipated Interest Rate 3.58%

Anticipated Annual Cost (Principal and Interest): \$ 667,789

Total Debt Service (Annual Cost x Term): \$ 6,677,890

Finance Department: Interest rates from October 10, 2023 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: 60

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 


Dr 10/11/23

Budget Director

Date:

10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD021 Haulage Vehicle And Solid Waste Equipment Phase VI**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-21-2023 (Unique ID: 2353)

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

- **617.5(c)(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
Dianne Vanadia, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the 2024 fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

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. For the class of objects or purposes of financing the purchase and replacement of haulage vehicles and solid waste equipment for the material recovery facilities and transfer stations of the County's Refuse Disposal District No. 1, including but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, solid waste containers, and incidental expenses in connection therewith, there are hereby authorized to be issued \$5,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To

the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the 2024 Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$5,500,000, and that the plan for the financing thereof is by the issuance of the \$5,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision six of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner

of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and

collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, may take effect immediately, shall nonetheless be of no force or effect until January 1, 2024, and shall, when it takes effect, be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to the County's Refuse Disposal District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 20__

STATE OF NEW YORK)
) ss.:
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 _____, 20__,
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 said meeting was (i) open to the general public pursuant to
Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the
Public Officers Law.

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 given to the following newspapers and/or other news
media as follows:

Newspaper and/or other news media

Date given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 20__.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

class of objects or purposes: purchase and replacement of haulage vehicles and solid waste equipment for the material recovery facilities and transfer stations of the County's Refuse Disposal District No. 1

period of probable usefulness: ten years

amount of obligations to be issued: \$5,500,000

Dated: _____, 20__
White Plains, New York

Clerk of the County Board of
Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* RD021	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* REFUSE DISPOSAL	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2353

Overall Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, bulldozers, compactors, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

- | | | |
|--|--|--|
| <input 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	2024	2025	2026	2027	2028	Under Review
Gross	22,550	7,050	5,500	2,500	2,500	2,500	2,500	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,550	7,050	5,500	2,500	2,500	2,500	2,500	0

Expended/Obligated Amount (in thousands) as of: 6,032

Current Bond Description: In order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site, the County must replace vital MRF and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,500,000
Cash:	0
Total:	<u>\$ 5,500,000</u>

SEQR Classification:

TYPE II

Amount Requested:

5,500,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|--|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	1,000,000	FUNDS THE CONTINUATION OF THIS PROJECT
2022	4,050,000	CONTINUATION OF VEHICLE PURCHASE AND REPLACEMENT OF MFR EQUIPMENT
2023	1,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

7,050,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	210	3,800,000		0 HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI

Total Financing History:

3,800,000

Recommended By:**Department of Planning**

MLLL

Date

08-21-2023

Department of Public Works

RJB4

Date

08-21-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

JWBA

Date

08-23-2023

HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI (RD021)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ;

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	2024	2025	2026	2027	2028	Under Review
Gross	22,550	7,050	6,069	5,500	2,500	2,500	2,500	2,500	
Non County Share									
Total	22,550	7,050	6,069	5,500	2,500	2,500	2,500	2,500	

Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, bulldozers, compactors, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

Current Year Description

The current year request funds continuation of this project and includes compactors at the White Plains and Mt. Vernon Transfer Stations.

Current Year Financing Plan

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

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2020	1,000,000	Funds this project	COMPLETE
2021	1,000,000	Funds the continuation of this project	COMPLETE
2022	4,050,000	Continuation of vehicle purchase and replacement of MFR equipment	COMPLETE
2023	1,000,000	Continuation of this project	IN PROGRESS
Total	7,050,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,800,000		3,800,000
Funds Revenue	3,250,000	3,250,000	
Total	7,050,000	3,250,000	3,800,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
210 21	3,800,000			3,800,000
Total	3,800,000			3,800,000

**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 bonding legislation (the “Bond Act”) in the amount of \$800,000 to finance capital project SW034 – Heavy Equipment and Vehicle Replacement, for 2024. The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund the replacement of heavy equipment, such as dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks and other miscellaneous heavy equipment that is reaching the end of its useful life.

The Department of Environmental Facilities (the “Department”) has advised that it needs to maintain a fleet of vehicles and equipment to operate the County’s sewer districts in a safe and efficient manner and provide for a systematic replacement of the equipment as needed. Replacing the equipment at the end of its useful life with newer more efficient equipment will help save maintenance and manpower costs and protect the environment, as required by State and Federal regulations.

Upon receipt by the Department of bonding authorization, it is anticipated that the vehicle and equipment purchase(s) will be completed by the end of the 4th quarter of 2024.

Your Committee is advised that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2024 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 2024.

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

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

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

c/jpg/8.24.23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SW034

☐ 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 10 Anticipated Interest Rate 3.58%

Anticipated Annual Cost (Principal and Interest): \$ 97,133

Total Debt Service (Annual Cost x Term): \$ 971,330

Finance Department: Interest rates from October 10, 2023 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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 

DV 10/16/23

Budget Director

Date: 10/16/23

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

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

DATE: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SW034 HEAVY EQUIPMENT AND VEHICLE REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-21-2023 (Unique ID: 2354)

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

- **617.5(c)(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
Dianne Vanadia, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HEAVY EQUIPMENT AND VEHICLES, INCLUDING DUMP TRUCKS, FLATBED TRAILERS, TANKERS, GARBAGE TRUCKS, SEWER JET TRUCKS, PORTABLE PUMPS AND GENERATORS, AND OTHER MISCELLANEOUS HEAVY EQUIPMENT, FOR USE IN MAINTAINING THE FACILITIES OF THE COUNTY'S SANITARY SEWER DISTRICTS, IN AND FOR SAID COUNTY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of the acquisition of heavy equipment, including dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment, for use in maintaining the facilities of the County's Sanitary Sewer Districts, each item of which costs more than \$15,000, in and for the County, including incidental expenses in connection therewith, there are hereby authorized to be issued \$800,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent

that the details of the aforesaid class of objects or purposes set forth in this Bond 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 to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$800,000, and that the plan for the financing thereof is by the issuance of the \$800,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class shall cost more than \$15,000.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook, Bronx Valley, Central Yonkers, Hutchinson Valley, Mamaroneck Valley, New Rochelle, North Yonkers, Saw Mill Valley, Upper Bronx, Ossining, Peekskill and Port Chester Sanitary Sewer Districts, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90

of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, in the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a

designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act 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
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, may take effect immediately, shall nonetheless

be of no force or effect until January 1, 2024, and shall, when it takes effect, be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 20__

STATE OF NEW YORK)
) ss.:
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 _____, 20__, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 20__.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HEAVY EQUIPMENT AND VEHICLES, INCLUDING DUMP TRUCKS, FLATBED TRAILERS, TANKERS, GARBAGE TRUCKS, SEWER JET TRUCKS, PORTABLE PUMPS AND GENERATORS, AND OTHER MISCELLANEOUS HEAVY EQUIPMENT, FOR USE IN MAINTAINING THE FACILITIES OF THE COUNTY'S SANITARY SEWER DISTRICTS, IN AND FOR SAID COUNTY.

object or purpose:	the acquisition of heavy equipment, including dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment to maintain the facilities of the County's Sanitary Sewer Districts.
--------------------	---

period of probable usefulness:	ten years
--------------------------------	-----------

amount of obligations to be issued:	\$800,000
-------------------------------------	-----------

Dated: _____, 2024
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SW034	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* HEAVY EQUIPMENT AND VEHICLE REPLACEMENT	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2354

Overall Project Description

This project provides for the replacement of heavy equipment such as dump trucks, flat bed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and miscellaneous heavy equipment for use in all the sewer districts.

- | | | |
|--|--|--|
| <input 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	2024	2025	2026	2027	2028	Under Review
Gross	5,600	0	800	0	800	0	1,000	3,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,600	0	800	0	800	0	1,000	3,000

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

Current Bond Description: The Department must maintain a fleet of equipment to operate the sewer districts in a safe and efficient manner. This is necessary to keep its equipment in a state of good repair in order to continue to adequately protect the environment, as required by State and Federal Regulations.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

800,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|--|

Comments:

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-21-2023

Department of Public Works

RJB4

Date

08-21-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

JWBA

Date

08-23-2023

HEAVY EQUIPMENT AND VEHICLE REPLACEMENT (SW034)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

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	2024	2025	2026	2027	2028	Under Review
Gross	5,600			800		800		1,000	3,000
Non County Share									
Total	5,600			800		800		1,000	3,000

Project Description

This project provides for the replacement of heavy equipment such as dump trucks, flat bed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and miscellaneous heavy equipment for use in all the sewer districts.

Current Year Description

The current year request funds heavy equipment replacement.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	800,000			800,000

Impact on Operating Budget

The impact on the District 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 bonding legislation (the “Bond Act”) in the amount of \$3,000,000 to finance capital project SBB16 – Blind Brook WRRF Effluent Forcemain, for 2024. The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund design and construction management associated with the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. The Department of Environmental facilities has advised that design funding will be used to evaluate the condition of the pipe, assess options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and to develop a preliminary budget.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

Your Committee is advised that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2024 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 2024.

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

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

Dated: _____, 2023
White Plains, New York

c/jpg/8.24.23

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB16

☐ 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 \$ 3,000,000 PPU 5 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 675,012

Total Debt Service (Annual Cost x Term): \$ 3,375,060

Finance Department: Interest rates from October 10, 2023 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: 33

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23


Reviewed By: 

DV 10/11/23

Budget Director

Date: 10/11/23

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

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

DATE: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBB16 BLIND BROOK WRRF EFFLUENT FORCEMAIN**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-22-2023 (Unique ID: 2355)

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

- **617.5(c)(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: The current request is for design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF THE DUCTILE IRON OUTFALL PIPE AT THE BLIND BROOK WASTEWATER RESOURCE RECOVERY FACILITY IN AND FOR THE COUNTY'S BLIND BROOK SANITARY SEWER DISTRICT.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of design and construction management for the rehabilitation or replacement of the ductile iron outfall pipe at the Blind Brook Wastewater Resource Recovery Facility, there are hereby authorized to be issued \$3,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this Bond 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 to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$3,000,000, and that the plan for the financing thereof is by the issuance of the \$3,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile

of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, in the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be

determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act 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
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, may take effect immediately, shall nonetheless be of no force or effect until January 1, 2024, and shall, when it takes effect, be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with

a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 20__

STATE OF NEW YORK)
) ss.:
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 _____, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 20__.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF THE DUCTILE IRON OUTFALL PIPE AT THE BLIND BROOK WASTEWATER RESOURCE RECOVERY FACILITY IN AND FOR THE COUNTY'S BLIND BROOK SANITARY SEWER DISTRICT.

object or purpose:	design and construction management costs for the rehabilitation or replacement of the ductile iron outfall pipe at the Blind Brook Wastewater Recovery Facility in and for the County's Blind Brook Sanitary Sewer District
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period of probable usefulness:	five years
--------------------------------	------------

amount of obligations to be issued:	\$3,000,000
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Dated: _____, 2024
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SBB16	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* BLIND BROOK WRRF EFFLUENT FORCEMAIN	Legislative District ID: 3, 7, 6, 4,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2355

Overall Project Description

This project will fund the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. Design funding will evaluate the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget.

- | | | |
|--|--|--|
| <input 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	2024	2025	2026	2027	2028	Under Review
Gross	28,000	0	3,000	25,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	28,000	0	3,000	25,000	0	0	0	0

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

Current Bond Description: This request is to fund the design and construction management for this project. Work will include the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe. The pipe is reaching the end of its useful life and needs to be rehabilitated or replaced. The Department is required to keep its water and wastewater treatment equipment in a state of good repair, in accordance with State and Federal regulations.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,000,000
Cash:	0
Total:	\$ 3,000,000

SEQR Classification:

TYPE II

Amount Requested:

3,000,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-22-2023

Department of Public Works
RJB4

Date
08-22-2023

Budget Department
DEV9

Date
08-23-2023

Requesting Department
JWBA

Date
08-23-2023

BLIND BROOK WRRF EFFLUENT FORCEMAIN (SBB16)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	28,000			3,000	25,000				
Non County Share									
Total	28,000			3,000	25,000				

Project Description

This project will fund the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. Design funding will evaluate the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget.

Current Year Description

The current year request funds design and construction management.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	3,000,000			3,000,000

Impact on Operating Budget

The impact on the District 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 an amended bond act (the “Amended Bond Act”) in the total amount of \$11,500,000, which includes \$6,000,000 in previously authorized bonds of the County, to finance capital project SBB95 – Playland Pumping Station Rehabilitation, for 2024.

Your Committee is advised that the Amended Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will provide an additional \$5,500,000 in construction funding for the rehabilitation of the Playland Pumping Station. The work under this project includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. Flood hazard mitigation will also be addressed as recommended in a prior Vulnerability Assessment Study, including the installation of a flood wall, water tight flood doors, hatches, stop logs, and sealing building penetrations.

Your Committee is advised that design is currently underway by consultants and is expected to be completed by the end of the 4th quarter of 2024. It is anticipated that construction will take approximately twenty-one (21) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance project SBB95, as follows: Bond Act No. 116-2022 in the amount of \$6,000,000 which financed the costs of design, construction management and construction for the rehabilitation of the Playland Pumping Station. No bonds were issued under Bond Act No. 116-2022. Authority is now requested to amend Bond Act No. 116-2022 to increase construction funding by an additional \$5,500,000, for a total authorized amount, as amended, of \$11,500,000.

Your Committee is advised that the County Budget Department is submitting this Amended Bond Act to your Honorable Board simultaneously with the proposed 2024 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 2024.

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

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

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

c/jpg/9.05.23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB95

☐ 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 \$ 11,500,000 PPU 30 Anticipated Interest Rate 4.32%

Anticipated Annual Cost (Principal and Interest): \$ 651,269

Total Debt Service (Annual Cost x Term): \$ 19,538,070

Finance Department: Interest rates from October 10, 2023 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: 125

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23


Reviewed By: 

Budget Director

Date: 10/11/23

10/11/23

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

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

DATE: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBB95 PLAYLAND PUMPING STATION REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-30-23 (Unique ID: 2356)

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

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

COMMENTS: Note that a prior SEQR memorandum was prepared for the original project, dated June 15, 2022.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 116-2022, WHICH AUTHORIZED THE ISSUANCE OF \$6,000,000 BONDS TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE PLAYLAND PUMPING STATION IN AND FOR THE BLIND BROOK SEWER DISTRICT, IN AND FOR SAID COUNTY, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$11,500,000 (AN INCREASE OF \$5,500,000) FOR SAID PURPOSE.

WHEREAS, this Board, pursuant to Act No. 116-2022 dated September 12, 2022, previously authorized the issuance of \$6,000,000 bonds to pay the costs of design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, in and for the County's Blind Brook Sewer District; and

WHEREAS, no obligations have been issued under Act No. 116-2022; and

WHEREAS, it has now been determined that the estimated maximum cost and amount of bonds authorized thereof should now be \$11,500,000 an increase of \$5,500,000; and

WHEREAS, \$11,500,000 has been appropriated in the Capital Budget of the County for the aforesaid specific object or purpose; and

WHEREAS, the cost of said specific object or purpose shall be specially assessed against properties in the County's Blind Brook Sewer District, which are specially benefitted by said specific object or purpose; and

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 entitled

ACT NO. 116 - 2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN,

CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE PLAYLAND PUMPING STATION IN AND FOR THE BLIND BROOK SEWER DISTRICT, IN AND FOR SAID COUNTY.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE PLAYLAND PUMPING STATION IN AND FOR THE BLIND BROOK SEWER DISTRICT, IN AND FOR SAID COUNTY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For the specific object or purpose of financing design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, including but not limited to the replacement or repair of mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood hazard mitigation, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$11,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the

aforesaid specific object or purpose set forth in this Bond 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 to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a

facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local

Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the

manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments 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 actions taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Bond Act, which, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, may take effect immediately, shall nonetheless be of no force or effect until January 1, 2024, and shall, when it takes effect, be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 20__

STATE OF NEW YORK)
) ss.:
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 _____, 20__, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 20__.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE 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 (the "County"), 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 for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 116-2022, WHICH PROVIDED FOR THE ISSUANCE OF \$6,000,000 BONDS TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE PLAYLAND PUMPING STATION IN AND FOR THE BLIND BROOK SEWER DISTRICT, IN AND FOR SAID COUNTY, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$11,500,000 (AN INCREASE OF \$5,500,000) FOR SAID PURPOSE.

object or purpose:	design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, including but not limited to the replacement or repair of mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood hazard mitigation, in and for the County's Blind Brook Sewer District
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period of probable usefulness:	thirty years
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amount of obligations to be issued:	\$11,500,000
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Dated: _____, 2024
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York



CAPITAL PROJECT FACT SHEET

Project ID:* SBB95	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* PLAYLAND PUMPING STATION REHABILITATION	Legislative District ID: 3, 7, 6, 4,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2356

Overall Project Description

The project will rehabilitate the Playland Pumping Station in the Blind Brook Sewer District.

- | | | |
|--|--|--|
| <input 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	2024	2025	2026	2027	2028	Under Review
Gross	11,500	6,000	5,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	11,500	6,000	5,500	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 2,152

Current Bond Description: This request is for additional construction funds, for the rehabilitation of the Playland Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. Flood Hazard Mitigation will also be addressed as recommended in a prior Vulnerability Assessment Study, including the installation of a flood wall, water tight flood doors, hatches, and stop logs; sealing building penetrations.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,500,000
Cash:	0
Total:	\$ 5,500,000

SEQR Classification:

TYPE II

Amount Requested:

5,500,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	6,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

6,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
22	116	6,000,000		0 PLAYLAND PUMPING STATION REHABILITATION

Total Financing History:

6,000,000

Recommended By:**Department of Planning**

MLLL

Date

08-30-2023

Department of Public Works

RJB4

Date

08-30-2023

Budget Department

DEV9

Date

08-31-2023

Requesting Department

JWBA

Date

08-31-2023

PLAYLAND PUMPING STATION REHABILITATION (SBB95)

User Department : Environmental Facilities

Managing Department(s) : Parks, Recreation & Conservation ; 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	2024	2025	2026	2027	2028	Under Review
Gross	11,500	6,000	2,152	5,500					
Non County Share									
Total	11,500	6,000	2,152	5,500					

Project Description

The project will rehabilitate the Playland Pumping Station in the Blind Brook Sewer District.

Current Year Description

The current year request funds additional construction costs.

Current Year Financing Plan

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

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2022	6,000,000	Design, construction and construction management	DESIGN
Total	6,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,000,000		6,000,000
Total	6,000,000		6,000,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
116 22	6,000,000			6,000,000
Total	6,000,000			6,000,000

Memorandum

Office of the County Executive
Michaelian Office Building

October 12, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive



RE: Message Requesting Immediate Consideration: **3 Bond Acts – 2024.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 16, 2023 Agenda.

Transmitted herewith for your review and approval are 3 Bond Acts to finance capital projects for 2024.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 16, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

October 6, 2023

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 bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds to finance the following recreation capital projects for 2024:

\$1,100,000	Serial Bonds for	RGP15	General Infrastructure - Fuel Tank Replacement (2024 - 2028)
		RGP16	General Infrastructure - Roofing Systems (2024 - 2028)
\$13,650,000 (\$50,000 decrease)	Serial Bonds for	BPL36 T0073 T0047 RCC17 RBR07 B015E RB180 RB04A BCR50 BCR62	Amendment of bundled bond act to remove a \$50,000 portion of the design bond authorization for RCC17- County Center Facility Improvements
\$10,050,000	Serial Bonds for	RCC17	County Center Facility Improvements

It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2024 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 2024.

It should be further noted that some of the proposed Bond Acts authorize 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

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestercountyny.gov
Telephone: (914)995-2900

westchestergov.com

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 that it has reviewed each of the above projects in accordance with the annexed SEQR documentation and advised that based on its review, the above-referenced projects may be classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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 over the word "Sincerely,".

George Latimer
County Executive

Attachments

References RGP15, RGP16

**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 \$1,100,000 to authorize the County of Westchester (the “County”) to finance the following two (2) capital projects:

RGP15 - General Infrastructure – Fuel Tank Replacement (2024-2028)

RGP16 - General Infrastructure – Roofing Systems (2024-2028)

Your Committee is advised that the Bond Act, prepared by the law firm of Harris Beach PLLP, would authorize the County to issue bonds in the total amount of \$1,100,000 to finance the study, design, construction management and construction associated with the following projects required by the Department of Parks, Recreation and Conservation (“Department”), including:

- (i) Removal and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glenn Island Park, Muscoot Farm, Sprain Ridge Golf Course and other County parks. This study will consider the potential for transitioning to alternative energy infrastructure where possible and practical.
- (ii) Repair and/or replacement of existing roofs and associated building renovations and site work at the Lenoir Preserve (Maintenance Garage), Macy Park (Astapycyk Residence), Croton Point Park (Recreation Hall) and other building roofs in the County Park System.

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 – DPW REMOVAL, REPAIR AND/OR REPLACEMENT PROJECTS

Cap ID	Project	Anticipated Amount	Design Assignment	Time Frame (Months)	
				Design	Const
RGP15	Fuel Tank Replacement (2024-2028)	\$600,000	Staff and Consultant	8 months	12 months
RGP16	Roofing Systems (2024-2028)	\$500,000	Staff and Consultant	8 months	12 months
Total:		\$1,100,000			

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.

Your Committee is further advised that the County Budget Department is submitting the proposed Bond Act to your Honorable Board simultaneously with the proposed 2024 Capital Budget. It is the County's goal to submit the proposed Bond Act now so that the referenced projects will be ready to proceed without delay in early 2024.

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

It should be noted that an affirmative vote of two-thirds of the members of your

Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____
White Plains, New York

cmc/09.28.2023

COMMITTEE ON

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

RGP15 portion of RGP15 & RGP16

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 600,000 PPU 30 Anticipated Interest Rate 4.32%

Anticipated Annual Cost (Principal and Interest): \$ 33,979

Total Debt Service (Annual Cost x Term): \$ 1,019,370

Finance Department: Interest rates from October 10, 2023 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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 

09/10/23

Budget Director


Date:

12/1/23

Westchester County

Memorandum Department of Planning

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGP15 General Infrastructure – Fuel Tank Replacement (2024-2028)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-30-2023 (Unique ID: 2363)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **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: The initial work involves a study of existing fuel tanks at park facilities, which may be classified as Type II. Subsequent work will involve the design and construction for the replacement of existing fuel storage and dispensing systems to meet current regulations and policies, including bringing underground tanks above ground in the same vicinity or within the developed areas of an existing maintenance yard, which may also be classified as Type II. However, any work involving construction in new or undeveloped areas or involving new off-site infrastructure would require further environmental review prior to authorizing construction.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Blanca Lopez, Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

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

RGP16 portion of RGP15 & RGP16

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 500,000 PPU 15 Anticipated Interest Rate 3.79%

Anticipated Annual Cost (Principal and Interest): \$ 44,093

Total Debt Service (Annual Cost x Term): \$ 661,395

Finance Department: Interest rates from October 10, 2023 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

Prepared by: Dianne VanadiaTitle: Associate Budget DirectorDepartment: BudgetDate: 10/7/23Reviewed By: 


Budget Director

Date: 10/11/23



Memorandum
Department of Planning

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGP16 General Infrastructure – Roofing Systems (2024-2028)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-30-2023 (Unique ID: 2364)

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

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

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Blanca Lopez, Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

REFERENCES RGP15 and RGP16

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF GENERAL INFRASTRUCTURE IMPROVEMENTS FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 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, \$1,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of general infrastructure improvements for the Department of Parks, Recreation & Conservation, including (a) the study, design, construction management, and construction associated with the removal,

and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glenn Island Park, Muscoot Farm, Sprain Ridge Golf Course and other County Parks (Project ID RGP15), at the estimated maximum cost of \$600,000 and (b) the design, construction management, and construction associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Lenoir Preserve (Maintenance Garage), Macy Park (Astapycyk Residence), Croton Point Park (Recreation Hall) and other building roofs in the County Park System (Project ID RGP16), at the estimated maximum cost of \$500,000, 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 \$1,100,000. The plan of financing includes the issuance of \$1,100,000 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 following additional matters are hereby determined and stated:

(a) The period of probable usefulness applicable to the specific objects or purposes for which \$600,000 bonds authorized by Section 1(a) in this resolution are to be issued, within the limitations of Section 11.00 a. 5 of the Local Finance Law, is thirty (30) years.

(b) The period of probable usefulness applicable to the specific objects or purposes for which \$500,000 bonds authorized by Section 1(b) in this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Local Finance 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 \$1,100,000. 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 \$1,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF GENERAL INFRASTRUCTURE IMPROVEMENTS FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 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 general infrastructure improvements for the Department of Parks, Recreation & Conservation, including (a) the study, design, construction management and construction associated with the removal, and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glenn Island Park, Muscoot Farm, Sprain Ridge Golf Course and other County Parks (Project ID RGP15), at the estimated maximum cost of \$600,000 and (b) the design, construction management and construction associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Lenoir Preserve (Maintenance Garage), Macy Park (Astapycyk Residence), Croton Point Park (Recreation Hall) and other building roofs in the County Park System (Project ID RGP16), at the estimated maximum cost of \$500,000; 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:

(a) \$600,000 for thirty (30) years and (b) \$500,000 for
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

Project ID:* RGP15	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* GENERAL INFRASTRUCTURE-FUEL TANK REPLACEMENT (2024-2028)	Legislative District ID:
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2363

Overall Project Description

This project includes study and assessment of the existing fuel storage system, testing of all fuel tanks, providing corrective measures and/or replacement as required to meet NYS DEC regulations. The study will also consider the potential for transitioning to alternative energy infrastructure where possible and practical.

- | | | |
|---|---|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	2,600	0	600	500	500	500	500	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,600	0	600	500	500	500	500	0

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

Current Bond Description: Funding is requested for the study, design, construction management and construction associated with the removal, and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glenn Island Park, Muscote Farm, Sprain Ridge Golf Course and other County Parks.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	600,000
Cash:	0
Total:	\$ 600,000

SEQR Classification:

TYPE II

Amount Requested:

600,000

Expected Design Work Provider:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|--|---|

Comments:**Energy Efficiencies:**

THE STUDY WILL CONSIDER THE POTENTIAL FOR TRANSITIONING TO ALTERNATIVE ENERGY INFRASTRUCTURE WHERE POSSIBLE AND PRACTICAL.

Total Financing History:

0

Recommended By:**Department of Planning**

MLLL

Date

08-30-2023

Department of Public Works

RJB4

Date

08-30-2023

Budget Department

DEV9

Date

08-31-2023

Requesting Department

RCL3

Date

09-01-2023

CAPITAL PROJECT FACT SHEET

Project ID:* RGP16	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* GENERAL INFRASTRUCTURE - ROOFING SYSTEMS (2024-2028)	Legislative District ID:
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2364

Overall Project Description

This project is repair and/or replace various existing building roofs in the County Park System.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	2,500	0	500	500	500	500	500	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,500	0	500	500	500	500	500	0

Expended/Obligated Amount (in thousands) as of : 500

Current Bond Description: Funding is requested for design, construction management and construction associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Lenoir Preserve (Maintenance Garage), Macy Park (Astapycyk Residence), Croton Point Park (Recreation Hall) and other building roofs in the County Park System.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

500,000

Expected Design Work Provider:

☒ County Staff ☒ Consultant ☐ Not Applicable

Comments:**Energy Efficiencies:****Total Financing History:**

0

Recommended By:**Department of Planning**

MLLL

Date

08-30-2023

Department of Public Works

RJB4

Date

08-30-2023

Budget Department

DEV9

Date

08-31-2023

Requesting Department

RCL3

Date

09-01-2023

GENERAL INFRASTRUCTURE-FUEL TANK REPLACEMENT (2024-2028) (RGP15)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	2024	2025	2026	2027	2028	Under Review
Gross	2,600			600	500	500	500	500	
Non County Share									
Total	2,600			600	500	500	500	500	

Project Description

This project includes study and assessment of the existing fuel storage system, testing of all fuel tanks, providing corrective measures and/or replacement as required to meet NYS DEC regulations. The study will also consider the potential for transitioning to alternative energy infrastructure where possible and practical.

Current Year Description

The current year request funds study of the existing fuel storage system, and addressing fuel storage tanks at Muscoot Farm and Playland Amusement Park.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	600,000			600,000

Impact on Operating Budget

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

GENERAL INFRASTRUCTURE - ROOFING SYSTEMS (2024-2028) **(RGP16)**

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	2024	2025	2026	2027	2028	Under Review
Gross	2,500			500	500	500	500	500	
Non County Share									
Total	2,500			500	500	500	500	500	

Project Description

This project is repair and/or replace various existing building roofs in the County Park System.

Current Year Description

The current year request funds the design and construction of roofs at Lenoir Preserve, Glen Island Park, V.E. Macy Park and other building roofs.

Current Year Financing Plan

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

Impact on Operating Budget

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

References BPL36, T0073, T0047, RCC17,
RBR07,B015E,RB180, RB04A,
BCR50,BCR62
Bond Act Amendment for RCC17

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) of the County of Westchester (“County”) authorizing amendment to prior Bond Act No. 219-2021 to remove a \$50,000 portion of the authorization allocable to components of Capital Project RCC17 – County Center Facility Improvements (“RCC17”), and to decrease the authorization of said Bond Act No. 219-2021 attributable to RCC17 by \$50,000, to a new total decreased authorization of \$13,650,000.

The Department of Parks, Recreation and Conservation (“Department”) has advised your Committee that the County Center roof is in poor condition and in need of replacement. The existing roof is leaking in several places and has exceeded its life expectancy. RCC17 will fund the complete roof replacement and underlayment including roof deck repairs, waterproofing, stucco wall repairs, eaves, gutters and downspouts, and all other associated building renovations. The Department has advised that this infrastructure repair is critical to the safe operation of the park facility.

Design is currently being undertaken by in-house staff and is expected to be completed by the first quarter of 2024. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds in connection with RCC17 as indicated in the annexed fact sheet and as follows: Bond Act No. 219-2021, in relevant part, authorized the County to issue bonds to finance design and construction management for restoration and modification of the County Center. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 219-2021 be amended to decrease the amount authorized and attributable to RCC17 by \$50,000, for a total authorized amount, as amended, of \$13,650,000.

A separate, concurrent requests seeks approval of a Bond Act to authorize the County to issue bonds to finance design and construction for RCC17 in the total amount of \$10,050,000, which includes the \$50,000 authorization proposed to be removed from Bond Act No. 219-2021.

Your Committee is advised that as was initiated last year, the County Budget Department is submitting this Design and Construction to your Honorable Board simultaneously with the proposed 2024 Capital Budget. It is the County's goal to submit this Amended Bond Act now so that the referenced projects will be ready to proceed without delay in early 2024.

The Planning Department has advised your Committee that based on its review, RCC17 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

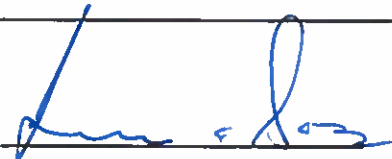
Your Committee has carefully considered the Amended Bond Act, and recommends approval of the Amended Bond Act. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT


213

CAPITAL PROJECT #: _____		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations <input type="checkbox"/> Capital Budget Amendment	
amend Act 219-21 BPL36, T0073, T0047, RCC17, RBR07, B015E, RB180, RB04A, BCR50, BCR62			
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 13,650,000	PPU 5	Anticipated Interest Rate 3.59%
Anticipated Annual Cost (Principal and Interest):		\$ 3,071,306	
Total Debt Service (Annual Cost x Term):		\$ 15,356,530	
Finance Department: Interest rates from October 10, 2023 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:		148	
Prepared by:	Dianne Vanadia		
Title:	Associate Budget Director		
Department:	Budget		
Date:	10/7/23		
		Reviewed By:	 Budget Director
		Date:	10/11/23 10/11/23



Memorandum
Department of Planning

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RCC17 COUNTY CENTER FACILITY IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-30-2023 (Unique ID: 2365)

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

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

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

References BPL36, T0073, T0047, RCC17,
RBR07,B015E,RB180, RB04A,
BCR50,BCR62
Bond Act Amendment for RCC17

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

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The Department of Parks, Recreation and Conservation (“Department”) has advised your Committee that the County Center roof is in poor condition and in need of replacement. The existing roof is leaking in several places and has exceeded its life expectancy. RCC17 will fund the complete roof replacement and underlayment including roof deck repairs, waterproofing, stucco wall repairs, eaves, gutters and downspouts, and all other associated building renovations. The Department has advised that this infrastructure repair is critical to the safe operation of the park facility.

Design is currently being undertaken by in-house staff and is expected to be completed by the first quarter of 2024. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds in connection with RCC17 as indicated in the annexed fact sheet and as follows: Bond Act No. 219-2021, in relevant part, authorized the County to issue bonds to finance design and construction management for restoration and modification of the County Center. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 219-2021 be amended to decrease the amount authorized and attributable to RCC17 by \$50,000, for a total authorized amount, as amended, of \$13,650,000.

A separate, concurrent requests seeks approval of a Bond Act to authorize the County to issue bonds to finance design and construction for RCC17 in the total amount of \$10,050,000, which includes the \$50,000 authorization proposed to be removed from Bond Act No. 219-2021.

Your Committee is advised that as was initiated last year, the County Budget Department is submitting this Design and Construction to your Honorable Board simultaneously with the proposed 2024 Capital Budget. It is the County's goal to submit this Amended Bond Act now so that the referenced projects will be ready to proceed without delay in early 2024.

The Planning Department has advised your Committee that based on its review, RCC17 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

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

amend Act 219-21 BPL36, T0073, T0047, RCC17, RBR07, B015E, RB180, RB04A, BCR50, BCR62

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 13,650,000 PPU 5 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 3,071,306

Total Debt Service (Annual Cost x Term): \$ 15,356,530

Finance Department: Interest rates from October 10, 2023 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: 148

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23


Reviewed By: 

Date: 10/11/23

Budget Director

10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RCC17 COUNTY CENTER FACILITY IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-30-2023 (Unique ID: 2365)

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

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

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

REFERENCE BPL36
T0073
T0047
RCC17
RBR07
B015E
RB180
RB04A
BCR50
BCR62

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT 219-2021 ADOPTED DECEMBER 7, 2021, IN RELATION TO THE PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING VARIOUS CAPITAL PURPOSES IN AND FOR THE COUNTY, AT THE MAXIMUM ESTIMATED COST OF \$16,950,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$13,700,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for various capital purposes in and for the County, pursuant to Act No. 219-2021 duly adopted on December 7, 2021; and

WHEREAS, \$50,000 of such amount was authorized for the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the replacement of the County Center roof and associated building renovations; and

WHEREAS, such \$50,000 has been or will be authorized pursuant to another Bond Act authorizing the planning, construction and construction management associated with the replacement of the roof and other associated building renovations of the County Center Building and that it is necessary to reduce the amount of bonds Authorized pursuant to Bond Act 219-2021, now therefore

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 7, 2021, entitled:

“ACT NO. 219-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING VARIOUS CAPITAL PURPOSES IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$17,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE EXPENDITURE OF \$3,300,000 GRANT FUNDS EXPECTED TO BE RECEIVED AND THE ISSUANCE OF \$13,700,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS

are hereby amended and consolidated to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,650,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING VARIOUS CAPITAL PURPOSES IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE EXPENDITURE OF \$3,300,000 GRANT FUNDS EXPECTED TO BE RECEIVED AND THE ISSUANCE OF \$13,650,000 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, \$13,650,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance a portion of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning various capital purposes in and for the County, to wit: campus wide site improvements at the Valhalla Complex, the electrification of the County's two mass transit bus garages, design and engineering services for the replacement of the HVAC system at the Cerrato maintenance facility, design for the restoration and modification of the County Center, design for the reconstruction of the Bronx River Pathway, design associated with the replacement of chillers, ice storage system and related work at the Michaelian Office Building, design associated with the rehabilitation of approximately 5.57 miles of Central Avenue from the Bronx/Westchester line to the NYS Thruway bridge and the rehabilitation of the Central Avenue access ramps to and from Palmer Road, a distance of approximately 0.38 miles, study and preliminary design to determine options and associated costs for the replacement of the Broad Street viaduct over the Bronx River Parkway, design for a stand-alone building to replace the existing infirmary at the County Jail, and design to rehabilitate or replace elevators for the Corrections Department; 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 \$16,950,000. The plan of financing includes the expenditure of \$3,000,000 expected to be received from ConEd and \$300,000 expected to be received from the New York Power Authority (collectively, the "Grant Funds") and the issuance of \$13,650,000 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 class of objects or purposes for which said \$13,650,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) 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 total amount of \$13,650,000. 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 \$16,950,000 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 not earlier than January 1, 2024 and 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 not earlier than January 1, 2024 and 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 7, 2021 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 \$13,650,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING VARIOUS CAPITAL PURPOSES IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE EXPENDITURE OF \$3,300,000 GRANT FUNDS EXPECTED TO BE RECEIVED AND THE ISSUANCE OF \$13,650,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 7, 2021 and amended on _____, 20____)

object or purpose: to finance a portion of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning various capital purposes in and for the County, to wit: campus wide site improvements at the Valhalla Complex, the electrification of the County's two mass transit bus garages, design and engineering services for the replacement of the HVAC system at the Cerrato maintenance facility, design for the restoration and modification of the County Center, design for the reconstruction of the Bronx River Pathway, design associated with the replacement of chillers, ice storage system and related work at the Michaelian Office Building, design associated with the rehabilitation of approximately 5.57 miles of Central Avenue from the Bronx/Westchester line to the NYS Thruway bridge and the rehabilitation of the Central Avenue access ramps to and from Palmer Road, a distance of approximately 0.38 miles, study and preliminary design to determine options and associated costs for the replacement of the Broad Street viaduct over the Bronx River Parkway, design for a stand-alone building to replace the existing infirmary at the County Jail, and design to rehabilitate or replace elevators for the Corrections Department; 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: \$13,650,000; five (5) years

Dated: _____, 20____
White Plains, New York

3832797.1 046607 LEG

Clerk and Chief Administrative Officer of the County Board of
Legislators of the 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 by the County of Westchester (“County”) of a bond act (“Design and Construction Bond Act”) in the amount of \$10,050,000 to finance capital project RCC17 – County Center Facility Improvements (“RCC17”). The Design and Construction Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the costs of the planning, construction and construction management associated with the replacement of the roof and other associated building renovations of the County Center Building.

The Department of Parks, Recreation and Conservation (“Department”) has advised your Committee that the County Center roof is in poor condition and in need of replacement. The existing roof is leaking in several places and has exceeded its life expectancy. RCC17 will fund the complete roof replacement and underlayment including roof deck repairs, waterproofing, stucco wall repairs, eaves, gutters and downspouts, and all other associated building renovations. The Department has advised that this infrastructure repair is critical to the safe operation of the park facility.

Design is currently being undertaken by in-house staff and is expected to be completed by the first quarter of 2024. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with RCC17 as indicated in the annexed fact sheet. A related amending bond act, which has been submitted currently, must be approved by your Honorable Board before this Design and Construction Bond Act may be approved.

Your Committee is advised that as was initiated last year, the County Budget Department is submitting this Design and Construction to your Honorable Board simultaneously with the proposed 2024 Capital Budget. It is the County’s goal to submit this Design and Construction Bond Act now so that the referenced projects will be ready to proceed without delay in early 2024.

The Planning Department has advised your Committee that based on its review, RCC17 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RCC17

☐ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 10,050,000 PPU 15 Anticipated Interest Rate 3.79%

Anticipated Annual Cost (Principal and Interest): \$ 886,258

Total Debt Service (Annual Cost x Term): \$ 13,293,870

Finance Department: Interest rates from October 10, 2023 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23


Reviewed By: 

Budget Director

Date: 10/11/23

10/11/23

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

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

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RCC17 COUNTY CENTER FACILITY IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-30-2023 (Unique ID: 2365)

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

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

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE COUNTY CENTER ROOF AND ASSOCIATED BUILDING RENOVATIONS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$50,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the replacement of the County Center roof and associated building renovations, pursuant to Act No. 219-2021 duly adopted on December 7, 2021; and

WHEREAS, it is now appropriate to authorize such purposes, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for 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 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; \$10,050,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance all or a portion of the costs of the planning, construction and construction management associated with the replacement of the roof and other associated building renovations of the County Center 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 total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$10,050,000. The plan of financing includes the issuance of \$10,050,000 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 and notes.

Section 2. The period of probable usefulness of the object or purpose for which said \$10,050,000 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 \$10,050,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$10,050,000 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 not earlier than January 1, 2024 and 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____.

The Clerk and Chief Administrative Office of the
County Board of Legislators 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 \$10,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE COUNTY CENTER ROOF AND ASSOCIATED BUILDING RENOVATIONS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,050,000 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 all or a portion of the costs of the planning, construction and construction management associated with the replacement of the roof and other associated building renovations of the County Center 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: \$10,050,000; 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

Project ID:* RCC17	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* COUNTY CENTER FACILITY IMPROVEMENTS	Legislative District ID: 5,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2365

Overall Project Description

This project will reimagine the entire County Center facility and its adjacent property. The current condition of County Center will be analyzed to determine the requirements to restore the facility and the necessary modifications to move it into the future. Facility improvements will include all facets of the building interior and exterior; infrastructure and utilities, vehicular and pedestrian circulation, parking, landscaping and associated site 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	2024	2025	2026	2027	2028	Under Review
Gross	54,350	4,350	25,000	25,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	54,350	4,350	25,000	25,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 698

Current Bond Description: Funding is requested for construction and construction management associated with the replacement of the roof and other associated building renovations of the County Center Building.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

10,000,000

Expected Design Work Provider:

- | | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--|-------------------------------------|---|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	4,000,000	STUDY AND DESIGN
2023	350,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

4,350,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	219	4,000,000		0 COUNTY CENTER FACILITY IMPROVEMENTS
23	128	350,000		0 COUNTY CENTER FACILITY IMPROVEMENTS

Total Financing History:

4,350,000

Recommended By:**Department of Planning**

MLLL

Date

08-30-2023

Department of Public Works

RJB4

Date

08-30-2023

Budget Department

DEV9

Date

09-06-2023

Requesting Department

RCL3

Date

09-06-2023

COUNTY CENTER FACILITY IMPROVEMENTS (RCC17)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	2024	2025	2026	2027	2028	Under Review
Gross	54,350	4,350	698	25,000	25,000				
Non County Share									
Total	54,350	4,350	698	25,000	25,000				

Project Description

This project will reimagine the entire County Center facility and its adjacent property. The current condition of County Center will be analyzed to determine the requirements to restore the facility and the necessary modifications to move it into the future. Facility improvements will include all facets of the building interior and exterior; infrastructure and utilities, vehicular and pedestrian circulation, parking, landscaping and associated site work.

Current Year Description

The current year request funds Phase 1 construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	25,000,000			25,000,000

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
2022	4,000,000	Study and design	DESIGN
2023	350,000	Construction and construction management theatrical stage lighting system.	IN PROGRESS
Total	4,350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,350,000		4,350,000
Total	4,350,000		4,350,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
219 21	4,000,000			4,000,000
128 23	350,000			350,000
Total	4,350,000			4,350,000

October 12, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive



RE: Message Requesting Immediate Consideration: **3 Bond Acts – 2024.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 16, 2023 Agenda.

Transmitted herewith for your review and approval are 3 Bond Acts to finance capital projects for 2024.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 16, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

October 6, 2023

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 \$8,250,000 to finance the following three (3) capital projects for 2024:

\$850,000	Serial Bonds for	Fuel Farm Improvements (A0139)
\$2,100,000	Serial Bonds for	U.S. Customs and Border Protection Facility and West Side Deicing Ramp (A0142)
\$5,300,000	Serial Bonds for	Terminal Systems Infrastructure (A0147)

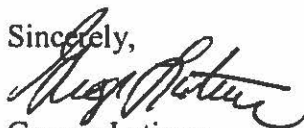
It should be noted that the County Budget Department is submitting these Bond Acts to your Honorable Board simultaneously with the proposed 2024 Capital Budget. It is the County's goal to submit these Bond Acts now so that the referenced projects will be ready to proceed without delay in early 2024.

The Planning Department has advised that based on its review, the above-referenced capital projects may be classified as a "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no 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 \$8,250,000 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 \$850,000, to authorize the County of Westchester ("County") to finance capital project A0139 – Fuel Farm Improvements ("A0139") for 2024.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would finance the cost of design, construction and construction management of fuel farm enhancements at the County Airport. Such enhancements will include, but not be limited to, the installation of a loading rack to transfer fuel from the fuel farm tanks to mobile fueling trucks which carry the fuel to the aircraft. The loading rack will reduce safety and security vulnerabilities and increase efficiency and sustainability.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by consultant. 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 2024 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 2024.

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

It should be noted that an affirmative vote of two-thirds of the members of 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 09-06-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0139

☐ 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 \$ 850,000 PPU 10 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 103,262

Total Debt Service (Annual Cost x Term): \$ 1,032,620

Finance Department: Interest rates from October 4, 2023 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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/4/23

Reviewed By: 

DV 10/11/23

Budget Director

Date: 10/11/23

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

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

DATE: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0139 FUEL FARM IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-23-2023 (Unique ID: 2332)

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

- **617.5(c)(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.

COMMENTS: None/See attached.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF FUEL FARM IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 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, \$850,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of fuel farm enhancements, such as installing a loading rack, that reduce safety and security vulnerabilities and increase efficiency and sustainability, 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 class of objects or purposes, including preliminary costs and costs incidental thereto and the financing

thereof is \$850,000. The plan of financing includes the issuance of \$850,000 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 applicable to the class of 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 \$850,000. 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 \$850,000 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 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 \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF FUEL FARM IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 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 design, construction and construction management of fuel farm enhancements, such as installing a loading rack, that reduce safety and security vulnerabilities and increase efficiency and sustainability, 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: \$850,000; 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

Project ID:* A0139	<input type="checkbox"/> CBA	Fact Sheet Date:* 08-21-2023
Fact Sheet Year:* 2023	Project Title:* FUEL FARM IMPROVEMENTS	Legislative District ID: 6,
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 2332

Overall Project Description

This project provides for upgrades and improvements to the Airport's Fuel Farm that will improve the reliability, efficiency and sustainability of the Fuel Farm facility.

- | | | |
|---|--|--|
| <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 checked="" type="checkbox"/> Security | <input checked="" type="checkbox"/> Other(FOR REDUCED DIESEL EMISSIONS WAITING IN QUEUE) | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	5,500	850	0	0	0	0	0	4,650
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,500	850	0	0	0	0	0	4,650

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

Current Bond Description: This request will fund the design, construction and construction management of fuel farm enhancements, such as installing a loading rack, that reduce safety and security vulnerabilities and increase efficiency and sustainability. The purpose of a loading rack is to transfer fuel from the fuel farm tanks to mobile fueling trucks, which carry the fuel to the aircraft.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	850,000
Cash:	0
Total:	\$ 850,000

SEQR Classification:

TYPE II

Amount Requested:

850,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	850,000	DESIGN

Total Appropriation History:

850,000

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
08-23-2023

Department of Public Works
RJB4

Date
08-23-2023

Budget Department
DEV9

Date
08-24-2023

Requesting Department
LGFA

Date
09-05-2023

FUEL FARM IMPROVEMENTS (A0139)

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	5,500			850	4,650				
Non County Share									
Total	5,500			850	4,650				

Project Description

This project provides for upgrades and improvements to the Airport's Fuel Farm that will improve the reliability, efficiency and sustainability of the Fuel Farm facility.

Current Year Description

The current year request funds design.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	850,000			850,000

Impact on Operating Budget

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

Reference A0142

**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 \$2,100,000, to authorize the County of Westchester ("County") to finance capital project A0142 – U.S. Customs and Border Protection Facility and West Side Deicing Ramp ("A0142") for 2024.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would fund design and environmental planning associated with an independent U.S. Customs and Border Protection ("CBP") General Aviation Facility ("GAF") that meets Federal standards and a deicing ramp on the west side of the County Airport (the "Airport").

The Department of Public Works and Transportation has advised that the GAF will increase security and improve operations for both the Airport and CBP. The deicing ramp will centralize west side deicing operations in order to increase environmental stewardship and minimize the County exceeding the limitations of its State Pollutant Discharge Elimination System permit.

Following bonding authorization, design and environmental planning will be scheduled and is anticipated to take 12-15 months to complete and will be performed by a consultant. Construction is estimated to be phased and may take up to five (5) years and will begin after award and execution of the construction contracts, subject to your Honorable Board's further 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 2024 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 2024.

The Planning Department has advised your Committee that based on its review, the above referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no

environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of 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 09-06-23

FISCAL IMPACT STATEMENT

257

CAPITAL PROJECT #: A0142☐ 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 \$ 2,100,000 PPU 5 Anticipated Interest Rate 3.61%

Anticipated Annual Cost (Principal and Interest): \$ 472,829

Total Debt Service (Annual Cost x Term): \$ 2,364,145

Finance Department: Interest rates from October 4, 2023 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: 23

Prepared by: Dianne VanadiaTitle: Associate Budget DirectorDepartment: BudgetDate: 10/4/23Reviewed By: 


Budget Director

Date: 10/11/23



Memorandum
Department of Planning

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

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

DATE: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0142 US Customs and Border Protection Facility and West Side Deicing Ramp**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-21-2023 (Unique ID: 2333)

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

- **617.5(c)(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: The current request is for design and planning only.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

REFERENCE A0142

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,100,000 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 THE DESIGN AND ENVIRONMENTAL PLANNING ASSOCIATED WITH AN INDEPENDENT US CUSTOMS AND BORDER PROTECTION (CBP) GENERAL AVIATION FACILITY (GAF) THAT MEETS FEDERAL STANDARDS AND A DE-ICING RAMP AT THE WESTCHESTER COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,100,000 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, to the provisions of other laws applicable thereto, \$2,100,000 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

design and environmental planning associated with an independent US Customs and Border Protection (CBP) General Aviation facility (GAF) that meets federal standards and a de-icing ramp on the west side of the Westchester County Airport; all as set forth in the County's Current Year Capital Budget, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,100,000. The plan of financing includes the issuance of \$2,100,000 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 said \$2,100,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) 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 \$2,100,000. 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 \$2,100,000 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 not earlier than January 1, 2024 and 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 \$2,100,000 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 THE DESIGN AND ENVIRONMENTAL PLANNING ASSOCIATED WITH AN INDEPENDENT US CUSTOMS AND BORDER PROTECTION (CBP) GENERAL AVIATION FACILITY (GAF) THAT MEETS FEDERAL STANDARDS AND A DE-ICING RAMP AT THE WESTCHESTER COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,100,000 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 cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the design and environmental planning associated with an independent US Customs and Border Protection (CBP) General Aviation facility (GAF) that meets federal standards and a de-icing ramp on the west side of the Westchester County Airport; 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: \$2,100,000; 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

Project ID:*

A0142

☐ CBA

Fact Sheet Date:*

01-02-2024

Fact Sheet Year:*

2024

Project Title:*

US CUSTOMS AND BORDER
PROTECTION FACILITY AND WEST
SIDE DEICING RAMP

Legislative District ID:

6,

Category*

AIRPORT

Department:*

AIRPORT/DOT

CP Unique ID:

2333

Overall Project Description

This project addresses the need for an independent US Customs and Border Protection (CBP) General Aviation Facility (GAF) and deicing ramp on the west side of the airport. The GAF will increase security and improve operations for both the airport and CBP. The deicing ramp will centralize west side deicing operations in order to increase environmental stewardship and minimize exceedances to SPDES permit.

☒ Best Management Practices☒ Energy Efficiencies☒ Infrastructure☐ Life Safety☐ Project Labor Agreement☐ Revenue☒ Security☐ Other**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	25,000	0	2,100	22,900	0	0	0	0
Less Non-County Shares	1,501	0	0	1,501	0	0	0	0
Net	23,499	0	2,100	21,399	0	0	0	0

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

Current Bond Description: This request will fund design and environmental planning associated with an independent US Customs and Border Protection (CBP) General Aviation Facility (GAF) that meets Federal standards and a deicing ramp on the west side of the airport.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,100,000
Cash:	0
Total:	\$ 2,100,000

SEQR Classification:

TYPE II

Amount Requested:

2,100,000

Expected Design Work Provider:☐ County Staff☒ Consultant☐ Not Applicable**Comments:****Energy Efficiencies:****Total Financing History:**

0

Recommended By:**Department of Planning**

MLLL

Date

08-21-2023

Department of Public Works

RJB4

Date

08-23-2023

Budget Department

DEV9

Date

08-24-2023

Requesting Department

LGFA

Date

09-05-2023

US CUSTOMS AND BORDER PROTECTION FACILITY AND WEST SIDE DEICING RAMP (A0142)

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	2024	2025	2026	2027	2028	Under Review
Gross	25,000			2,100	22,900				
Non County Share	(1,501)				(1,501)				
Total	23,499			2,100	21,399				

Project Description

This project funds the design and construction of a U.S. Customs & Border Protection Facility (CBP) and west side deicing ramp on the airport adjacent to Taxiway "L".

Current Year Description

The current year request funds design and environmental planning.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	2,100,000			2,100,000

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 \$5,300,000, to authorize the County of Westchester (“County”) to finance capital project A0147 – Terminal Systems Infrastructure (“A0147”) for 2024.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would fund the replacement of end of life/obsolete software and computer components for the Baggage Handling system; and the purchase and installation of a dedicated emergency generator to support business continuity at the terminal.

The Department of Public Works and Transportation has advised that this project addresses terminal infrastructure that requires replacement or rehabilitation due to end of useful life, evolving security requirements and technology needs, and/or environmental enhancements.

Following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete for both projects. The baggage handling system design will be performed by BNP Associates, Inc., the proprietary design and operator. The emergency generator design will be performed by a consultant. Construction for both projects 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 2024 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 2024.

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

It should be noted that an affirmative vote of two-thirds of the members of 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 09-06-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0147

☐ 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 \$ 5,300,000 PPU 10 Anticipated Interest Rate 3.59%

Anticipated Annual Cost (Principal and Interest): \$ 643,867

Total Debt Service (Annual Cost x Term): \$ 6,438,670

Finance Department: Interest rates from October 4, 2023 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: 58

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/4/23

Reviewed By: 

OV 10/11/23

Budget Director

Date: 10/11/23

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

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



DATE: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0147 TERMINAL SYSTEMS INFRASTRUCTURE**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-23-2023 (Unique ID: 2331)

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

- **617.5(c)(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)(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
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF VARIOUS IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,300,000 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, \$5,300,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance two critical infrastructure systems: replacing end of life/obsolete software and computer components to the Baggage Handling system; and purchase and installation of a dedicated emergency generator to support business continuity of the terminal, 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 class of objects or purposes, including preliminary costs and costs

incidental thereto and the financing thereof is \$5,300,000. The plan of financing includes the issuance of \$5,300,000 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 applicable to the class of 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 \$5,300,000. 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 \$5,300,000 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 not earlier than January 1, 2024 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___.

(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 \$5,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF VARIOUS IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,300,000 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 two critical infrastructure systems: replacing end of life/obsolete software and computer components to the Baggage Handling system; and purchase and installation of a dedicated emergency generator to support business continuity of the terminal, 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: \$5,300,000; 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

Project ID:*

A0147

☐ CBA

Fact Sheet Date:*

01-02-2024

Fact Sheet Year:*

2024

Project Title:*

TERMINAL SYSTEMS
INFRASTRUCTURE

Legislative District ID:

6,

Category*

AIRPORT

Department:*

AIRPORT/DOT

CP Unique ID:

2331

Overall Project Description

This project addresses terminal infrastructure that requires replacement or rehabilitation due to end of useful life, evolving security requirements and technology needs, and/or environmental enhancements.

☒ Best Management Practices

☐ Energy Efficiencies

☒ Infrastructure

☒ Life Safety

☐ Project Labor Agreement

☐ Revenue

☒ Security

☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	5,300	0	5,300	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,300	0	5,300	0	0	0	0	0

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

Current Bond Description: This request will fund two critical infrastructure systems: replacing end of life/obsolete software and computer components to the Baggage Handling system; and purchase and installation of a dedicated emergency generator to support business continuity of the terminal.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,300,000
Cash:	0
Total:	\$ 5,300,000

SEQR Classification:

TYPE II

Amount Requested:

5,300,000

Expected Design Work Provider:

☐ County Staff

☒ Consultant

☐ Not Applicable

Comments:

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-23-2023

Department of Public Works

RJB4

Date

08-24-2023

Budget Department

DEV9

Date

08-28-2023

Requesting Department

LGFA

Date

09-05-2023

TERMINAL SYSTEMS INFRASTRUCTURE (A0147)

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	2024	2025	2026	2027	2028	Under Review
Gross	5,300			5,300					
Non County Share									
Total	5,300			5,300					

Project Description

This project addresses the terminal infrastructure that is in need of replacement or refurbishment due to end useful life, security requirements, technological advances, and/or environmental advances.

Current Year Description

The current year request funds a dedicated emergency/standby generator to support the terminal building, and a baggage handling system upgrade.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	5,300,000			5,300,000

Impact on Operating Budget

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

Westchester County

George Latimer
County Executive

October 30, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

In accordance with Section 110.21 of the Laws of Westchester County, transmitted herewith for your approval is a resolution to confirm the appointment, effective October 30, 2023, of Blanca Lopez as the Commissioner of the Westchester County Department of Planning.

I have made a thorough review of Ms. Lopez's credentials, experience and job performance, and have determined that her appointment as Commissioner of the Westchester County Department of Planning is in the best interests of the Department of Planning and of the County, generally.

Therefore, I most respectfully recommend and urge your Honorable Board to adopt the attached resolution confirming the appointment, effective October 30, 2023, of Blanca Lopez as the Commissioner of the Westchester County Department of Planning.

Sincerely,



George Latimer
County Executive

GL/nn



George Latimer
County Executive

October 30, 2023

Blanca Lopez
16 Rockland Avenue
Port Chester, New York 10573

Dear Ms. Lopez:

It is my pleasure to appoint you as the Commissioner of the Westchester County Department of Planning, effective October 30, 2023. Please be advised that while this appointment authorizes you to immediately assume the duties and responsibilities of said office, your appointment as Commissioner of the Westchester County Department of Planning is subject to confirmation by the Westchester County Board of Legislators. Once confirmed by the Westchester County Board of Legislators, you will serve in that position unless otherwise terminated as provided by law.

As you know, the Department of Planning is responsible for overseeing the physical development of the County.

Pending your confirmation by the Board of Legislators and in accordance with New York State law, you must take and file an oath of office in the Office of the Westchester County Clerk. Please be advised that your failure to take and file such an oath within thirty days of the date of this letter, or within thirty days after the commencement of your term of office, will result in the office of Commissioner of the Westchester County Department of Planning being deemed vacant. If you have any questions with regard to these legal requirements, please contact the County Attorney.

I look forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

GL/nn

Blanca P. López
16 Rockland Avenue, Port Chester, NY 10573
(914) 552-8762 * BPL2024@gmail.com

SUMMARY

Experienced professional with over two decades in community development, planning and housing. Background in social policy issues focusing on civic engagement, civil rights and immigration. Expertise in advocacy, not for profit management and support services. Excellent management and interpersonal skills, grant acquisition and reporting at local, state, and federal levels. Bilingual and bicultural in Spanish.

EXPERIENCE

DEPARTMENT OF PLANNING, WESTCHESTER COUNTY, White Plains, NY **2022- PRESENT**

Department shapes and influences growth and development in the county with a goal to improve the quality of life and to protect the environment. Performed primarily through land use and development, housing, transportation and environmental planning.

Deputy Commissioner

- Assist the Commissioner in planning, organizing, and directing the activities of the Department, with direct oversight of the housing, transportation and administrative units
- Responsible for the administration of community development and affordable housing programs including funding allocations, implementation of program guidelines and requirements, reporting, monitoring and evaluation
- Provide direct assistance to municipalities, developers and non-profit agencies, helping them identify and address the needs of their low and moderate income residents and neighborhoods
- Lead and facilitate group discussions among members of the Housing Opportunity Commission, Urban County Council, Citizens Development Advisory Group, and Not for Profit Eviction Prevention Network
- Interact with members of the New York Metropolitan Transportation Council to discuss regional transportation vision and goals; administer transit priority studies through the Transportation Improvement Program (TIP) and the Unified Planning Work Program (UPWP)

OFFICE OF THE COUNTY EXECUTIVE, WESTCHESTER COUNTY, White Plains, NY **2018 – February 2022**

Office coordinates and directs administrative management functions of county government. Recommends policy and develops annual budget.

Communicates with business community, public officials outside county government, not for profit organizations and other stakeholders.

Assistant Director of Operations – February 2021 to February 2022

- Oversight of all county housing-related programs
- Steered the development of recommendations and implementation of policies from the County's Police Reform and Reimagining Task Force which led to the creation of Project Alliance, a five-prong approach involving a multidepartment team to address the needs of county residents with behavioral health challenges
- Work with Probation Department on Raise the Age implementation

Assistant to the County Executive/Adviser on Fair and Affordable Housing - February 2018 to 2021

- Served as liaison to various County departments such as Planning, Probation, Correction, Human Rights Commission, Emergency Services and Office for People with Disabilities
- Monitored the development of affordable housing units that received county funding and/or county IDA benefits
- Worked on special projects such as Census 2020; the development and release of the County's Housing Needs Assessments, and served as Team Leader for Staff Liaisons to the County's Police Reform & Reimagining Task Force

HUMAN DEVELOPMENT SERVICES OF WESTCHESTER, Port Chester, NY

2004 – February 2018

Nonprofit agency located in Westchester County provides housing, vocational services, care management, community support, and mental rehabilitation services. Organization operates with a \$10-million-dollar budget and employs approximately 90 staff.

Director, HDSW Neighborhood Preservation Company (NPC)

The HDSW NPC is one of 250 neighborhood preservation companies throughout New York State funded through New York State Homes and Community Renewal. Its mission is to preserve affordable housing, stabilize vulnerable communities and assure that every resident of those communities obtain a secure and stable living environment.

- Grew program from a small unit serving low- to middle-income residents of Port Chester with housing rehabilitation for homeowner and tenant assistance, to a full service HUD-approved and funded local housing counseling agency (LHCA) meeting housing-related needs of homeowners and renters throughout Westchester County, including foreclosure prevention and court representation. Supervise a staff of certified housing counselors and support staff
- Successfully wrote and awarded competitive grants from federal, state and county agencies, foundations and financial institutions, community agencies, and private donors; including: U.S. Department of Housing & Urban Development, NYS Housing & Community Renewal, NYS Affordable Housing Corporation, Federal Home Loan Bank of NY, Westchester County Department of Planning, JP Morgan Chase Foundation, Kiwanis Club, United Way of Westchester & Putnam, and others
- Implemented automated online systems for tracking clients and follow up. Detailed computerized records with paper back up; detailed statistical analysis

FORDHAM UNIVERSITY

INSTITUTE FOR WOMEN & GIRLS, Tarrytown, NY

2004 – 2005

Institute promotes the well-being of women and girls who experience poverty, violence, health problems and workplace discrimination.

Program Administrator for Mentoring Latinas Program

Mentoring Latinas addresses the unique challenges faced by Latina adolescents by pairing them with Latina college students who can guide and assist them, and inspire them to pursue higher education.

Office of Congresswoman Nita M. Lowey, White Plains, NY

2001 – 2004

Congresswoman represented 17th Congressional District. Office provides services to constituents in district.

District Representative/Housing & Immigration Specialist/Hispanic & Veteran Affairs Liaison

Assisted constituents; Coordinated and developed strategies to reach Spanish-speaking and immigrant populations; Created and spearheaded Congresswoman's 17th District Hispanic Advisory Board.; Translated press releases into Spanish and maintained community with Spanish-speaking press.

VOLUNTEER LEADERSHIP/BOARD AFFILIATIONS

Commissioner, Metropolitan Transit Authority, New York, NY

2022 to Present

- Co-Chair, Joint LIRR/MNR Committee 2022 to Present

Member, Women in Transportation – Greater NY Chapter, New York

2002 to Present

Member, King Street School Parent Teacher Association, Port Chester, NY

2018 to Present

- Co-President 2020-2022

Board Member, Council of Community Services Port Chester/Rye Brook/Rye Town

2005 to Present

- President 2016-2021

Member, Port Chester/Rye Brook Kiwanis Club, Port Chester, NY

2005 to Present

Member, Port Chester/Rye/Rye Brook NAACP, Port Chester, NY

2007 to 2018

Commissioner, Port Chester Housing Authority, Port Chester, NY

2008 to 2018

Member, Board of Education, Port Chester-Rye Union Free School District

2009 to 2012

- President 2011-2012

EDUCATION**Master of Science, *Urban Policy Analysis and Management***

Robert J. Milano Graduate School of Urban Policy and Management

New School University, New York, NY

La Guardia Scholarship Recipient; University Scholars Award Recipient

Bachelor of Arts, *Latin American and Latino Studies/Communications*

Rose Hill Campus

Fordham University, Bronx, NY

AWARDS & RECOGNITION**Fellow, *Immigrant Advocacy Fellowship Program 2008***

Leadership Program for emerging immigrant leaders in New York City and State

Honoree, *Rising Star: Westchester's Forty Under Forty, 2011*

Forty young men and women who exemplify leadership, foresight, and a vision for the future of Westchester County

Honoree, *New York State Senate Women of Distinction, 2016*

Nominated by NYS Senator George Latimer, event showcases outstanding women living and working in New York State whose contributions have greatly enriched the quality of life in their communities and beyond

ADDITIONAL INFORMATION

Proficient in Microsoft Office, Outlook, and Teams; WebEx and MAC OS platforms.

Notary Public: Westchester County

PROFESSIONAL PRESENTATION

Glick, Nada B. & Lopez, Blanca P. (2012). "Responding to the US Foreclosure Crisis & Recession: Case Study of a Vulnerable Community." Presented at the 36th Annual Fulbright Association Conference, London, England.

RESOLUTION - 2023

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 30th day of October, 2023, appointed Blanca Lopez as the Commissioner of the Westchester County Department of Planning, effective October 30, 2023, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: _____, 2023
White Plains, New York

Westchester County

George Latimer
County Executive

November 1, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well to as adopt a related amended bond act ("Amended Bond Act") to finance the following capital project:

RB151 – Commerce Street, C.R. 29, Mount Pleasant ("RB151").

The proposed Capital Budget Amendment will amend the County's capital budget to increase the County share for RB151 by \$1,200,000. The additional funding is required due to discovery of a previously unknown gas line adjacent to the proposed drainage system, requiring additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection.

The Amended Bond Act, in the total amount of \$5,900,000, which includes \$4,700,000 in previously authorized bonds of the County, would finance the cost of rehabilitation of approximately 1.23 miles of Commerce Street (C.R. 29) in Mount Pleasant from Stevens Avenue to Liberty Street. The rehabilitation work will include milling, joint and crack renovation, resurfacing, concrete curb replacement, drainage improvements, installation of ADA sidewalk ramps, new traffic loops, new pavement markings and related work, as well as work to address the reconfiguration of intersection of Commerce Street and Elwood Avenue. In addition, work will include rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection.

The Department of Public Works and Transportation ("Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 1,726, is in need of rehabilitation to maintain 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.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestercountyny.gov

The design was completed by a consultant and the project is currently in construction. Following bonding authorization, it is estimated that construction will take an additional three months to complete.

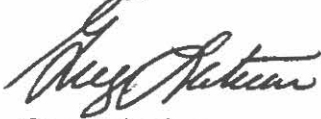
It should be noted that your Honorable Board has authorized the County to issue bonds for RB151 as indicated in the annexed fact sheet as follows: Bond Act No. 77-2020 in the amount of \$4,700,000 to finance the rehabilitation of approximately 1.23 miles of Commerce Street in Mount Pleasant from Stevens Avenue to Liberty Street. These bonds have been partially sold. Accordingly, it is now requested that the unissued portion of Bond Act No. 77-2020 be amended to increase the amount authorized by \$1,200,000, for a total authorized amount, as amended, of \$5,900,000, and to revise the scope of Bond Act No. 77-2020 to include the aforementioned rehabilitation work.

The Planning Department has advised that based on its review, RB151 may be classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

The Planning Department has advised that the Planning Board has previously reviewed RB151 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act and Capital Budget Amendment is respectfully requested.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$1,200,000 in additional bonds of the County to finance capital project RB151 – Commerce Street, C.R. 29, Mount Pleasant (“RB151”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s capital budget to increase the County share for RB151 by \$1,200,000. The Department of Public Works and Transportation (“Department”) has advised your Committee that additional funding is required due to discovery of a previously unknown gas line adjacent to the proposed drainage system, requiring additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection.

The related Amended Bond Act in the total amount of \$5,900,000 was prepared by the law firm Hawkins, Delafield & Wood, and includes \$4,700,000 in previously authorized bonds of the County. The Bond Act would finance the cost of rehabilitation of approximately 1.23 miles of Commerce Street (C.R. 29) in Mount Pleasant from Stevens Avenue to Liberty Street. The rehabilitation work will include milling, joint and crack renovation, resurfacing, concrete curb replacement, drainage improvements, installation of ADA sidewalk ramps, new traffic loops, new pavement markings and related work, as well as work to address the reconfiguration of intersection of Commerce Street and Elwood Avenue. In addition, work will include rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection.

The Department has advised that this road, which has an average annual daily traffic count (“AADT”) of 1,726, is in need of rehabilitation to maintain 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.

The design was completed by a consultant and the project is currently in construction. Following bonding authorization, it is estimated that construction will take an additional three months to complete.

It should be noted that your Honorable Board has authorized the County to issue bonds for RB151 as indicated in the annexed fact sheet as follows: Bond Act No. 77-2020 in the amount of \$4,700,000 to finance the rehabilitation of approximately 1.23 miles of Commerce Street in Mount Pleasant from Stevens Avenue to Liberty Street. These bonds have been partially sold. Accordingly, it is now requested that the unissued portion of Bond Act No. 77-2020 be amended to increase the amount authorized by \$1,200,000, for a total authorized amount, as amended, of \$5,900,000, and to revise the scope of Bond Act No. 77-2020 to include the aforementioned rehabilitation work.

The Planning Department has advised your Committee that based on its review, RB151 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

The Planning Department has advised your Committee that the Planning Board has previously reviewed RB151 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB151

☐ 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 \$ 5,900,000 PPU 15 Anticipated Interest Rate 3.88%

Anticipated Annual Cost (Principal and Interest): \$ 523,457

Total Debt Service (Annual Cost x Term): \$ 7,851,855

Finance Department: Interest rates from November 1, 2023 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: 64

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: Jonna Robins

Title: Capital Planning Program Administrator

Department: Public Works and Transportation


Date: 11/1/23

Reviewed By: 

Budget Director

Date: 11/1/23

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

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

DATE: September 21, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RB151 COMMERCE STREET, C.R. 29, MOUNT PLEASANT**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2307) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

This project was previously reviewed by the Westchester County Board of Legislators, which classified the project as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on May 18, 2020, a Negative Declaration was issued by the Board of Legislators (Resolution 44-2020). The current request is for an increase in funding in order to undertake minor project modifications needed to address unforeseen existing field conditions. All additional work will be within or below the roadway; the overall scope remains the same. As such, the original Negative Declaration remains valid and no further environmental review is required.

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

DSK/cnm
Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Blanca P. López

Date: October 2, 2023



RE: **Capital Budget Amendment –
RB151 Commerce Street, CR 29, Mount Pleasant (2023 CBA)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **RB151 Commerce Street, CR 29, Mount Pleasant** will fund the rehabilitation 1.23 miles of roadway from Stevens Avenue to Liberty Street and the reconfiguration of the Commerce Street and Elmwood Avenue intersection. The capital budget amendment will fund increased costs in construction.

A Capital Budget Amendment (CBA) in the amount of \$1,200,000 is being requested to provide additional construction funding to address increased costs. This project was classified as a PL2, a project with physical planning by the Planning Board in the 2020 Report on the Capital Project Requests adopted January 4, 2020.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner
Douglas Wessells, Environmental Planner

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project RB151 COMMERCE
STREET, C.R. 29, MOUNT PLEASANT

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$4,700,000	\$1,200,000	\$5,900,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$4,700,000	\$1,200,000	\$5,900,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$4,700,000</u>	<u>\$1,200,000</u>	<u>\$5,900,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED AUGUST 1, 2016 IN RELATION TO THE REHABILITATION OF COMMERCE STREET (CR 29), AT THE TOTAL ESTIMATED COST OF \$5,900,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of approximately 1.23 miles of Commerce Street from Stevens Avenue to Liberty Street including milling; joint and crack repair; resurfacing; concrete curb replacement; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work (the "Project"), at the estimated maximum cost of \$325,000, pursuant to Act No. 248-2016 duly adopted on August 1, 2016; and

WHEREAS, this Board has heretofore duly authorized the Project, and authorized the issuance of bonds for the Project, at the estimated cost of \$4,700,000, pursuant to Act No. 77-2020 duly adopted on May 18, 2020; and

WHEREAS, it is has been determined that, due to the discovery of a previously unknown gas line found adjacent to the proposed drainage system, requiring additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection, the Project costs have increased and additional work is necessary, and it is necessary to increase the appropriation for such project for estimated costs of such improvements;

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

Section (A). The bond act duly adopted by this Board on August 1, 2016, and amended on May 18, 2020 entitled:

"ACT NO. 77-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF COMMERCE STREET (CR 29) IN MOUNT PLEASANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,700,000 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:

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF COMMERCE STREET (CR 29), AND THE RECONFIGURATION THE COMMERCE STREET AND ELWOOD AVENUE INTERSECTION IN MOUNT PLEASANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 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; \$5,900,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the rehabilitation of approximately 1.23 miles of Commerce Street (CR 29) in Mount Pleasant from Stevens Avenue to Liberty Street including milling; joint and crack renovation; resurfacing; concrete curb replacement; drainage improvements; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work, as well as work to address the reconfiguration of intersection of Commerce Street and Elwood Avenue, also additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of

traffic plan, additional design, and construction inspection, 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 \$5,900,000. The plan of financing includes the issuance of \$5,900,000 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 \$5,900,000 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 maximum amount of \$5,900,000. 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 \$5,900,000 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 _____.

The Clerk and Chief Administrative Office of the
County Board of Legislators 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 August 1, 2016 and amended on May 18, 2020 and further 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 \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF COMMERCE STREET (CR 29), AND THE RECONFIGURATION THE COMMERCE STREET AND ELWOOD AVENUE INTERSECTION IN MOUNT PLEASANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on August 1, 2016 and amended on May 18, 2020 and further amended on _____, 20____)

object or purpose: to finance the rehabilitation of approximately 1.23 miles of Commerce Street (CR 29) in Mount Pleasant from Stevens Avenue to Liberty Street including milling; joint and crack renovation; resurfacing; concrete curb replacement; drainage improvements; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work, as well as work to address the reconfiguration of intersection of Commerce Street and Elwood Avenue, also additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection, 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: \$5,900,000; 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

Project ID:* RB151	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 08-08-2023
Fact Sheet Year:* 2023	Project Title:* COMMERCE STREET, C.R. 29, MOUNT PLEASANT	Legislative District ID: 3,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2307

Overall Project Description

The improvements to Commerce Street, CR 29 will include cold milling and removal of the existing asphalt overlay, joints and cracks will be cleaned, filled and sealed, the roadway tack-coated and paved with asphalt. Work will also include the replacement of sections of concrete curb, replacement or adjustment of utility castings, installation of: handicap ramps, new traffic loops and new pavement markings. The project limits are from Stevens Avenue to Liberty Street, a distance of 1.23 miles in the Town of Mount Pleasant.

- | | | |
|---|--|--|
| <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	5,900	4,700	0	0	0	0	0	1,200
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,900	4,700	0	0	0	0	0	1,200

Expended/Obligated Amount (in thousands) as of : 4,532

Current Bond Description: Funding for additional design, construction management, and construction associated with rehabilitating Commerce Street, CR 29, and reconfiguring the Commerce Street and Elwood Avenue intersection is requested.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
Total:	\$ 1,200,000

SEQR Classification:

UNLISTED

Amount Requested:

1,200,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

A capital budget amendment of \$1,200,000 (shown under review) is requested to fund the additional costs for design, construction management, and construction due to the discovery of a previously unknown gas line found adjacent to the proposed drainage system. This requires additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection.

PCI: 62 (2019) / AADT: 1,726 (Amend BA #77-2020)

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	2,600,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2019	100,000	COST ESCALATION
2020	2,000,000	RECONFIGURATION OF THE COMMERCE ST AND ELWOOD AVE INTERSECTION

Total Appropriation History:

4,700,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	248	0	0	COMMERCE STREET MOUNT PLEASANT DESIGN REHABILITATION
20	77	4,700,000	240,312	REHAB OF 1.23 MILES OF ROADWAY FROM STEVENS AVE TO LIBERTY STREET IN MT PLEASANT

Total Financing History:

4,700,000

Recommended By:**Department of Planning**

MLLL

Date

09-14-2023

Department of Public Works

RJB4

Date

09-14-2023

Budget Department

DEV9

Date

09-19-2023

Requesting Department

RJB4

Date

09-20-2023

COMMERCE STREET, C.R. 29, MOUNT PLEASANT (RB151)

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	4,700	4,700	4,594						
Non County Share									
Total	4,700	4,700	4,594						

Project Description

The improvements to Commerce Street, CR 29 will include cold milling and removal of the existing asphalt overlay, joints and cracks will be cleaned, filled and sealed, the roadway tack-coated and paved with asphalt. Work will also include the replacement of sections of concrete curb, replacement or adjustment of utility castings, installation of: handicap ramps, new traffic loops and new pavement markings. The project limits are from Stevens Avenue to Liberty Street, a distance of 1.23 miles in the Town of Mount Pleasant.

Current Year Description

There is no current year request.

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
2016	2,600,000	Design, construction and construction management	DESIGN
2019	100,000	Cost escalation	DESIGN
2020	2,000,000	Reconfiguration of the Commerce St and Elwood Ave intersection	DESIGN
Total	4,700,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,700,000	240,312	4,459,688
Total	4,700,000	240,312	4,459,688

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
248 16				
77 20	4,700,000	12/01/21	240,312	4,459,688
Total	4,700,000		240,312	4,459,688

Westchester County

George Latimer
County Executive

November 1, 2023

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 is an Act which, if adopted, would authorize the County of Westchester ("County"), acting by and through its Department of Public Safety Services ("Department"), to enter into an inter-municipal agreement ("IMA") with the cities of Yonkers, Mount Vernon and New Rochelle (the "Municipalities") for the distribution to the Municipalities of grant funds received from the Justice Assistance Grant ("JAG") for 2023. The IMA will be for a four-year term from October 1, 2022 through September 30, 2026.


Pursuant to the IMA, the County will administer the distribution of funding from the U.S. Department of Justice provided under the Edward Byrne Memorial JAG program for fiscal year 2023. Under the IMA, the Department will receive funding to help cover overtime expenses. Of the \$122,354 in JAG funding to be provided to the County, the County will disburse an estimated aggregate total of \$83,734 for various law enforcement programs, as follows: The City of Yonkers will receive an estimated amount of \$47,102 of JAG funds; the City of Mt. Vernon will receive an estimated amount of \$27,443 of JAG funds; and the City of New Rochelle will receive an estimated amount of \$9,189 of JAG funds. The County will use the anticipated remainder of \$38,620 in JAG funds for the Department's law enforcement programs. The County will disburse the JAG funds in accordance with the IMA terms and following receipt of all appropriate documentation from the Municipalities.

The JAG grant program allows local governments to support a broad range of activities to prevent and control crime based on local needs and conditions.

The Planning Department has advised that the proposed IMA does not meet the definition of an "action" under the State Environmental Quality Review Act ("SEQR"), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the Memorandum from the Department of Planning dated January 12, 2023, which is on file with the clerk of your Honorable Board. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based upon the foregoing, I recommend the adoption of the annexed proposed Act.

Very truly yours,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which would authorize the County of Westchester (“County”), acting by and through its Department of Public Safety (“Department”), to enter into an inter-municipal agreement (“IMA”) with the cities of Yonkers, Mount Vernon and New Rochelle (the “Municipalities”) for the distribution to the Municipalities of grant funds received from the Justice Assistance Grant (“JAG”) for 2023. The IMA will be for a four-year term from October 1, 2022 through September 30, 2026.

Pursuant to the IMA, the County will administer the distribution of funding from the U.S. Department of Justice provided under the Edward Byrne Memorial JAG program for fiscal year 2023. Under the IMA, the Department will receive funding to help cover overtime expenses. Of the \$122,354 in JAG funding to be provided to the County, the County will disburse an estimated aggregate total of \$83,734 for various law enforcement programs, as follows: The City of Yonkers will receive an estimated amount of \$47,102 of JAG funds; the City of Mt. Vernon will receive an estimated amount of \$27,443 of JAG funds; and the City of New Rochelle will receive an estimated amount of \$9,189 of JAG funds. The County will use the anticipated remainder of \$38,620 in JAG funds for the Department’s law enforcement programs. The County will disburse the JAG funds in accordance with the IMA terms and following receipt of all appropriate documentation from the Municipalities.

The JAG grant program allows local governments to support a broad range of activities to prevent and control crime based on local needs and conditions. The Department has applied for this grant as part of its continuing effort to pay for overtime expenses associated with the operation of the County’s Criminal and Family Court operations.

The Planning Department has advised that the IMA does not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQR”), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the Memorandum from the Department of Planning dated January 12, 2023, which is on file with the clerk of your Honorable Board.

Therefore, no further environmental review is required. Your Committee concurs with this conclusion.

Approval of the proposed IMA must be by an affirmative vote of not less than a majority of your Honorable Board. Based upon careful consideration of the foregoing, your Committee recommends the adoption of the aforementioned Act.

Date: _____, 20____
White Plains, New York

COMMITTEE ON

mg 10-13-23

FISCAL IMPACT STATEMENT

SUBJECT: Edward Byrne Memorial JAG GRANT

☒ 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 _____

Total Current Year Revenue _____

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

☐ Additional Appropriations ☐ Other (explain) _____

Identify Accounts: G029-38-2029 Source of Funds: BJA-COPS JAG GRANT

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: N/A

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: N/A

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

Current Year: _____

Next Four Years: 2022-2026 Expenses \$122,354 and Revenue \$122,354

Prepared by: Siva Gopalkrishna

Title: Director-Administrative Services

Department: Public Safety

Date: October 31, 2023

Reviewed By: 

Budget Director

Date: 10/31/23

ACT NO. _____-20____

AN ACT to authorize the County of Westchester to enter into a four-year inter-municipal agreement with the Cities of Yonkers, Mount Vernon and New Rochelle for the administration of the Edward Byrne Memorial Justice Assistance Grant for 2023.

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 enter into a four-year inter-municipal agreement (“IMA”) for the period from October 1, 2022 through September 30, 2026 with the cities of Yonkers, Mount Vernon, and New Rochelle for the administration of the Edward Byrne Memorial Justice Assistance Grant (“JAG”) for 2023. Of the \$122,354 in JAG funding to be provided to the County, the County will disburse an estimated aggregate total of \$83,734 for various law enforcement programs, as follows: The City of Yonkers will receive an estimated amount of \$47,102 of JAG funds; the City of Mt. Vernon will receive an estimated amount of \$27,443 of JAG funds; and the City of New Rochelle will receive an estimated amount of \$9,189 of JAG funds. The County shall use the anticipated remainder of \$38,620 in JAG funds for the Department’s law enforcement programs. The County will disburse the JAG funds in accordance with the IMA terms and following receipt of all appropriate documentation from the Municipalities.

§2. The County Executive, or his duly authorized designee, is hereby authorized and empowered to take such actions and to execute and deliver such instruments as may be necessary and appropriate to accomplish the purposes hereof.

§3. This Act shall take effect immediately.

THE STATE OF NEW YORK
KNOW ALL BY THESE PRESENT
COUNTY OF WESTCHESTER

GRANT AGREEMENT

BY and AMONG the CITY of YONKERS, the COUNTY of WESTCHESTER,
the CITY of MOUNT VERNON and the CITY of NEW ROCHELLE

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM:
FY 2023 LOCAL SOLICITATION

This Agreement is made and entered into this _____ day of _____, 20__ by and between:

COUNTY OF WESTCHESTER (the "County") a municipal corporation of the State of New York having offices at 148 Martine Avenue, 9th floor, White Plains, NY 10601;

CITY OF YONKERS ("Yonkers") a municipal corporation of the State of New York having offices at City Hall, 2nd floor, 40 South Broadway, Yonkers, NY 10701;

CITY OF MOUNT VERNON ("Mt. Vernon") a municipal corporation of the State of New York having offices at City Hall, Roosevelt Square, Mount Vernon, NY 10550; and

CITY OF NEW ROCHELLE, a municipal corporation of the State of New York having offices at City Hall, 515 North Avenue, New Rochelle, NY 10801 ("New Rochelle" and collectively with Yonkers, the County and Mt. Vernon, the "Parties").

WITNESSETH:

WHEREAS, this Agreement is made pursuant to the Edward Byrne Memorial Justice Assistance Grant ("JAG") Program; and

WHEREAS, the Parties acknowledge that performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the parties to this agreement believe it to be in their best interests to allocate the JAG funds as set forth below; and

WHEREAS, it is anticipated that the amount to be made available through the JAG Program is \$122,354; and

NOW THEREFORE, the Parties to this agreement agree as follows:

Section 1.

The Parties agree that the County shall be their pass-through agent for the JAG Program 2023 Local Solicitation for the term of the grant, which commenced effective 10/01/2022 and continues through September 30, 2026.

Section 2.

The Parties agree that should the County be provided with the \$122,354 in JAG funding, then the County will disburse an estimated aggregate total of \$83,734 for various law enforcement programs, as follows:

The City of Yonkers shall receive an estimated amount of \$47,102 of JAG funds; and
The City of Mt. Vernon shall receive an estimated amount of \$27,443 of JAG funds; and
The City of New Rochelle shall receive an estimated amount of \$9,189 of JAG funds; and

The County will disburse the JAG funds in accordance with the Grant terms and following receipt of all appropriate documentation from the above municipal entities.

Section 3.

The County agrees, assuming receipt thereof, to use the anticipated remainder of \$38,620 in JAG funds for law enforcement programs until the program's expiration date.

Section 4.

Each party to this agreement agrees that if these funds are placed in interest bearing accounts that the interest earned on these funds will be used items eligible under the JAG program.

Section 5.

Yonkers, Mt. Vernon and New Rochelle (collectively, the Grantees) agree that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Grantees shall defend, indemnify, and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss to the extent arising directly or indirectly out of the willful misconduct or negligent performance or failure to perform hereunder by the Grantees or third parties under their direction or control. In addition each of the Grantees agrees to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this MOU and to bear all other costs and expenses related thereto.

The Grantees further agree to give immediate written notice to the County as to any notice it may receive with respect to any cause of action or claim that has been or may be initiated in connection herewith. The foregoing provisions will survive expiration, termination or other cancellation of this Agreement.

Section 6.

The parties to this agreement do not intend for any third party to obtain a right by virtue of this Agreement. By entering into this agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 7.

The Grantees each individually acknowledges and agrees that it has reviewed the applicable grant agreement and any other relevant documents (together the "Grant"). The Grantees agree to, and will cause any subcontractors or other agents under their control to agree to, comply with all applicable Grant requirements, including without limitation all rules and regulations promulgated in furtherance thereof. The Grantees further agree to supply such information and reports as the County may request. The Grantees will, upon request, provide access to the County to examine all relevant books, records, documents or electronic data of necessary to review compliance with the foregoing.

Any term or condition required by the Grant to be set forth herein, to the extent it is not set forth is deemed incorporated herein by reference. The Grantees each hereby certify that neither they, nor their respective subcontractor(s), are debarred, suspended, or otherwise excluded from or ineligible to receive said Grant funding.

Section 8.

This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this MOU shall be brought in the County of Westchester.

Section 9.

All notices of any nature to be provided hereunder shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, to the parties at the addresses first set forth above or to such other addresses as the respective parties hereto may designate in writing. A copy of any notice shall additionally be sent to the County Attorney and each of the Corporation Counsels.

[No Further Text This Page].

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed.

CITY OF YONKERS

By:

APPROVED AS TO FORM:

Corporation Counsel

COUNTY OF WESTCHESTER

By: County Executive George Latimer

APPROVED:

County Attorney

CITY OF MOUNT VERNON

By:

APPROVED AS TO FORM:

Corporation Counsel

CITY OF NEW ROCHELLE

By:

APPROVED AS TO FORM:

Corporation Counsel



George Latimer
County Executive

October 24, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

For the 2024 calendar year, as in previous years, the Westchester County Office of Tourism and Film is required by the New York State Division of Tourism to submit a County resolution that designates the Office of Tourism and Film as the County's official Tourist Promotion Agency ("TPA").

This TPA designation will allow the Office of Tourism and Film to receive a matching funds grant from New York State which will be used to market Westchester County as a tourism destination.

I have been advised that the New York State Tourist Promotion Act specifically requires the designation of a tourist promotion agency by the County's governing body and that such approval be in the form of a Resolution. As you are aware, Section 209.91(4) of the Laws of Westchester County requires approval by your Honorable Board for such matters by way of an Act. To satisfy the requirements of both the County and the State, your Honorable Board has been presented with a proposed Act and Resolution for your consideration and approval. Your Honorable Board has passed similar legislation, most recently by Act No. 158-2022 and Resolution No. 213-2022 for the calendar year 2023.

The Planning Department has advised that the proposed designation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Accordingly, I recommend and urge your Honorable Board to adopt the proposed Act and Resolution naming the Westchester County Office of Tourism and Film as Westchester County's official "TPA" for the period January 1, 2024 through December 31, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is fluid and cursive, written over the printed name.

George Latimer
County Executive

GL/NCC/jpg/nn

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive requesting that the Westchester County Office of Tourism and Film be designated as the County's official Tourist Promotion Agency ("TPA") for the period from January 1, 2024 through December 31, 2024.

This TPA designation will allow the Office of Tourism and Film to receive a matching funds grant from New York State which will be used to market Westchester County as a tourism destination.

Your Committee has been advised that the New York State Tourist Promotion Act specifically requires the designation of a tourist promotion agency by the County's governing body and that such approval be in the form of a Resolution. As you are aware, Section 209.91(4) of the Laws of Westchester County requires approval by your Honorable Board for such matters by way of an Act. To satisfy the requirements of both the County and the State, your Honorable Board has been presented with a proposed Act and Resolution for your consideration and approval. Your Honorable Board has passed similar legislation, most recently by Act No. 158-2022 and Resolution No. 213-2022 for the calendar year 2023.

The Planning Department has advised that that the proposed designation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required.

Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that passage of the attached Act and Resolution requires an affirmative vote of a majority of the members of your Honorable Board.

Accordingly, your Committee recommends adoption of the proposed Act and Resolution.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C: JPG 10.03.2023

FISCAL IMPACT STATEMENT

SUBJECT: Tourist Promotion Agency 2024

☐ 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 \$ 52,000

Total Current Year Revenue \$ 52,000

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: Expense:101-11-0720-4912; Revenue: 263-11-432Z-9854

Potential Related Operating Budget Expenses: Annual Amount \$52,000

Describe: An Act designating the Westchester County Office of Tourism as the Tourist
Promotion Agency for Westchester County for the period from January 1, 2024 through
December 31, 2024.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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: October 18, 2023

DO
Reviewed By: [Signature]

Budget Director

Date: 10/25/23

ACT NO. ____ - 2023

AN ACT designating the Westchester County Office of Tourism and Film as the Tourist Promotion Agency for Westchester County for the period from January 1, 2024 through December 31, 2024.

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

Section 1. The Board of Legislators of the County of Westchester hereby designates the Westchester County Office of Tourism and Film as the Tourist Promotion Agency for Westchester County, as such an agency is defined in the New York State Tourist Promotion Act, for the period from January 1, 2024 through December 31, 2024.

§2. The attached Resolution, designating the Westchester County Office of Tourism and Film as the Tourist Promotion Agency for Westchester County, is hereby adopted.

§3. This Act shall take effect immediately.

RESOLUTION NO. - 2023

WHEREAS, the State of New York has made available to its counties “matching funds” for the promotion of tourism; and

WHEREAS, the New York State Tourist Promotion Act requires the legislature of each county to designate a Tourist Promotion Agency as the applicant for and the recipient of such funds; and

WHEREAS, the Westchester County Office of Tourism and Film is charged with the duty to promote tourism within Westchester County.

NOW, THEREFORE, be it hereby:

RESOLVED, that the Board of Legislators of the County of Westchester hereby designates the Westchester County Office of Tourism and Film as the Tourist Promotion Agency for Westchester County, as such an agency is defined in the New York State Tourist Promotion Act, for the period from January 1, 2024 through December 31, 2024.



George Latimer
County Executive

November 6, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, NY 10601

Members of the Board of Legislators:

Attached for your consideration is an Act which would authorize and direct the Commissioner of Finance to pay the Mortgage Tax Receipts, apportioned according to and as mandated by Section 261(3) of the New York State Tax Law, to the cities, town and villages listed in the attached report. The Mortgage Taxes received by the County Clerk during the period April 1, 2023 through September 30, 2023 totaled \$17,148,805.11.

Very truly yours,

George Latimer
County Executive

GL/MA/db
Attachments

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

Website: WestchesterCountyNY.gov



ACT NO. -2023

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act authorizing and directing the Commissioner of Finance of the County of Westchester to pay Mortgage Tax receipts to cities, towns and villages. The Mortgage Taxes to be distributed to the cities, town and villages for the period from April 1, 2023 through September 30, 2023 totals \$17,148,805.11 and will be apportioned as prescribed in the attached report of the County Clerk and the Commissioner of Finance in accordance with the requirements of Section 261(3) of the New York State Tax Law.

Approval of this Act requires an affirmative vote by a majority of all members of the Board of Legislators. After due consideration, your Committee recommends the adoption of the attached Act.

Dated: _____ 2023
White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATION

FISCAL IMPACT STATEMENT

SUBJECT: Mtge Tax Receipts to Cities, Towns & Villages

☒ 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 \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): ☐ Current Appropriations

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

Identify Accounts:

Potential Related Operating Budget Expenses: Annual Amount \$ none

Describe: 711-5574

Potential Related Revenues: Annual Amount \$ _____

Describe: Pass Through

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

Current Year: None

Next Four years: None

Prepared by: Mario Arena 10-25-23

Title: Deputy Finance Commissioner

Department: Finance

Reviewed By: 

Budget Director

11/7/23

If you need more space, please attach additional sheets.

2022 FIXED-DOLLAR PARTIAL EXEMPTIONS ADDED BACK TO ADJUSTED COUNTY TAXABLE VALUE

MUNICIPALITY	REPORTED TAXABLE	VETERANS	CLERGY	VOLUNTEER	ADJUSTED
	ASSESSED VALUE			FIRE COMPANIES	TAXABLE VALUE
City of Mount Vernon	\$ 146,559,703	\$ 196,806	\$ 42,000	\$ -	\$ 146,798,509
City of New Rochelle	\$ 265,217,742	\$ 200,236	\$ 28,500	\$ -	\$ 265,446,478
City of Peekskill	\$ 63,913,393	\$ 29,660	\$ 9,000	\$ -	\$ 63,952,053
City of Rye	\$ 147,873,288	\$ 114,092	\$ 3,000	\$ -	\$ 147,990,380
City of White Plains	\$ 285,150,486	\$ 272,567	\$ 28,500	\$ -	\$ 285,451,553
City of Yonkers	\$ 459,682,317	\$ 927,858	\$ 19,500	\$ -	\$ 460,629,675
Town of Bedford	\$ 598,140,948	\$ -	\$ 1,500	\$ -	\$ 598,142,448
Town of Cortlandt	\$ 109,869,073	\$ 370,836	\$ 12,000	\$ -	\$ 110,251,909
Town of Eastchester	\$ 100,953,715	\$ 232,565	\$ 7,500	\$ -	\$ 101,193,780
Town of Greenburgh	\$ 23,227,989,427	\$ 31,487,559	\$ 24,000	\$ -	\$ 23,259,500,986
Town of Hamson	\$ 125,322,877	\$ 134,600	\$ 1,500	\$ -	\$ 125,458,977
Town of Lewisboro	\$ 295,668,510	\$ 22,000	\$ 1,500	\$ -	\$ 295,692,010
Town of Mamaroneck	\$ 10,836,398,468	\$ 11,423,733	\$ 1,500	\$ -	\$ 10,847,823,701
Town of Mount Kisco	\$ 292,043,300	\$ -	\$ 1,500	\$ -	\$ 292,044,800
Town of Mount Pleasant	\$ 143,193,533	\$ 294,362	\$ 4,500	\$ -	\$ 143,492,395
Town of New Castle	\$ 1,068,297,371	\$ -	\$ 1,500	\$ -	\$ 1,068,298,871
Town of North Castle	\$ 121,605,402	\$ 40,400	\$ 1,500	\$ -	\$ 121,647,302
Town of North Salem	\$ 1,577,763,830	\$ 35,978	\$ 1,500	\$ -	\$ 1,577,801,308
Town of Ossining	\$ 5,770,971,062	\$ 3,203,770	\$ 9,000	\$ -	\$ 5,774,183,832
Town of Pelham	\$ 3,859,102,911	\$ 1,406,473	\$ 1,500	\$ -	\$ 3,860,510,884
Town of Pound Ridge	\$ 377,519,244	\$ -	\$ -	\$ -	\$ 377,519,244
Town of Rye	\$ 8,844,199,309	\$ 10,084,139	\$ 4,500	\$ -	\$ 8,854,287,948
Town of Scarsdale	\$ 9,107,918,696	\$ 10,757,633	\$ -	\$ -	\$ 9,118,676,329
Town of Somers	\$ 500,141,171	\$ 24,658	\$ 3,000	\$ -	\$ 500,168,829
Town of Yorktown	\$ 131,464,026	\$ 413,971	\$ 6,000	\$ -	\$ 131,883,997
TOTALS:	\$ 68,456,959,802	\$ 71,673,896	\$ 214,500	\$ -	\$ 68,528,848,198

NOTE:

Chapter 280 of the Laws of 1985 requires that counties wishing to use equalization rates calculated by the then Office of Real Property Services add certain "fixed-dollar" exemptions back to stated taxable value when apportioning the county tax levy. Individual municipalities will, however, continue to use the stated taxable value to set the tax rate.

County of Westchester
Mortgage Tax Allocation - Dept of Finance
4-01-23 thru 9-30-23

Town/City	Village	2022 Taxable Assessed Value	2022 Detail taxable Village/town Outside Breakdown	12/15/2023 Tax to be Distributed	% of Distribution	12/15/2023 Distribution
Bedford		598,140,948		405,937.45	1.000000	\$ 405,937.45
Cortlandt		109,869,073	81,747,143	702,418.70	0.872021	\$ 812,523.68
	Buchanan		6,968,630		0.031713	\$ 22,276.04
	Croton		21,153,300		0.096286	\$ 67,619.00
Eastchester		100,953,715	54,277,335	666,801.59	0.768823	\$ 512,652.31
	Bronxville		33,474,243		0.165790	\$ 110,549.07
	Tuckahoe		13,202,137		0.065387	\$ 43,600.21
Greenburgh		23,227,989,427	11,765,431,233	1,904,207.28	0.753260	\$ 1,434,382.77
	Ardsley		1,285,584,483		0.027873	\$ 52,694.84
	Dobbs Ferry		2,371,674,008		0.051052	\$ 97,213.73
	Elmsford		1,153,689,188		0.024834	\$ 47,289.14
	Hastings		2,162,050,689		0.046540	\$ 88,821.37
	Irvington		2,044,619,765		0.044012	\$ 83,807.94
	Tarrytown		2,444,960,061		0.052630	\$ 100,217.69
Harrison		125,322,877		859,784.51	0.500000	\$ 429,882.26
	Harrison				0.500000	\$ 429,882.26
Lewisboro		295,668,510		249,097.83	1.000000	\$ 249,097.83
Mamaroneck		10,836,398,468	4,725,749,652	878,456.93	0.718050	\$ 630,775.85
	Larchmont		3,220,109,462		0.148578	\$ 130,518.72
	Mamaroneck		2,890,539,354		0.133372	\$ 117,161.36 (1)
Mt. Kisco		292,043,300		191,134.14	0.500000	\$ 95,567.07
	Mt. Kisco				0.500000	\$ 95,567.07
Mt. Pleasant		143,193,533	103,045,551	1,005,143.12	0.859812	\$ 864,234.28
	Briarcliff Manor		2,421,634		0.008456	\$ 8,499.30 (2)
	Pleasantville		20,169,283		0.070427	\$ 70,788.87
	Sleepy Hollow		17,557,085		0.061305	\$ 61,620.67
Mt. Vernon		146,559,703		685,364.70	1.000000	\$ 685,364.70
New Castle		1,068,297,371		701,687.48	1.000000	\$ 701,687.48
New Rochelle		265,217,742		871,325.80	1.000000	\$ 871,325.80
No. Castle		121,805,402		441,134.41	1.000000	\$ 441,134.41
No. Salem		1,577,763,830		80,995.51	1.000000	\$ 80,995.51
Ossining		5,770,971,062	1,102,861,054	454,803.71	0.595552	\$ 270,859.47
	Briarcliff Manor		2,092,116,034		0.181262	\$ 82,438.65 (2)
	Ossining		2,575,993,974		0.223185	\$ 101,505.59
Peekskill		83,913,393		170,114.17	1.000000	\$ 170,114.17
Pelham		3,859,102,911		337,209.79	0.500000	\$ 168,604.90
	Pelham		1,728,208,805		0.223913	\$ 75,505.75
	Pelham Manor		2,130,894,106		0.276087	\$ 93,099.14
Pound Ridge		377,519,244		204,620.18	1.000000	\$ 204,620.18
Rye City		147,873,288		748,700.96	1.000000	\$ 748,700.96
Rye Town		8,844,199,309		650,855.19	0.500000	\$ 325,427.60
	Mamaroneck		1,909,031,584		0.107926	\$ 70,243.96 (1)
	Port Chester		3,703,951,369		0.209400	\$ 136,289.10
	Rye Brook		3,231,216,358		0.162674	\$ 118,894.54
Scarsdale		9,107,918,696		1,121,336.43	0.500000	\$ 560,668.22
	Scarsdale				0.500000	\$ 560,668.22
Somers		500,141,171		345,241.12	1.000000	\$ 345,241.12
White Plains		285,150,486		1,029,383.67	1.000000	\$ 1,029,383.67
Yonkers		459,682,317		1,853,745.66	1.000000	\$ 1,853,745.66
Yorktown		131,464,026		589,324.78	1.000000	\$ 589,324.78
		68,456,959,802.00	52,892,677,498.00	17,148,805.11	\$ 17,148,805.11	
		68,456,959,802.00		17,148,805.11	(1) (2) combined payments	

2022 VILLAGE/TOWN-OUTSIDE BREAKDOWN OF COUNTY TAXABLE ASSESSED VALUE

MUNICIPALITY		TAXABLE
TOWN	VILLAGE	ASSESSED VALUE (\$)
Cortlandt	Buchanan	6,968,630
	Croton	21,153,300
	Unincorporated Area	81,747,143
Eastchester	Bronxville	33,474,243
	Tuckahoe	13,202,137
	Unincorporated Area	54,277,335
Greenburgh	Ardley	1,285,564,483
	Dobbs Ferry	2,371,674,008
	Elmsford	1,153,689,188
	Hastings	2,162,050,689
	Irvington	2,044,619,765
	Tarrytown*	2,446,765,375
	Unincorporated Area	11,765,431,233
Mamaroneck	Larchmont	3,220,109,462
	Mamaroneck	2,890,539,354
	Unincorporated Area	4,725,749,652
Mt. Pleasant	Briarcliff Manor	2,421,634
	Pleasantville	20,169,283
	Sleepy Hollow	17,557,065
	Unincorporated Area	103,045,551
Ossining	Briarcliff Manor	2,092,116,034
	Ossining	2,575,993,974
	Unincorporated Area	1,102,861,054
Pelham	Pelham	1,728,208,805
	Pelham Manor	2,130,894,106
Rye Town	Mamaroneck	1,909,031,584
	Port Chester	3,703,951,369
	Rye Brook	3,231,216,356

NOTE:

(1) Harrison, Mt. Kisco and Scarsdale are coterminous town villages, therefore, there is no village/town outside breakdown for these municipalities

(2) Unincorporated area represents area outside villages. Pelham and Rye Town do not have unincorporated areas

*Chart represents Assessment Roll number. Assessment Roll is incorrect by +1,805,314

DISTRIBUTION STATEMENT

(Columns 1 through 5)

The "taxes collected" shown in column 2 were produced by mortgages covering real property in the respective tax districts. Additions and deductions to make adjustments and correct errors are recorded in columns 3 and 4 respectively. Authority for the additions and deductions is given by the orders of the Tax Department noted on the bottom of this part.

CREDIT STATEMENT

(Column 6)

This column is the net amount due each tax district for which the Board of Supervisors shall issue an order to the county.

1	2	3	4	5	6
Tax districts	Taxes collected	*Additions	*Deductions	Amount of "Taxes Collected" as adjusted and corrected	Net Amount due each tax district
BEDFORD	409,553.51			409,553.51	405,937.45
CORTLANDT	708,675.79			708,675.79	702,418.70
EASTCHESTER	672,741.40			672,741.40	666,801.59
GREENBURGH	1,921,169.80			1,921,169.80	1,904,207.28
HARRISON	867,423.22			867,423.22	859,764.51
LEWISBORO	251,316.77			251,316.77	249,097.83
MAMARONECK	886,282.15			886,282.15	878,456.93
MT. KISCO	192,836.75			192,836.75	191,134.14
MT. PLEASANT	1,014,096.85			1,014,096.85	1,005,143.12
MT. VERNON	691,469.87			691,469.87	685,364.70
NEW CASTLE	707,938.05			707,938.05	701,687.48
NEW ROCHELLE	880,534.00		1,446.50	879,087.50	871,325.80
NORTH CASTLE	445,064.00			445,064.00	441,134.41
NORTH SALEM	81,717.00			81,717.00	80,995.51
OSSINING	458,855.06			458,855.06	454,803.71
PEEKSKILL	171,766.03		136.50	171,629.53	170,114.17
PELHAM	340,213.63			340,213.63	337,209.79
POUND RIDGE	206,442.92			206,442.92	204,620.18
RYE CITY	755,370.32			755,370.32	748,700.96
RYE TOWN	660,585.95		3,933.00	656,652.95	650,855.19
SCARSDALE	1,131,325.20			1,131,325.20	1,121,336.43
SOMERS	348,316.50			348,316.50	345,241.12
WHITE PLAINS	1,038,553.33			1,038,553.33	1,029,383.67
YONKERS	1,870,258.67			1,870,258.67	1,853,745.66
YORKTOWN	594,574.44			594,574.44	589,324.78
Total tax districts					
Totals	17,307,081.21	\$0.00	5,516.00	17,301,565.21	17,148,805.11

*see refund, adjustment and special adjustment orders of Commissioner of Taxation and Finance, case numbers



NEW YORK STATE MORTGAGE TAX SEMI-ANNUAL REPORT
COUNTY OF WESTCHESTER FOR THE PERIOD
CASH STATEMENT FOR TAXES COLLECTED PURSUANT TO ARTICLE 11

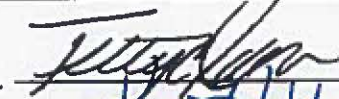
PART 1

04/01/2023

THROUGH

09/30/2023

Months	BASIC TAX DISTRIBUTED					TREASURER			ALL OTHER TAXES DISTRIBUTED				
	1 Basic tax collected	2 Interest received by recording officer	3 Recording officer's expense	4 Refunds or adjustments	5 Amount paid treasurer (Col 1 + Col 2 - Col 3 - Col 4)	6 Interest received by Treasurer	7 Treasurer's expense	8 Tax districts share (Col 5 + Col 6 - Col 7)	9 Local tax	10 Additional tax	11 Special assessment and	12 Special additional tax	13 County Tax
Apr-23	\$2,045,418.36	\$3,296.54	\$29,107.67	(\$33.00)	\$2,019,574.23				\$524,254.13	\$1,194,822.60	\$688,991.76	\$275,563.80	\$1,029,382.57
May-23	\$2,879,413.83	\$4,306.14	\$31,048.44	(\$3,900.00)	\$2,848,771.53				\$237,230.21	\$1,685,805.93	\$903,987.13	\$480,870.80	\$1,424,385.76
Jun-23	\$2,733,831.40	\$4,064.92	\$30,643.02	(\$136.50)	\$2,707,116.80				\$246,466.47	\$1,694,796.26	\$1,126,007.42	\$170,685.14	\$1,354,079.30
Jul-23	\$2,949,873.03	\$4,522.47	\$28,670.70	(\$1,446.50)	\$2,924,278.30				\$264,963.63	\$2,262,135.83	\$1,284,869.64	\$122,436.87	\$1,517,932.44
Aug-23	\$4,031,741.59	\$6,060.50	\$30,410.22	\$0.00	\$4,007,391.87				\$290,373.08	\$2,649,566.10	\$1,651,169.78	\$285,560.03	\$1,949,969.51
Sep-23	\$2,666,803.00	\$5,421.27	\$30,551.89	\$0.00	\$2,641,672.38				\$290,201.82	\$1,637,510.55	\$1,065,716.72	\$187,989.97	\$1,317,959.39
Totals	\$17,307,081.21	\$27,671.84	\$180,431.94	(\$5,516.00)	\$17,148,805.11	\$0.00	\$0.00	\$0.00	\$1,853,489.36	\$11,124,637.27	\$6,720,742.45	\$1,523,106.61	\$8,593,708.97




Recording Officer

Treasurer

County of Westchester
Mortgage Tax
6 year comparison

Town/City/Village	June 6 Mth 2023 vs 2022	June 6 Mth 2023 vs 2022	June 6 Mth 2023	June 6 Mth 2022	June 6 Mth 2021	June 6 Mth 2020	June 6 Mth 2019	December 6 Mth 2023 vs 2022	December 6 Mth 2023 vs 2022	December 6 Mth Dec-23	December 6 Mth Dec-22	December 6 Mth Dec-21	December 6 Mth Dec-20	December 6 Mth Dec-19
Bedford	-48%	(392,315.72)	428,127.79	\$ 820,443.51	\$ 924,258.68	\$ 483,450.79	\$ 450,869.68	-55%	\$ (497,227.18)	\$ 405,937.45	\$ 903,164.63	\$ 946,264.34	\$ 664,593.75	\$ 363,604.81
Cortlandt	-53%	(566,604.80)	494,960.75	\$ 1,061,565.55	\$ 1,131,820.20	\$ 766,973.41	\$ 535,433.32	-37%	\$ (362,378.76)	\$ 612,523.66	\$ 974,902.42	\$ 1,179,926.55	\$ 717,194.48	\$ 762,668.79
Buchanan	-53%	(20,469.31)	18,000.56	\$ 38,469.86	\$ 41,014.39	\$ 27,777.64	\$ 19,355.81	-37%	\$ (13,053.25)	\$ 22,276.04	\$ 35,329.29	\$ 42,757.65	\$ 25,974.79	\$ 27,570.33
Croton	-53%	(61,227.69)	54,640.75	\$ 115,868.44	\$ 123,086.33	\$ 83,124.99	\$ 58,061.87	-36%	\$ (38,790.28)	\$ 67,619.00	\$ 106,409.28	\$ 128,317.93	\$ 77,729.92	\$ 82,703.07
Eastchester	-56%	(518,221.03)	414,032.24	\$ 932,253.27	\$ 911,920.52	\$ 898,659.79	\$ 396,403.58	-44%	\$ (406,750.06)	\$ 512,652.31	\$ 919,402.38	\$ 1,054,178.05	\$ 760,861.99	\$ 724,450.75
Bronxville	-55%	(110,982.11)	89,282.50	\$ 200,264.60	\$ 195,926.26	\$ 193,457.48	\$ 85,314.25	-44%	\$ (86,954.93)	\$ 110,549.07	\$ 197,504.00	\$ 226,490.31	\$ 163,793.29	\$ 155,916.78
Tuckahoe	-56%	(44,053.45)	35,212.74	\$ 79,266.19	\$ 78,047.50	\$ 76,082.35	\$ 33,673.31	-44%	\$ (34,573.31)	\$ 43,600.21	\$ 78,173.62	\$ 90,222.73	\$ 64,416.11	\$ 61,539.95
Greenburgh	-42%	(974,669.99)	1,351,567.09	\$ 2,326,237.07	\$ 2,316,076.41	\$ 1,424,652.49	\$ 1,426,531.03	-57%	\$ (1,884,929.54)	\$ 1,434,362.77	\$ 3,319,292.31	\$ 2,531,580.28	\$ 1,551,503.78	\$ 2,306,057.62
Ardsley	-41%	(34,835.38)	49,652.95	\$ 84,488.34	\$ 83,327.32	\$ 51,388.55	\$ 51,833.86	-56%	\$ (67,861.21)	\$ 52,694.64	\$ 120,555.85	\$ 101,080.68	\$ 55,964.20	\$ 83,794.04
Dobbs Ferry	-43%	(68,778.18)	91,602.26	\$ 160,380.45	\$ 155,744.25	\$ 95,371.84	\$ 93,412.54	-58%	\$ (131,632.07)	\$ 97,213.73	\$ 228,845.80	\$ 170,235.78	\$ 103,863.76	\$ 151,009.68
Elmsford	-41%	(31,407.72)	44,559.47	\$ 75,967.19	\$ 74,066.67	\$ 44,017.21	\$ 43,124.90	-56%	\$ (61,107.95)	\$ 47,289.14	\$ 108,397.09	\$ 80,958.35	\$ 47,936.51	\$ 69,715.23
Hastings	-42%	(59,850.39)	83,505.88	\$ 143,356.28	\$ 142,535.03	\$ 87,886.01	\$ 87,186.49	-57%	\$ (115,932.75)	\$ 88,621.37	\$ 204,554.13	\$ 155,797.49	\$ 95,711.40	\$ 140,944.72
Irvington	-42%	(57,537.25)	78,970.30	\$ 136,507.54	\$ 140,517.83	\$ 88,193.60	\$ 88,115.22	-57%	\$ (110,973.77)	\$ 83,807.94	\$ 194,781.71	\$ 153,592.58	\$ 96,046.38	\$ 142,446.08
Tarrytown	-42%	(68,475.09)	94,432.82	\$ 162,907.92	\$ 159,157.69	\$ 98,979.17	\$ 99,142.49	-57%	\$ (132,234.54)	\$ 100,217.69	\$ 232,452.23	\$ 173,966.83	\$ 107,792.29	\$ 160,272.64
Harrison	-62%	(509,378.99)	308,423.11	\$ 817,802.10	\$ 604,137.67	\$ 387,435.52	\$ 585,201.59	-35%	\$ (233,002.57)	\$ 429,882.26	\$ 662,884.83	\$ 660,634.80	\$ 411,998.85	\$ 411,875.09
Harrison	-62%	(509,378.99)	308,423.11	\$ 817,802.10	\$ 604,137.67	\$ 387,435.52	\$ 585,201.59	-35%	\$ (233,002.57)	\$ 429,882.26	\$ 662,884.83	\$ 660,634.80	\$ 411,998.85	\$ 411,875.09
Lewisboro	-51%	(274,821.48)	261,033.32	\$ 535,854.80	\$ 637,664.05	\$ 290,385.35	\$ 228,317.93	-49%	\$ (613,345.54)	\$ 630,775.85	\$ 1,244,121.39	\$ 1,416,421.85	\$ 946,981.68	\$ 829,664.51
Mamaroneck	-37%	(316,146.28)	528,004.21	\$ 844,150.49	\$ 884,110.79	\$ 499,190.53	\$ 417,385.92	-48%	\$ (122,740.70)	\$ 130,519.72	\$ 253,260.43	\$ 286,775.14	\$ 191,271.83	\$ 168,057.62
Larchmont	-36%	(62,585.79)	109,254.28	\$ 171,840.08	\$ 179,001.05	\$ 100,826.75	\$ 84,546.08	-50%	\$ (116,643.20)	\$ 117,161.36	\$ 233,804.55	\$ 264,088.16	\$ 176,596.28	\$ 153,945.75
Mamaroneck	-38%	(60,566.66)	98,072.38	\$ 158,639.05	\$ 164,840.15	\$ 93,090.70	\$ 77,446.71	-50%	\$ (10,473.36)	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	\$ 87,334.14	\$ 69,358.43
ML Kisco	-30%	(44,489.79)	104,546.87	\$ 149,036.66	\$ 148,222.03	\$ 57,927.41	\$ 96,800.08	12%	\$ 10,473.36	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	\$ 87,334.14	\$ 69,358.43
ML Kisco	-30%	(44,489.79)	104,546.87	\$ 149,036.66	\$ 148,222.03	\$ 57,927.41	\$ 96,800.08	12%	\$ 10,473.36	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	\$ 87,334.14	\$ 69,358.43
ML Pleasant	-66%	(1,268,806.55)	665,119.34	\$ 1,933,925.89	\$ 1,450,583.37	\$ 662,444.31	\$ 584,915.36	-19%	\$ (203,489.26)	\$ 864,234.28	\$ 1,067,723.54	\$ 1,294,467.33	\$ 966,621.90	\$ 1,439,326.36
Briarcliff	-67%	(13,501.44)	6,541.10	\$ 20,042.55	\$ 14,952.86	\$ 6,751.18	\$ 5,957.91	-23%	\$ (2,566.22)	\$ 8,499.30	\$ 11,065.52	\$ 13,343.59	\$ 9,851.15	\$ 14,660.90
Pleasantville	-65%	(102,210.12)	54,479.49	\$ 156,689.62	\$ 117,860.86	\$ 53,063.57	\$ 45,991.51	-18%	\$ (15,719.72)	\$ 70,788.67	\$ 86,508.59	\$ 105,176.33	\$ 77,429.01	\$ 113,173.29
Sleepy Hollow	-63%	(79,868.76)	47,423.60	\$ 127,292.35	\$ 92,979.54	\$ 41,516.52	\$ 36,209.49	-12%	\$ (8,657.64)	\$ 61,620.67	\$ 70,278.31	\$ 82,972.81	\$ 60,579.85	\$ 89,102.24
ML Vernon	-57%	(873,044.72)	665,439.66	\$ 1,538,484.38	\$ 829,898.66	\$ 1,024,180.04	\$ 659,820.94	-30%	\$ (294,824.54)	\$ 685,364.70	\$ 980,189.24	\$ 1,008,261.23	\$ 643,995.13	\$ 723,703.36
New Castle	-57%	(617,210.29)	458,882.39	\$ 1,076,092.68	\$ 883,929.63	\$ 467,368.54	\$ 360,678.89	-39%	\$ (447,633.73)	\$ 701,687.48	\$ 1,149,321.21	\$ 1,232,397.38	\$ 831,430.00	\$ 622,097.65
New Rochelle	-48%	(819,768.89)	901,372.78	\$ 1,721,141.67	\$ 2,010,465.97	\$ 1,159,169.46	\$ 1,008,686.32	-37%	\$ (506,549.67)	\$ 871,325.80	\$ 1,377,875.47	\$ 1,718,628.58	\$ 1,242,438.38	\$ 1,504,308.75
No. Castle	-24%	(167,838.82)	521,687.11	\$ 689,525.93	\$ 653,564.10	\$ 453,739.84	\$ 270,046.34	-44%	\$ (351,517.86)	\$ 441,134.41	\$ 792,652.27	\$ 1,009,961.25	\$ 657,934.27	\$ 527,463.26
No. Salem	-67%	(130,421.17)	65,220.90	\$ 195,642.07	\$ 232,458.71	\$ 170,212.85	\$ 83,359.30	-49%	\$ (77,841.76)	\$ 80,995.51	\$ 158,837.27	\$ 209,113.01	\$ 146,661.63	\$ 104,590.04
Ossining	-53%	(313,450.27)	280,650.94	\$ 594,101.22	\$ 525,073.26	\$ 339,827.83	\$ 228,993.25	-55%	\$ (327,582.56)	\$ 270,859.47	\$ 598,442.03	\$ 520,575.30	\$ 408,718.61	\$ 354,521.68
Briarcliff	-54%	(100,483.54)	85,418.78	\$ 185,902.32	\$ 168,814.63	\$ 110,263.75	\$ 73,094.22	-56%	\$ (104,821.97)	\$ 82,438.65	\$ 187,260.62	\$ 167,170.22	\$ 132,616.71	\$ 113,162.66
Ossining	-51%	(110,277.12)	105,174.98	\$ 215,452.10	\$ 188,187.27	\$ 120,220.47	\$ 81,989.60	-53%	\$ (115,520.71)	\$ 101,505.59	\$ 217,026.30	\$ 186,575.19	\$ 144,591.88	\$ 126,934.28
Peekskill	-60%	(316,394.22)	214,563.57	\$ 530,957.79	\$ 425,865.24	\$ 327,668.44	\$ 305,777.23	-61%	\$ (266,701.65)	\$ 170,114.17	\$ 266,701.65	\$ 275,048.91	\$ 249,793.45	\$ 277,986.21
Pelham	-54%	(166,336.17)	140,445.37	\$ 306,781.54	\$ 304,822.24	\$ 140,245.90	\$ 146,122.74	-39%	\$ (106,444.02)	\$ 168,804.90	\$ 275,048.91	\$ 410,597.38	\$ 249,793.45	\$ 277,986.21
Pelham	-54%	(74,748.75)	62,895.17	\$ 137,643.92	\$ 136,691.70	\$ 62,739.04	\$ 65,344.27	-39%	\$ (47,900.66)	\$ 75,505.75	\$ 123,406.41	\$ 184,124.53	\$ 111,745.17	\$ 124,311.97
Pelham Manor	-54%	(91,587.42)	77,550.20	\$ 169,137.62	\$ 168,130.54	\$ 77,506.85	\$ 80,778.46	-39%	\$ (58,543.35)	\$ 93,099.14	\$ 151,642.50	\$ 226,472.84	\$ 138,048.27	\$ 153,674.23
Pound Ridge	-51%	(179,537.85)	169,202.82	\$ 348,740.67	\$ 319,158.82	\$ 158,918.55	\$ 132,696.91	-46%	\$ (174,879.41)	\$ 204,620.18	\$ 379,499.59	\$ 362,456.76	\$ 284,094.21	\$ 170,758.12
Rye City	-41%	(455,982.01)	558,263.94	\$ 1,114,245.95	\$ 915,632.58	\$ 650,624.48	\$ 1,134,061.25	-47%	\$ (657,394.04)	\$ 748,700.96	\$ 1,406,095.00	\$ 1,490,742.72	\$ 1,088,605.81	\$ 1,034,032.35
Rye Town	11%	61,278.62	595,192.23	\$ 533,913.61	\$ 544,707.53	\$ 354,250.31	\$ 355,571.15	-47%	\$ (286,569.88)	\$ 325,427.60	\$ 611,997.47	\$ 673,462.95	\$ 483,302.54	\$ 399,504.26
Mamaroneck	12%	13,718.97	128,472.99	\$ 114,754.03	\$ 117,427.53	\$ 78,458.88	\$ 79,163.15	-47%	\$ (61,292.63)	\$ 70,243.96	\$ 131,536.59	\$ 145,184.50	\$ 107,041.20	\$ 88,944.27
Port Chester	12%	26,601.92	249,266.55	\$ 222,664.63	\$ 224,998.10	\$ 136,961.05	\$ 136,123.82	-47%	\$ (118,939.82)	\$ 136,289.10	\$ 255,228.92	\$ 278,182.09	\$ 186,856.52	\$ 152,942.80
Rye Brook	11%	20,957.74	217,452.68	\$ 196,494.95	\$ 202,281.90	\$ 138,830.37	\$ 140,284.17	-47%	\$ (106,337.43)	\$ 118,894.54	\$ 225,231.96	\$ 250,096.35	\$ 189,405.83	\$ 157,617.19
Scarsdale	-18%	(93,662.74)	433,606.14	\$ 527,268.87	\$ 704,615.84	\$ 429,710.82	\$ 261,447.12	-39%	\$ (361,685.59)	\$ 560,668.22	\$ 922,353.80	\$ 915,981.17	\$ 584,610.54	\$ 470,066.97
Scarsdale	-18%	(93,662.74)	433,606.14	\$ 527,268.87	\$ 704,615.84	\$ 429,710.82	\$ 261,447.12	-39%	\$ (361,685.59)	\$ 560,668.22	\$ 922,353.80	\$ 915,981.17	\$ 584,610.54	\$ 470,066.97
Somers	-46%	(288,271.17)	342,564.55	\$ 630,835.72	\$ 758,399.18	\$ 417,686.14	\$ 320,137.64	-40%	\$ (231,365.88)	\$ 345,241.12	\$ 576,607.00	\$ 748,462.88	\$ 498,796.68	\$ 377,642.03
White Plains	-58%	(1,071,039.92)	784,532.81	\$ 1,855,572.73	\$ 1,201,960.15	\$ 1,791,602.58	\$ 930,218.43	-22%	\$ (285,065.82)	\$ 1,029,383.67	\$ 1,314,449.49	\$ 1,245,079.85	\$ 832,206.78	\$ 1,531,521.44
Yonkers	-44%	(1,574,505.83)	1,982,870.72	\$ 3,557,376.55	\$ 2,898,193.55	\$ 2,176,941.99	\$ 2,061,002.17	-39%	\$ (1,208,326.39)	\$ 1,853,745.66	\$ 3,062,072.05	\$ 2,059,751.87	\$ 2,578,158.75	\$ 2,578,158.75
Yorktown	-50%	(519,917.16)	513,063.54	\$ 1,032,980.70	\$ 1,325,658.36	\$ 775,801.29	\$ 601,070.84	-31%	\$ (259,050.72)	\$ 589,324.78	\$ 848,375.50	\$ 1,266,108.43	\$ 751,856.61	\$ 674,627.61
	-47%	\$ (14,231,256.30)	16,011,812.75	\$ 30,243,069.05	\$ 27,969,562.47	\$ 19,050,650.39	\$ 16,091,147.91							
	-42%	\$ (12,465,575.32)	\$ 17,148,805.11	\$ 29,614,380.43	\$ 31,499,449.20	\$ 21,000,131.79	\$ 22,283,983.22							



ACT NO. - 2023

An act to authorize the Commissioner
of the Westchester County Department
of Finance to pay Mortgage Tax Receipts
to Cities, Towns and Villages

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

Section 1. The County of Westchester is hereby authorized and directed to pay, pursuant to Section 261(3) of the New York State Tax Law, as amended, from money on hand applicable for distribution to the Cities, Towns and Villages, an amount totaling \$17,148,805.11 in accordance with the attached report of the County Clerk and Commissioner of Finance representing the statement of mortgage taxes received and expenses incurred by the County Clerk for the period of April 1, 2023 through September 30, 2023.

§2. The Commissioner of Finance, or her duly authorized designee is hereby authorized and directed to pay the amount set forth in Section 1 of this Act to the Cities, Towns and Villages, as set forth in the attached report.

§3. This Act shall take effect immediately.

November 9, 2023

Dear Honorable Members of the Board of Legislators,

I am pleased to present my sixth budget to your Honorable Board for your consideration.

The 2024 Proposed Westchester County Operations Budget totals \$2.4 billion and continues a commitment to programs that meet the needs of Westchester County residents. The proposed operating budget for 2024 maintains the same County property tax levy as 2023, marking the fifth consecutive year without a levy increase. This is great news for our County, as it demonstrates our commitment to responsible budgeting and holding taxes steady. This budget continues to place particular emphasis on public safety and emergency preparedness, housing, health and mental health services, as well as environmental and economic development programs. There are no one-shots, borrowing for operating expenditures, or use of reserves of any kind in my proposal.

The fiscal actions that we have taken over the past six years have restored the County's unrestricted general reserves to a projected 22% of expenditures as we close 2023. The three major rating agencies have taken notice, as we now hold a 'positive' outlook with one and remain "stable" with the others. Additionally, due to another successful year of strong fiscal performance, the New York State Comptroller has recently lowered the fiscal stress score for the County to zero. This is the best score a municipality can achieve, indicating outstanding financial stability.

This budget provides continued record funding of \$265 million for public safety. \$300,000 is added for a flood, fire and non-FEMA emergency recovery program to provide families in need with costs associated with relocation and recovery. \$5.6 million is provided to continue funding for Project Alliance, a multi-pronged program to address the needs of Westchester County residents with behavioral health challenges. Funding for the highly successful HERRO program, which provides recruitment and retention incentives to assist local volunteer emergency service agencies in attracting volunteers, is increased by 20 percent. Included in Emergency Services is funding for 1 new fire instructor and 1 new grant program administrator.

Access to affordable child care and food security are important issues addressed by this budget. There is \$56 million for childcare subsidies including \$3.3 million for continuing the child care scholarship program. This program expands subsidy eligibility to include families up to 500 percent of the federal poverty level. To address food security, \$1.3 million in funding will be made available. In addition to the \$100 million in capital funding for affordable housing development included in my proposed 2024 Capital Budget released last month, this operating budget proposal contains funding for various housing subsidy and eviction prevention programs including \$500,000 for on call planning consultants to expedite implementation of affordable housing and flood mitigation projects.

Office of the County Executive

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White Plains, New York 10601

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Telephone: (914)995-2900

westchestercountyny.gov

This budget also provides \$7.9 million for economic development programs with a focus on the biosciences, tourism and healthcare sectors as well as funding for entrepreneurship programs. There is continued investment in health and mental health programs with over \$3 million in support for Federally Qualified Health Care Centers and \$975,000 in added funding for an outpatient mental health clinic expansion pilot. This budget continues the Municipal Food Waste Program and the recently submitted capital budget provides an additional \$5 million in funding for an EV charging infrastructure grant program for local municipalities.

I look forward to working with your Honorable Board on this proposed budget as we continue our partnership for the residents of Westchester County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Latimer", with a stylized flourish at the end.

George Latimer
Westchester County Executive

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

Your Committee on Budget and Appropriations is in receipt of a transmittal from the County Executive of his proposed 2024 County Budget and Budget Act making appropriations and levying real property taxes for the support of County Government for the year Two Thousand Twenty-Four.

The Department of Budget has advised that this legislation is necessary for the conduct of County Government for the fiscal year beginning January 1, 2024.

Therefore, the Committee recommends the adoption of the attached Budget Act making appropriations and levying real property taxes for the support of County Government for the year Two Thousand Twenty-Four.

ACT NO. _____ of 2023

AN ACT adopting the County Budget and making appropriations and levying real property taxes for the conduct of the County Government for the year Two Thousand Twenty-Four.

Be it enacted by the Board of Legislators of the County of Westchester as follows:

Section 1. The accompanying County Budget including the current plan and the capital program for the County of Westchester and the several districts therein, as listed below, is hereby adopted for the fiscal year Two Thousand and Twenty-Four:

County of Westchester

Environmental Facilities, Department of	Saw Mill Valley Sanitary Sewer District
Blind Brook Sanitary Sewer District	South Yonkers Sanitary Sewer District
Bronx Valley Sanitary Sewer District	Upper Bronx Valley Sanitary Sewer District
Central Yonkers Sanitary Sewer District	North Yonkers Pump Station
Hutchinson Valley Sanitary Sewer District	Joint Treatment Plant (Yonkers)
Mamaroneck Valley Sanitary Sewer District	Water Agency
New Rochelle Sanitary Sewer District	County Water District No. 1
North Yonkers Sanitary Sewer District	County Water District No. 2
Ossining Sanitary Sewer District	County Water District No. 3
Peekskill Sanitary Sewer District	County Water District No. 4
Port Chester Sanitary Sewer District	Refuse Disposal District No. 1

Section 2. During the Calendar Year 2024, the Commissioner of Finance shall verify and provide the Board of Legislators quarterly with a statement of the County's cash flow for the General Fund.

Section 3. The several amounts specified in the above mentioned budget under the column heading "Allowed 2024" or so much of such amount as shall be sufficient to accomplish the purposes designated are hereby appropriated for such purposes under the following general classifications:

- Personal Service (Code 100 and 101)
- Purchase of Equipment (Code 200)
- Materials and Supplies (Code 300)
- Expenses (Code 400 and 599)
- Relief (Code 501)
- County Debt Service (Agency 51)
- Miscellaneous (Agency 52)
- Capital Projects

Section 4. Within 30 days after the close of the Second Quarter and the Fourth Quarter for the Calendar Year 2024, the Commissioner of Finance shall verify and provide the Board of Legislators with:

- (i) A combined statement of the County's cash balances for all accounts
- (ii) A statement of the County's cash balances for all enterprise funds

Section 5. With respect to the Executive Branch of County government, the positions shown in the budget are hereby authorized, created and/or continued and the number appearing on the line items of the positions shall be the number of positions under such title.

Section 6. All elective officers, appointive officers and other positions are to be paid at salaries set in accordance with the provisions of the personnel rules and amendments thereto adopted by this Board and with respect to the Executive Branch of County government, may be filled only in accordance with procedures approved by the County Executive.

Section 7. Where personal service is required to accomplish the intended purpose of an appropriation, such personal service may be employed in accordance with the provision of the personnel rules and amendments thereto adopted by the Board, when approved and allocated by the Budget Director as appropriate.

Section 8. Where personnel are employed under a trust or grant, such employment shall terminate at the expiration of the funds provided by the trust or grant.

Section 9. The Commissioner of Finance is hereby authorized to advance from funds on hand to Year 2024 Budget accounts such amounts as may be required, pending receipt of taxes and/or other revenues.

Section 10. Transfer of appropriations between departments and transfer of appropriations between a department and the Miscellaneous Budget are made upon the prior recommendation of the County Executive with the prior authorization of the County Board of Legislators.

Section 11. Transfer of appropriations between general classifications of expenditures within the same department and transfers of appropriations between account lines in the Miscellaneous Budget are made with the prior authorization of the County Executive on the recommendation of the Budget Director and with the prior approval of the Committee of the County Board designated by resolution of such Board.

Section 12. The "Trusts" section presented after the operating budget of a department is provided for informational purposes only. Adoption of this budget act shall not be considered to be acceptance of any grant requiring the expenditure of County funds.

Section 13. The invalidity of any provisions, paragraphs, or portions of this Act shall have no effect upon the validity of any other part or portion hereof. Should any provision(s) of this Act be held by a court of competent jurisdiction to be invalid or for any reason unenforceable, the remainder shall nonetheless be of full force and effect.

Section 14. The amounts of the County and Special District Taxes for 2024 resulting from the County Budget are hereby fixed and determined as indicated below:

County of Westchester:		
Metropolitan Transportation Authority	32,527,847	
Metropolitan Commuter Transportation Mobility Tax	1,786,000	
County Operating Purposes	507,882,380	
Total County		542,196,227

Special Districts:

Blind Brook Sanitary Sewer District	9,631,324
Bronx Valley Sanitary Sewer District	28,891,517
Central Yonkers Sanitary Sewer District	2,070,617
Hutchinson Valley Sanitary Sewer District	8,377,068
Mamaroneck Valley Sanitary Sewer District	20,485,179
New Rochelle Sanitary Sewer District	18,601,335
North Yonkers Sanitary Sewer District	5,844,511
Ossining Sanitary Sewer District	4,806,002
Peekskill Sanitary Sewer District	5,979,689
Port Chester Sanitary Sewer District	3,738,104
Saw Mill Valley Sanitary Sewer District	18,073,494
South Yonkers Sanitary Sewer District	2,415,774
Upper Bronx Valley Sanitary Sewer District	1,650,020
County Water District No. 1	4,698,623
Refuse Disposal District No. 1	61,085,163

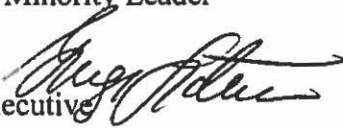
Section 15. The foregoing amounts are hereby levied and assessed upon the real property liable therefore in the County, and in the several special districts indicated.

Section 16. This ACT shall take effect immediately.

DATED: December _____, 2023
White Plains, New York

November 13, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act –
RMAC4 – Woodlands Lake Dam, V.E Macy Park.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 13, 2023 Agenda.

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") current-year capital budget (the "Capital Budget Amendment"), as well as a related bond act (the "Amended Bond Act,"), which, if adopted, would authorize the County to issue an additional \$3,000,000 in bonds to finance the following capital project: RMAC4.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 13, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

November 6, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") current-year capital budget (the "Capital Budget Amendment"), as well as a related bond act (the "Amended Bond Act,"), which, if adopted, would authorize the County to issue an additional \$3,000,000 in bonds to finance the following capital project:

RMAC4 – Woodlands Lake Dam at V.E. Macy Park ("RMAC4").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RMAC4 by \$3,000,000. The Department of Parks, Recreation & Conservation (the "Department") has advised that the Capital Budget Amendment is required to fund the increased construction costs associated with this project.

The Amended Bond Act, in the total amount of \$8,000,000, which includes \$5,000,000 in previously authorized bonds of the County, would finance additional construction costs associated with modifications to the pedestrian footbridge foundation, earthwork operations and site utility changes. The Department has advised that the existing stone masonry dam structure which was intended to serve as the foundation for the new pedestrian bridge structure was deemed unsuitable to support the new pedestrian bridge. New reinforced concrete footings, piers and abutments are needed to support the new bridge structure. Additional excavation of sediment and filling of suitable backfill materials are needed to meet design elevations and to stabilize the edges of the new stone channel. Existing utility lines and structures could not be reused as initially intended and are in need of replacement.

The design work was completed by a consultant and the project is currently in construction. It is anticipated that the additional construction work will take approximately six (6) months to complete and will begin after award and execution of the construction contracts.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

Website: WestchesterCountyNY.gov

It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 64 -2021 in the amount of \$5,000,000 which funded the cost of removing a portion of the existing Woodlands Lake Dam at V. E. Macy Park in Ardsley, stabilizing and reconstructing the river adjacent to the dam, replacing the bridge and railing, as well as associated infrastructure and site work. Of the \$5,000,000 in bonds authorized under Bond Act No. 64 -2021, \$589,088 have been issued.

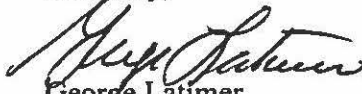
Accordingly, it is now requested that Bond Act No. 64-2021 be amended to increase the amount authorized thereunder by an additional \$3,000,000, from an amount of \$5,000,000, to a new amount of \$8,000,000, to finance the additional construction costs associated with this project.

The Planning Department has advised that based on its review, RMAC4 was previously reviewed by the County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 89-2021). Since the current request is for an increase in funding to address issues encountered during construction due to unforeseen existing field conditions but the overall scope of work remains the same, the original Negative Declaration remains valid and no further environmental review is required.

Furthermore, the Planning Department has advised that the Planning Board has previously reviewed RMAC4 and issued a report, and that since there are no changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Capital Budget Amendment and Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/KOC/cmc
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 by the County of Westchester (“County”) of an act, which, if adopted, will amend the County’s current-year capital budget (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Amended Bond Act”) in the amount of \$3,000,000, to finance capital project RMAC4– Woodlands Lake Dam at V.E. Macy Park (“RMAC4”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RMAC4 by \$3,000,000. The Department of Parks, Recreation & Conservation (the “Department”) has advised that the Capital Budget Amendment is required to finance the increased construction costs associated with this project.

The Amended Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, LLP, in the total amount of \$8,000,000, which includes \$5,000,000 in previously authorized bonds of the County, would finance additional construction costs associated with modifications to the pedestrian footbridge foundation, earthwork operations and site utility changes. The Department has advised that the existing stone masonry dam structure which was intended to serve as the foundation for the new pedestrian bridge structure was deemed unsuitable to support the new pedestrian bridge. New reinforced concrete footings, piers and abutments are needed to support the new bridge structure. Additional excavation of sediment and filling of suitable backfill materials are needed to meet design elevations and to stabilize the edges of the new stone channel. Existing utility lines and structures could not be reused as initially intended and are in need of replacement.

Your Committee is advised that the design work was completed by a consultant and the project is currently in construction. It is anticipated that the additional construction work will take approximately six (6) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 64 -2021 in the amount of \$5,000,000 which funded the cost of removing a portion of the existing Woodlands Lake Dam at V. E. Macy Park in Ardsley, stabilizing and reconstructing the river adjacent to the dam, replacing the bridge and railing, as well as associated infrastructure and site work. Of the \$5,000,000 in bonds authorized under Bond Act No. 64 -2021, \$589,088 have been issued. Accordingly, it is now requested that Bond Act No. 64-2021 be amended to increase the amount authorized by an additional \$3,000,000, from an amount of \$5,000,000, to a new amount of \$8,000,000, to finance the additional construction costs associated with this project.

The Planning Department has advised your Committee that based on its review, RMAC4 was previously reviewed by the County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 88-2021). Since the current request is for an increase in funding to address issues encountered during construction due to unforeseen existing field conditions but the overall scope of work remains the same, the original Negative Declaration remains valid and no further environmental review is required.

The Planning Department has also advised your Committee that the Planning Board has previously reviewed RMAC4 and issued a report, and that since there are no changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed

Acts, noting that the Amended Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON
C:cmc/11.06.2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RMAC4

☐ 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 30 Anticipated Interest Rate 4.55%

Anticipated Annual Cost (Principal and Interest): \$ 460,951

Total Debt Service (Annual Cost x Term): \$ 13,828,538

Finance Department: maab 11-8-23

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 C. Lopane

Title: Program Coordinator-Capital Planning


Department: Public Works & Transportation

Date: 11/8/23

Reviewed By: 
Budget Director

Date: 11/8/23

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

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

DATE: November 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RMAC4 WOODLANDS LAKE DAM AT V.E. MACY PARK**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2397) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

This project was previously reviewed by the Westchester County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 89-2021). The current request is for an increase in funding to address issues encountered during construction due to unforeseen existing field conditions. The overall scope remains the same; as such, the original Negative Declaration remains valid and no further environmental review is required.

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

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Blanca P. Lopez, Commissioner of Planning
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Blanca P. López

Date: November 2, 2023



RE: **Capital Budget Amendment –
RMAC4 Woodlands Lake Dam at V.E Macy Park**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RMAC4 Woodlands Lake Dam at V.E Macy Park includes rebuilding existing masonry, bridge structure repairs, repointing and grouting, installation of shot-crete, concrete and reinforcement bars, waterproofing, railing replacement, paving, and other site work and safety item installation. The capital budget amendment will fund the additional costs associated with modifications to the pedestrian footbridge foundation, earthworks, and site utilities. The existing dam structure was deemed to be unsuitable to support the pedestrian bridge and new footings, piers and abutments are needed, as well as additional stabilization and replacement of utilities.

A Capital Budget Amendment in the amount of \$3,000,000 is being requested to provide additional funding to address increased costs due to existing site conditions. This project was classified as a PL2, a project with physical planning aspects by the Planning Board in the 2017 Report on the Capital Project Requests adopted July 12, 2016.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: David S. Kvinge, Assistant Commissioner
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Douglas Wessells, Planner

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project RMAC4 Woodlands
Lake Dam at V.E. Macy Park

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$5,000,000	\$3,000,000	\$8,000,000

Section 2. The estimated method of financing in the Capital Section of the
2023
Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$5,000,000	\$3,000,000	\$8,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$5,000,000	\$3,000,000	\$8,000,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 26, 2021 IN RELATION TO THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, AT THE MAXIMUM ESTIMATED COST OF \$8,000,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$5,000,000 bonds to finance the cost of the reconstruction of the County-owned Woodlands Lake Dam, including removal of a portion of the existing dam, stabilization and reconstruction of the river adjacent to the dam, replacement of the bridge and railing as well as associated infrastructure and site work, pursuant to Act No. 64-2021 duly adopted on April 26, 2021; and

WHEREAS, it has been determined that the cost of such purpose has increased due to additional costs for modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for 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 April 26, 2021,
entitled:

“ACT NO. 64-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 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:

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 RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, STATING THE ESTIMATED MAXIMUM 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:

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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 reconstruction of the County-owned Woodlands Lake Dam, including removal of a portion of the existing dam, stabilization and reconstruction of the river adjacent to the dam, replacement of the bridge and railing as well as associated infrastructure and site work, also including modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes, 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 \$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 specific object or purpose, within the limitations of Section 11.00 a. 22(a) of the Law, is thirty (30) 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 \$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 specific object or purpose is hereby approved, and as the amount of bonds herein authorized is not in excess of \$10,000,000, this Act is not subject to referendum.

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 April 26, 2021 and 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 \$8,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, STATING THE ESTIMATED MAXIMUM 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 on April 26, 2021 and on _____, 20____)

object or purpose: to finance the reconstruction of the County-owned Woodlands Lake Dam, including removal of a portion of the existing dam, stabilization and reconstruction of the river adjacent to the dam, replacement of the bridge and railing as well as associated infrastructure and site work, also including modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes, 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; thirty (30) 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:* RMAC4	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 10-02-2023
Fact Sheet Year:* 2023	Project Title:* WOODLANDS LAKE DAM AT V.E.MACY PARK	Legislative District ID: 12,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2397

Overall Project Description

This project includes extensive repairs to the component dam, bridge and sidewalk and decommissioning the Woodlands Lake Dam. This Dam is in poor condition and is within the permitting threshold of the New York State DEC. Work includes rebuilding the masonry, repairs to the bridge structure, repointing and regrouting, installation of shot-crete, concrete and reinforcement bars, as well as waterproofing, railing replacement, and new asphalt pavement, site work, and safety items such as additional railing, curbing and shoreline stabilization adjacent to the dam and spillway.

- | | | |
|---|--|--|
| <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	8,000	5,000	0	0	0	0	0	3,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,000	5,000	0	0	0	0	0	3,000

Expended/Obligated Amount (in thousands) as of : 4,936

Current Bond Description: Funding is requested for construction and construction management associated with additional costs for modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,000,000
Cash:	0
Total:	\$ 3,000,000

SEQR Classification:

TYPE I

Amount Requested:

3,000,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|--|

Comments:

A capital budget amendment in the amount of \$3,000,000 is requested and shown under review to fund the increase in costs associated with modifications to the pedestrian footbridge foundation, earthwork operations and site utility changes. The existing stone masonry dam structure which was intended to serve as the foundation for the new pedestrian bridge structure was deemed unsuitable to support the new pedestrian bridge. New reinforced concrete footings, piers and abutments are needed to support the new bridge structure. Additional excavation of sediment and filling of suitable backfill materials are needed to meet design elevations and to stabilize the edges of the new stone channel. Existing utility lines and structures could not be reused as initially intended and are in need of replacement.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2011	2,500,000	DESIGN & CONSTRUCTION OF DAM REPAIRS
2017	1,700,000	ADDITIONAL CONSTRUCTION COSTS.
2019	800,000	FUNDS FOR CONSTRUCTION

Total Appropriation History:

5,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	64	5,000,000	589,088	REMOVAL OF PORTION OF EXISTING WOODLAND LAKE DAM

Total Financing History:

5,000,000

Recommended By:**Department of Planning**

MLLL

Date

10-11-2023

Department of Public Works

RJB4

Date

10-12-2023

Budget Department

DEV9

Date

10-26-2023

Requesting Department

RCL3

Date

10-26-2023

WOODLANDS LAKE DAM AT V.E.MACY PARK (RMAC4)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	5,000	5,000	4,934						
Non County Share									
Total	5,000	5,000	4,934						

Project Description

This project includes extensive repairs to the component dam, bridge and sidewalk and decommissioning the Woodlands Lake Dam. This Dam is in poor condition and is within the permitting threshold of the New York State DEC. Work includes rebuilding the masonry, repairs to the bridge structure, repointing and regrouting, installation of shot-crete, concrete and reinforcement bars, as well as waterproofing, railing replacement, and new asphalt pavement, site work, and safety items such as additional railing, curbing and shoreline stabilization adjacent to the dam and spillway.

Current Year Description

There is no current year request.

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
2011	2,500,000	Design & construction of dam repairs	CONSTRUCTION
2017	1,700,000	Additional construction costs.	CONSTRUCTION
2019	800,000	Funds for construction	CONSTRUCTION
Total	5,000,000		

Prior Appropriations

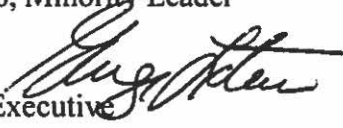
	Appropriated	Collected	Uncollected
Bond Proceeds	5,000,000	589,088	4,410,912
Total	5,000,000	589,088	4,410,912

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
64 21	5,000,000	12/01/22	535,836	4,410,912
		12/01/22	53,252	
Total	5,000,000		589,088	4,410,912

November 13, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act – RBR04 – Bronx River Reservation.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 13, 2023 Agenda.

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") current-year capital budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act,") which, if adopted, would authorize the County to issue an additional \$8,500,000 in bonds to finance the following capital project: RBR04.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 13, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

November 6, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") current-year capital budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act,"), which, if adopted, would authorize the County to issue an additional \$8,500,000 in bonds to finance the following capital project:

RBR04 – Bronx River Reservation ("RBR04").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RBR04 by \$8,500,000. The Department of Parks, Recreation & Conservation ("Department") has advised that the Capital Budget Amendment is required to fund the increased construction, construction administration and design support costs associated with this project.

The Amended Bond Act, in the total amount of \$15,350,000, which includes \$6,850,000 in previously authorized bonds of the County, would finance additional construction, construction administration and design support costs associated with this capital project. The Department has advised that due to the length of time that has transpired since the project's initial inception in 2013 and the complexity of design of the pedestrian footbridge structure, construction costs have increased dramatically resulting in the project cost exceeding its budget. Additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction administration and design support.

The design work was performed by outside consultants and is now complete. It is anticipated that the construction work will take approximately eighteen (18) months to complete and will begin after award and execution of the construction contract.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 213-2013 in the amount of \$650,000 to fund the design of a new pathway from Midland Avenue in Bronxville, to the Oak Street Loop in Yonkers, including improvements and resurfacing of the existing Oak Street Loop Path, which bonds have not been sold; and Bond Act No. 102-2021, which amended Bond Act No. 213-2013 to increase the initial amount authorized by \$6,200,000 to revise the scope of Bond Act No. 213-2013 to include work associated with

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900

Website: WestchesterCountyNY.gov

the construction phase of the project and to increase the period of probable usefulness of said bonds, for a total authorized amount, as amended, of \$6,850,000. Of such authorized amount, \$462,190 in bonds authorized under Bond Act No. 102-2021 have been issued.

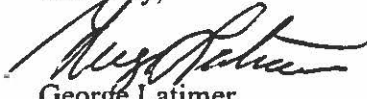
Accordingly, it is now requested that Bond Act No. 102-2021 be amended to increase the amount authorized by an additional \$8,500,000, from an amount of \$6,850,000, to a new amount of \$15,350,000, to finance the additional construction costs and design support associated with this project.

The Planning Department has advised that based on its review, RBR04 was previously reviewed by the County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on June 7, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 121-2021). Since the current request is for an increase in funding with only minor modifications to reduce impacts to the Bronx River, the original Negative Declaration remains valid and no further environmental review is required.

Furthermore, the Planning Department has advised that the Planning Board has previously reviewed RBR04 and issued a report, and that since there are no changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Capital Budget Amendment and Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/KOC/cmc
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 by the County of Westchester (“County”) of an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (the “Amended Bond Act”), in the amount of \$8,500,000, to finance capital project RBR04 – Bronx River Reservation (“RBR04”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RBR04 by \$8,500,000. The Department of Parks, Recreation & Conservation (“Department”) has advised that the Capital Budget Amendment is required to fund the increased construction, construction administration and design support costs associated with this project.

The Amended Bond Act, prepared by the law firm of Hawkins, Delafield & Wood, LLP, in the total amount of \$15,350,000, which includes \$6,850,000 in previously authorized bonds of the County, would finance additional construction, construction administration and design support costs associated with this capital project. The Department has advised that due to the length of time that has transpired since the project’s initial inception in 2013 and the complexity of design of the pedestrian footbridge structure, construction costs have increased dramatically resulting in the project cost exceeding its budget. Additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction administration and design support.

Your Committee is advised that the design work, which was performed by outside consultants, is complete. It is anticipated that the construction work will take approximately eighteen (18) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 213-2013 in the amount of \$650,000 to fund the design of a new pathway from Midland Avenue in Bronxville, to the Oak Street Loop in Yonkers, including improvements and resurfacing of the existing Oak Street Loop Path, which bonds have not

been sold; and Bond Act No. 102-2021, which amended Bond Act No. 213-2013 to increase the initial amount authorized by \$6,200,000 to revise the scope of Bond Act No. 213-2013 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds, for a total authorized amount, as amended, of \$6,850,000. Of such authorized amount, \$462,190 in bonds authorized under Bond Act No. 102-2021 have been issued.

The Planning Department has advised your Committee that based on its review, RBR04 was previously reviewed by the County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on June 7, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 121-2021). Since the current request is for an increase in funding with only minor modifications to reduce impacts to the Bronx River, the original Negative Declaration remains valid and no further environmental review is required.

The Planning Department has also advised your Committee that the Planning Board has previously reviewed RBR04 and issued a report, and that since there are no changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:cmc/11.06.2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RBR04

☐ 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 \$ 15,350,000 PPU 15 Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term): \$ -

Finance Department:

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: 167

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works and Transportation


Date: 11/8/23

Reviewed By: 

Budget Director

Date: 11/8/23

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

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

DATE: November 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RBR04 BRONX RIVER RESERVATION**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2398) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

This project was previously reviewed by the Westchester County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on June 7, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 121-2021). Since the current request is for an increase in funding with only minor modifications to reduce impacts to the Bronx River, the original Negative Declaration remains valid and no further environmental review is required.

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

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Blanca P. Lopez, Commissioner of Planning
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Blanca P. López, Commissioner

Date: November 2, 2023



RE: **Capital Budget Amendment –
RBR04 Bronx River Reservation**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RBR04 Bronx River Reservation will fund the construction of a paved pathway along the Bronx River Reservation from Midland Avenue in Bronxville to the north end of the Oak Street loop in Yonkers, and the reconstruction of the Oak Street loop. The capital budget amendment will fund increased costs associated with the design, construction, and construction management of the project due to the time elapsed since the inception of the project and the complexity of the design of the pedestrian footbridge structure.

A Capital Budget Amendment in the amount of \$8,500,000 is being requested to provide additional funding to address increased costs due to inflation and design considerations. This project was classified as a PL2HP, a project with physical planning aspects and historic preservation concerns, by the Planning Board in the 2015 Report on the Capital Project Requests adopted July 8, 2014.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: David S. Kvinge, Assistant Commissioner
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Douglas Wessells, Planner

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project RBR04 Bronx River
Reservation

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$6,850,000	\$8,500,000	\$15,350,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$6,850,000	\$8,500,000	\$15,350,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$6,850,000	\$8,500,000	\$15,350,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 16, 2013 AND AMENDED ON JUNE 7, 2021 IN RELATION TO THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, AT THE MAXIMUM ESTIMATED COST OF \$15,350,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$650,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the planning for the construction of a paved pathway along the Bronx River Reservation, pursuant to Act No. 213-2013 duly adopted on December 16, 2013; and

WHEREAS, this Board has heretofore duly authorized the issuance of \$6,200,000 bonds to finance such improvements and to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement, pursuant to Act No. 102-2021 duly adopted on June 7, 2021; and

WHEREAS, it has been determined that it is necessary to increase the cost of such improvements for construction, construction administration and design support during construction and to increase the amount of bonds to be issued and the appropriation for such project for 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 16, 2013, and amended on June 7, 2021, entitled:

“ACT NO. 102-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,850,000 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:

BOND ACT AUTHORIZING THE ISSUANCE OF \$15,350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$15,350,000 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; \$15,350,000 bonds of the County, or so much thereof
as may be necessary, are hereby authorized to be issued to finance the design, construction and
construction management of a paved pathway along the Bronx River Reservation, including the
construction of a new pathway along the Bronx River Reservation from Midland Avenue to the
Cross County Parkway and rehabilitation of the existing pathway from the Cross County
Parkway to Oak Street, and all infrastructure, site work, bridge construction, grading, drainage
and associated landscaping, 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 \$15,350,000. The plan
of financing includes the issuance of \$15,350,000 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 and notes.

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Section 2. The period of probable usefulness of the specific object or purpose for which said \$15,350,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$15,350,000. This Act is a declaration official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$15,350,000 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

3846175.1 046607 LEG

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.

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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 16, 2013 and amended on June 7, 2021 and 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 \$15,350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$15,350,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 16, 2013 and amended on June 7, 2021 and on _____, 20____)

object or purpose: to finance the design, construction and construction management of a paved pathway along the Bronx River Reservation, including the construction of a new pathway along the Bronx River Reservation from Midland Avenue to the Cross County Parkway and rehabilitation of the existing pathway from the Cross County Parkway to Oak Street, and all infrastructure, site work, bridge construction, grading, drainage and associated landscaping, 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: \$15,350,000; 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

3846175.1 046607 LEG

CAPITAL PROJECT FACT SHEET

Project ID:* RBR04	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 10-02-2023
Fact Sheet Year:* 2023	Project Title:* BRONX RIVER RESERVATION	Legislative District ID: 14, 15,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2398

Overall Project Description

This project provides for a paved pathway along the Bronx River Reservation from Midland Avenue in Bronxville, to the North end of the Oak Street Loop in Yonkers, and rebuilding the Oak Street loop. The work includes all infrastructure, site-work, bridge construction, grading, drainage, and associated landscaping.

<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	15,350	6,850	0	0	0	0	0	8,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	15,350	6,850	0	0	0	0	0	8,500

Expended/Obligated Amount (in thousands) as of: 557

Current Bond Description: This bond request will increase funding available for construction, construction administration and design support during construction. There is no change in the scope.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,500,000
Cash:	0
Total:	\$ 8,500,000

SEQR Classification:

TYPE I

Amount Requested:

8,500,000

Expected Design Work Provider:

<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable
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Comments:

A capital budget amendment in the amount of \$8,500,000 is requested and shown under review to fund the increase in costs associated with this project. Due to the length of time that has transpired since the project's initial inception in 2013 and the complexity of design of the pedestrian footbridge structure, construction costs have increased dramatically resulting in the project cost exceeding its budget. Additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction administration and design support.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2013	650,000	DESIGN OF PATHWAY FROM MIDLAND AVE TO OAK ST, LOOP
2015	6,200,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

6,850,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
13	213	0	0	BRONX RIVER RESERVATION PATHWAY - PREPERATION AND DESIGN
21	102	6,850,000	462,190	BRONX RIVER RESERVATION PATHWAY - MIDLAND AVE TO CCP AND TO OAK ST.

Total Financing History:

6,850,000

Recommended By:**Department of Planning**

MLLL

Date

10-11-2023

Department of Public Works

RJB4

Date

10-12-2023

Budget Department

DEV9

Date

10-26-2023

Requesting Department

RCL3

Date

10-26-2023

BRONX RIVER RESERVATION (RBR04)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	6,850	6,850	557						
Non County Share									
Total	6,850	6,850	557						

Project Description

This project provides for a paved pathway along the Bronx River Reservation from Midland Avenue in Bronxville, to the North end of the Oak Street Loop in Yonkers, and rebuilding the Oak Street loop. The work includes all infrastructure, site-work, bridge construction, grading, drainage, and associated landscaping.

Current Year Description

There is no current year request.

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
2013	650,000	Design of pathway from Midland Ave to Oak St, Loop	DESIGN
2015	6,200,000	Construction and Construction Management	CONSTRUCTION
Total	6,850,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,850,000	462,190	6,387,810
Total	6,850,000	462,190	6,387,810

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
213 13				
102 21	6,850,000	12/01/21	462,190	6,387,810
Total	6,850,000		462,190	6,387,810



George Latimer
County Executive

Department of Law
John M. Nonna
County Attorney

October 23, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Re: An Act authorizing the County of Westchester (the "County") to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee from a settlement of his legal action against a third-party tortfeasor.

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved, would authorize the County of Westchester (the "County") to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee, identified as "B.J.," from the settlement of his legal action against a third-party tortfeasor. Consistent with prior practice in similar cases, I have deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

When an individual is injured in the course of his or her employment, the County's self-insured Workers' Compensation program, administered by Triad Group, LLC, provides medical and lost wage benefits in accordance with NYS Workers' Compensation Law. If the individual is injured as a result of some alleged tortious act or omission of a third party, the County pays for the immediate health care for the insured, subject to the right to be reimbursed if the insured recovers in a settlement with or legal action against a third party. The employee is entitled to compensation and medical benefits under the NYS Workers' Compensation Law. Section 29 of the NYS Workers' Compensation Law entitles the County to a lien against the proceeds of any recovery from the third party liable for the injury, after the deduction of the reasonable and necessary expenditures—including attorney's fees incurred in effecting such recovery—to the extent of the amount of compensation and medical benefits awarded or provided under NYS Workers' Compensation Law.

Accordingly, I seek authorization to compromise the following claim:



On October 22, 2018, B.J.—a Senior Maintenance Mechanic II (Electrician) in the Westchester County Department of Environmental Facilities (the “Department”)—tripped and fell on construction materials that were left out in the North Yonkers Pump Station’s maintenance room by County vendor E.C.C.O. III Enterprises, Inc. (“ECCO”). When B.J. fell, he was carrying an auxiliary-generator battery, an item which weighed more than one hundred pounds. The battery fell on B.J.’s shin. As a result of the fall, B.J. injured his right ankle, right shin, and right arm. He eventually underwent surgery related to the fall, and missed a grand total of forty-one (41) weeks of work.

After the injury B.J. filed a NYS Workers’ Compensation claim, which the County did not controvert. On a parallel track to his Workers’ Compensation claim, B.J. retained counsel and commenced a personal-injury action against ECCO. B.J. is represented therein by SCARCELLA LAW OFFICE, located at 44 Church Street, Suite 150, White Plains, NY 10601. ECCO is represented by Fabiani Cohen & Hall, LLP, located at 570 Lexington Avenue, 4th Floor, New York, NY 10022.

On or about October 5, 2023, B.J. agreed in principle to settle his personal-injury action for two hundred fifteen thousand and 00/100 dollars (\$215,000.00), pending the County’s consent. In connection with the proposed settlement, B.J.’s counsel notified this Office that its costs and disbursements total five thousand five hundred eighty-two and 70/100 dollars (\$5,582.70) and that its attorney’s fee totals seventy-one thousand six hundred sixty-six and 67/100 dollars (\$71,666.67)—for a total litigation cost of seventy-seven thousand two hundred forty-nine and 37/100 dollars (\$77,249.37).

Between the date of the accident and the date of the proposed settlement, the County expended medical benefits pursuant to the NYS Workers’ Compensation Law (“WCL”) to or on B.J.’s behalf in the amount of fourteen thousand one hundred eleven and 59/100 dollars (\$14,111.59) and indemnity (lost wage) benefits in the amount of thirty-six thousand eight hundred three and 65/100 dollars (\$36,803.65)—bringing the County’s total expenditures in this matter to fifty thousand nine hundred fifteen and 24/100 dollars (\$50,915.24).

Based upon a review of the facts and circumstances of this matter, this Office seeks the authority to compromise the County’s claim for reimbursement by reducing its lien by 35.93%, equaling a dollar reduction of eighteen thousand two hundred ninety-three and 85/100 dollars (\$18,293.85). The County would thereafter accept in satisfaction of its present lien a total of thirty-two thousand six hundred twenty-one and 39/100 dollars (\$32,621.39). After the County is reimbursed and counsel fees are paid, B.J. would receive one hundred five thousand one hundred twenty-nine and 24/100 dollars (\$105,129.24).

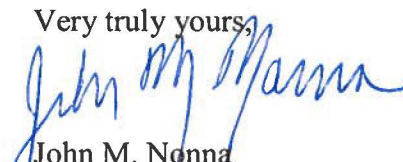
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For the reader's convenience, a chart of the previously mentioned figures appears below:

Worker's Compensation Amounts	
Medical Expenses	\$14,111.59
Indemnity (Lost Wage) Payments	\$36,803.65
Worker's Comp, TOTAL	\$ 50,915.24
Litigation Amounts	
Third-Party Settlement (Gross Amt)	\$215,000.00
Disbursements	\$5,582.70
Attorney's Fees	\$71,666.67
Cost of Litigation (COL)	\$77,249.37
Net Proceeds of Third-Party Settlement	\$137,750.63
Percentage COL	35.93%
Carrier's COL	\$ 18,293.85
Carrier's Net Lien	\$ 32,621.39
Claimant's Net Recovery	\$ 105,129.24

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of B.J. from his recovery against a third-party tortfeasor. I therefore recommend passage of the accompanying Act.

Very truly yours,


John M. Nonna
County Attorney

JMN/stc

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester (the “County”) to compromise its claim to be reimbursed for healthcare and wage benefits paid to or on behalf of a County employee, identified as “B.J.” Consistent with prior practice in similar cases, the County Attorney has deleted the name of the employee to protect the individual’s privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

On October 22, 2018, B.J.—a Senior Maintenance Mechanic II (Electrician) in the Westchester County Department of Environmental Facilities (the “Department”)—tripped and fell on construction materials that were left out in the North Yonkers Pump Station’s maintenance room by County vendor E.C.C.O. III Enterprises, Inc. (“ECCO”). When B.J. fell, he was carrying an auxiliary-generator battery, an item which weighed more than one hundred pounds. The battery fell on B.J.’s shin. As a result of the fall, B.J. injured his right ankle, right shin, and right arm. He eventually underwent surgery related to the fall, and missed a grand total of forty-one (41) weeks of work.

After the injury B.J. filed a NYS Workers’ Compensation claim, which the County did not controvert. On a parallel track to his Workers’ Compensation claim, B.J. retained counsel and commenced a personal-injury action against ECCO. B.J. is represented therein by SCARCELLA LAW OFFICE, located at 44 Church Street, Suite 150, White Plains, NY 10601. ECCO is represented by Fabiani Cohen & Hall, LLP, located at 570 Lexington Avenue, 4th Floor, New York, NY 10022.

On or about October 5, 2023, B.J. agreed in principle to settle his personal-injury action for two hundred fifteen thousand and 00/100 dollars (\$215,000.00), pending the County’s consent.

In connection with the proposed settlement, B.J.'s counsel notified the County Attorney's Office that its costs and disbursements total five thousand five hundred eighty-two and 70/100 dollars (\$5,582.70) and that its attorney's fee totals seventy-one thousand six hundred sixty-six and 67/100 dollars (\$71,666.67)—for a total litigation cost of seventy-seven thousand two hundred forty-nine and 37/100 dollars (\$77,249.37).

Between the date of the accident and the date of the proposed settlement, the County expended medical benefits pursuant to the NYS Workers' Compensation Law ("WCL") to or on B.J.'s behalf in the amount of fourteen thousand one hundred eleven and 59/100 dollars (\$14,111.59) and indemnity (lost wage) benefits in the amount of thirty-six thousand eight hundred three and 65/100 dollars (\$36,803.65)—bringing the County's total expenditures in this matter to fifty thousand nine hundred fifteen and 24/100 dollars (\$50,915.24).

Based upon a review of the facts and circumstances of this matter, the County Attorney seeks the authority to compromise the County's claim for reimbursement by reducing its lien by 35.93%, equaling a dollar reduction of eighteen thousand two hundred ninety-three and 85/100 dollars (\$18,293.85). The County would thereafter accept in satisfaction of its present lien a total of thirty-two thousand six hundred twenty-one and 39/100 dollars (\$32,621.39). After the County is reimbursed and counsel fees are paid, B.J. would receive one hundred five thousand one hundred twenty-nine and 24/100 dollars (\$105,129.24).

[Remainder of Page Intentionally Left Blank]

Your Committee has carefully considered the matter and recommends authorizing the County Attorney, pursuant to Section 158.11 of the Westchester County Charter, to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of B.J. from the settlement of his legal action against a third-party tortfeasor. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
November __, 2023

ACT NO. 2023

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee from a settlement of his legal action against a third-party tortfeasor.

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

1. The County of Westchester is hereby authorized to compromise its right to be reimbursed for health care and wage benefits paid or owing to or on behalf of a County employee, identified as "B.J.", from a settlement of his legal action against a third party. The County's reimbursement is \$32,621.39, representing a 35.93% reduction of its lien, with full reservation of the County's right to set off B.J.'s net recovery against any future compensation in accordance with the provisions of New York State Workers' Compensation Law.
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 purpose hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp lien (B.J.)

☐ 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 \$ 0

Total Current Year Revenue \$ 32,621.39

Source of Funds (check one): ☐ Current Appropriations

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

Identify Accounts: 613-57-0018-4280

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

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

Current Year: _____

Next Four years: _____

Prepared by: Sean T. Carey

Title: Associate County Attorney

Department: Law

Reviewed By: [Signature]

Budget Department

10/23/23

If you need more space, please attach additional sheets.

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 8, 2022

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request for Authorization to Settle the Lawsuit of *Yonkers Contracting v. County of Westchester, et al.*, pending in the Appellate Division of the Supreme Court of the State of New York Docket No. 2023-04276

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if enacted by your Board, would authorize the settlement of the lawsuit entitled *Yonkers Contracting v. County of Westchester, et al.*, for \$250,000.00, as set forth below.

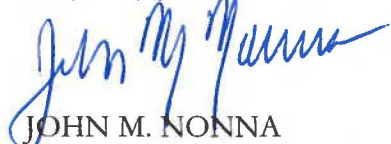
Yonkers Contracting Corporation ("YCC") was engaged by the County to perform general construction in connection with the development and construction of a Composite Performance Implementation and Plant Expansion at the New Rochelle Waste Water Treatment Plant (Contract No. 08-540) and the construction of a new building known as the Biological Nutrient Removal Facility at the New Rochelle Waste Water Treatment Plant (Contract No. 09-514) (collectively, the "Projects"). During the course of construction, various disputes arose between YCC and the County regarding the Projects. Ultimately, in 2015, YCC commenced litigation against the County and others, seeking in excess of \$37,000,000 from the County.

During the course of litigation, various settlement discussions were held. On May 26, 2020, a settlement proposal was submitted to your Board, proposing to settle the matter for \$7,000,000. At that time, motions for summary judgment were outstanding. Subsequent to the submission of that legislation, and before your Board voted on it, summary judgment was granted in favor of the County.

YCC moved to renew and reargue before the Supreme Court, arguing both that the summary judgment decision was wrong, and that there was an intervening settlement with the County. Following additional motion practice, discovery, and briefing on those issues, the Supreme Court issued a decision on April 13, 2023 which adhered to its prior decision on summary judgment, and found that there was no enforceable settlement. YCC has filed a notice of appeal from that decision.

Since then, YCC and the County have negotiated a proposed settlement in the amount of \$250,000.00, which would resolve all outstanding issues from this litigation, and would result in withdrawing the notice of appeal. I, together with our outside counsel Ira Schulman, recommend this settlement. Therefore, I am requesting that this Board approve the accompanying Act authorizing the settlement of all remaining claims in the action through the payment of \$250,000.00 to YCC.

Very truly yours,



JOHN M. NONNA
Westchester County Attorney

JMN/jra
Enclosure

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT authorizing the County Attorney to Settle the Lawsuit of *Yonkers Contracting v. County of Westchester, et al.*, pending in the Appellate Division of the Supreme Court of the State of New York Docket No. 2023-04276.”

Your Committee is informed that Yonkers Contracting Corporation (“YCC”) was engaged by the County to perform general construction in connection with the development and construction of a Composite Performance Implementation and Plant Expansion at the New Rochelle Waste Water Treatment Plant (Contract No. 08-540) and the construction of a new building known as the Biological Nutrient Removal Facility at the New Rochelle Waste Water Treatment Plant (Contract No. 09-514) (collectively, the “Projects”). During the course of construction, various disputes arose between YCC and the County regarding the Projects. Ultimately, in 2015, YCC commenced litigation against the County and others, seeking in excess of \$37,000,000 from the County.

Your Committee is further informed that during the course of litigation, various settlement discussions were held. On May 26, 2020, a settlement proposal was submitted to your Board, and then referred to committee, proposing to settle the matter for \$7,000,000. At that time, motions for summary judgment were outstanding. Subsequent to the submission of that legislation, and before the item was moved out of committee, summary judgment was granted in favor of the County.

Your Committee is aware that YCC moved to renew and reargue before the Supreme Court, arguing both that the summary judgment decision was wrong, and that there was an intervening

settlement with the County. Following additional motion practice, discovery, and briefing on those issues, the Supreme Court issued a decision on April 13, 2023 which adhered to its prior decision on summary judgment, and found that there was no enforceable settlement. YCC has filed a notice of appeal from that decision.

Your Committee is informed that YCC and the County have negotiated a proposed settlement in the amount of \$250,000.00, which would resolve all outstanding issues from this litigation, and would result in withdrawing the notice of appeal. The County Attorney, and the County's outside counsel Ira Schulman, have 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
, 2023

COMMITTEE ON

AN ACT authorizing the County Attorney to Settle the Lawsuit of *Yonkers Contracting v. County of Westchester, et al.*, pending in the Appellate Division of the Supreme Court of the State of New York Docket No. 2023-04276

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 *Yonkers Contracting Corp. v. County of Westchester, et al.*, by payment from the County in an amount of \$250,000.00.

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.

Date: November 9, 2023

To: Hon. Vedat Gashi Sunday Vanderberg
Chairman, Board of Legislators Clerk, Board of Legislators

From: John M. Nonna
County Attorney



Re: Legislation to authorize the County to enter into an agreement to retain, at County expense, the law firm of Jackson Lewis P.C. — Rule 13.1 Request for Immediate Consideration

Attached please find legislation that would, if approved, authorize the County to enter into an agreement to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

I respectfully request that the Board of Legislators add the attached legislation to the agenda for its November 13, 2023 meeting, pursuant to Rule 13.1 of the Rules of the County Board of Legislators (LWC §960.01).

Please let me know if you have any questions concerning either the legislation or this request. Thank you.

JMN/bdm/nn



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 9, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Jackson Lewis P.C. ("Jackson Lewis") to serve in an "of counsel" capacity to the County Attorney, as needed, (the "Services") in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

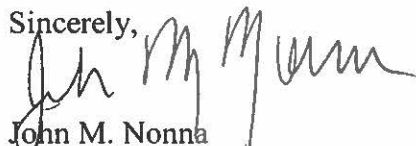
The term of the proposed Agreement will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

Under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

Procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

The proposed Act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

John M. Nonna
County Attorney

JMN/bdm/nn

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

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

The County Attorney has advised your Committee that the term of the proposed Agreement will on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

The County Attorney has advised your Committee that, under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

The County Attorney has advised your Committee that procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

Your Committee concurs with the conclusion that the proposed Act does not meet the

definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:BDM-110823

FISCAL IMPACT STATEMENT

SUBJECT: Jackson Lewis P.C. -Labor Law

☐ 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 NTE \$50,000

Total Current Year Revenue \$ -

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

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101_18_1000_4923- NTE \$50,000 Term will commence on September 27, 2023

and continue until the County determines, in its sole discretion, that the services are no longer required.

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An act authorizing the County to retain , at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

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: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: October 19, 2023

Reviewed By: 
PH Budget Director

Date: 10/19/23

ACT NO. 2023 - _____

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding labor, employment, and benefits law.

§2. The Agreement shall be for a term that will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required. For the Services, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

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

§4. This Act shall take effect immediately.

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

Your Committee is in receipt of a communication from the Chair of the Board of Legislators recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an inter-municipal agreement (“IMA”) with the City of Mount Vernon (the “City”), for a summer basketball program (the “Program”). The Program operated five (5) days per week during the period July 13, 2023 through August 14, 2023. The Program was held in Mount Vernon at the Mount Vernon High School gymnasium Mondays-Fridays from 10:00 a.m.–5:00 p.m. The Program had availability of a maximum of ninety (90) registered participants, ages 8 - 17 for each week of the Program. The head basketball coach at Mount Vernon High School and his staff directed basketball skills and drills. In addition to helping participants develop basketball skills, the Program taught participants “life skills”. Each week a speaker presented and discussed a different life skill topic to the participants. All participants received lunch and a tee shirt. The County will pay the City a total amount not to exceed Twenty-Seven Thousand, Eight Hundred and Seven (\$27,807.00) Dollars, payable within thirty (30) days after submission by the Municipality of an invoice, pursuant to an approved budget.

The purpose of the Program is to enhance the athletic and social skills of participants while providing a safe environment with quality basketball instruction. All participants were given a skill evaluation test at the beginning of each session and another one at the end of the session to test each participant’s ability in shot-making, agility and basic knowledge of the game of basketball. Participants who showed the most improvement are encouraged to participate in the City’s Saturday youth summer basketball league.

It was advised that in previous years of the Program that eighty-five (85%) percent of the participants learned the game of basketball, including shot making, movement and overall comprehension; fifty (50%) percent were motivated to continue in additional basketball programs, and

seventy-five (75%) percent increased their motor skills and agility, as well as their ability to work in a team setting. The City's Director of Athletics and Program Services and assigned administrative staff were tasked with monitoring the program and site visits.

The City will submit a written report to the County including statistics of the results of the Program. Evaluations will be based on the extent to which objectives of the Program were accomplished. The Program supervisors were required to prepare an "evaluation report" including an assessment of strengths, weaknesses and/or comments, including the number of children registered, average attendance per session, speakers, topics, and other pertinent information.

The goal of the Program is to provide constructive activities while providing quality basketball instruction for youth who desire to become better basketball players. The Program is a healthy alternative to delinquent behavior and discourages possible gang involvement and drug abuse. It also keeps the participants physically fit in an effort to combat the effects of obesity.

Your Committee has determined that there is a clear and overwhelming need for youth services within the City. Accordingly, there is an increased need to sustain and expand programming that will provide affordable, safe, and constructive activities for youth. Your Committee has determined that the Program helps achieve these objectives.

The Department of Planning has advised that the proposed IMA does not meet the definition of an "action" under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the Memorandum from the Department of Planning dated January 12, 2023, which is on file with the clerk of your Honorable Board. Therefore, no environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that approval of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board. Your Committee has carefully considered

this proposed Act authorizing the IMA and recommends its approval.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C/MB/10/27/23

FISCAL IMPACT STATEMENT

SUBJECT: IMA City of Mt Vernon 2023

☐ 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 \$ 27,807

Total Current Year Revenue \$ -

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

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101-52-2508-5100

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: October 27, 2023

Reviewed By: 

Budget Director

Date: 10/27/23

ACT NO. 2023-__

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the City of Mount Vernon for a summer basketball program for the period July 13, 2023 through August 14, 2023 for a total amount not to exceed \$27,807.00.

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 enter into an inter-municipal agreement ("IMA") with the City of Mount Vernon ("City"), for a summer basketball program (the "Program"). The Program ran from July 13, 2023 through August 14, 2023 in Mount Vernon at the Mount Vernon High School gymnasium Mondays-Fridays from 10:00 a.m.–5:00 p.m. The Program had availability of a maximum of ninety (90) registered participants, ages 8 - 17 for each week of the Program. The Program taught youth basketball skills as well as "life skills" that can be applied to their everyday lives. The County will pay the City a total amount not to exceed Twenty-Seven Thousand, Eight Hundred Seven (\$27,807.00) Dollars, payable within thirty (30) days after submission by the Municipality of an invoice, pursuant to an approved budget.

§2. The City shall submit a written report to the County including statistics of the results of the Program. Evaluations will be based on the extent to which objectives of the Program were accomplished. The Program supervisors were required to prepare an "evaluation report" including an assessment of strengths, weaknesses and/or comments, the number of children registered, average attendance per session, speakers, topics, and other pertinent information.

§3. The Chair of the Board of Legislators or his/her duly authorized designee ("Chair") is hereby authorized to execute and deliver all documents and take such actions as the Chair deems necessary or desirable to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereafter the "County"),

THE CITY OF MOUNT VERNON, a New York municipal corporation of the State of New York, having an office and principal place of business at City Hall, 1 Roosevelt Plaza, Mount Vernon, New York, 10550, (hereafter the “Municipality”).

SECOND: The term of this Agreement shall commence retroactively on January 1, 2023, and shall terminate on December 31, 2023 unless terminated earlier pursuant to the provisions of this Agreement.

The Municipality shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the services contracted for under this

Agreement. It is recognized and understood that in no event shall total payment to the Municipality exceed the not-to-exceed amount set forth above.

FOURTH: The Municipality shall report to the County on its progress toward completing the Work, as the Chair of the Westchester County Board of Legislators or his/her duly authorized designee (the "Chair") may request, and shall immediately inform the Chair in writing of any cause for delay in the performance of its obligations under this Agreement. At the conclusion of the Work, the Municipality will submit to the Chair a written program evaluation report using the criteria set forth in Schedule "A" attached hereto and made a part hereof. Evaluations will be based on the extent to which objectives of the program were accomplished. At the end of the term of this Agreement, the Program supervisors will write an "evaluation report" including an assessment of strengths, weaknesses and/or comments, including the number of children registered, average attendance per session, speakers and topics, and other pertinent information. In addition, the supervisors will administer pre and post tests to measure participants' progress and to determine the number of children in each category.

In addition to any general audit rights to which the County may be entitled hereunder, the County also reserves the right to audit the Municipality's performance under this Agreement. Such audit may include requests for documentation, reports or other information which the Chair may, in his/her discretion, deem necessary and appropriate. The County may also make site visits to the location/s where the services to be provided under this Agreement are performed in order to review Municipality's records, observe the performance of services and/or to conduct interviews of staff and patrons, where appropriate and not otherwise prohibited by law.

FIFTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall

retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

SIXTH: (a) The County, upon ten (10) days' notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination, and Municipality shall reimburse to the County the amount of the lump-sum payment, pro-rated to the time remaining in the term of this Agreement. Upon receipt of notice that the County is terminating this Agreement in its best interests, the Municipality shall stop Work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Chair, and the Municipality shall direct any approved subcontractors to do the same.

In the event of a dispute as to the value of the Work rendered by the Municipality prior to the date of termination, it is understood and agreed that the Chair shall determine the value of such Work rendered by the Municipality. The Municipality shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Municipality of written notice thereof, the County, in addition to any

other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Without limiting the foregoing, upon written notice to the Municipality, repeated breaches by the Municipality of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

SEVENTH: INSURANCE AND INDEMNIFICATION: All personnel and vehicles engaged in the Work shall at all times remain and be deemed the employees and property of the Municipality. The Municipality shall provide proof of insurance as set forth in the insurance requirements of Schedule "C" of this Agreement. Notwithstanding the foregoing, if the Municipality is self-insured for all or a portion of the insurance required by Schedule "C" it may provide proof of such self-insurance in a form acceptable to the County's Director of Risk Management. However, to the extent the Municipality is self-insured and carries excess liability, the County shall be named as an additional insured to that policy.

In addition to, and not in limitation of the insurance requirements set forth in this Agreement, the Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C" entitled "Standard Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C" the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) in the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and

indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

EIGHTH: The Municipality expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Municipality acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

NINTH: The Municipality shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations, including, but not limited to, those applicable to the Municipality as an employer of labor. The Municipality shall further comply, at its own expense, with all applicable rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the Work hereunder.

TENTH: The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Municipality shall not subcontract any part of the Work without the written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Municipality and the Municipality shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement. All subcontracts for the Work shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with

the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a copy of the County's contract, read it and is familiar with the material terms and conditions thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and conditions of this Agreement. For each and every year for which this Agreement continues, the Municipality shall submit to the Chairman a letter signed by the mayor of the Municipality or his/her duly authorized representative certifying that each and every approved subcontractor is in compliance with the material terms and conditions of the Agreement.

ELEVENTH: The Municipality and the County agree that the Municipality and its officers, employees, agents, contractors and/or subcontractors are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the Municipality covenants and agrees that neither the Municipality nor any of its officers, employees, agents, contractors and/or subcontractors will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

TWELFTH: Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Work or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

THIRTEENTH: All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, (with acknowledgment received and a copy of the notice sent by registered or certified mail postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County: Chair
 Westchester County Board of Legislators

Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

with a copy to: County Attorney
Michaelian Office Building
148 Martine Avenue, Room 600
White Plains, New York 10601

To the Municipality: City of Mount Vernon
City Hall
1 Roosevelt Plaza
Mount Vernon, New York 10550

FOURTEENTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

FIFTEENTH: Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

SIXTEENTH: The Municipality recognizes that this Agreement does not grant the Municipality the exclusive right to perform the Services for the County and that the County may enter into similar agreements with other Municipalities on an “as needed” basis.

SEVENTEENTH: The Municipality shall use all reasonable means to avoid any conflict of interest with the County and shall immediately notify the County in the event of a conflict of interest. The Municipality shall also use all reasonable means to avoid any appearance of impropriety.

EIGHTEENTH: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

NINETEENTH: All payments made by the County to the Municipality will be made by electronic funds transfer pursuant to the County's Vendor Direct program. The Municipality acknowledges that it is already enrolled in the County's Vendor Direct Program and agrees that if there are changes to the information contained in the authorization forms it will notify the Westchester County Finance Department directly.

TWENTIETH: This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK / SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the County of Westchester and the Municipality have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Name: Honorable Vedat Gashi
Title: Chair, Westchester County Board of Legislators

THE CITY OF MOUNT VERNON

By: _____
Name:
Title:

Authorized by the Westchester County Board of Legislators by Act No. ____-2023 duly adopted on the _____ day of _____, 2023.

Approved:

Assistant County Attorney
County of Westchester
k/bara/bol/IMA City of Mt. Vernon Summer Basketball CON131997

ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 2023 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

CERTIFICATE OF AUTHORITY
(MUNICIPALITY)

I, _____,
(Municipal Official other than official signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Municipal Corporation)

a municipal corporation duly organized and in good standing under the
(Law under which organized, e.g., the New York Village Law)
named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Municipal Corporation)

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

of the Municipal Corporation and that said agreement was duly signed for and on behalf of said
Municipal Corporation by authority of its Board of Supervisors/Trustees, thereunto duly
authorized and that such authority is in full force and effect at the date hereof.

(Signature)

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

On the _____ day of _____ in the year 2023 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 officer
described in and who executed the above certificate, who being by me duly sworn did depose and
say that he/she resides at _____, and
he/she is an official of said municipal corporation; that he/she is duly authorized to execute said
certificate on behalf of said municipal corporation, and that he/she signed his/her name thereto
pursuant to such authority.

Notary Public
Date

SCHEDULE “A”

SCOPE OF WORK

The Municipality will provide a summer basketball program (the “Program”) for a maximum of ninety (90) registered participants ages 8-17, for each week of the Program, which operated five (5) days per week Monday through Friday from 10:00 a.m.-5:00 p.m. for the period July 13, 2023 through August 14, 2023,

The Program was held in the Mount Vernon High School gymnasium and operated Monday through Friday from 10:00 a.m.-5:00 p.m., offered in weekly sessions. Basketball skills and drills were directed by the head basketball coach at Mount Vernon High School and his staff. In addition to helping youth develop basketball skills, the Program also taught “life skills”. Each week a speaker will presented and discussed a different life skill topic to the participants. All participants received lunch and a tee shirt.

The purpose of the Program is to enhance the athletic and social skills of the participants while providing a safe environment with quality basketball instruction. All participants were given a skill evaluation test at the beginning of each session and another one at the end of the session to test each participant’s ability in shot-making, agility and basic knowledge of the game of basketball. Participants who showed the most improvement will be encouraged to participate in the City’s Saturday youth summer basketball league.

Municipality has advised that eighty-five (85%) percent of the participants would learn the game of basketball, including shot-making, movement and overall comprehension; fifty (50%) percent would be motivated to continue in additional basketball programs; and seventy-five (75%) percent would increase their motor skills and agility, as well as their ability to work in a team setting. Monitoring will include site visits by the City’s Director of Athletics and Program Services and assigned administrative staff.

The City will submit a written report to the County including statistics of the results of the Program. Evaluations will be based on the extent to which objectives of the Program were accomplished. The Program supervisors will prepare an “evaluation report” including an assessment of strengths, weaknesses and/or comments, including the number of children registered, average attendance per session, speakers, topics, and other pertinent information.

The goal of the Program is to provide constructive activities while providing quality basketball instruction for youth who desire to become better basketball players. The Program is a healthy alternative to delinquent behavior and discourages possible gang involvement and drug abuse. It also keeps the participants physically fit in an effort to combat the effects of obesity.

SCHEDULE "B"

BUDGET

SALARIES AND WAGES:

Director (1) @ \$30/hr x 5 hrs/day x 5 days/wk @ 6 weeks	\$ 4,500.00
Assistant Director (2) @ 18/hr x 4 hrs/day x 5 days/wk @ 6 weeks	\$ 4,320.00
Rec Specialist (8) @ \$16/hr x 4 hrs/day x 5 days x 6 weeks	\$ 15,360.00

TOTAL SALARIES	\$ 24,180.00
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FRINGE BENEFITS:

FICA @7.65%	\$ 1,850.00
Workers' Compensation @ 2.88%	\$ 696.00
Liability Insurance @ 1.42%	\$ 343.00

TOTAL FRINGE BENEFITS	\$ 2,889.00
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<u>TOTAL SALARY AND FRINGE:</u>	\$ 27,069.00
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MISCELLANEOUS EXPENSES:

Equipment (basketballs, nets, whistles, awards, etc.)	\$ 100.00
Speaker	\$ 100.00
T shirts	\$ 538.00

TOTAL MISCELLANEOUS EXPENSES:	\$ 738.00
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<u>TOTAL OPERATING BUDGET:</u>	\$ 27,807.00
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SCHEDULE "C"

STANDARD INSURANCE PROVISIONS **(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

e) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

October 26, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt "AN ACT designating all digitally created or digitally converted records filed in the Office of the Westchester County Clerk as the official copies of the records that shall be maintained in digital format for the legally prescribed retention period pursuant to New York State and Local Law."

The proposed legislation will enable the County Chief Information Officer, who is the County Records Management Officer pursuant to Chapter 631 the Laws of Westchester County, and the County Clerk to maintain certain official records in a digital format, without preserving paper copies. Specifically, pursuant to New York State County Law § 525, the Westchester County Clerk is charged with the care, custody, and control of certain public records, including Supreme and County court records in the County. Currently, my Office has been maintaining Supreme and County court records and instruments affecting real property in digital format. However, numerous documents, other than court and real property documents, are filed in the Office of the County Clerk, including but not limited to, business certificates, building loan agreements, domestic partnership documents, oaths of office, and liens in paper form. While I have been proactive in converting hard-copy documents into a digital format, paper copies are also retained, which results in the redundant storage of documents, incurring additional costs and utilizing physical space in the office of the County Clerk and the County Records Center.

This Act will also provide relief from environmental conditions, such as temperature, humidity, and flooding, which pose a threat to the integrity of the records maintained by the County, as well as promoting paper reduction. Further, this Act would allow easier accessibility to documents, promoting efficiency and productivity in finding and sharing documents. As such, this Act would deem non-digital records that are copies of digital records as convenience copies, which can be disposed of when no longer needed for reference or other administrative purposes.

The transition to digital recordkeeping is supported by statutory, legal, and regulatory requirements. The New York State Office of Court Administration has already authorized the County Clerk, as clerk

of the Supreme and County courts of Westchester County, to maintain court records in electronic format as the official court records. Moreover, the New York State Real Property Law §291-i authorizes the recording of an instrument affecting real property in a digitized or other electronic format as an original document. Such court and land records are currently maintained in an application or database system under the management and control of the County Department of Information Technology. Furthermore, the New York State Arts and Cultural Affairs Law § 57.29 permits records in Westchester County to be converted and maintained in a digital format and retained for the legally prescribed period in adherence with the guidelines for retention and preservation of electronic records set forth in Part 185.8 of the Regulations of the Commissioner of Education of the State of New York.

In light of the aforementioned, I respectfully urge that this Honorable Board adopt the proposed Act to designate all digitally created or digitally converted records filed in the Office of the County Clerk as the official copies of the records that shall be maintained in digital format for the legally prescribed retention period of the records.

Sincerely,



TIMOTHY C. IDONI
County Clerk

TI/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT designating all digitally created or digitally converted records filed in the Office of the Westchester County Clerk as the official copies of the records that shall be maintained in digital format for the legally prescribed retention period pursuant to New York State and Local Law.”

Your Committee is informed that the proposed Act would enable the County Chief Information Officer, who is the County Records Management Officer pursuant to Chapter 631 of the Laws of Westchester County, and the County Clerk to maintain certain official records in a digital format, without preserving paper copies. Specifically, pursuant to New York State County Law § 525, the County Clerk is charged with the care, custody, and control of certain public records, including Supreme and County court records in Westchester County. Currently, the County Clerk has been maintaining Supreme and County court records and instruments affecting real property in digital format. However, numerous documents, other than court and real property documents, are filed in the Office of the County Clerk, including but not limited to, business certificates, building loan agreements, domestic partnership documents, oaths of office, and liens in paper form. While the County Clerk has been proactive in converting hard-copy documents into a digital format, paper copies are also retained, which results in the redundant storage of documents, incurring additional costs and utilizing physical space in the office of the County Clerk and the County Records Center.

Your Committee recognizes that passing this Act will provide the County with additional space in the Records Center, as well as relief from environmental conditions – such as temperature, humidity, and flooding – which pose a threat to the integrity of the records maintained by the County. Further, designation of records in digital format as official records promotes the economical operation

of government in ensuring accessibility to documents, promoting efficiency and productivity in finding and sharing documents, paper reduction, and improving information management in the use, storage, and delivery of the information. As such, this Act deems non-digital records which are copies of digital records as convenience copies, which can be disposed of when no longer needed for reference or other administrative purposes.

Your Committee finds that the transition to digital recordkeeping is supported by statutory, legal, and regulatory requirements. The New York State Office of Court Administration has already authorized the County Clerk, as clerk of the Supreme and County courts of Westchester County, to maintain court records in electronic format as the official court records. Moreover, the New York State Real Property Law § 291-i authorizes the recording of an instrument affecting real property in a digitized or other electronic format as an original document. Such court and land records are currently maintained in an application or database system under the management and control of the County Department of Information Technology. Furthermore, the New York State Arts and Cultural Affairs Law § 57.29 permits records in Westchester County to be converted and maintained in a digital format and retained for the legally prescribed period in adherence with the guidelines for retention and preservation of electronic records set forth in Part 185.8 of the Regulations of the Commissioner of Education of the State of New York.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to

the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

ACT NO. ____ - 2023

AN ACT designating all digitally created or digitally converted records filed in the Office of the County Clerk as the official copies of the records that shall be maintained in digital format for the legally prescribed retention period pursuant to New York State and Local Law

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

§ 1. All digitally created or digitally converted records filed in the Office of the County Clerk are hereby designated and deemed to be the official copy of record and shall be maintained in digital format for the legally prescribed retention period of the records pursuant to Chapter 631 of the Laws of Westchester County, the New York State Arts and Cultural Affairs Law section 57.29, Part 185.8 of the Regulations of the Commissioner of Education of the State of New York, and all related standards and regulations set forth by the Commissioner of Education for the State of New York.

§ 2. The Chief Information Officer and the County Clerk are hereby authorized to maintain official records in a digital format. This designation also permits the disposal of non-digital records after they have been digitally converted if they are no longer needed for reference or other administrative purposes.

§ 3. All copies of records in other non-digital formats, including paper, currently in the custody of the Office of the County Clerk, the Chief Information Officer on behalf of the County Clerk, and/or the County's Records Center on behalf of the County Clerk may be converted to a digital format that accurately and completely reproduces all the information contained in the record. The Chief Information Officer or the County Clerk, may then allow for the disposal of the original record even though it has not completely met the prescribed minimum legal retention period, provided that the process for reproduction and the provisions made for preserving and examining the digital copy meet the requirements established by New York State and Local Law.

§ 4. All copies of digital records in other non-digital formats, including paper, shall be deemed convenience copies, which can be disposed of when no longer needed for reference or other administrative purposes in accordance with New York State and Local Law.

§ 5. Effective date. This Act shall take effect immediately.

October 12, 2023

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NY 10601
(914) 683-1200

MICHAEL V. CURTI
MEMBER
DIRECT: 914.298.3026
FAX: 914.683.1210
MCURTI@HARRISBEACH.COM

TAX AGREEMENT

VIA FEDERAL EXPRESS

#784908134259

Ms. Lynette Thomas-Braggs, Assessor
Assessment Department
Yonkers City Hall
40 South Broadway, Room 100
Yonkers, New York 10701

Re: 70 PIER LLC ("Company") and City of Yonkers Industrial Development
Agency: Tax Agreement and NYS Form RP-412-a, "Application for Real
Property Tax Exemption"

Section 1, Block 146, Lots 1.4 and 5, City of Yonkers, New York

Dear Ms. Thomas-Braggs:

On behalf of the City of Yonkers Industrial Development Agency, I have enclosed for you, the Assessor of the jurisdiction within which the above-referenced Premises is located, a completed and signed original "Application for Real Property Tax Exemption" on NYS Form RP-412-a with a copy of the underlying executed Tax Agreement.

Should you have questions, please contact me at (914) 298-3026. Thank you.

Very truly yours,

Michael V. Curti

Michael V. Curti

Enclosures

cc: Affected Taxing Jurisdiction Officials
indicated on Schedule A attached hereto (w/encs. – copies)

Schedule A

Via Certified Mail

#70190700000113758348

The Honorable George Latimer
Westchester County Executive
148 Martine Avenue, 9th Floor
White Plains, New York 10601

Via Certified Mail

#70190700000113758416

County Attorney
Westchester County Attorney's Office
Contracts and Real Estate Bureau
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Via Certified Mail

#70190700000113758409

Westchester County Tax Commission
Attn: Executive Director
110 Dr. Martin Luther King Jr. Blvd.
Room L-222
White Plains, New York 10601

Via Certified Mail

#70190700000113758393

Yonkers Corporation Counsel
Yonkers City Hall
40 South Broadway #300
Yonkers, New York 10701

Via Certified Mail

#70190700000113758386

Chairman Vedat Gashi
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Via Certified Mail

#70190700000113758355

Westchester County Department of Finance
Attn: Commissioner of Finance
148 Martine Avenue, Suite 720
White Plains, New York 10601

Via Certified Mail

#70190700000113758362

The Honorable Michael Spano
Mayor of the City of Yonkers
Yonkers City Hall
40 South Broadway, Room 200
Yonkers, New York 10701

Via Certified Mail

#70190700000113758379

Assessment Department
Yonkers City Hall
40 South Broadway, Room 100
Yonkers, New York 10701
Attn: Assistant Assessor



**NYS DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name City of Yonkers Industrial Development Agency
Street 470 Nepperhan Ave, Suite 200
City Yonkers
Telephone no. Day (914) 509-8659
Evening () _____
Contact Jaime McGill
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name 70 Pier LLC
Street 100 Summit Lake Dr, Suite 235
City Valhalla
Telephone no. Day (914) 747-3600
Evening () _____
Contact Douglas Ramsay
Title Chief Financial Officer

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year) Section 1, Block 146, Lots 1.4 and 5
b. Street address 66 and 70 Pier Street
c. City, Town or Village Yonkers
d. School District Yonkers Public Schools
e. County Westchester
f. Current assessment _____
g. Deed to IDA (date recorded; liber and page) _____
Lease to IDA (pending; pending)

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) Construction, improving and equipping of apartment building in four stories, with approx. 36 rental units, parking and amenities and commercial space
b. Type of construction Various
c. Square footage Unknown
d. Total cost Unknown
e. Date construction commenced Immediately
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA) December 31, 2044

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment See attached Tax Agreement

b. Projected expiration date of agreement December 31, 2044

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Yonkers</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u>Not applicable</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
School District <u>Yonkers</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name 70 Pier LLC
 Title _____
 Address 100 Summit Lake Dr, Suite 235
Valhalla, New York 10595

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)

If "No" identify owner and explain IDA rights or interest

Telephone _____

in an attached statement. * NO - IDA HAS A LEASEHOLD INTEREST IN THE PROPERTY*,

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☐ Yes ☒ No

If yes, list the statutory exemption reference and assessment roll year on which granted:
 exemption _____ assessment roll year _____

7. A copy of this application, including all attachments, has been mailed or delivered on _____ (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

CERTIFICATION

I, Marlyn Anderson, Secretary _____ of _____

Name _____ Title _____
City of Yonkers Industrial Development Agency hereby certify that the information
 Organization _____

on this application and accompanying papers constitutes a true statement of facts.

10/4/23
 Date

Marlyn Anderson
 Signature

Clear Form

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special ad valorem levies for which the parcel is liable:

 Date

 Assessor's signature

CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY

AND

70 PIER LLC

TAX AGREEMENT

Dated as of October 12, 2023

Affected Tax Jurisdictions:

Westchester County

City of Yonkers

Street Address:

66 and 70 Pier Street

City of Yonkers

Westchester County, New York

Tax Map No.:

Section: 1

Block: 146

Lots: 1.4 and 5

TAX AGREEMENT

THIS TAX AGREEMENT (the "Agreement"), dated as of October 12, 2023, by and between **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York with its offices located at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701 (the "Agency") and **70 PIER LLC**, a New York limited liability company having offices at c/o Ginsburg Development Companies, LLC, 100 Summit Lake Drive, Suite 235, Valhalla, New York 10595 (the "Company").

WITNESSETH:

WHEREAS, the Agency was created by Chapter 83 of the Laws of 1982 of the State of New York pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

WHEREAS, the Company, for itself or on behalf of an entity to be formed has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition of certain land located at 66 and 70 Pier Street (SBL: 1-146-5 and SBL: 1-146-1.4), City of Yonkers, New York (the "Land") being the site of the former Yonkers Parking Authority building and parking lot; (ii) the construction, renovation, improving and equipping on the Land of a four-story building consisting of approximately 36 residential rental units over ground floor amenities, which may be developed as, or converted to, retail, and approximately 35 exterior parking spaces (collectively, the "Improvements"); and (iii) the acquisition and installation in and around the Improvements of certain items of equipment and other tangible personal property (the "Equipment", which together with the Land and Improvements are the "Facility"); and

WHEREAS, in order to induce the Company to develop the Facility, the Agency is willing to hold a leasehold interest in the Land, Improvements and Equipment constituting the Facility pursuant to the terms and conditions contained in that certain Lease Agreement, dated as of even date herewith, by and between the Agency and the Company (the "Lease Agreement"); and

WHEREAS, the Agency proposes to lease the Facility back to the Company, and the Company desires to rent the Facility from the Agency, upon the terms and conditions hereinafter set forth in that certain Leaseback Agreement, dated as of even date herewith, by and between the Agency and the Company (the "Leaseback Agreement"); and

WHEREAS, the Agency has determined that providing the Facility will accomplish, in part, its public purposes; and

WHEREAS, the Company has agreed with the Agency, on behalf of the Agency and as the Agency's agent, to acquire, construct and equip the Facility in accordance with the Application filed with the Agency; and

WHEREAS, pursuant to Section 874(1) of the Act, the Agency is exempt from the payment of taxes imposed upon real property and improvements owned by it or under its jurisdiction,

control or supervision, other than special charges as defined by Section 2.1 which shall be paid by the Company outside this Tax Agreement as billed by the respective third parties; and

WHEREAS, the Agency and the Company deem it necessary and proper to enter into an agreement making provisions for payments in lieu of taxes by the Company to the Agency for the benefit of Westchester County (the "County") and the City of Yonkers (the "City"), inclusive of the City of Yonkers Dependent School District (the "Dependent School District", which together with the City and the County are collectively, the "Affected Tax Jurisdictions"); and

NOW, THEREFORE, in consideration of the covenants herein contained and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Section I - Payment in lieu of Ad Valorem Taxes.

Section 1.1 Exemption Application. A.) Subject to the completion and filing by the Agency or its designee at the direction of the Agency on or before the taxable status date [**October 15, 2023**] (the "Taxable Status Date") of New York State Form RP-412-a Application For Real Property Tax Exemption (the "Exemption Application") under Section 412-a of the New York State Real Property Tax Law ("RPTL") and Section 874 of the Act and the approval of the Exemption Application by the appropriate assessors or Board of Assessment Review, the Facility shall be exempt from Real Estate Taxes for the periods set forth in Section 1.3. For purposes of the foregoing, "Real Estate Taxes" means all general levy real estate taxes levied against the Facility by the County and City, including Real Estate Taxes levied by the City for its Dependent School District. The Company shall provide the Agency with the information necessary for the completion and filing of the Exemption Application and shall provide such additional information and take such actions as are required by the appropriate assessors or Board of Assessment Review to process and approve the Exemption Application. Notwithstanding anything contained herein or in the Leaseback Agreement to the contrary, in the event the exemption from Real Estate Taxes is denied for any reason, the Company shall pay (and hereby agrees to pay) all Real Estate Taxes levied upon the Facility as they become due, specifically including but not limited to Real Estate Taxes for years prior to and after the tax years covered by this Tax Agreement. After giving written notice to the Agency, the Company may in good faith contest the denial of the Exemption Application, provided that (i) the overall operating efficiency of the Facility is not impaired and the Facility continues to qualify as a "project" under the Act; (ii) neither the Facility nor any part of or interest in it would be in any danger of being sold, forfeited or lost; or (iii) neither the Company nor the Agency, as a result of such contest, shall be in any danger of any civil or criminal liability. The Company hereby waives any claim or cause of action against the Agency, and releases the Agency from any liability to the Company, arising from the denial of an exemption from Real Estate Taxes except to the extent that such denial results solely from the failure of the Agency to file the Exemption Application with the appropriate assessor or Board of Assessment Review by the Taxable Status Date.

B.) Agreement to Make Payments. The parties agree and acknowledge that payments made under this Agreement are for purposes of obtaining revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the subject parcels are exempt from the payment of real property taxes pursuant to Section 412-a

of the RPTL and Section 874 of the General Municipal Law. The Company shall pay to the Agency, on September 1 ("Payment Date") of each year beginning on [September 1, 2024] (for the benefit of the Affected Tax Jurisdictions), as an in lieu of tax payment, an amount equal to the Tax Payments as set forth on Schedule A (the "Tax Payments") for the periods described in Section 1.3. **All Tax Payments shall be mailed to the Agency at: 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701**, or as otherwise directed by the Agency. The Company hereby agrees to make all such Tax Payments without further notice or invoice from the Agency or the Affected Tax Jurisdictions. All checks shall be made payable as directed by the Agency from time to time.

(i) The Company hereby agrees for the benefit of the Affected Tax Jurisdictions to not seek a refund of any taxes paid or to be paid for the periods prior to the periods described in Section 1.3 and expressly waives and releases any and all rights it may have to any and all such refunds.

(ii) The Agency and the Company intend to establish a fixed payment schedule of Tax Payments as set forth in Schedule A hereto that are in lieu of real estate taxes with respect to the Facility that, absent a default by the Company or a change in law, shall provide tax certainty for the Company and revenue certainty for the Affected Tax Jurisdictions.

(iii) Right to Grieve Assessed Value of the Property for Purposes of Calculating Full Taxes. Notwithstanding anything to the contrary contained herein, the Company shall have the right to institute a judicial or other review of the assessed value of the Facility, whether pursuant to the provisions of Article 7 of the RPTL or other applicable law, as the same may be amended from time to time; provided, however, that no such judicial or other review or settlement thereof shall have any effect on the Company's obligations under this Agreement, including, without limitation, the Company's obligation to make the Tax Payments when due. Such judicial or other review shall only be for purposes of setting the assessed value of the Facility as though the Facility was on the tax rolls of each Affected Tax Jurisdiction as taxable real property, but shall have no effect on the other terms of this Agreement or the tax-exempt status of the Facility during the term of this Agreement. Furthermore, the Company shall not seek a refund of any Tax Payments and expressly waives and releases its right to seek such refund.

(iv) Right to Grieve Assessed Value of the Property for Purposes of Calculating Special Charges. At any time during the term of this Agreement, the Company shall be entitled to institute a grievance which would cause an adjustment of the Special Charges (as defined in Section 2.1) and the Company shall be limited to the right to refunds related to grievances involving Special Charges.

(v) Except as set forth herein, the Tax Payments as set forth in **Schedule A** shall not be contested, grieved or refuted during and for the term of this Agreement and the Company shall not seek a refund of any Tax Payments made.

(vi) Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder, if any, within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as

taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to a specific allocation.

1.2 Valuation of Future Additions to the Facility. If there shall be a future addition to the Facility that has not been described in the Application constructed or added in any manner after the date of this Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the application for a building permit, plans and specifications, and any other relevant evidence that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Tax Payment. The Agency shall notify the Company of any proposed increase in the Tax Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Additions made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the increased Tax Payment until a different Tax Payment shall be established. If a lesser Tax Payment is determined in any proceeding or by subsequent agreement of the parties, the Tax Payment shall be re-computed and any excess payment shall be refunded to the Company or, in the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding Tax Payment(s).

1.3 Period of Benefits.

The tax benefits provided for herein shall be deemed to include: (i) the 2025 County tax year through the 2044 County tax year and (ii) the 2024-2025 City tax year through the 2043-2044 City tax year. **This Tax Agreement shall expire on December 31, 2044** (with the understanding that the Company will be making a payment hereunder for the 2045 County tax year and the 2044-2045 City tax year in the amounts as if the Agency were not in title on the tax lien date with respect to said tax years). In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the exemptions provided by Section 485-b of the RPTL; provided, the foregoing shall not be interpreted to limit the Company and Agency from subsequently agreeing to additional benefits based upon commitments to make additional improvements or changes in use from time to time between the Agency and the Company. It is hereby agreed and understood that the Affected Tax Jurisdictions can rely upon and enforce the above waiver to the same extent as if they were signatories hereto.

Section II - Special District Charges, Special Assessments and other charges.

2.1 *Special District Charges and other payments:* Special district charges, special assessments, special ad valorem levies specifically including but not limited to charges imposed by the City of Yonkers for frontage feet ("CC001"); Housing Units ("CC002"); ETPA Charge ("CC003"); and a Safety Inspection Fee ("CC004") and district charges including but not limited

to pure water charges and Westchester County sewer district charges (collectively the “Special Charges”), are not included in the amount of the Tax Payment and are to be paid in full in accordance with normal billing practices.

Section III - Transfer of Facility.

3.1 In the event this Agreement terminates and the property is not timely transferred back to the Company, the Company agrees to pay no later than the next tax lien date (plus any applicable grace period), to each of the Affected Tax Jurisdictions, an amount equal to the taxes and assessments which would have been levied on the Facility if the Facility had been classified as fully taxable as of the date of transfer or loss of eligibility of all or a portion of the exemption described herein or date of termination.

Section IV – Assessed Value/Assessment Challenges.

4.1 Except as otherwise provided for in this Tax Agreement, the Company shall have all of the rights and remedies of a taxpayer with respect to any review of the assessed value of the Facility or Special Charges as if and to the same extent as if the Company were the owner of the Facility.

4.2 The Company shall file any accounts or tax returns required by the appropriate real estate tax assessment office and tax levy officers and provide information to the Agency as requested from time to time.

Section V - Changes in Law.

5.1 To the extent the Facility is declared to be subject to taxation or assessment by an amendment to the Act, other legislative change, or by final judgment of a Court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

Section VI - Events of Default.

6.1 The following shall constitute “Events of Default” hereunder. The failure by the Company to: (i) make the payments described in Section I within thirty (30) days of the Payment Date (the “Delinquency Date”); (ii) make any other payments described herein on or before the last day of any applicable cure period within which said payment can be made without penalty; or (iii) the occurrence and continuance of any events of default under the Leaseback Agreement after the expiration of any applicable cure periods. Upon the occurrence of any Event of Default hereunder, in addition to any other right or remedy the Agency and/or the Affected Tax Jurisdictions may have at law or in equity, the Agency and/or Affected Tax Jurisdictions may, immediately and without further notice to the Company (but with notice to the Agency with respect to actions maintained by the Affected Tax Jurisdictions) pursue any action in the courts to enforce payment or to otherwise recover directly from the Company any amounts so in default. The Agency and the Company hereby acknowledge the right of the Affected Tax Jurisdictions to recover directly from the Company any amounts so in default pursuant to Section 874(6) of the

General Municipal Law and the Company shall immediately notify the Agency of any action brought, or other measure taken, by any Affected Tax Jurisdiction to recover any such amount.

6.2 If payments pursuant to Section I herein are not made by the Delinquency Date, or if any other payment required to be made hereunder is not made by the last day of any applicable cure period within which said payment can be made without penalty, the Company shall pay penalties and interest as follows. With respect to payments to be made pursuant to Section I herein, if said payment is not received by the Delinquency Date defined in Section 6.1 herein, Company shall pay, in addition to said payment, (i) a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such payment is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to one percent (1%) per month. With respect to all other payments due hereunder, if said payment is not paid within any applicable cure period, Company shall pay, in addition to said payment, the greater of the applicable penalties and interest or penalties and interest which would have been incurred had payments made hereunder been tax payments to the Affected Tax Jurisdictions.

6.3 Prior to exercising any remedy hereunder, any Mortgagee, as defined in the Leaseback Agreement dated the date hereof, between the Agency and the Company, shall be afforded notice and the cure rights set forth in such section, as if such section were set forth in full herein.

Section VII - Assignment.

7.1 No portion of any interest in this Agreement may be assigned by the Company, nor shall any person other than the Company be entitled to succeed to or otherwise obtain any benefits of the Company hereunder without the prior written consent of the Agency, which shall not be unreasonably withheld or delayed.

Section VIII – Miscellaneous.

8.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument. The parties hereto expressly agrees that if the signature of either on this Agreement is not an original, but is a digital, mechanical or electronic reproduction (such as, but not limited to, a photocopy, fax, e-mail, PDF, Adobe image, JPEG, telegram, telex or telecopy), then such digital, mechanical or electronic reproduction shall be as enforceable, valid and binding as, and the legal equivalent to, an authentic and traditional ink-on-paper original wet signature penned manually by its signatory.

8.2 Notices. All notices, certificates and other communications hereunder shall be in writing and shall be sufficiently given and shall be deemed given when delivered and, if delivered by mail, shall be sent by certified mail, postage prepaid, or to a nationally recognized courier such as Federal Express for next business day delivery, addressed as follows:

To the Agency: City of Yonkers Industrial Development Agency
 470 Nepperhan Avenue, Suite 200
 Yonkers, New York 10701

Attention: President/CEO

With Copy To: Harris Beach PLLC
445 Hamilton Avenue, Suite 1206
White Plains, New York 10601
Attention: Michael V. Curti, Esq.

To the Company: 70 Pier LLC
c/o Ginsburg Development Companies, LLC
100 Summit Lake Drive, Suite 235
Valhalla, New York 10595
Attention: Martin Ginsburg

With Copy To: Ginsburg & Redmond, P.C.
245 Saw Mill River Road
Hawthorne, New York 10532
Attn: Mark D. Ginsburg, Esq.

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed, three (3) business days after mailing, or when personally delivered or on the next business day after delivery to such courier in the manner provided in this Section. Any notice hereunder may be given by counsel for a party with the same force and effect as if given by such party.

8.3 This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Westchester County, New York.


8.4 Notwithstanding any other term or condition contained herein, all obligations of the Agency hereunder shall constitute a special obligation payable solely from the revenues and other monies, if any, derived from the Facility and paid to the Agency by the Company. Neither member of the Agency nor any person executing this Agreement on its behalf shall be liable personally under this Agreement. No recourse shall be had for the payment of the principal or interest on amounts due hereunder or for any claim based upon or in respect of any modification of or supplement hereto against any past, present or future member, officer, agent (other than the Company), servant, or employee, as such, of the Agency, or of any successor or political subdivision, either directly or through the Agency or any such successor, all such liability of such members, officer, agents, (other than the Company) servants and employees being, to the extent permitted by law, expressly waived and released by the acceptance hereof and as part of the consideration for the execution of this Agreement.

[The Balance of This Page Intentionally Left Blank]

[Signature Page to Tax Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YONKERS INDUSTRIAL
DEVELOPMENT AGENCY**

By: 
Name: Marlyn Anderson
Title: Secretary

70 PIER LLC
A New York Limited Liability Company

By: _____
Name: Douglas Ramsay
Title: Authorized Signatory

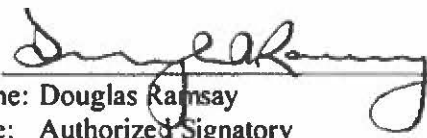
[Signature Page to Tax Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YONKERS INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____
Name: Marlyn Anderson
Title: Secretary

70 PIER LLC
A New York Limited Liability Company

By:  _____
Name: Douglas Ramsay
Title: Authorized Signatory

SCHEDULE A
to
Tax Agreement
Dated as of October 12, 2023
by and between
City of Yonkers Industrial Development Agency
and 70 Pier LLC

Pursuant to the terms of Section 1.1 of this Tax Agreement, “Tax Payments” shall mean an amount per annum equal to the following amounts for the period designated:

City Tax Year	County Tax Year	Tax Agreement Year	Tax Agreement Payment *	Estimated Tax Payments
2024-2025	2025	1	Unimproved	30,057
2025-2026	2026	2	Unimproved	30,358
2026-2027	2027	3	35% of Full Taxes ¹	48,040
2027-2028	2028	4	40% of Full Taxes	55,452
2028-2029	2029	5	45% of Full Taxes	63,007
2029-2030	2030	6	47% of Full Taxes	66,465
2030-2031	2031	7	49% of Full Taxes	69,986
2031-2032	2032	8	50% of Full Taxes	72,129
2032-2033	2033	9	57% of Full Taxes	83,049
2033-2034	2034	10	60% of Full Taxes	88,294
2034-2035	2035	11	67% of Full Taxes	99,581
2035-2036	2036	12	70% of Full Taxes	105,081
2036-2037	2037	13	80% of Full Taxes	121,293
2037-2038	2038	14	87% of Full Taxes	133,255

¹ Full Taxes shall mean all property taxes, not including Special District Charges, payable with respect to the Facility calculated in an amount equal to the amounts that would have been paid if the Agency were not in title and no exemption was available.

2038-2039	2039	15	95% of Full Taxes	146,931
2039-2040	2040	16	97% of Full Taxes	151,524
2040-2041	2041	17	97% of Full Taxes	153,039
2041-2042	2042	18	97% of Full Taxes	154,570
2042-2043	2043	19	97% of Full Taxes	156,116
2043-2044	2044	20	100% of Full Taxes	162,553

- The Agency interest in the Facility shall expire on **December 31, 2044**. The Company shall pay the 2045 County tax bill and the 2044-2045 City tax bill and tax bills for all subsequent tax years on the dates and in the amounts as if the Agency were not in title on the tax status date with respect to said tax years.
- Does NOT include Special District Charges - City will send separate bill.
- The Project contemplates a two-year construction period and eighteen years of operations. The first and second years of the Tax Agreement Schedule assumes the Project is assessed as unimproved property.

EXHIBIT A

Legal Description of Land

PARCEL ONE:

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, known and designated as Section 1, Block 146, Lot 5, on the Tax Map of the City of Yonkers, and more particularly bounded and described as follows:

BEGINNING at a point on the southerly line of Pier Street, 50 feet from the southwest corner of Pier Street and Sunnyside Drive, as measured in a westerly direction along the southerly side of Pier Street;

THENCE southerly, at right angles to the southerly line of Pier Street, 100 feet;

THENCE westerly, and parallel with the southerly line of Pier Street, 50 feet;

THENCE northerly and at right angles to the southerly line of Pier Street, 100 feet to the southerly line of Pier Street;

THENCE easterly along the southerly line of Pier Street, 50 feet to the point or place of **BEGINNING**.

EXCEPTING any part thereof as may have been taken by the City of Yonkers, for widening or opening of any street, road or avenue.

TOGETHER WITH the benefits of the Drainage Easement in Liber 2399 page 34.

PARCEL ONE (as to Tax Lot 1.4):

ALL that certain plot, piece or parcel of land, situate, lying and being in the southerly side of Pier Street, west of Sunnyside Drive, in the First Ward of the City of Yonkers, Westchester County, New York, which is bounded and described as follows:

BEGINNING at a point on the southerly side of Pier Street, distant 175 feet westerly from the corner formed by the intersection of the westerly line of Sunnyside Drive, and the southerly line of Pier Street;

RUNNING THENCE southerly at right angles with the southerly line of Pier Street, 100 feet;

RUNNING THENCE westerly and parallel with the said southerly line of Pier Street, 69.92 feet to the new east exterior line of lands of the New York Central and Hudson River Railroad Company;

RUNNING THENCE northerly along the said new east exterior line, 107.97 feet to the southerly line of Pier Street;

RUNNING THENCE easterly along the said southerly line of Pier Street, 29.25 feet to the point or place of **BEGINNING**.

PARCEL TWO:

ALL that plot, piece or parcel of land situate, lying and being on the southerly side of Pier Street in the First Ward of the City of Yonkers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Pier Street, distant 100 feet westerly from the corner formed by the intersection of the westerly line of Sunnyside Drive and the southerly line of Pier Street, which point of beginning is the northwesterly corner of plot of land conveyed to Michael Day by Thomas W. Ludlow, and others, by deed dated March 18, 1889, recorded in the County Clerk's Office, Division of Land Records, formerly Register's Office of Westchester County, New York on March 25, 1889 in Liber 1159 of Conveyances, page 319;

RUNNING THENCE southerly along the westerly line of land conveyed to Day, as aforesaid, 100 feet;

RUNNING THENCE westerly on a line parallel with the southerly line of Pier Street, 75 feet, which point is the southeast corner of a plot of land conveyed by the Estate of Harriet F. Van Zandt to Henrietta Blumberg, wife of Luis H. Blumberg, by deed dated October 26, 1922, duly recorded in the County Clerk's Office, Division of Land Records;

RUNNING THENCE northerly along the easterly boundary line of the land conveyed by the Estate of Harriet F. Van Zandt, above referred to, 100 feet to the southerly line of Pier Street;

RUNNING THENCE easterly along the southerly line of Pier Street, 75 feet to the point or place of **BEGINNING**.

Composite Description:

ALL that certain plot, piece or parcel of land, situate, lying and being on the southerly side of Pier Street in the first ward of the City of Yonkers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Pier Street, distant 100 feet westerly from the corner formed by the westerly side of Sunnyside Drive and the southerly line of Pier Street;

RUNNING THENCE South 05 degrees 33 minutes 23 seconds West 100.00 feet to the northerly line of lands now of formerly of Windcrest Tenants Corp.;

RUNNING THENCE along the said northerly line of lands now or formerly Windcrest Tenants Corp. and on a line parallel with Pier Street North 84 degrees 26 minutes 37 seconds West 145.50 feet to the easterly line of lands now or formerly of Conrail Amtrack-Hudson Division;

RUNNING THENCE along said easterly side of lands now or formerly of Conrail Amtrack-Hudson Division and along a curve to the left having a radius of 3128.00 feet 107.97 feet to the southerly side of Pier Street;

RUNNING THENCE along the southerly side of Pier Street, South 84 degrees 26 minutes 37 seconds East 104.79 feet to the point or place of BEGINNING.

RESOLUTION - 2023

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 5th day of January, 2023, recommended the appointment of Darlene E. Rivera, PE, of Yorktown Heights, New York, as the Professional Engineer member of the Westchester County Professional Prequalification Board, for a term to commence on January 5, 2023 and to expire on December 31, 2027, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 23rd day of October, 2023, approved the appointment of Darlene E. Rivera, PE, as the Professional Engineer member of the Westchester County Professional Prequalification Board, NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: October 23, 2023
White Plains, New York



COMMITTEE ON APPOINTMENTS

Dated: October 23, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A stylized, handwritten signature in black ink, appearing to be 'Symra D. Brandon'.

Symra D. Brandon

RESOLUTION - 2023

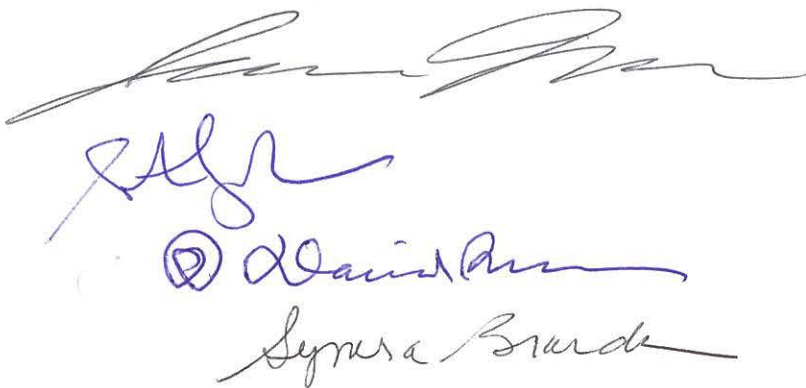
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 31st day of March, 2023, recommended the appointment of John Woolley, Jr., P.E. of Pleasantville, New York as a member of the Westchester County Airport Advisory Board for the term to begin on March 31, 2023 and expire on December 31, 2023, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 16th day of October, 2023, approved the appointment of John Woolley, Jr., P.E. to the Westchester County Airport Advisory Board; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: October 16, 2023
White Plains, New York

The block contains four handwritten signatures in blue ink. The first signature is a long, flowing cursive line. The second is a more compact cursive signature. The third is a signature that begins with a circled 'D'. The fourth is a signature that appears to read 'Sydney Brade'.

COMMITTEE ON APPOINTMENTS

Dated: October 16, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A handwritten signature in black ink, appearing to be a stylized 'R' or 'B' followed by a horizontal line.

RESOLUTION NO. – 2023

WHEREAS, there is pending before this Honorable Board a Resolution to approve the inclusion of additional parcels of land within the Westchester County Agricultural District; and

WHEREAS, as this project is an “Unlisted” action under the State Environmental Quality Review Act (“SEQRA”), an Environmental Assessment Form has been prepared by the Department of Planning to assist this Honorable Board in complying with its responsibilities under SEQRA; and

WHEREAS, this Honorable Board has carefully considered this proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental concern, as are fully set forth in the attached “Negative Declaration,” to determine if this proposed action will have a significant impact on the environment;

NOW, THEREFORE, BE IT

RESOLVED, by the County Board of Legislators of the County of Westchester, State of New York, that based on this Honorable Board’s review of the Environmental Assessment Form and for the reasons set forth in the annexed “Negative Declaration,” it is determined that there will be no adverse impact on the environment from the inclusion of additional parcels of land within the Westchester County Agricultural District; and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign and date the Determination of Significance in the attached Environmental Assessment Form as Responsible Officer in Lead Agency; thereby executing and issuing a Negative Declaration on behalf of this Board pursuant to Article 8 of the Environmental Conservation Law; and to immediately file, publish and make available the Environmental Assessment Form pursuant to the requirements of Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Dated: 2023
White Plains, New York

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Addition of land to Westchester County Agricultural District No. 1							
Project Location (describe, and attach a location map): Various parcels in the towns of Bedford, Lewisboro, North Salem and Somers (see attached list and map).							
Brief Description of Proposed Action: The Westchester County Agricultural District was created in 2001, recertified in 2011 and recertified again in 2017. Owners of farmland may apply to have their land included within the district annually, pursuant to Agricultural Districts Law. The annual 30-day window to receive applications in Westchester County is the month of March. Five applications to include additional land were received for calendar year 2023.							
Name of Applicant or Sponsor: Westchester County Board of Legislators, c/o Sunday Vanderberg, Clerk and CAO		Telephone: 914-995-4604 E-Mail: mav5@westchestergov.com					
Address: 800 Michaelian Office Building, 148 Martine Avenue, 8th Floor							
City/PO: White Plains		State: NY	Zip Code: 10601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>David Kvinge, Assistant Commissioner (preparer)</u> Date: <u>September 13, 2023</u> Signature: <u><i>David Kvinge</i></u>		

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

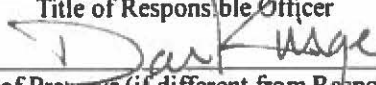
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attachment

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Westchester County Board of Legislators <hr/> Name of Lead Agency Sunday Vanderberg <hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Date Clerk and Chief Administrative Officer <hr/> Title of Responsible Officer  <hr/> Signature of Preparer (if different from Responsible Officer)
<hr/> Signature of Responsible Officer in Lead Agency	David Kvinge, Director of Environmental Planning

PRINT FORM

STATE ENVIRONMENTAL QUALITY REVIEW

ADDENDUM TO EAF

The Proposed Action is the recommendation by the Westchester County Board of Legislators to the New York State Commissioner of Agriculture concerning the inclusion of additional parcels of land within the Westchester County Agricultural District, as provided for under Section 303-b of Article 25-AA of New York State Agriculture and Markets Law. Inclusion of parcels of land within an agricultural district does not, in and of itself, supersede or modify existing land use ordinances or regulations. Consequently, additions of land to an existing agricultural district will not result in the physical alteration of the environment or otherwise have a negative impact on the environment. Rather, the addition of land to an existing agricultural district promotes the preservation of viable agricultural land and has other environmental benefits as described below. The New York State Department of Agriculture and Markets has determined that modifications to an agricultural district are an Unlisted action with respect to SEQR. The County Board of Legislators is conducting uncoordinated review as permitted for Unlisted actions.

The applications received for 2023 are described in more detail in the 2023 report of the Westchester County Agriculture and Farmland Protection Board, including recommendations on whether to include each parcel. A map and list of the applications and individual parcels follows this narrative.

Agricultural land and the agricultural industry in Westchester County continue to be under considerable pressure to convert to other land uses, typically residential subdivision. Agricultural land contributes significantly to the quality of life in Westchester County by providing open space, links to cultural history, vegetative and wildlife habitat, and a local source of fresh food. The protection and enhancement of agricultural land is in furtherance of the County's goals, as described in the County Planning Board's long-range planning document, *Patterns for Westchester: the Land and the People*, and the County Agriculture and Farmland Protection Plan, to protect natural and cultural resources, preserve open space and community character, and reduce environmental impacts associated with development. The Westchester County Board of Legislators created the Agriculture and Farmland Protection Board and the Westchester County Agricultural District to protect agricultural land and enhance the agricultural industry in furtherance of these goals. New York State Agriculture and Markets Law requires that counties that have a certified agricultural district conduct an annual review of applications received for the inclusion of additional parcels of land within the agricultural district and submit recommendations, if warranted, to the New York State Commissioner of Agriculture.

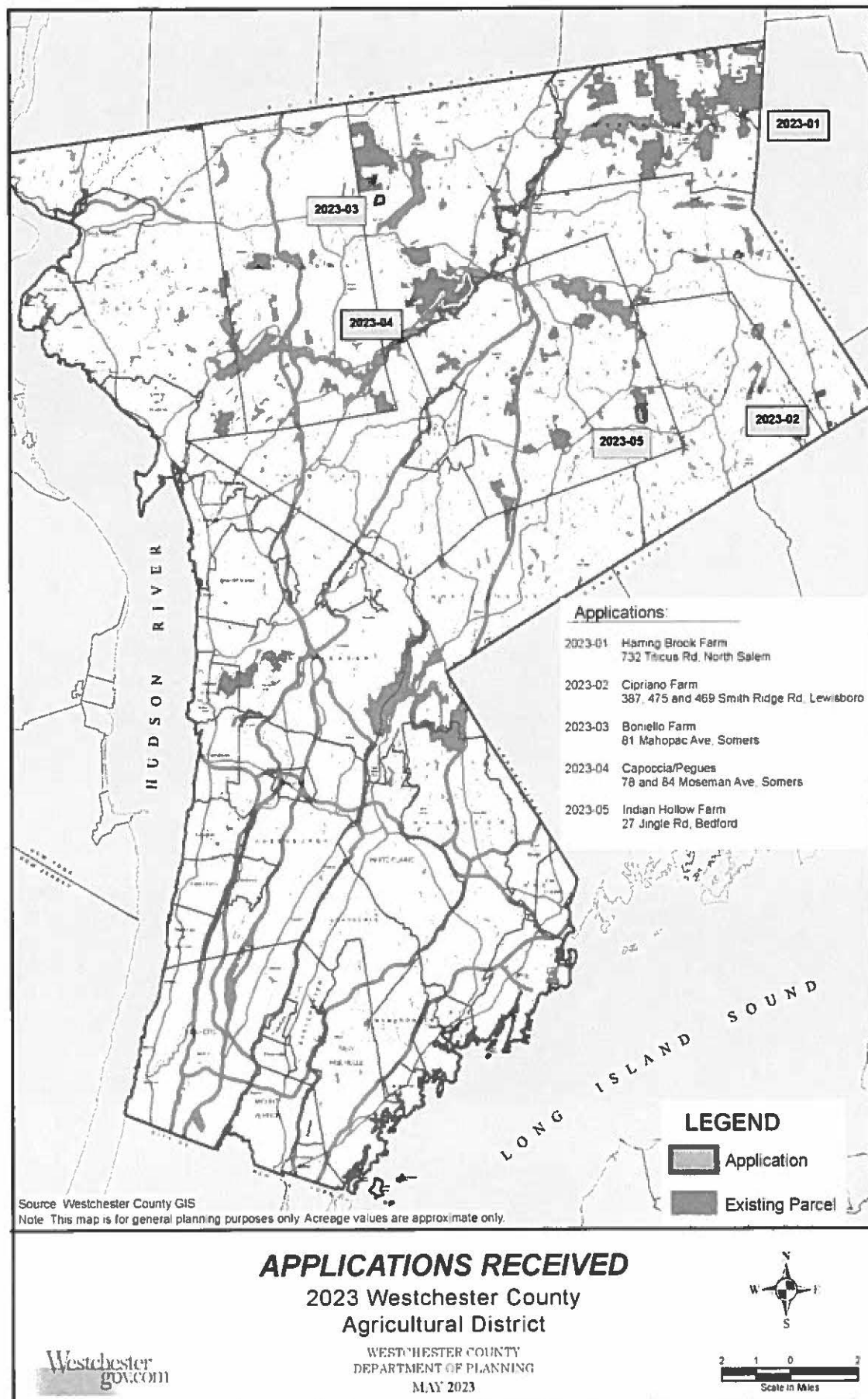
Inclusion of additional agricultural parcels within the Agricultural District does not have a physical impact on the environment. Inclusion of land within the agricultural district furthers the goals and objectives of the County to:

- Preserve and protect the county's natural resources, including the drinking water supply;
- Assure a diverse and interconnected system of open space, supporting a variety of flora and fauna and providing contrast in the texture of the landscape;
- Enhance a broad economic base and economic opportunity within the county; and
- Protect the county's educational, cultural, historic and aesthetic resources for future generations.

**2023 APPLICATIONS TO INCLUDE ADDITIONAL PARCELS
WITHIN THE WESTCHESTER COUNTY AGRICULTURAL DISTRICT**

Application	Farm Name	SBL	Acres	Street Address	Municipality
2023-01	Harring Brook Farm	38.-1709-4	6.97	732 Titicus Rd	North Salem
2023-02	Cipriano Farm	77.11-2-5	16.14	371 Smith Ridge Rd	Lewisboro
		77.11-2-11	0.55	387 Smith Ridge Rd	Lewisboro
		77.04-3-61	3.13	469 Smith Ridge Rd	Lewisboro
		77.04-3-59	1.96	475 Smith Ridge Rd	Lewisboro
		77.04-3-58	0.71	5 East St	Lewisboro
2023-03	Boniello Farm	26.16-1-3.1	36.14	81 Mahopac Ave	Somers
2023-04	Capoccia/Pegues	48.17-1-7	7.93	78 Moseman Ave	Somers
		48.18-1-1	4.89	84 Moseman Ave	Somers
2023-05	Indian Hollow Farm	74.17-1-25	79.16	27 Jingle Rd	Bedford
2023-RE-01	Birdstone Farm	53.1-3-20	43.75	20 Boutonville Rd S	Lewisboro
		10526-4.9-2	18.14	20 Boutonville Rd S	Pound Ridge
2023-RE-02	Whipstick Farm	55.4-1-11	46.18	77 Elmwood Rd	Lewisboro
		55.4-1-12	18.34	77 Elmwood Rd	Lewisboro
		55.4-1-13	4.47	77 Elmwood Rd	Lewisboro
		55.4-1-14	8.15	77 Elmwood Rd	Lewisboro

The list above includes five new applications to include additional parcels of land and two applications to reinstate parcels of land that were previously in the district. More information on the first five applications is included in the report of the Agriculture and Farmland Protection Board. The Agriculture and Farmland Protection Board has created an expedited process for the reinstatement of parcels that were previously in the agricultural district but not included in a subsequent recertification due to no fault of the property owner and where the nature and scale of the farm operation has not changed.



RESOLUTION NO. – 2023

WHEREAS, the County, by Resolution No. 223-2000, submitted a proposal to the New York State Commissioner of Agriculture and Markets to establish Westchester County Agricultural District No. 1, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on July 19, 2001 with an eight-year review period; and

WHEREAS, the County, by Resolution No. 161-2010, after conducting a review of the district in accordance with Agricultural Districts Law, submitted a proposal to the New York State Commissioner of Agriculture and Markets to continue the Westchester County Agricultural District No. 1 with modifications including limiting the district to certain municipalities within the County and creating criteria for parcels to be located within the district, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on September 19, 2011; and

WHEREAS, the County, by Resolution No. 70-2017, after conducting a review of the district in accordance with Agricultural Districts Law, submitted a proposal to the New York State Commissioner of Agriculture and Markets to continue the Westchester County Agricultural District No. 1 with the previous modifications including limiting the district to certain municipalities within the County and creating criteria for parcels to be located within the district, which was certified by the New York State Commissioner of Agriculture and Markets and became effective on August 17, 2017; and

WHEREAS, the County, by Act No. 55-2004 in accordance with Section 303-b of New York State Agriculture and Markets Law, established an annual 30-day period in which to receive applications for the inclusion of additional parcels of land within Westchester County Agricultural District No. 1, which was repealed and replaced by Act. No. 95-2017 establishing the 30-day period as the month of March; and

WHEREAS, Westchester County Agricultural District No. 1 is the only certified agricultural district within Westchester County; and

WHEREAS, the Westchester County Board of Legislators has received five applications for inclusion of parcels of land into Westchester County Agricultural District No. 1; and

WHEREAS, the Westchester County Board of Legislators has also received two applications to reinstate parcels of land back into Westchester County Agricultural District No. 1.; and

WHEREAS, the applications were forwarded to the Westchester County Agriculture and Farmland Protection Board (AFPB) for review and report, and the AFPB, after due deliberation and consideration of the conditions of each parcel and the agricultural operations on them or planned for them, determined: (1) whether the parcels consisted primarily of viable agricultural land as defined by New York State Agriculture and Markets Law; (2) whether the existing or proposed agricultural operation serves the public interest by assisting in maintaining a viable agricultural industry; and (3) whether the application met the eligibility requirements and satisfied the evaluation criteria associated with the district as modified during the recertification

process; and recommended approval of ~~four~~ all five of the applications as described in the AFPB report as well as reinstatement of the two farms previously included in the district; and

WHEREAS, agricultural land contributes significantly to the quality of life in Westchester County by providing open space, links to our cultural history, vegetative and wildlife habitat, and a local source of fresh food; and

WHEREAS, the protection and enhancement of agricultural land is in furtherance of the County's goals to protect natural and cultural resources, preserve open space and community character, and reduce the environmental impacts associated with development; and

WHEREAS, a duly noticed public hearing was held on _____, at which time local municipalities, the public, and other interested parties were given the opportunity to comment on the proposed addition of parcels to the Agricultural District;

NOW, THEREFORE, BE IT RESOLVED, that the Westchester County Board of Legislators approves the inclusion, subject to the limitations (if any) expressed in the report of the Westchester County Agriculture and Farmland Protection Board, of the following applications for additional parcels of land within the Westchester County Agricultural District No. 1: Application #2023-01, #2023-02, #2023-03, #2023-04, #2023-05, which applications are more fully described in the report of the Agriculture and Farmland Protection Board, as well as reinstatement of two farms previously included in the district, denoted as #2023-RE-01 and #2023-RE-02; and

BE IT FURTHER RESOLVED, that the Clerk of the Board is directed to forward a copy of this Resolution, along with the report of the Agriculture and Farmland Protection Board and other required information in support of the applications to the Commissioner of the New York State Department of Agriculture and Markets for review and certification.

Dated: 2023
White Plains, New York



Report of the
Westchester County Agriculture and Farmland Protection Board
for the Addition of New Parcels to
Westchester County Agricultural District No. 1
Calendar Year 2023

Adopted May 16, 2023

Revised via email vote July 14, 2023

Background:

Westchester County encourages the preservation of agricultural land and the promotion of the agricultural industry within the county in recognition of the important role it plays in protecting open space and the environment; preserving community, cultural, and scenic character; providing locally grown agricultural products; offering unique agricultural services and educational opportunities; and supporting the economy. The County has implemented a number of programs and initiatives to protect its remaining farmland and encourage a strong agricultural industry, including the creation of the County Agriculture and Farmland Protection Board and the Westchester County Agricultural District. Agricultural districts provide benefits that help make and keep farming as a viable economic activity, thereby maintaining land in active agricultural use. Agricultural districts encourage development pressure to focus on other areas of a community and provide farm owners protection under the state's Right to Farm laws.

Agricultural Districts must be recertified periodically (the review period for Westchester's Agricultural District is every eight years). The Westchester County Agricultural District was certified by the New York State Commissioner of Agriculture in 2001. The County began the evaluation and recertification process in 2008, culminating with the submission in 2010 of proposed modifications to the District. The District was recertified by the Commissioner of Agriculture in September 2011, incorporating those proposed modifications, which include limiting the District to the Towns of Cortlandt, Yorktown, Somers, North Salem, Bedford and Lewisboro; the Village of Sleepy Hollow and the portion of Mount Pleasant west of the Taconic State Parkway. The following criteria were also developed to be used in the evaluation of proposals to include additional land within the district. The District was recertified in 2017 with the same geographic limitations and evaluation criteria.

1. Farm operations must be of a minimum size or scale. For each farm operation (not each individual parcel), the total area of the farm parcels must be a minimum of seven acres and the farm must have a minimum of \$10,000 annual gross sales value, as defined in Ag and Markets Law. A farm operation that does not meet the seven-acre minimum may be eligible for inclusion if it has a minimum of \$50,000 annual gross sales value, as defined in Ag and Markets Law.
2. Individual parcels must function as a single farm. If parcels of land are not contiguous, the applicant must adequately demonstrate that the individual parcels function as a single farm operation.
3. The parcel(s) must be able to support the agricultural activity. The applicant must demonstrate that the land is capable of supporting the agricultural activity.
4. The agricultural operation must be the predominant commercial land use of the site. The agricultural activity on each parcel of land must constitute a minimum of 51% of the land area of the parcel, excluding fallow land, wooded portions of the property or portions of the property used as a residence.

The agricultural activity on each parcel of land must also constitute a minimum of 51% of the annual gross sales value generated on the parcel.

5. Sound agricultural practices must be employed to protect environmental resources. Applicants must demonstrate that the agricultural operation is operating under a Whole Farm Plan, nutrient management plan, integrated pest management plan or similar plan to ensure that excess nutrients, pesticides, herbicides and pathogen transfer off-site is avoided to the maximum extent practical through the implementation of agricultural best management practices.
6. Other information may be required. The Agriculture and Farmland Protection Board reserves the right to request additional information it determines necessary to fully evaluate the operation or land.

In 2003 New York State Agriculture and Markets Law (AML) was amended to allow property owners to petition to include their lands within an existing agricultural district. Prior to the 2003 amendment, property owners would have to wait until the district was renewed at the end of the recertification period. Lands to be included in the district must be determined to be predominantly viable agricultural land per AML §301.7 and also serve the public interest by assisting in maintaining a viable agricultural industry within the district. Applications are made to the Westchester County Board of Legislators, which refers the requests to the Westchester County Agriculture and Farmland Protection Board (AFPB) for review and recommendation back to the Board of Legislators. Final recommendations are sent to the State Commissioner of Agriculture for review and certification. The application period ends March 31 of each year. This report represents the results of the review of the AFPB for applications received for 2022.

2023 Applications and Recommendations:

For calendar year 2023, the Westchester County Agriculture and Farmland Protection Board received five (5) applications for the inclusion of additional land within Westchester County Agricultural District Number 1. The AFPB recommends inclusion of applications 2023-01 through 2023-05, with the proviso that an amended variance from the Town of North Salem be received for application 2023-01 prior to inclusion. More detailed information is included in the following section.

Application	Farm Name	SBL	Acres	Street Address	Municipality
2023-01	Harring Brook Farm	38.-1709-4	6.97	732 Titicus Rd	North Salem
2023-02	Cipriano Farm	77.11-2-5	16.14	371 Smith Ridge Rd	Lewisboro
		77.11-2-11	0.55	387 Smith Ridge Rd	Lewisboro
		77.04-3-61	3.13	469 Smith Ridge Rd	Lewisboro
		77.04-3-59	1.96	475 Smith Ridge Rd	Lewisboro
		77.04-3-58	0.71	5 East St	Lewisboro
2023-03	Boniello Farm	26.16-1-3.1	36.14	81 Mahopac Ave	Somers
2023-04	Capoccia/Pegues	48.17-1-7	7.93	78 Moseman Ave	Somers
		48.18-1-1	4.89	84 Moseman Ave	Somers
2023-05	Indian Hollow Farm	74.17-1-25	79.16	27 Jingle Rd	Bedford

Reinstatements of Farms Previously in the Agricultural District

The Agriculture and Farmland Protection Board has created an expedited process for the reinstatement of parcels that were previously in the agricultural district but not included in a subsequent recertification due to no fault of the property owner and where the nature and scale of the farm operation has not changed. Proposed reinstatements are subject to the following.

1. The BOL process to recommend parcels to the state has not concluded.
2. The County receives a completed application form, with information addressing the following issues.
 - a. The farm parcels were not intentionally removed from the ag district by the County or property owner for any reason.
 - b. The size and nature of the farm operation is essentially the same as when the farm was previously in the agricultural district.
 - c. The applicant intends to continue the operation in its current state and original type of agricultural operation, with only modest changes or increases in size or scale.
3. The County Agriculture and Farmland Protection Board votes affirmatively, either in person or by email, to reinstate the farm operation.

This process is intended to address instances where farms have, either as an oversight or miscommunication between the County and farm owner or other guileless error, been removed from the agricultural district during the recertification process and have not (and are not proposed to be) changed substantially in nature or scale since when they were originally in the agricultural district.

Application	Farm Name	SBL	Acres	Street Address	Municipality
2023-RE-01	Birdstone Farm	53.1-3-20	43.75	20 Boutonville Rd S	Lewisboro
		10526-4.9-2	18.14	20 Boutonville Rd S	Pound Ridge
2023-RE-02	Whipstick Farm	55.4-1-11	46.18	77 Elmwood Rd	Lewisboro
		55.4-1-12	18.34	77 Elmwood Rd	Lewisboro
		55.4-1-13	4.47	77 Elmwood Rd	Lewisboro
		55.4-1-14	8.15	77 Elmwood Rd	Lewisboro

Date of Report:

The Westchester County Agriculture and Farmland Protection Board (AFPB) adopted this report by a unanimous vote at its May 16, 2023 meeting, which was a continuation of the meeting commencing on May 9, 2023. The report was further revised on July 14, 2023 to include the two reinstatements listed above, approved by the AFPB via email between July 12 and July 14, 2023.

DETAILED REVIEW

Application Number: 2023-01

Applicant: Alison Estabrook and William Harrington

Farm Name: Harring Brook Farm

Farm Operation: Equine (commercial horse boarding)

Property Address: 732 Titicus Road, North Salem

Tax Parcel Identification (Section-Block-Lot): 38.-1709-4 **Acres:** 6.97

AFPB Site Visit Date: April 11, 2023

Description of Property and Operation:

The parcel has been in use as a commercial equine operation for many years, with established horse paddocks as well as an existing indoor riding ring. While just under seven acres in size, a portion of adjacent land under ownership of a utility company is also incorporated into the operation. The current operation supports the boarding of seven horses and related activities. The site is generally flat, with the Titicus River running through the center of the property. The applicant has submitted a copy of a special permit granted by the Town of North Salem. However, the special permit indicates that the operation is for personal use and not commercial use.

Agriculture and Farmland Protection Board Assessment and Recommendation:

The AFPB recommends inclusion of this parcel subject to the following proviso. The AFPB understands that the applicant is seeking an amendment to the special permit to allow for a commercial operation, but that the current variance only allows for personal use. The AFPB values the opinions of local Westchester municipalities and desires to ensure that such amendment has been obtained before recommending inclusion in the agricultural district. Therefore, the AFPB recommends inclusion of this parcel only upon receipt of an amended variance from the Town of North Salem permitting a commercial horse boarding operation.

DETAILED REVIEW

Application Number: 2023-02

Applicant: Peter and Jennifer Cipriano

Farm Name: Cipriano Farm

Farm Operation: Nursery (commercial horticulture) and Crops

Property Address: 371, 387, 469, 475 Smith Ridge Road and 5 East Street, Lewisboro

Tax Parcel Identification	(Section-Block-Lot):	Acres:
371 Smith Ridge Road	77.11-2-5	16.14
387 Smith Ridge Road	77.11-2-11	0.55
469 Smith Ridge Road	77.04-3-61	3.13
475 Smith Ridge Road	77.04-3-59	1.96
5 East Street	77.04-3-58	0.71

AFPB Site Visit Date: April 11, 2023

Description of Property and Assessment of Operation:

The parcel at 371 Smith Ridge Road was previously in the agricultural district but was not renewed during the last recertification. A large DEC-regulated wetland is located on this property. The applicant is aware of it and is taking precautions to minimize disturbance of the wetland. A large portion of this parcel has been developed for agricultural production. Currently the parcel is being utilized for the production of vegetables, eggs and commercial horticulture products. Two cattle are also on site as an ancillary component of the operation. The applicant intends to further develop the site, employing permaculture practices, for additional crops which may include mushrooms as well as introduce ornamental plants for sale and cuttings. The remaining parcels in the application are used primarily as part of a commercial horticulture operation involving the heeling of horticulture materials grown elsewhere but sold from the property. The parcel at 469 Smith Ridge Road is leased. The crops and other agricultural products produced on-site as well as an additional parcel at 24 East Street owned by the applicants and already included in the agricultural district will support the commercial horticulture operation.

Agriculture and Farmland Protection Board Recommendation:

Recommend inclusion of all parcels. The AFPB believes that the parcels are suitable for the proposed uses and that the applicant has demonstrated a commitment to manage the properties for the existing and proposed agricultural operations as described in the application, which also includes minimizing potential impacts to nearby wetlands and watercourses. The AFPB believes that the operation will support the Westchester agricultural industry and the agricultural district.

DETAILED REVIEW

Application Number: 2023-03

Applicant: Gus and Julia Boniello

Farm Name: Boniello Farm

Farm Operation: Equine (commercial horse boarding) and Hay

Property Address: 81 Mahopac Avenue, Somers

Tax Parcel Identification (Section-Block-Lot): 26.16-1-3.1 **Acres:** 36.14

AFPB Site Visit Date: April 11, 2023

Description of Property and Assessment of Operation:

The farm was in the original Agricultural District (2001), but the application wasn't renewed during the last recertification (2017). The property is a former equine operation but is currently in use for the production of hay. The property is gently sloping with two large ponds and remaining agricultural support buildings in good condition. The applicant intends to continue the hay operation in the short term while reintroducing the equine and other operations to the site over time.

Agriculture and Farmland Protection Board Recommendation:

Reinstate the parcel. The board believes that the existing hay operation is a viable agricultural operation and that the site is well suited to support continuation of that operation as well as additional agricultural operations such as equine, which was a previous use, and others that may be proposed. The AFPB believes that such an operation will support the Westchester agricultural industry and the agricultural district.

DETAILED REVIEW

Application Number: 2023-04

Applicant: Donald Capoccia and Tommie L. Pegues

Farm Name:

Farm Operation: Crops (apple and peach orchard)

Property Address: 78 and 84 Moseman Avenue, Somers

Tax Parcel Identification	(Section-Block-Lot):	Acres:
78 Moseman Ave	48.17-1-7	7.93
84 Moseman Ave	48.18-1-1	4.89

AFPB Site Visit Date: April 11, 2023

Description of Property and Operation:

The applicants have purchased two parcels of land. The parcel located at 84 Moseman Avenue is sloping with some woods and currently has a small fruit farm and vegetable operation with supporting buildings and infrastructure for cider and other processing operations. The parcel located at 78 Moseman Avenue is also sloping in topography with some woods and existing apple trees. The applicant is in the process of further apple orchard development as well as converting the existing residential structure to a processing facility with commercial kitchen for processing and future instruction and educational events.

Agriculture and Farmland Protection Board Assessment and Recommendation:

Include both parcels. The board believes that the existing operation is evidence of a start-up operation and the proposed expansion as documented in the applicant's business plans will be a viable commercial agricultural operation that will also provide a variety of community benefits. The AFPB believes that the operation will support the Westchester agricultural industry and the agricultural district.

DETAILED REVIEW

Application Number: 2023-05

Applicant: J-Hollow LLC

Farm Name: Indian Hollow Farm

Farm Operation: Nursery (native plants)

Property Address: 27 Jingle Road, Bedford

Tax Parcel Identification	(Section-Block-Lot):	Acres:
27 Jingle Rd	74.17-1-25	79.16

AFPB Site Visit Date: April 11, 2023

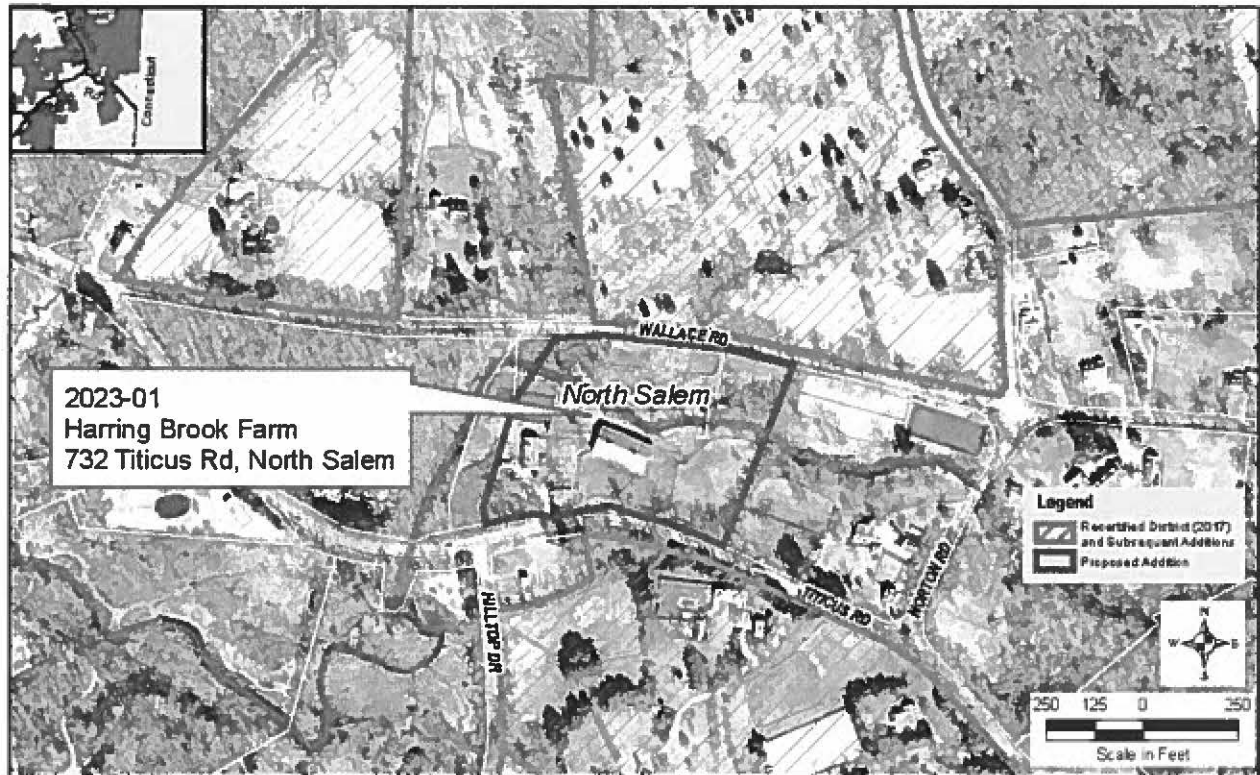
Description of Property and Operation:

The property is large, with rolling, rocky topography and largely wooded. A DEC-regulated wetland is located on the property, although the boundaries of such as shown on the available GIS data are likely inaccurate. The applicant proposes to utilize existing cleared areas of the property for the introduction of a variety of agricultural operations, including crops, sheep for wool production and native plants as a commercial nursery as well as for founders plots for native seed collection and sale.

Agriculture and Farmland Protection Board Assessment and Recommendation:

Reinstate the parcel. The AFBP believes that the applicant has demonstrated a significant commitment to the establishment of the agricultural operation described in the application and supporting documentation. The AFBP also believes that the operation will support the Westchester agricultural industry and the agricultural district.

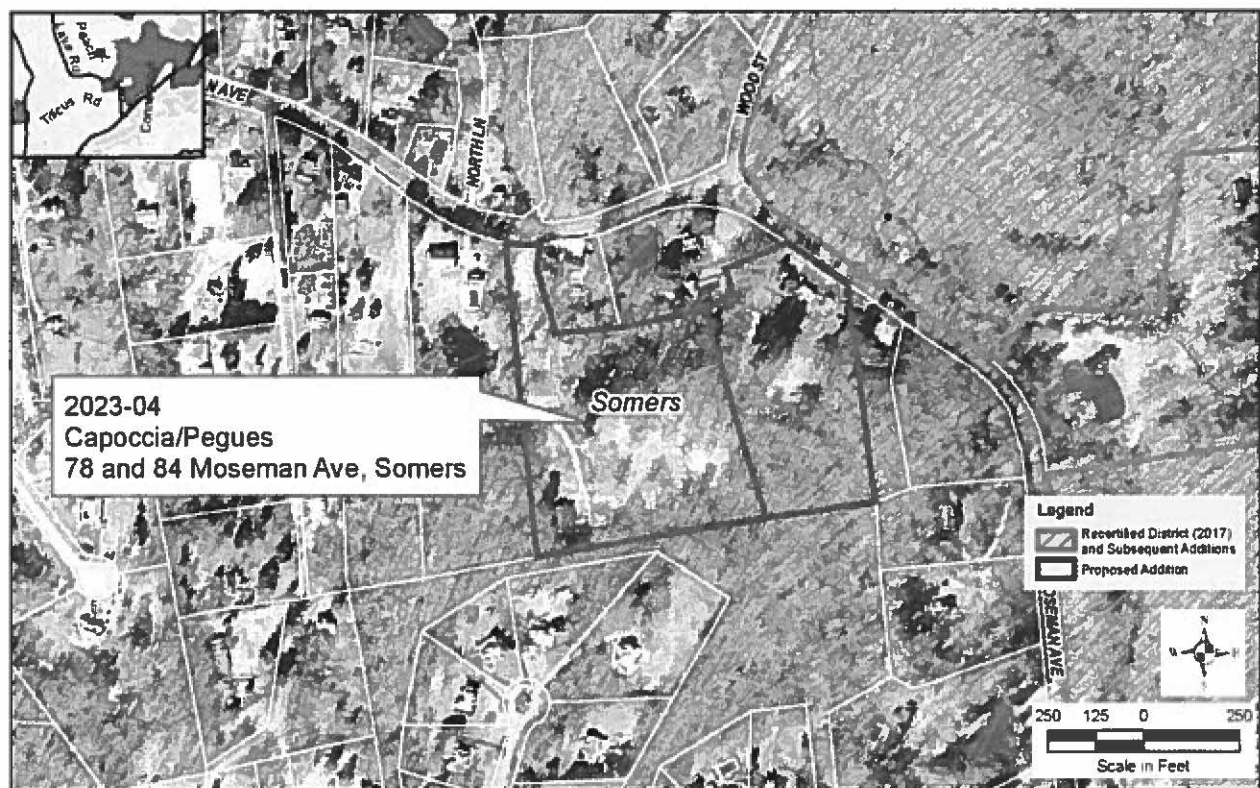
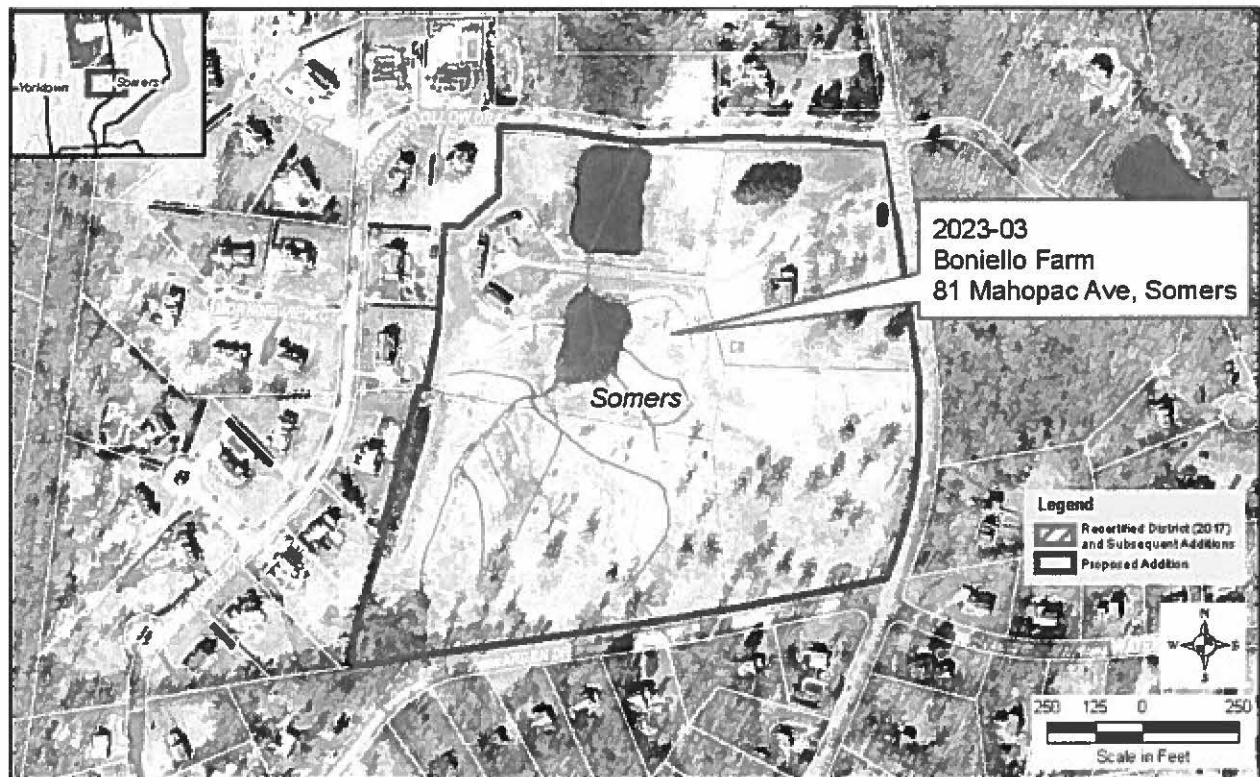
MAPS



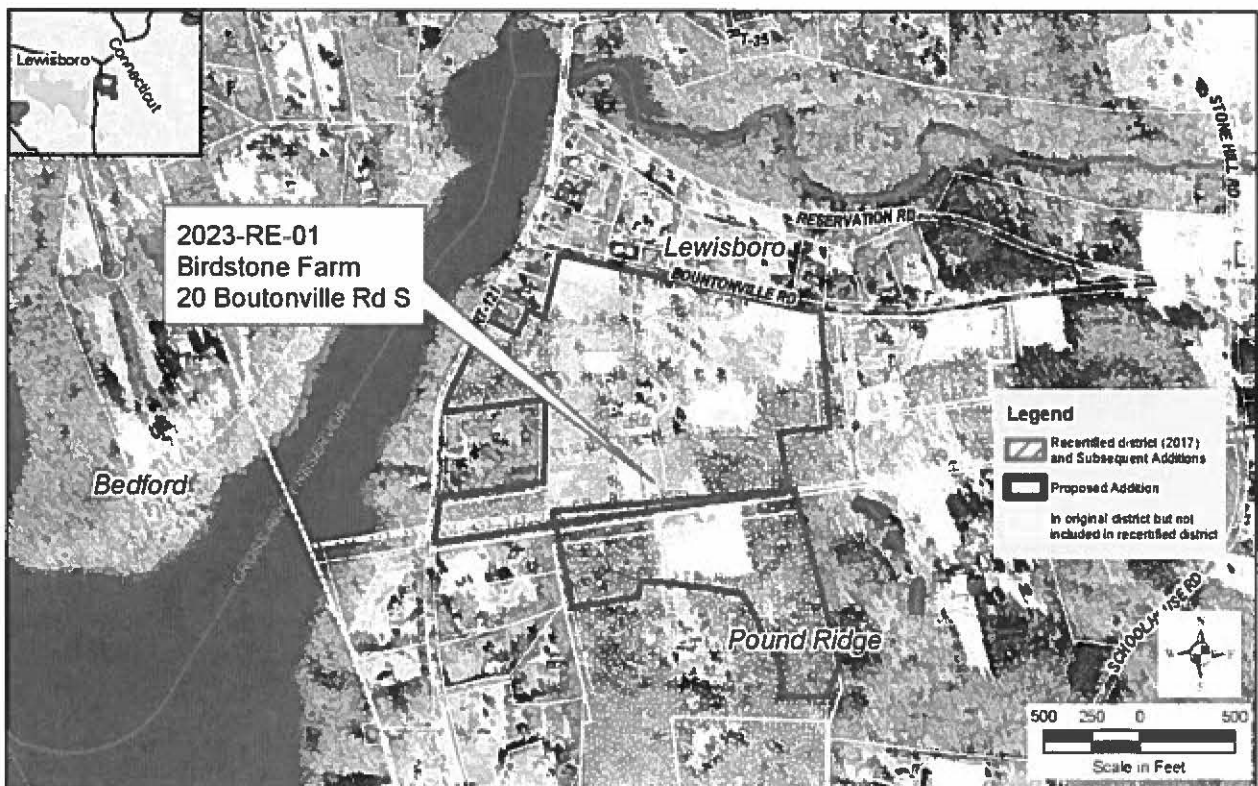
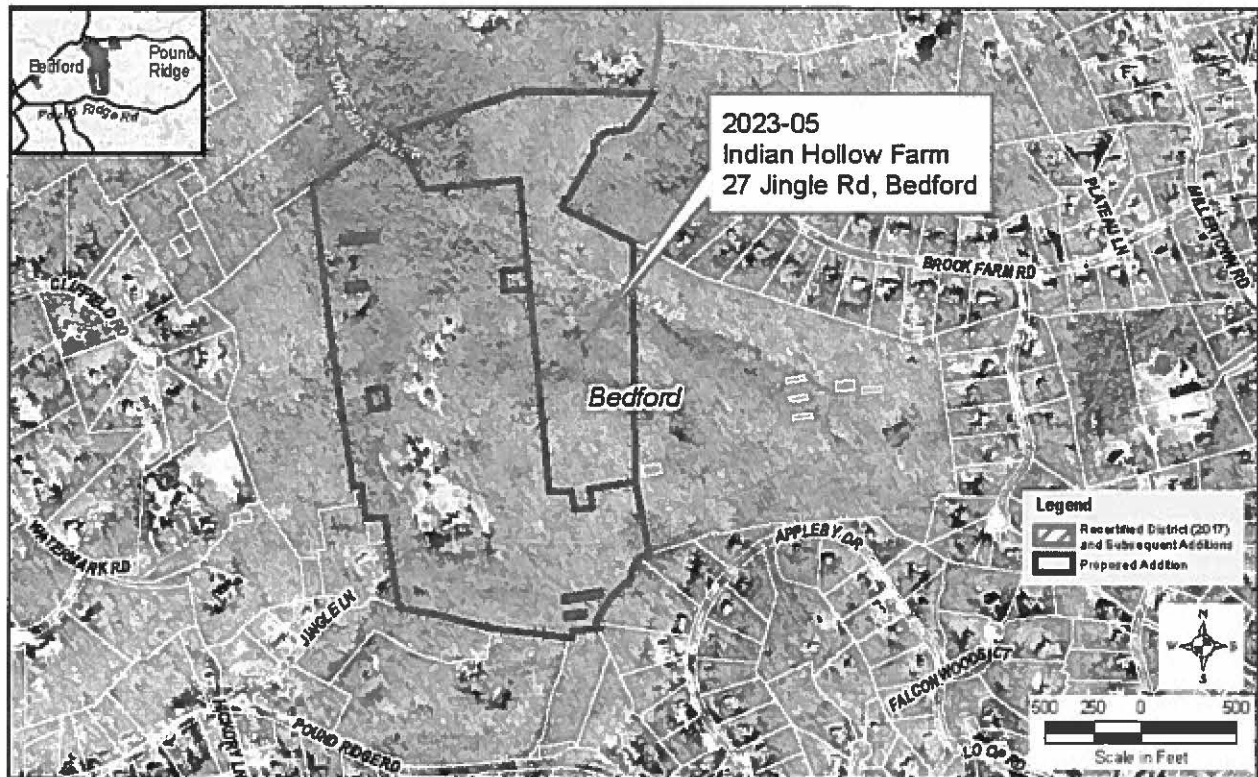
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**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue a total amount of \$7,850,000, which includes \$150,000 in previously authorized bonds of the County to finance capital project RKD02 – Kensico Dam Plaza Storage Building (“RKD02”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s capital budget to increase the County share for RKD02 by \$2,200,000. The Department of Parks, Recreation and Conservation (“Department”) has advised that the Capital Budget Amendment is required to provide funds for additional work determined to be necessary during the design process, including a larger size building, addition of solar panels, additional stormwater retention features and due to cost escalation.

The related Amended Bond Act in the total amount of \$7,850,000 was prepared by the law firm Hawkins, Delafield & Wood would finance the cost of additional design, construction and construction management in connection with the construction of a new maintenance building and outdoor storage area at the County’s Kensico Dam Plaza.

The Department has advised that due to the increased popularity of the park resulting in higher daily attendance, the existing maintenance and storage facilities have become inadequate. The new maintenance building and outdoor storage area will provide for offices, indoor vehicle/equipment storage areas, work shop area, fuel dispensers and tanks, employee parking, outdoor storage yard, landscaping and other associated site work.

Design is currently being undertaken by a consultant and is expected to be completed by the fourth quarter of 2023. It is estimated that construction will take eighteen months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for RKD02 as follows: Bond Act No. 140-2013 in the amount of \$150,000 to finance design in connection with RKD02. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 140-2013 be amended to increase the amount authorized by \$7,700,000, for a total authorized amount, as amended, of \$7,850,000, to revise the scope of Bond Act No. 140-2013 to include work associated with the construction phase of RKD02, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, RKD02 has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). A Resolution, and proposed Negative Declaration, along with an Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Upon review, your Committee concludes that the proposed action will not have any significant impact on the environment and recommends the adoption of the Resolution adopting the Negative Declaration. As you know, a determination of significance must be made prior to enacting the aforementioned Bond Act

The Planning Department has advised your Committee that the Planning Board has previously reviewed RKD02 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: November 1st, 2023.
White Plains, New York

Henry Balle
WOP
Vedat Fathi
Henry Balle
Symon Brandon

WOP
Vedat Fathi
Henry Balle

Vedat Fathi
Henry Balle
Symon Brandon

Budget & Appropriations

Public Works &
Transportation

Parks & Recreation

COMMITTEE ON

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Klamm R. Maher

Klamm R. Maher

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RKD02

☐ 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 \$ 7,850,000 PPU 15 Anticipated Interest Rate 2.92%

Anticipated Annual Cost (Principal and Interest): \$ 653,252

Total Debt Service (Annual Cost x Term): \$ 9,798,780

Finance Department: Interest rates from August 1, 2023 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: # 85

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation

Date: 8/1/23

Reviewed By: 

07/31/23

Budget Director

Date:

8/3/23

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Clamon R. Maher

Clamon R. Maher


COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

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

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

DATE: July 26, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RKD02 KENSICO DAM PLAZA STORAGE BUILDING**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID 2157) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, this project has been classified as an Unlisted action. The County is the only involved agency and, therefore, must serve as lead agency. A Short Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm
Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 28, 2023

RE: **Capital Budget Amendment –
RKD02 Kensico Dam Plaza Storage Building**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RKD02 Kensico Dam Plaza Storage Building will fund the design, construction management, and construction of an outdoor storage area including a work shop, storage yard and fuel dispensers.

A Capital Budget Amendment in the amount of \$2,200,000 is being requested to provide additional funding to address additional work determined during design including a larger size building, addition of solar panels, additional stormwater retention and cost escalation. This project was classified as a PL2HP, a project with physical planning and historic preservation aspects in the 2014 Report on the Capital Project Requests adopted August 6, 2013.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

RESOLUTION

WHEREAS, there is pending before this Honorable Board a bond act for capital project RKD02 – Kensico Dam Plaza Storage Building (“RKD02”); and

WHEREAS, this Honorable Board has determined that the proposed bond act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form (“EAF”) has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached EAF and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached EAF, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board's review of the EAF and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the bond act and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the EAF, which is attached hereto and made a part hereof, as the "Responsible Officer in Lead Agency"; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project RKD02 Kensico Dam
Plaza Storage Building

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$5,650,000	\$2,200,000	\$7,850,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$5,650,000	\$2,200,000	\$7,850,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$5,650,000</u>	<u>\$2,200,000</u>	<u>\$7,850,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. -20 _____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JULY 15, 2013, IN RELATION TO THE CONSTRUCTION OF A NEW MAINTENANCE BUILDING AND OUTDOOR STORAGE AREA AT KENSICO DAM PLAZA, AT THE MAXIMUM ESTIMATED COST OF \$7,850,000. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$150,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the construction of a new maintenance building and outdoor storage area at Kensico Dam Plaza, pursuant to Act No. 140-2013 duly adopted on July 15, 2013; and

WHEREAS, it is now appropriate to authorize such purpose, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for 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 July 15, 2013, entitled:

“ACT NO. 140-2013

BOND ACT AUTHORIZING THE ISSUANCE OF \$150,000 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 THE CONSTRUCTION OF A NEW MAINTENANCE BUILDING AND OUTDOOR STORAGE AREA AT KENSICO DAM PLAZA; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$150,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$150,000 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:

BOND ACT AUTHORIZING THE ISSUANCE OF \$7,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A NEW MAINTENANCE BUILDING AND OUTDOOR STORAGE AREA AT KENSICO DAM PLAZA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$7,850,000 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; \$7,850,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and

construction management in connection with the construction of a new maintenance building and outdoor storage area at Kensico Dam Plaza, 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 \$7,850,000. The plan of financing includes the issuance of \$7,850,000 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 \$7,850,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 11(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 \$7,850,000. 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 \$7,850,000 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.

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 July 15, 2013, 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 \$7,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A NEW MAINTENANCE BUILDING AND OUTDOOR STORAGE AREA AT KENSICO DAM PLAZA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$7,850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on July 15, 2013 and amended on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the construction of a new maintenance building and outdoor storage area at Kensico Dam Plaza, 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: \$7,850,000; 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

Project ID:* RKD02	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-07-2023
Fact Sheet Year:* 2023	Project Title:* KENSICO DAM PLAZA STORAGE BUILDING	Legislative District ID: 3,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2157

Overall Project Description

This project will fund a maintenance building and outdoor storage area at the Dam. This scope for this facility will include an indoor vehicle storage area, work shop area, outdoor storage yard, fuel dispensers and tank, new entrance area, employee parking, landscaping and associated site work.

<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
Gross	7,850	5,650	0	0	0	0	0	2,200
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	7,850	5,650	0	0	0	0	0	2,200

Expended/Obligated Amount (in thousands) as of : 148

Current Bond Description: Funding is requested for additional design, construction management and construction associated with the maintenance building and outdoor storage area.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	7,700,000
Cash:	0
Total:	\$ 7,700,000

SEQR Classification:

UNLISTED

Amount Requested:

7,700,000

Comments:

A Capital Budget Amendment in the amount of \$2,200,000 (shown under review) is being requested to provide funds for additional work determined during design including a larger size building, addition of solar panels, additional stormwater retention features and cost escalation.

Energy Efficiencies:

INSTALLATION OF SOLAR PANELS WILL PROVIDE A RENEWABLE ENERGY SOURCE WHILE REDUCING CARBON EMISSIONS AND RESULT IN REDUCED ENERGY COSTS.

Appropriation History:

Year	Amount	Description
2010	150,000	DESIGN
2014	1,500,000	CONSTRUCTION FOR THE PROJECT
2017	4,000,000	ADDITIONAL CONSTRUCTION COSTS.

Total Appropriation History:

5,650,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
13	140	150,000	0	KENSICO DAM PLAZA - NEW MAINTENANCE BUILDING AND OUTSIDE STORAGE AREA
		0	0	

Total Financing History:

150,000

Recommended By:

Department of Planning
WBB4

Date
04-07-2023

Department of Public Works
RJB4

Date
04-07-2023

Budget Department
DEV9

Date
04-10-2023

Requesting Department
RCL3

Date
04-11-2023

KENSICO DAM PLAZA STORAGE BUILDING (RKD02)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	5,650	5,650	148						
Non County Share									
Total	5,650	5,650	148						

Project Description

This project will fund a maintenance building and outdoor storage area at the Dam. This scope for this facility will include an indoor vehicle storage area, work shop area, outdoor storage yard, fuel dispensers and tank, new entrance area, employee parking, landscaping and associated site work.

Current Year Description

There is no current year request.

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
2010	150,000	Design	DESIGN
2014	1,500,000	Construction for the project	AWAITING BOND AUTHORIZATION
2017	4,000,000	Additional construction costs.	AWAITING BOND AUTHORIZATION
Total	5,650,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,650,000		5,650,000
Total	5,650,000		5,650,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
140 13	150,000			150,000
Total	150,000			150,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,200,000 to finance capital project BPL35 – Hilltop Hanover Farm and Environmental Center (“BPL35”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates and related feasibility studies and analysis necessary for the construction of improvements to the County’s Hilltop Hanover Farm and Environmental Center, including advancing the master plan to provide feasibility analysis and conceptual layout and design of buildings and infrastructure in accordance with the master plan recommendations, and fund design of needed electrical upgrades, architectural and cultural resources analysis and documentation.

The Department of Planning (“Department”) has advised that while the Master Plan provides an exciting and comprehensive vision for the future of the facility, the infrastructure, buildings and accessory structures at Hilltop Hanover Farm continue to require rehabilitation and upgrades in order to meet the existing and planned facility programming and activity needs, including the existing crop and livestock programs as well as the native plant program, which has been extremely successful and requires additional investment in infrastructure to achieve its potential. BPL35 will address health, safety and security issues for visitors, staff and livestock at the site and promote best practices for environmental stewardship and sustainable and resilient living.

Projects that do not require substantive design will be designed in-house or utilizing on-call consultant services. More substantive projects—such as the continued development of the master plan, the preparation of an associated building, site and cultural resources study, and the design of an electrical system upgrade—will be designed by appropriate consultants. Following bonding authorization, all projects will be moved forward to implementation. The master plan continuation and related work will begin in Fall of 2023 and take approximately twelve months to complete. The electrical system design will begin in early 2024 and take six to twelve months to complete. Design and implementation of needed building, site and infrastructure rehabilitation will begin as soon as needed and take approximately six to twelve months to complete. Construction funding

(\$800,000) for the rehabilitation work is proposed under a separate bond act. All projects will be coordinated with the master plan.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with BPL35 as indicated in the annexed fact sheet.

The Department has advised your Committee that based on its review, the authorization of BPL35 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: November 1st, 2023
White Plains, New York

[Signature]
[Signature]
[Signature]
Vedat Fathi
Manny Baez
Symia Brandon

[Signature]
[Signature]
Vedat Fathi
Manny Baez

[Signature]
Vedat Fathi
Manny Baez
Symia Brandon

cimg 6-20-23

Budget & Appropriations

COMMITTEE ON

Public Works & Transportation

Parks & Recreation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL35

☐ 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 \$ 1,200,000 PPU 5 Anticipated Interest Rate 2.88%

Anticipated Annual Cost (Principal and Interest): \$ 264,038

Total Debt Service (Annual Cost x Term): \$ 1,320,190

Finance Department: Interest rates from August 1, 2023 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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Michael Lipkin

Title: Associate Planner

Department: Planning

Date: 8/1/23

Reviewed By: 


DV 8/2/23

Budget Director

Date:

8/3/23

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

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

DATE: July 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL35 HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
06-16-2023 (Unique ID: 2234)

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

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

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 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 AND RELATED FEASIBILITY STUDIES AND ANALYSIS NECESSARY FOR PLANNING THE CONSTRUCTION OF IMPROVEMENTS TO HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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, \$1,200,000 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 and related feasibility studies and analysis necessary for the construction of improvements to Hilltop Hanover Farm and Environmental Center, including advancing the master plan to provide feasibility analysis and conceptual layout and design of

buildings and infrastructure in accordance with the master plan recommendations, and fund design of needed electrical upgrades, architectural and cultural resources analysis and documentation; 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 \$1,200,000. The plan of financing includes the issuance of \$1,200,000 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 the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62(2nd) 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 \$1,200,000. 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 \$1,200,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

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

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

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

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

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

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

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

* * *

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 \$1,200,000 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 THE CONSTRUCTION OF IMPROVEMENTS TO HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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 and related feasibility studies and analysis necessary for the construction of improvements to Hilltop Hanover Farm and Environmental Center, including advancing the master plan to provide feasibility analysis and conceptual layout and design of buildings and infrastructure in accordance with the master plan recommendations, and fund design of needed electrical upgrades, architectural and cultural resources analysis and documentation; 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: \$1,200,000; 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

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$800,000 to finance capital project BPL35 – Hilltop Hanover Farm and Environmental Center (“BPL35”).

The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of building and site rehabilitation work at the County’s Hilltop Hanover Farm and Environmental Center.

The Department of Planning (“Department”) has advised that while the Master Plan provides an exciting and comprehensive vision for the future of the facility, the infrastructure, buildings and accessory structures at Hilltop Hanover Farm continue to require rehabilitation and upgrades in order to meet the existing and planned facility programming and activity needs, including the existing crop and livestock programs as well as the native plant program, which has been extremely successful and requires additional investment in infrastructure to achieve its potential. BPL35 will address health, safety and security issues for visitors, staff and livestock at the site and promote best practices for environmental stewardship and sustainable and resilient living.

Projects that do not require substantive design will be designed in-house or utilizing on-call consultant services. More substantive projects—such as the continued development of the master plan, the preparation of an associated building, site and cultural resources study, and the design of an electrical system upgrade—will be designed by appropriate consultants. Following bonding authorization, all projects will be moved forward to implementation. The master plan continuation and related work will begin in Fall of 2023 and take approximately twelve months to complete. The electrical system design will begin in early 2024 and take six to twelve months to complete. Design and implementation of needed building, site and infrastructure rehabilitation will begin as soon as needed and take approximately six to twelve months to complete. Funding for continuation of the master plan development, supporting surveys and studies, and design for the rehabilitation work (\$1,200,000) is proposed under a separate bond act. All projects will be coordinated with the master plan.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with BPL35 as indicated in the annexed fact sheet.

The Department of Planning has advised your Committee that based on its review, the authorization of BPL35 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: November 1st, 20 23
White Plains, New York

James Z. Kelly
John J. Kelly
John J. Kelly
John J. Kelly
John J. Kelly
Symon Brandon
Mary K. Barr

John J. Kelly
John J. Kelly
John J. Kelly
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John J. Kelly
John J. Kelly

Budget & Appropriations | Public Works & Transportation | Parks & Recreation
COMMITTEE ON

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Clamon R. Maher

Clamon R. Maher

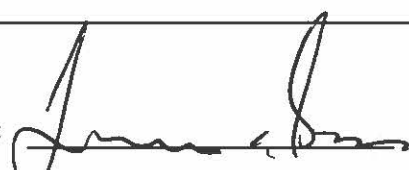
COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BPL35</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	
		<input type="checkbox"/> Capital Budget Amendment	
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 800,000	PPU 15	Anticipated Interest Rate 2.92%
Anticipated Annual Cost (Principal and Interest):	\$ 66,574		
Total Debt Service (Annual Cost x Term):	\$ 998,610		
Finance Department:	Interest rates from August 1, 2023 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):			
<hr/> <hr/>			
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			
<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Michael Lipkin</u>	Reviewed By:	<u></u>
Title:	<u>Associate Planner</u>	Date:	<u>8/2/23</u>
Department:	<u>Planning</u>	Date:	<u>8/3/23</u>
Date:	<u>8/3/23</u>	Date:	<u>8/3/23</u>

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

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



DATE: July 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL35 HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
06-16-2023 (Unique ID: 2234)

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

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

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
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 BUILDING AND SITE REHABILITATION WORK AT HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER, STATING THE ESTIMATED TOTAL 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 building and site rehabilitation work at Hilltop Hanover Farm and Environmental Center; 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 \$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, the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 91 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 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 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 \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF BUILDING AND SITE REHABILITATION WORK AT HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER, STATING THE ESTIMATED TOTAL 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 building and site rehabilitation work at Hilltop Hanover Farm and Environmental Center; 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

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



CAPITAL PROJECT FACT SHEET

Project ID:* BPL35	<input type="checkbox"/> CBA	Fact Sheet Date:* 05-26-2023
Fact Sheet Year:* 2023	Project Title:* HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER	Legislative District ID: 4, 2
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 2234

Overall Project Description

This project will fund rehabilitation, renovation and other improvements of buildings and infrastructure at Hilltop Hanover Farm and Environmental Center in Yorktown, NY.

- | | | |
|---|---|--|
| <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 checked="" 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	10,500	1,000	7,000	0	0	0	0	2,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	10,500	1,000	7,000	0	0	0	0	2,500

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

Current Bond Description: This funding request will advance the master plan to provide feasibility analysis and conceptual layout and design of buildings and infrastructure in accordance with the master plan recommendations. This request will also fund design of needed electrical upgrades, architectural and cultural resources analysis and documentation, and provide funding for additional needed building and site rehabilitation work.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

2,000,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	1,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR PARKING IMPROVEMENTS AND HIGH TUNNEL FOR ADDITIONAL CROPS. STUDY FOR BUILDING AND UTILITY SCOPE DEVELOPMENT
2023	7,000,000	IMPROVEMENTS

Total Appropriation History:

8,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
22	127	1,000,000		0 HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER

Total Financing History:

1,000,000

Recommended By:**Department of Planning**

MLLL

Date

06-16-2023

Department of Public Works

RJB4

Date

06-16-2023

Budget Department

DEV9

Date

06-20-2023

Requesting Department

DSK2

Date

06-20-2023

HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER (BPL35)

User Department : Planning

Managing Department(s) : Planning ;

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	10,500	1,000		7,000					2,500
Non County Share									
Total	10,500	1,000		7,000					2,500

Project Description

This project will fund rehabilitation, renovation and other improvements of buildings and infrastructure at Hilltop Hanover Farm and Environmental Center in Yorktown, NY.

Current Year Description

The current year request will fund improvements.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	7,000,000			7,000,000

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
2022	1,000,000	Design, construction and construction management for parking improvements and high tunnel for additional crops. Study for building and utility scope development	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

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
127 22	1,000,000			1,000,000
Total	1,000,000			1,000,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue up to \$200,000.00 in bonds to finance a component of capital project BLA1A - Parkland and Historical Preservation Program (“BLA1A”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, would fund design associated with the rehabilitation of Habirshaw County Park in the City of Yonkers, a component of Hudson RiverWalk. Improvements to the Park will include surface and site furniture replacements, landscaping and drainage improvements. This project is being funded through the Westchester Legacy Program.

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 six (6) months and will begin after award and execution of the construction contracts, subject to your Honorable Board’s approval of construction funding.

As your Honorable Board is aware, the Westchester Legacy Program is a County initiative to acquire, protect and enhance open space lands in Westchester County. To date, the Legacy Program is credited with preserving over 2,000 acres of open space in Westchester County. The acquired properties include linear parks, urban parks, active recreation facilities as well as large tracts of open space forever preserved in their natural state.

The Legacy Program was established to aggressively pursue land acquisition with three major priorities: 1) to preserve green space, protect our county’s natural habitats and protect rivers, streams and lakes and to provide passive recreation areas; 2) to purchase park land for active recreation such as baseball and soccer fields, trailways and bike paths; and 3) to acquire land for historic preservation and protection of our cultural heritage.

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

Your Committee is further advised that since BLA1A is a “general fund” project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County’s Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2021 Capital Budget to reflect the specific location of this project component.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BLA1A is annexed.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act.

Dated: November 1, 2023
White Plains, New York

James Brundage
John
John
Vedat
James Brundage
Symon Brundage

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James Brundage

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Vedat
James Brundage
Symon Brundage

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Klauson R. Maher

Klauson R. Maher

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BLA1A

☐ 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 \$ 200,000 PPU 5 Anticipated Interest Rate 2.88%

Anticipated Annual Cost (Principal and Interest): \$ 44,006

Total Debt Service (Annual Cost x Term): \$ 220,030

Finance Department: Interest rates from August 1, 2023 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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☐ Consultant

☐ Not Applicable

Prepared by: Michael Lipkin

Title: Associate Planner

Department: Planning

Date: 8/2/23


Reviewed By: 

DV 8/2/23

Budget Director

Date: 8/3/23

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

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

DATE: July 26, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BLA1A PARKLAND AND HISTORICAL PRESERVATION PROGRAM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
07-03-2023 (Unique ID: 2187)

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

- **617.5(c)(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: The current request is for design only.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 23- 9

WESTCHESTER COUNTY PLANNING BOARD

Amendment of the Westchester County Planning Board 2008 Capital Projects Report
BLA1A Parkland and Historical Preservation Program
Habirshaw County Park, City of Yonkers

WHEREAS, the County owned Habirshaw Park in the City of Yonkers is an active recreation site and is connected to the Beczak Environmental Center. **BLA01 Parkland and Historical Preservation Program** funds will be used for the design of improvements to Habirshaw park, in the amount of \$200,000; and

WHEREAS, the two-acre Habirshaw County Park is located close to downtown Yonkers and provides an inviting riverfront park. Visitors can use the lawn and enjoy views of the iconic Palisades. The restored tidal marsh and beach is included in the NYSDEC Hudson River Sustainable Shorelines Projects and provides an ideal outdoor classroom for local youth to explore the river courtesy of the Sarah Lawrence College Center for the Urban River at Beczak; and

WHEREAS, the reconstructed recreational facility will be open and accessible to all Westchester County residents; and

WHEREAS, the design improvements to the park are consistent with Westchester RiverWalk standards; and

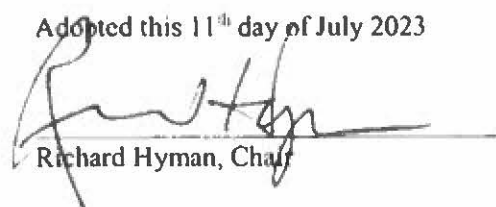
WHEREAS, the County shall consult with the City and shall prepare the designs for reconstruction to ensure compliance with all County policies and objectives; and

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize an amendment adding this site to the 2023 Capital Budget requests utilizing appropriated funds in **BLA1A Parkland and Historical Preservation Program**; and

WHEREAS, the project is consistent with the policies of *Westchester 2025*, in that it will enhance the quality of Westchester's parks and recreation facilities; be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its report on the 2023 Capital Budget to add this site as well as use of \$200,000 from already appropriated funds from **BLA1A Parkland and Historical Preservation Program** for the design of improvements to the Habirshaw County Park, City of Yonkers.

Adopted this 11th day of July 2023



Richard Hyman, Chair

BLA1A Parkland and Historical Preservation Program

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated							
	Ultimate	Approp-						Under
	Total Cost	riated	2023	2024	2025	2026	2027	Review
								5,000
Gross	28,300	23,300						
Less non-County Shares								
Net	28,300	23,300						5,000

Project Description:

This project continues Capital Project BLA01 Parkland Acquisition/Westchester Legacy Program. The Legacy Program is designed to aggressively pursue land acquisition for three major objectives:

1. Purchase parkland for active recreation such as baseball and soccer fields, trailways, and bike paths.
2. Preserve green space, protect natural habitats and protect rivers, streams, and lakes.
3. Preserve land for historic preservation and protection of our cultural landscape.

The 2023 capital budget amendment (CBA) is to add a specific site to this general fund program. The funding in 2023 will be for the design of park improvements to the County owned Habirshaw Park in the City of Yonkers. The funding for the design of Habirshaw County Park improvements in 2023 will utilize funds from the existing 2020 appropriations.

APPROPRIATION/FUNDING REQUESTS:

2020: Funding for acquisition of properties for parkland and historic preservation (\$1,000,000)
 2021: Creation of a new park in Ludlow Park, Yonkers (\$10,000,000); 4th Street Playground, Mt. Vernon (\$2,000,000); RiverWalk Improvements, Yonkers (\$5,000,000)
 2022: Funding for environmental reviews for the design and construction of RiverWalk trail connections in Tarrytown (\$1,300,000)
 2023: Funding for a True Linear RiverWalk Park in Yonkers (\$5,000,000) and Flint Park Turf Field, Larchmont (\$1,000,000), Habirshaw County Park (2020 appropriations)
 Under Review: Additional funding for parkland preservation

JUSTIFICATION: Under the predecessor project, BLA01, funding at varying amounts was leveraged with funding from the state and local governments or private sources and was intended to enable the County to play a very meaningful role in open space preservation and to take advantage of opportunities to purchase or otherwise protect critical resources.

The Westchester County park and open space system has contributed greatly to the quality of life in the County. Municipal officials and residents throughout Westchester have indicated that open space preservation remains a top priority. The acquisition and protection of lands for environmental protection helps to build on this legacy. The County has played an important role in expanding opportunities for active recreation; traditionally it was municipalities and school districts that developed athletic fields.

The 1999 Open Space Policies were adopted by both the Planning and Parks Boards. These policies have goals for a continued County park and open space acquisition program that includes:

1. Provision of opportunities for active and passive recreation, with emphasis on locations close to concentrations of the County's population;
2. Establishment of a series of open space linkages to provide a connected system of parklands;

3. Preservation of significant amounts of the Hudson River waterfront;
4. Protection of environmentally significant properties; and
5. Preservation of properties considered to be of historic significance.

CONSISTENCY WITH PROGRAMS OR PLANS: The project is consistent with the policies of *Westchester 2025*, the County's long-range land use policies, and the 1999 Open Space Policies in that it supports open space preservation, provides opportunities for active and passive recreation, promotes open space linkages, preserves environmentally significant properties and helps preserve properties considered to be of historic significance.

Planning Board Analysis:

PL2: The Planning Board supports this project to improve parkland in the densely populated City of Yonkers. The Planning Board supports projects with the goal to keep park facilities in a well-maintained state. Performing physical improvements on a priority basis reflects a comprehensive approach to undertaking capital improvements. The scope of work should be compatible with the original design intent of the park's elements and should be consistent with the character of the park's landscaping and site features.

As per Westchester County policy, stormwater management must be addressed with every capital project. Designs should comply with the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$200,000 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 THE REHABILITATION OF HABIRSHAW COUNTY PARK IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 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, to the provisions of other laws applicable thereto, \$200,000 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 rehabilitation of Habirshaw County Park in the City of Yonkers, including surface and site furniture replacements, landscaping and drainage improvements; all as set forth in the County's

Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$200,000. The plan of financing includes the issuance of \$200,000 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 said \$200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) 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 \$200,000. 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 \$200,000 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 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 \$200,000 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 THE REHABILITATION OF HABIRSHAW COUNTY PARK IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 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 cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of Habirshaw County Park in the City of Yonkers, including surface and site furniture replacements, landscaping and drainage improvements; 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: \$200,000; 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

Project ID:* BLA1A	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-07-2023
Fact Sheet Year:* 2023	Project Title:* PARKLAND AND HISTORICAL PRESERVATION PROGRAM	Legislative District ID: 16
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 2187

Overall Project Description

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

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	28,300	17,300	6,000	0	0	0	0	5,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	28,300	17,300	6,000	0	0	0	0	5,000

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

Current Bond Description: Design of the rehabilitation of Habirshaw County Park in the City of Yonkers, a component of Hudson RiverWalk. Improvements are to include surface and site furniture replacements, landscaping and drainage improvements.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	200,000
Cash:	0
Total:	\$ 200,000

SEQR Classification:

TYPE II

Amount Requested:

200,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	17,000,000	LUDLOW PARK (WATER ACCESS PARK), YONKERS, \$10,000,000; 4TH STREET PLAYGROUND, MT. VERNON, \$2,000,000 AND RIVERWALKIMPROVEMENTS, YONKERS, \$5,000,000
2022	-700,000	DESIGN OF RIVERWALK IMPROVEMENTS IN TARRYTOWN \$1,300,000; 4TH STREET PLAYGROUND MT. VERNON APPROPRIATION REDUCTION (\$2,000,000)
2023	6,000,000	A TURF FIELD AT FLINT PARK IN LARCHMONT \$1,000,000; A LINEAR PARK EXTENDING NORTH FROM THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY IN THE LUDLOW SECTION OF YONKERS \$5,000,000.

Total Appropriation History:

23,300,000

Total Financing History:

0

Recommended By:**Department of Planning**

MLLL

Date

07-03-2023

Department of Public Works

JZR7

Date

07-05-2023

Budget Department

DEV9

Date

07-05-2023

Requesting Department

MLLL

Date

07-10-2023

PARKLAND AND HISTORICAL PRESERVATION PROGRAM (BLA1A)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	28,300	17,300		6,000					5,000
Non County Share									
Total	28,300	17,300		6,000					5,000

Project Description

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

Current Year Description

The current year request funds a turf field at Flint Park in Larchmont \$1,000,000, and additional funds for a linear park extending north from the Yonkers Joint Water Resource Recovery Facility in the Ludlow section of Yonkers \$5,000,000.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	6,000,000			6,000,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2020	1,000,000	Funds this project	AWAITING BOND AUTHORIZATION
2021	17,000,000	Ludlow Park (Water Access Park), Yonkers, \$10,000,000; 4th Street Playground, Mt. Vernon, \$2,000,000 and Riverwalk Improvements, Yonkers, \$5,000,000	AWAITING BOND AUTHORIZATION
2022	(700,000)	Design of Riverwalk improvements in Tarrytown \$1,300,000; 4th Street Playground Mt. Vernon appropriation reduction (\$2,000,000)	\$1,300,000 IN PROGRESS; (\$2,000,000) APPROPRIATION REDUCTION
Total	17,300,000		

PARKLAND AND HISTORICAL PRESERVATION PROGRAM (BLA1A)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	16,000,000		16,000,000
Funds Revenue	1,300,000	1,300,000	
Total	17,300,000	1,300,000	16,000,000

RESOLUTION 2023-_____

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 30th day of August, 2023, appointed Dr. Aleksandar Milovanovic, as Pathologist/Medical Examiner for the County of Westchester, effective August 7, 2023, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: *October 23,* 2023
White Plains, New York

Three handwritten signatures in black ink. The top signature is long and flowing. The middle signature is shorter and more compact. The bottom signature is also shorter and appears to be a variation of the middle one.

Dated: October 23, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A stylized, handwritten signature in black ink, appearing to be 'Sylvia D. Brandon'.

Sylvia D. Brandon

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of "A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority."

Your Committee is advised that Section 158.11 of the Laws of Westchester County establishes the powers and duties of the County Attorney and addresses the authority of that Office to institute actions and settle actions. Subsection 3 provides that the County Attorney has the authority to commence a proceeding to collect money judgments only where the amount of the judgment does not exceed \$10,000, exclusive of costs. This proposed Local Law would increase that amount to \$25,000, and exclude interest from that amount in addition to costs. Your Committee recognizes that a number of County departments, boards, and commissions have the authority to impose fines in various amounts, including the Department of Environmental Facilities that can impose fines of up to \$25,000 per day for violations of certain sections of law. By increasing the "not to exceed" amount in Section 158.11(3), it would allow the County Attorney to commence collection actions better in line with the authority of various County bodies to impose fines. The attached law also clarifies that, where there are multiple judgments against a single party, the County Attorney can collect all of them in a single action, where the aggregate exceeds the "not to exceed" so long as the individual judgments do not exceed the threshold.

Your Committee is further informed that Subsection 5 provides the authority of the County Attorney to settle actions against the County, either unilaterally or with the approval of the Board of Acquisition and Contract ("A&C"). Currently, the County Attorney may unilaterally settle actions for an amount not to exceed \$10,000; A&C can authorize settlements for personal injury or property

damage in an amount not to exceed \$75,000. These amounts were placed into the law in 1983 and have not been increased since. The proposed legislation would increase them to \$25,000 and \$150,000, respectively, which is less than the increase from inflation in the 40 years since their enactment. Consistent with this revision, the proposed local law also amends Section 297.31, which relates to settlements due to the County indemnifying an employee, referring back to the approval requirements in Section 158.11(5), so that approvals are consistent and uniform. Your Committee would note that Section 297.31 has not been amended since 1979, and making this amendment would allow for any future adjustments to be made once in Section 158.11, instead of in multiple locations throughout the County's laws.

Your Committee notes that the proposed Local Law would also modify what cases A&C can settle. Your Committee is informed that, in 1983, when this Honorable Board gave A&C settlement authority, the County had outside insurance. As a result of a change in the structure of that insurance, this Honorable Board gave settlement authority to A&C because there would be “potentially hundreds of general liability and worker’s compensation settlements” that would need approval. COMMITTEE REPORT IN SUPPORT OF LOCAL LAW 16-1983, *Proceedings of the County Board of Legislators (1983)*, p. 723. Providing A&C with the ability to authorize settlements of up to \$75,000 served to “relieve the County Board of this burden while maintaining appropriate fiscal and policy controls.” *Id.*

Your Committee recognizes that the County subsequently became self-insured for most items. Most of that self-insurance (as is relevant to this Local Law) is through the County’s 6-n fund. The proposed Local Law would modify 158.11(5) to provide that A&C’s authority applies to any action that is covered through the County’s 6-n fund or other insurance program. The vast majority of these actions already involve some form of personal injury or property damage. However, by extending the authority to all insurable actions, it would: (1) remove any confusion over whether or not a given claim

constitutes personal injury or property damage; and (2) maintain the original intent of granting A&C settlement authority in eliminating the need of your Honorable Board to deal with smaller settlements that are covered by the County's self-insurance (or other insurance policies) while still requiring your consent for larger settlements.

The final change would be to allow A&C to approve reductions in Workers' Compensation liens. These reductions, which are currently presented to your Honorable Board, are not subject to negotiation, and are calculated by a formula derived from statutory factors and long-standing decisional case law. Given that these reductions are formulaic, giving A&C the authority to approve them would alleviate your Honorable Board from needing to approve legislation that does not touch on policy considerations.

Additionally, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators

The Committee, after careful consideration, recommends the adoption of this local law.

Dated: October 16, 2023
White Plains, New York

Margaret A. Cigno
~~_____~~
D. M.
Mancuso
Colin M.
David M.
Vedat F. Ali
Bamperud S. S. S.
Catharine B.

W. N. M.
Catharine Park
Mancuso
Colin M.
David M.
Vedat F. Ali
Vedat F. Ali

W. N. M.
Catharine Park
Mancuso
Colin M.
David M.
Vedat F. Ali

COMMITTEES ON

Legislation

Budget & Appropriations

Law & Major Contracts



Dated: October 16, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Sydney D. Brandon

Sydney D. Brandon

COMMITTEES ON

Legislation

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Amendment of Section 158.11

☒ 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 \$ -

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 N/A

Describe: A local law amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

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: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: October 4, 2023

Reviewed By: PH

Budget Director

Date: 8/4/23

LOCAL LAW NO. ____ - 2023

A LOCAL LAW amending Section 158.11 of the Laws of Westchester County with respect to instituting actions and settlement authority.

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

SECTION 1.

Subdivision 3 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

(3) The County Attorney shall not have the power to institute any proceedings on behalf of the county, or any of its officers, unless directed to do so by the County Board or an officer, board, commission or body having power or authority under statute to direct the starting of any such action or proceeding, except a proceeding for a money judgment only where the amount involved does not exceed [ten thousand dollars (\$10,000.00)] twenty-five thousand dollars (\$25,000.00) exclusive of interest and costs, or except as provided in subsection 4. hereof. Where a money judgment is comprised of multiple fines, penalties, or other judgments, the County Attorney is authorized to commence an action to collect such judgment where the aggregate judgment exceeds twenty-five thousand dollars, so long as no individual component judgment exceeds twenty-five thousand dollars.

SECTION 2.

Subdivision 5 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

Except as otherwise provided in this subdivision, the county attorney shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the County of Westchester without the previous authority of the county board or of the board, body, commission or office authorized or empowered by statute to direct or consent to such compromise, settlement or adjustment. He shall not permit, offer or confess judgment against the county or accept any offer or judgment in favor of the county for less than the amount claimed by the county, unless previously duly authorized to do so by the County Board. Notwithstanding the foregoing, the County Attorney shall be empowered to compromise, settle, or adjust rights, claims, demands or causes of action against the county for an amount not to exceed [ten thousand dollars (\$10,000.00)] twenty-five

thousand dollars (\$25,000.00) exclusive of interest and costs without the need for authorization from the County Board or of any other board, body, commission or office. In addition, the County Attorney with the approval of the County Board of Acquisition and Contract may compromise, settle or adjust rights, claims, demands or causes of action against the county [for personal injury or property damage] for which the County is authorized to make payment out of its self-insurance reserve fund pursuant to New York State General Municipal Law § 6-n or any other insurance program of the County's, for an amount not to exceed [seventy-five thousand dollars (\$75,000.00)] one hundred-and-fifty thousand dollars (\$150,000.00) exclusive of interests and costs. In addition, the County Attorney, with the approval of the County Board of Acquisition and Contract, may compromise, settle, or adjust liens in favor of the County under Section 29 of the New York State Workers' Compensation Law. In no event shall any inhibition contained in this section operate to limit or abridge the discretion of the County Attorney in regard to the proper conduct of the trial or appeal of any proceedings or action at law, or to deprive said County Attorney of the powers or privileges ordinarily exercised in the course of litigation by attorneys at law when acting for private clients.

SECTION 3.

Subdivision 3(c) of Section 297.31 of the Laws of Westchester County is hereby repealed and replaced with a new subdivision 3(c) to read as follows:

c. Where an employee is represented by the County Attorney, any proposed settlement which may be subject to indemnification by the county shall be subject to the requirements for approval contained in Section 158.11(5) of the Laws of Westchester County.

SECTION 4. Effective date.

This Local Law shall take effect in 60 days.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$400,000 to finance capital project RWW03 – Willson’s Woods Site Work (“RWW03”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning parking lot improvements and expansion, repaving of park access drive and pathways, maintenance building and yard improvements and expansion, site lighting and other associated site work and landscaping.

The Department of Parks, Recreation & Conservation (“Department”) has advised that according to a recent recreation survey, County residents continue to express the need for swimming and sunbathing areas (59%) as well as water parks and water slides (42%). As the Willson’s Woods facility has increased in popularity, due in part by the opening of new playgrounds, picnic areas and the newly renovated wave pool, the need for additional parking and safer pedestrian and vehicular circulation has increased. Expansion of parking in conjunction with the redesign of the park access drive and pathways will help to reduce vehicular congestion while improving pedestrian safety throughout the park. The existing maintenance garage is not sufficient to meet demands and there is a strong need for more work space and secured covered storage for vehicles and equipment.

Following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take eighteen months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with other components of RWW03 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RWW03 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act

("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: _____, 20____
White Plains, New York

James B. Bell
John
Debra
Debra
Debra
Debra
Debra
Symona Branch

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Debra
Debra
Debra
Debra

Symona Branch

Budget & Appropriations

Public Works &
Transportation

Parks & Recreation

COMMITTEE ON

c mg 8-22-23

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.



Budget & Appropriations



Parks & Recreation

COMMITTEES ON

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RWW03

☐ 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 \$ 400,000 PPU 5 Anticipated Interest Rate 3.06%

Anticipated Annual Cost (Principal and Interest): \$ 88,533

Total Debt Service (Annual Cost x Term): \$ 442,665

Finance Department: Interest rates from September 14, 2023 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 C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation

Date: 9/14/23

Reviewed By:


Dvaliluh24

Budget Director

Date:

9/14/23

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

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

DATE: September 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RWW03 WILLSON'S WOODS SITE WORK**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08/16/2023 (Unique ID: 2306)

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

- **617.5(c)(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: The current request is for design only.

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$400,000 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 PARKING LOT IMPROVEMENTS AND EXPANSION AND OTHER IMPROVEMENTS TO WILLSON'S WOODS PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 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, \$400,000 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 parking lot improvements and expansion, repaving of park access drive and pathways, maintenance building and yard improvements and expansion, site lighting and other associated site work and landscaping, 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 cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$400,000. The plan of financing includes the issuance of \$400,000 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(2nd) 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 \$400,000. 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 \$400,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially

level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

* * *

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 \$400,000 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 PARKING LOT IMPROVEMENTS AND EXPANSION AND OTHER IMPROVEMENTS TO WILLSON'S WOODS PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 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 parking lot improvements and expansion, repaving of park access drive and pathways, maintenance building and yard improvements and expansion, site lighting and other associated site work and landscaping, 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:	\$400,000; 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

Project ID:* RWW03	<input type="checkbox"/> CBA	Fact Sheet Date:* 08-03-2023
Fact Sheet Year:* 2023	Project Title:* WILLSON'S WOODS SITE WORK	Legislative District ID: 13,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2306

Overall Project Description

This project restores and renovates site and landscaping at the park.

- | | | |
|---|--|--|
| <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	14,480	14,480	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	14,480	14,480	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 802

Current Bond Description: Funding is requested for design associated with parking lot improvements and expansion, re-paving of park access drive and pathways, maintenance building and yard improvements and expansion, site lighting and other associated site work and landscaping.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	400,000
Cash:	0
Total:	\$ 400,000

SEQR Classification:

TYPE II

Amount Requested:

400,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2010	400,000	DESIGN 1ST PHASE
2013	3,150,000	CONSTRUCTION AND REPAIR OF INFRASTRUCTURE
2017	530,000	DESIGN AND CONSTRUCTION FOR REPLACEMENT OF THE EXISTING PLAYGROUND AND A NEW SMALL PLAYGROUND LOCATED NEAR THE POOL.
2019	10,400,000	ACQUISITION AND DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR PARKING IMPROVEMENTS/EXTENSIONS

Total Appropriation History:

14,480,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
13	211	400,000	159,014	WILSON'S WOODS, MOUNT VERNON SITE WORK
18	161	0	0	DESIGN IN CONNECTION WITH PLANNING PLAYGROUND IMPROVEMENTS TO WILLSON'S WOODS PARK
19	213	530,000	530,000	DESIGN IN CONNECTION WITH PLANNING PLAYGROUND IMPROVEMENTS TO WILLSON'S WOODS PARK

Total Financing History:

930,000

Recommended By:

Department of Planning
MLLL

Date
08-16-2023

Department of Public Works
RJB4

Date
08-16-2023

Budget Department
DEV9

Date
08-22-2023

Requesting Department
RCL3

Date
08-22-2023

WILLSON'S WOODS SITE WORK (RWW03)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	14,480	14,480	802						
Non County Share									
Total	14,480	14,480	802						

Project Description

This project restores and renovates site and landscaping at the park.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2010	400,000	Design 1st phase	DESIGN
2013	3,150,000	Construction and repair of infrastructure	AWAITING BOND AUTHORIZATION
2017	530,000	Design and construction for replacement of the existing playground and a new small playground located near the pool.	CONSTRUCTION
2019	10,400,000	Acquisition and design, construction and construction management for parking improvements/extensions	AWAITING BOND AUTHORIZATION
Total	14,480,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	14,480,000	689,014	13,790,986
Total	14,480,000	689,014	13,790,986

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
211 13	400,000	12/01/21	159,014	240,986
161 18				
213 19	530,000	04/30/20	266,028	
		12/01/21	263,973	
Total	930,000		689,014	240,986

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$900,000 to finance capital project RSW03 – Saxon Woods Pool Rehabilitation (“RSW03”). The Bond Act, which was prepared by the law firm Harris Beach, will finance the cost of planning for the improvements to the Saxon Woods Pool Facility, including all associated infrastructure, sitework and landscaping.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the Saxon Woods Pool Facility is outdated and is in very poor condition. RSW03 will finance design for the rehabilitation of the entire pool facility. Work shall include the replacement of the existing bathhouse with a new bathhouse, reconfiguration of the main pool, replacement of small aquatic playground, new filter system, security lighting, cameras and wifi, concrete pool deck replacement and drainage system, construction of intermediate aquatic playground associated plumbing and electrical, accessible means of egress, miscellaneous poolside accessories, associated infrastructure and site-work.

Following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take eighteen months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, RSW03 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: November 1st, 2023
White Plains, New York

Timothy B. Jones
Sgt.
Z. W. B.
Dedat J. A. H.
Manny S. B.
Symon Brandon

Sgt.
Z. W. B.
Dedat J. A. H.
Manny S. B.

Sgt.
Dedat J. A. H.
Manny S. B.
Symon Brandon

COMMITTEE ON

c/mg/8-21-23

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RSW03

☐ 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 \$ 900,000 PPU 5 Anticipated Interest Rate 3.06%

Anticipated Annual Cost (Principal and Interest): \$ 199,199

Total Debt Service (Annual Cost x Term): \$ 995,995

Finance Department: Interest rates from September 14, 2023 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: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation


Date: 9/14/23

Reviewed By: 

Budget Director

Date: 9/14/23

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

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

DATE: September 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RSW03 SAXON WOODS POOL REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08/16/2023 (Unique ID: 2268)

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

- **617.5(c)(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: The current request is for design only.

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE IMPROVEMENTS TO THE SAXON WOODS POOL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$900,000 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 (the “County”), NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$900,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of planning for the improvements to the Saxon Woods Pool Facility, including all associated infrastructure, sitework and landscaping; all as set forth in the County’s current year Capital Budget, as amended. To the

extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$900,000. The plan of financing includes the issuance of \$900,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2ND) 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 \$900,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

* * *

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 \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE IMPROVEMENTS TO THE SAXON WOODS POOL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$900,000 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 planning for the improvements to the Saxon Woods Pool Facility, including all associated infrastructure, sitework and landscaping; 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: \$900,000; 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

Project ID:* RSW03	<input type="checkbox"/> CBA	Fact Sheet Date:* 07-27-2023
Fact Sheet Year:* 2023	Project Title:* SAXON WOODS POOL REHABILITATION	Legislative District ID: 5,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2268

Overall Project Description

This project funds the rehabilaion of the pool at Saxon Woods.

- | | | |
|---|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	10,250	5,750	0	0	0	0	0	4,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	10,250	5,750	0	0	0	0	0	4,500

Expended/Obligated Amount (in thousands) as of : 900

Current Bond Description: Funding is requested for the design of the Saxon Woods Pool facility including all associated infrastructure, sitework, and landscaping.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	900,000
Cash:	0
Total:	<u>\$ 900,000</u>

SEQR Classification:

TYPE II

Amount Requested:

900,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|---|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	900,000	DESIGN
2017	4,850,000	CONSTRUCTION.

Total Appropriation History:

5,750,000

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-16-2023

Department of Public Works

RJB4

Date

08-16-2023

Budget Department

DEV9

Date

08-17-2023

Requesting Department

RCL3

Date

08-21-2023

SAXON WOODS POOL REHABILITATION (RSW03)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	10,250	5,750							4,500
Non County Share									
Total	10,250	5,750							4,500

Project Description

This project funds the rehabilitation of the pool at Saxon Woods.

Current Year Description

There is no current year request.

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
2016	900,000	Design	AWAITING BOND AUTHORIZATION
2017	4,850,000	Construction.	AWAITING BOND AUTHORIZATION
Total	5,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,750,000		5,750,000
Total	5,750,000		5,750,000

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$2,800,000 in additional bonds of the County to finance capital project RGP11 – Salt Shed Facilities (“RGP11”).

The Amended Bond Act in the total amount of \$3,200,000 was prepared by the law firm Harris Beach and includes \$400,000 in previously authorized bonds of the County. The Bond Act would finance the cost of construction and construction management of salt storage facilities for the County Department of Parks, Recreation & Conservation (“Department”) at Croton Point, Lasdon and Sprain Ridge Parks.

The Department has further advised your Committee that there is a pressing need for the Department to purchase and store salt using shed structures in strategic locations within the County Park system. The Department plows and uses salt to safely remove snow and ice from Department facilities in order to keep those facilities safe in the winter months.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2023. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for prior components of RGP11 as follows: Bond Act No. 118-2017 in the amount of \$400,000 to finance design. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 118-2017 be amended to increase the initial amount authorized by \$2,800,000, for a total authorized amount, as amended, of \$3,200,000, to revise the scope of Bond Act No. 118-2017 to include work associated with the construction phase of RGP11, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, RGP11 may be classified as an “Unlisted” action under the State Environmental Quality Review Act

("SEQR"). A Resolution, and proposed Negative Declaration, along with Environmental Assessment Forms prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Upon review, your Committee concludes that the proposed action will not have any significant impact on the environment and recommends the adoption of the Resolution adopting the Negative Declaration. As you know, a determination of significance must be made prior to enacting the aforementioned Bond Act

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

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

sing/8-21-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGP11

☐ 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 \$ 3,200,000 PPU 30 Anticipated Interest Rate 3.85%

Anticipated Annual Cost (Principal and Interest): \$ 173,211

Total Debt Service (Annual Cost x Term): \$ 5,196,330

Finance Department: Interest rates from September 14, 2023 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: 35

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation

Date: 9/14/23

Reviewed By: [Signature]

Budget Director

Date: 9/14/23

RESOLUTION

WHEREAS, there is pending before this Honorable Board a Bond Act to authorize the County of Westchester to issue bonds in connection with Capital Project RGP11 – Salt Shed Facilities (“Bond Act”); and

WHEREAS, this Honorable Board has determined that the proposed Bond Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as a “Type I action,” which requires a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is conducting uncoordinated review as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Forms (“EAF”) have been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Full Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached EAFs, to determine if this proposed action will have a significant impact on the environment.


NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board's review of the EAFs and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Bond Act and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the EAFs, which is attached hereto and made a part hereof, as the "Responsible Officer in Lead Agency"; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

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

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

DATE: September 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RGP11 SALT SHED FACILITIES**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID 2302) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, this project has been classified as an Unlisted action. Uncoordinated review is being conducted as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations. A Short Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators. Since the project involves three separate sites, an individualized Part 1 was prepared for each site. However, all three sites are evaluated jointly in Parts 2 and 3.

Please contact me if you require any additional information regarding this document.

DSK/cnm
Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Short Environmental Assessment Form

Part 1 - Project Information

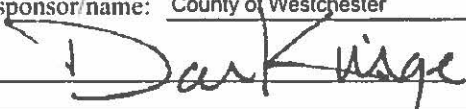
Instructions for Completing

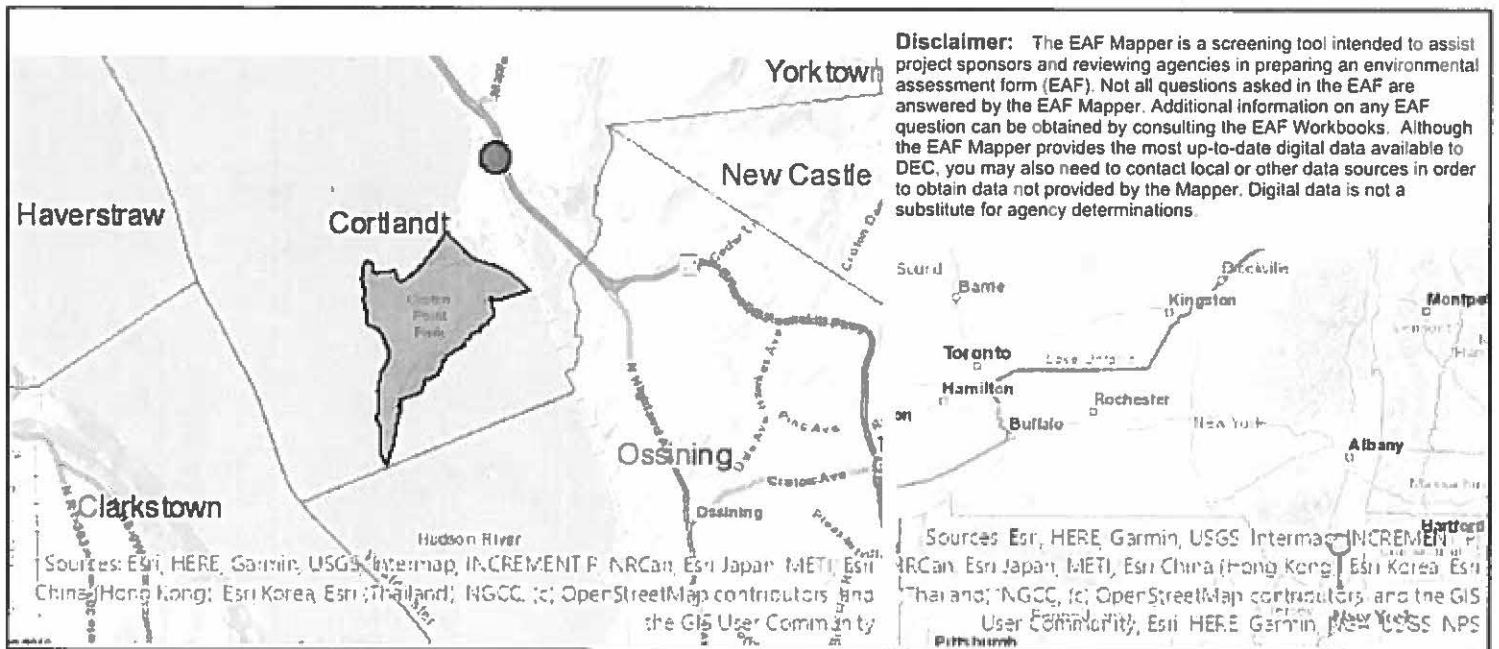
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Salt Shed Facilities (RGP11) - Croton Point Park.			
Project Location (describe, and attach a location map): 1 Croton Point Avenue, Croton-on-Hudson, Westchester County, New York.			
Brief Description of Proposed Action: The project involves the erection of a salt storage shed (30 ft. wide x 40 ft. long x 32 ft. high) with a concrete apron (approximately 900 sq.ft.) that will be located in the vicinity of the maintenance facility near the center of the park. The project includes the provision of a gravel access driveway and underground electrical service from the existing maintenance building to the new shed. Grading will be done on the east side of the proposed access driveway to create a detention basin to receive stormwater runoff from the new salt shed facility.			
Name of Applicant or Sponsor:		Telephone: 914-995-4400	
County of Westchester		E-Mail: dsk2@westchestercountyny.gov	
Address: 148 Martine Avenue			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: New York State Historic Preservation Office			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.27 acres	
b. Total acreage to be physically disturbed?		0.15 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		508 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Hudson River, Name:County & State Park Lands, Reason:Exceptional or unique character. If Yes, identify: Agency:Westchester County, Date:1-31-90	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project does not require a water supply.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed project does not generate wastewater.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Determined to be eligible for listing on both State and National Registers. A Phase IB archeological survey has been prepared.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Croton Point Park is adjacent to the Hudson River and contains NYS regulated Freshwater Wetland ID: H-6; however the site of the proposed action is 800 feet away from Hudson river shoreline and 850 feet from the H-6 wetland _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Shortnose Sturgeon, King Rail, Northern Harrier, Short-eared Owl, Least Bittern, Bald Eagle, Atlantic Sturgeon	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan? Shoreline areas of Croton Point Park are in the flood plains, however the project site is 500 feet away and upland from the nearest flood zone.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater runoff from the roof of the new shed and the concrete apron will be directed into a newly constructed detention basin that is not connected to an existing stormwater system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
The project includes grading for a detention basin of approximately 1,220 square feet with a capacity of approximately 76 cubic yards.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
Croton Point Park encompasses the site of a closed landfill. The site of proposed action is 100 feet away from the landfill edge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
The Croton Point landfill was capped and closed in the 1990's. The site of the proposed action was not subject to this remediation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 6, 2023</u>		
Signature: <u></u> Title: <u>Assistant Commissioner of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area] Yes

Part 1 / Question 7 [Critical Environmental Area - Identify]

Name:Hudson River, Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] Yes

Part 1 / Question 12b [Archeological Sites] Yes

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]

Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal] Yes

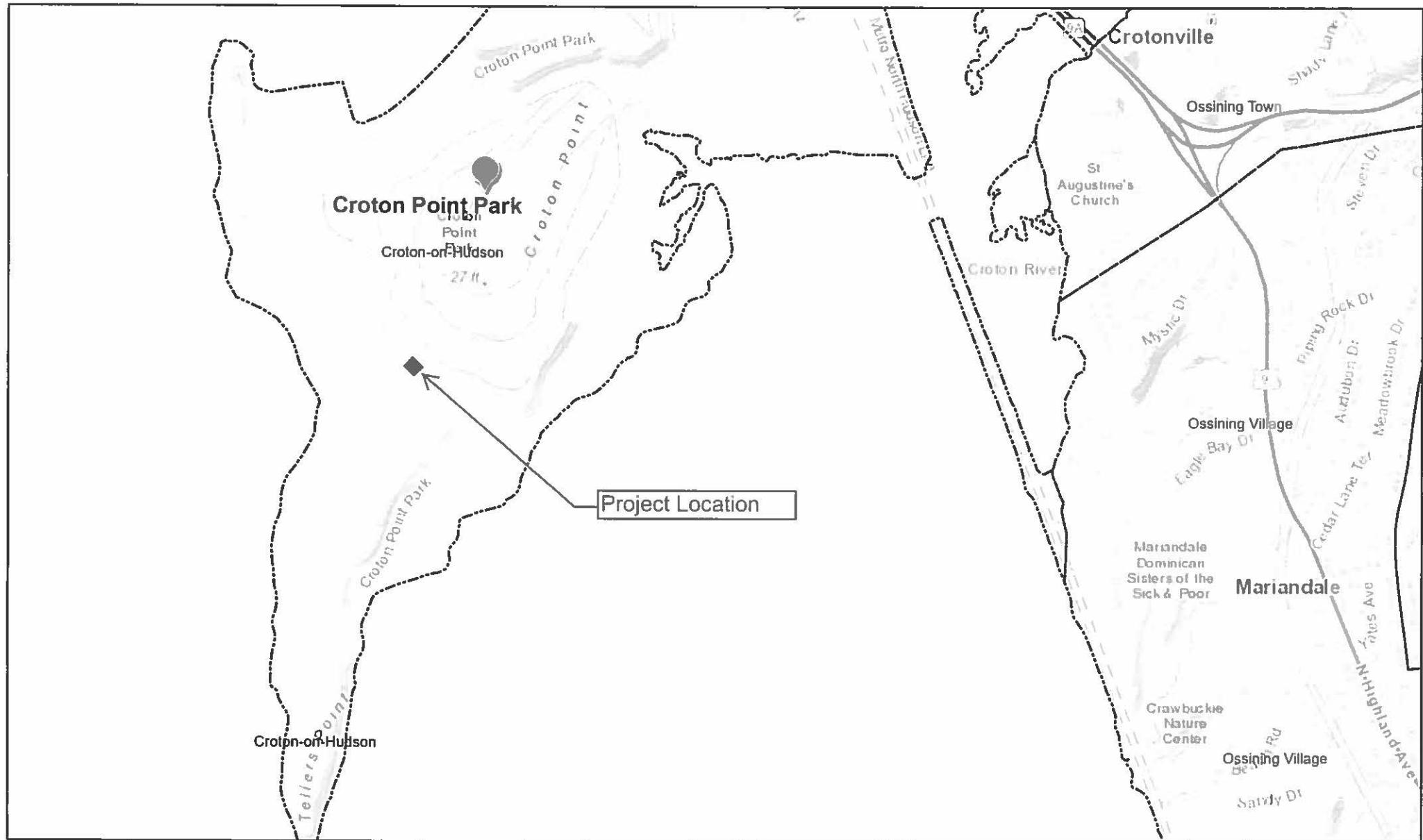
Part 1 / Question 15 [Threatened or Endangered Animal - Name]

Shortnose Sturgeon, King Rail, Northern Harrier, Short-eared Owl, Least Bittern, Bald Eagle, Atlantic Sturgeon

Part 1 / Question 16 [100 Year Flood Plain] Yes

Part 1 / Question 20 [Remediation Site] Yes

Mapping Westchester County



7/27/2023, 6:55:22 PM

 Municipal Boundaries

1:18,056

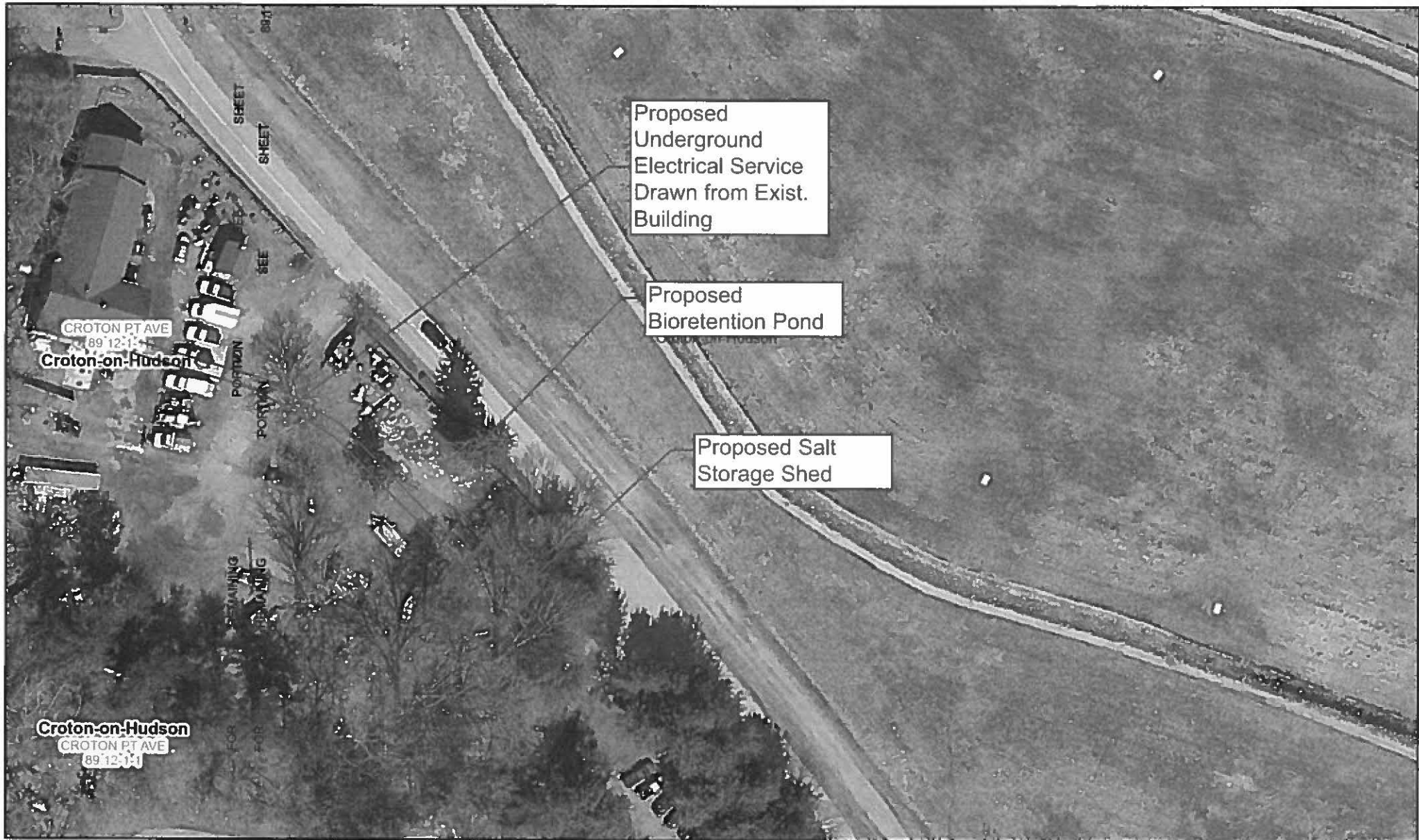
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GIS
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

585

Mapping Westchester County



Municipal Boundaries



Short Environmental Assessment Form

Part 1 - Project Information

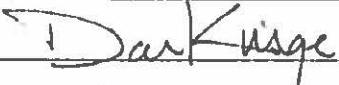
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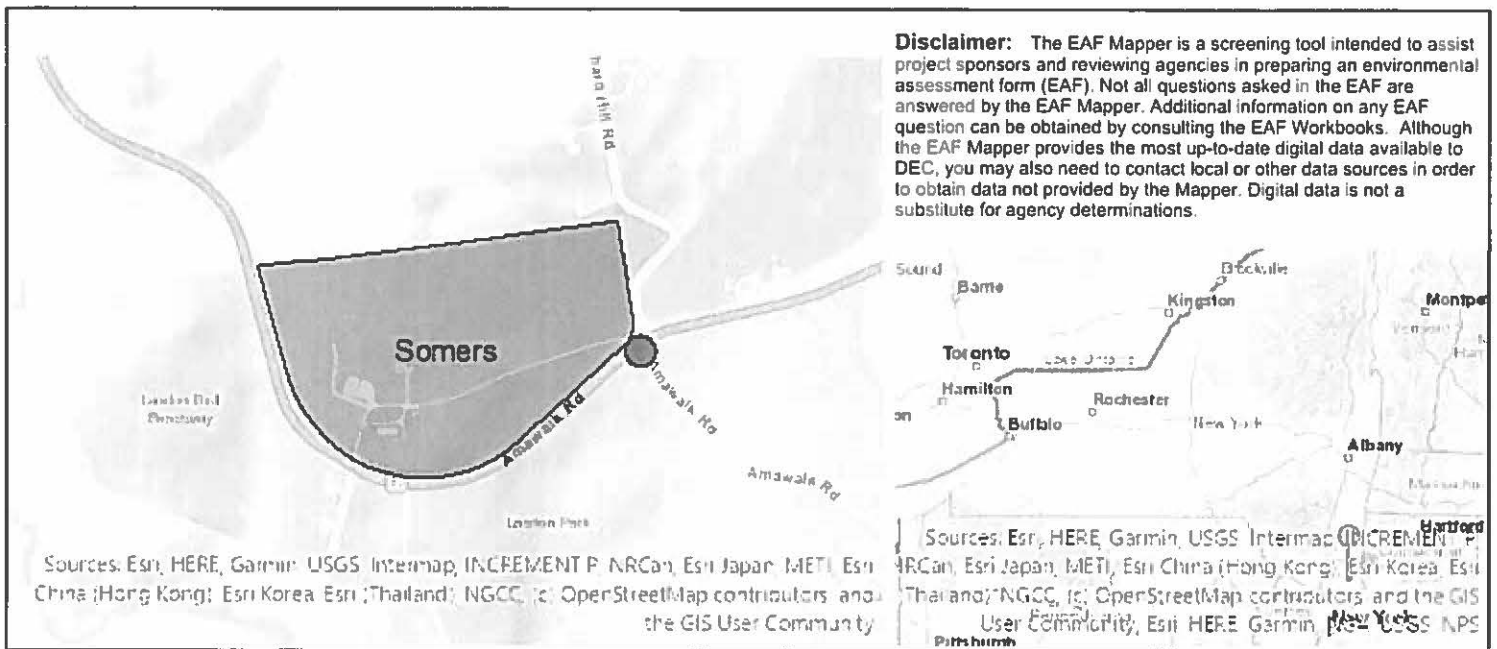
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Salt Shed Facilities (RGP11) - Lasdon Park			
Project Location (describe, and attach a location map): 2610 NY-35, Katonah (Town of Somers), Westchester County, NY 10536. A site location map and aerial photograph are included			
Brief Description of Proposed Action: The project involves the erection of a salt storage shed (30 ft. wide x 40 ft. long x 32 ft. high) with a small concrete apron (approximately 163 sq.ft.) at the park's maintenance facility on the north side of Route 35. The project includes the provision of underground electrical service from the existing maintenance building to the new shed. Site improvements include expansion of the existing asphalt pavement by approximately 818 sq.ft. to facilitate truck turnaround movements. The project site is located within the Croton Watershed, which is part of the New York City drinking watershed. Grading will be done on the east side of the existing driveway to create a bioretention pond (rain garden) for stormwater runoff from this facility.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov	
Address: 148 Martine Avenue			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: New York City Department of Environmental Protection for construction in the New York City Watershed		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.24 acres	
b. Total acreage to be physically disturbed?		0.11 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		234 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

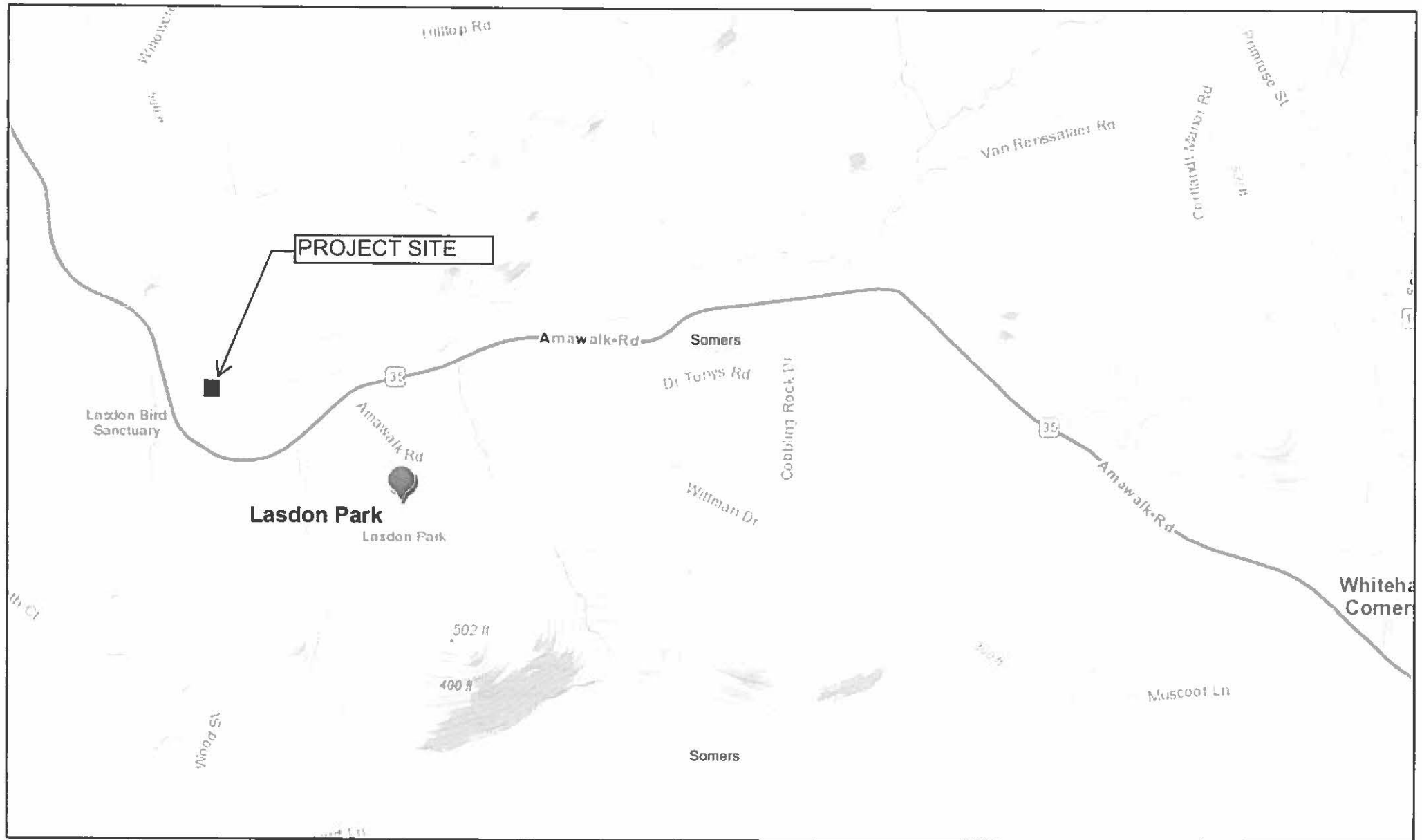
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90 If Yes, identify:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: 	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: The project does not require a water supply.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: Proposed project does not generate wastewater.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: Lasdon Park contains, and is adjacent to wetlands; however, the project site is 400 feet away from the nearest PSS1C Freshwater Forested Shrub Wetland on the south side of Rt 35 in the Lasdon Bird Sanctuary.	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: Storm water runoff from the roof of the new shed, concrete apron and a portion of the existing pavement will be directed into a newly constructed bioretention pond.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: The project includes grading for a bioretention pond of approximately 837 square feet with a capacity of approximately 47 cubic yards.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 6, 2023</u> Signature: <u></u> Title: <u>Assistant Commissioner of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Mapping Westchester County



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Municipal Boundaries

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White Plains, New York 1060

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Mapping Westchester County



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Municipal Boundaries

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White Plains, New York 10601

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Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

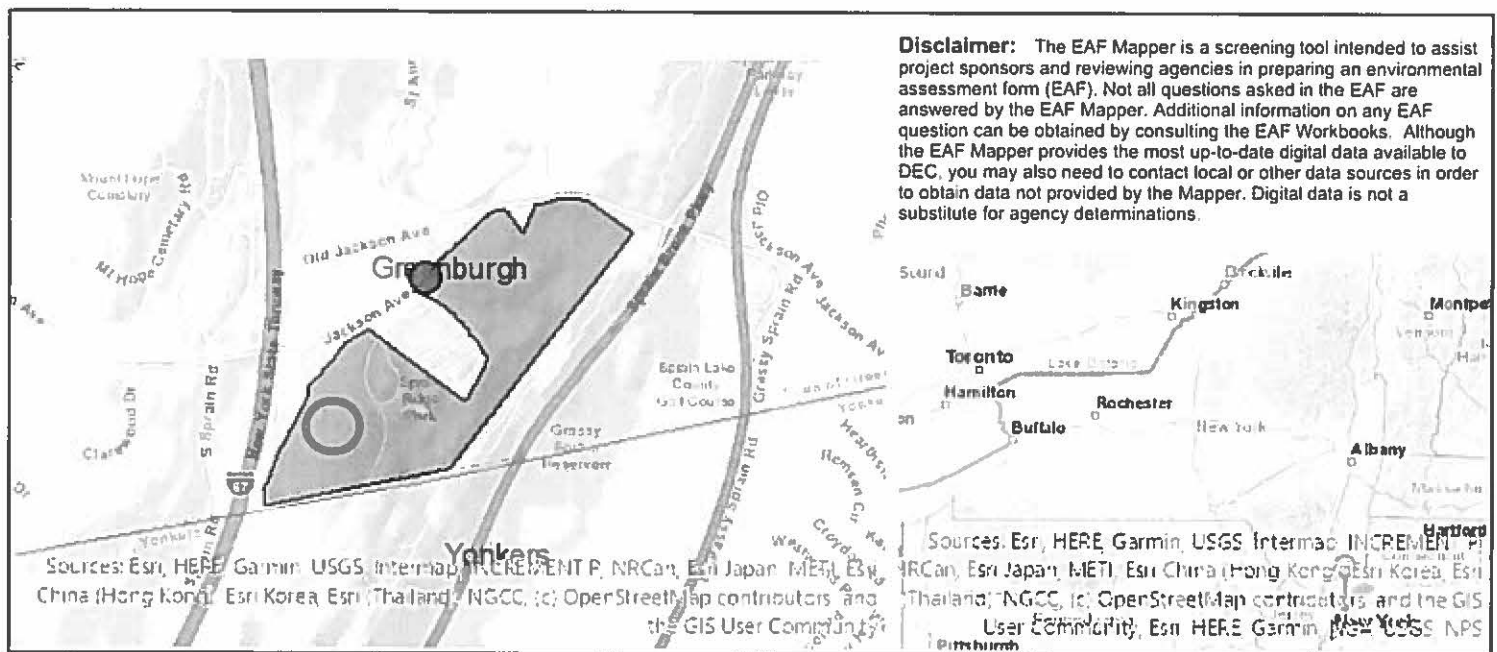
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Salt Shed Facilities (RGP11) - Sprain Ridge Park			
Project Location (describe, and attach a location map): 149 Jackson Ave, Yonkers, Westchester County, New York			
Brief Description of Proposed Action: The project involves the erection of a salt storage shed (30 ft wide x 40 ft long x 32 ft high) with a loader shed (15 ft wide x 26 ft long) attached to the side and a concrete apron (approximately 1,000 square feet) in front. The proposed shed will be located in a disturbed area of the park that has been used for overflow parking and bulk materials storage. A small generator will be installed to provide electrical service. Additional site improvements include a gravel access driveway and grading on the west side of the proposed shed to create a detention basin to receive stormwater runoff from the new salt shed facility.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov	
Address: 122 Wesley Avenue			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.25 acres	
b. Total acreage to be physically disturbed?		0.12 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		278 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Wetlands, Name:Floodplains, Name:County & State Park Lands, Reason:Protect water & natural area, If Yes, identify: Reason:Exceptional or unique character, Agency:Greenburgh, Town of, Agency:Westchester County, Date:1-30-79, Date:1...	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project does not require a water supply.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed project does not require a wastewater treatment facility.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: Sprain Ridge Park contains wetlands, however project site is 800 feet away from the nearest PF01A Freshwater Forested Shrub wetland. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater runoff from the roof of the new shed and concrete apron will be directed into a newly constructed detention basin.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
The project includes grading for a detention basin of approximately 1,218 square feet with a capacity of approximately 65 cubic yards.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 6, 2023</u>		
Signature: <u></u> Title: <u>Assistant Commissioner of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area] Yes

Part 1 / Question 7 [Critical Environmental Area - Identify] Name:Wetlands, Name:Floodplains, Name:County & State Park Lands, Reason:Protect water & natural area, Reason:Exceptional or unique character, Agency:Greenburgh, Town of, Agency:Westchester County, Date:1-30-79, Date:1-31-90

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No

Part 1 / Question 12b [Archeological Sites] Yes

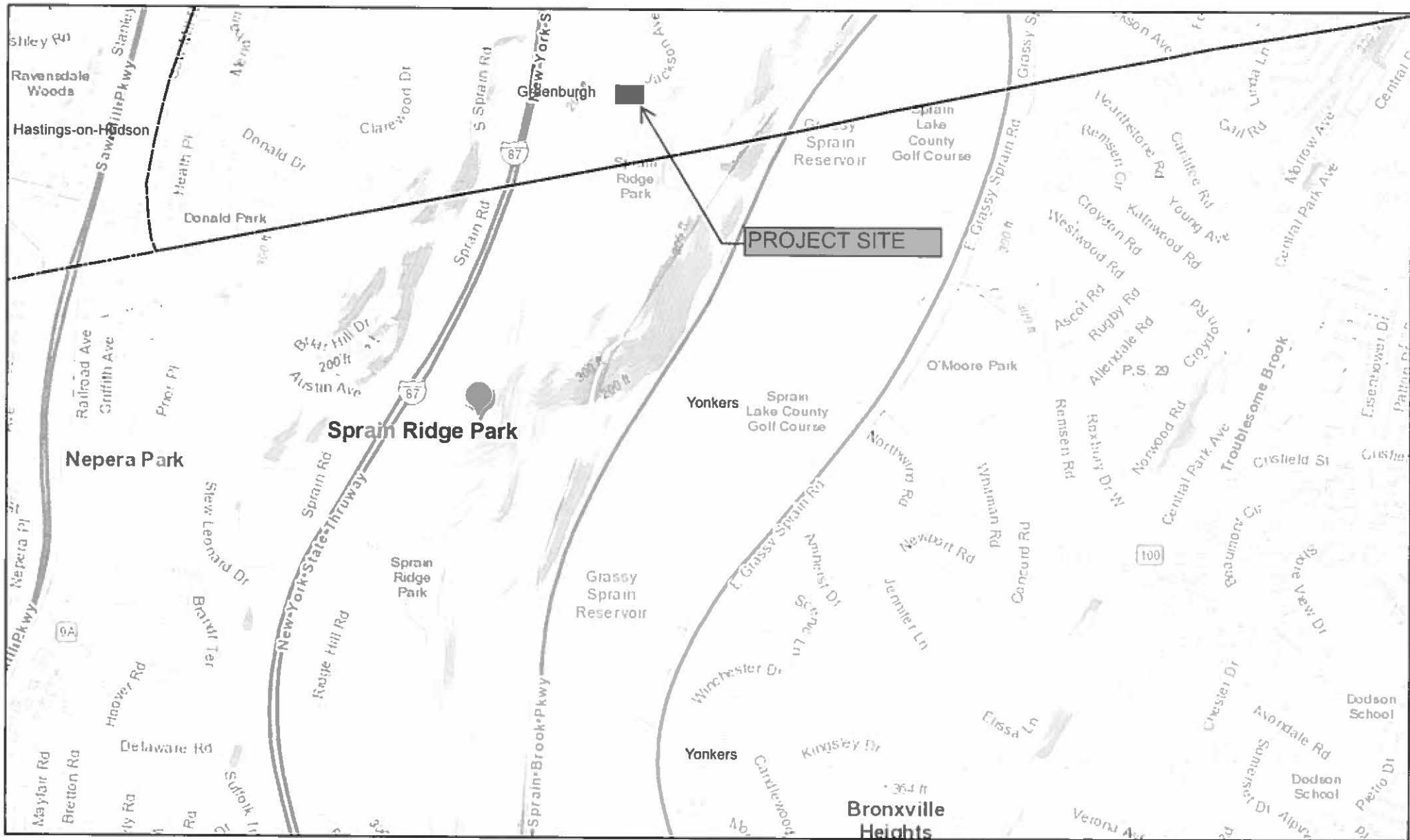
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal] No

Part 1 / Question 16 [100 Year Flood Plain] No

Part 1 / Question 20 [Remediation Site] No

Mapping Westchester County



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Municipal Boundaries

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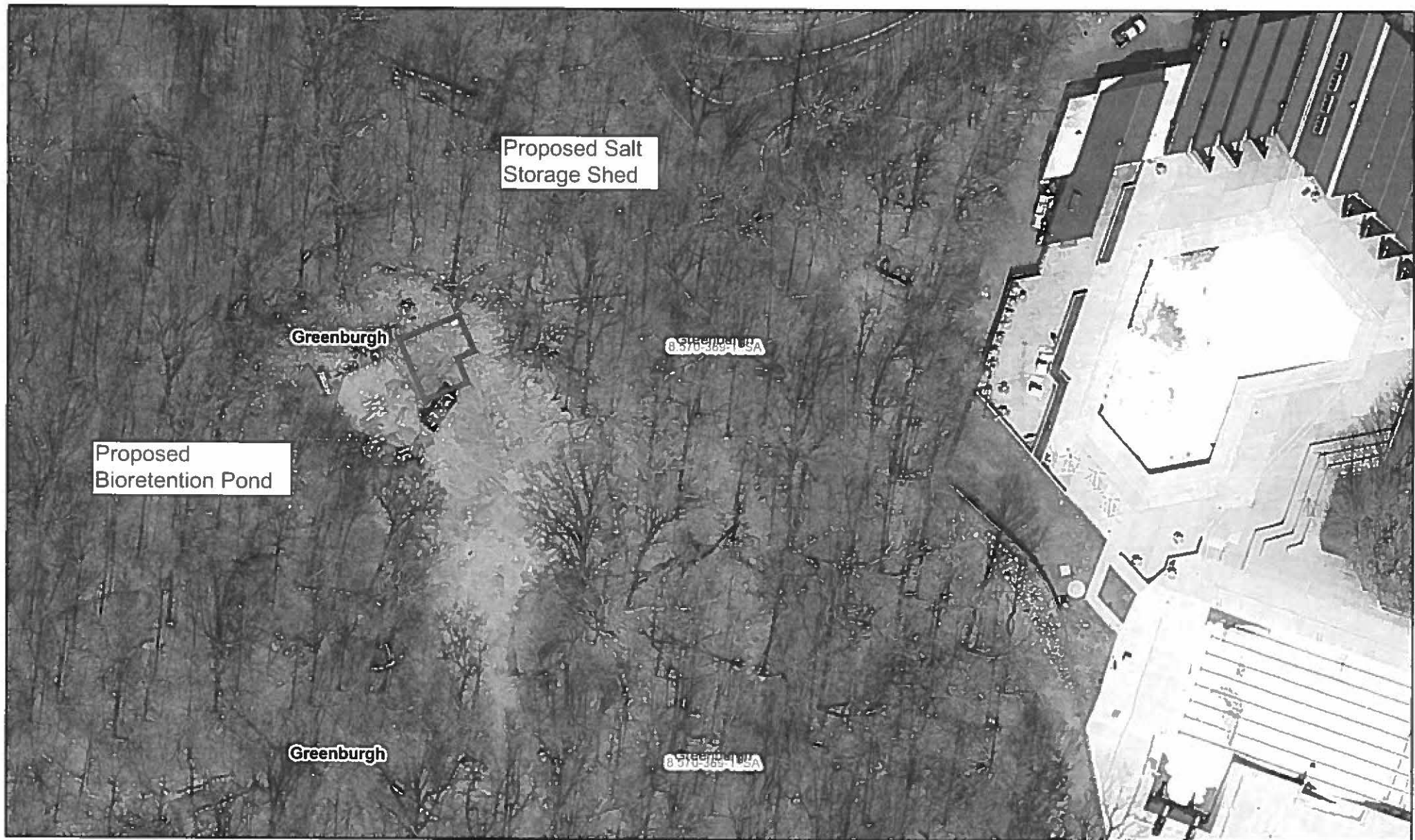
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Municipal Boundaries

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Project: RGP11 Salt Shed Facilities

Date: September 2023

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The purpose of the project is to enable the County's Department of Parks, Recreation and Conservation to store road salt on-site in order to facilitate public safety at county parks during the winter months. This will allow the Parks Department to maintain a ready supply to be used when needed and will reduce both operational impacts associated with the current need to travel repeatedly to other salt storage facilities to obtain incremental quantities of road salt on an as-needed basis, which carries the potential for these facilities to run out of salt to share during prolonged periods of harsh weather.

The proposed salt sheds will be at separate locations and all of the proposed locations are areas that have already been disturbed. The salt sheds for Croton Point Park and Lasdon Park will be located in the vicinity of their existing maintenance facilities, which will minimize the need for additional access roads and allow for easy electrical connection. The salt shed for Sprain Ridge Park will be located in a cleared area with existing access, but since there is no nearby electrical service, a generator will be installed at this location, which will have minimal additional impact. Each site will disturb less than 7,000 square feet of land and add less than 3,000 square feet of impervious surface. Part of the disturbed areas will be for the creation of a detention basin to mitigate stormwater runoff. Tree removals will be avoided if possible, but if necessary, will be replaced on a 2:1 ratio. As such, there will be no significant impact on land. None of the proposed sites are proximate to waterbodies, wetlands or significant habitats.

The EAF Mapper indicated that two of project sites were sensitive for historic and/or archaeological resources. A Phase 1B archaeological survey was conducted for the project site at Croton Point Park and a SHPO letter was received, which concluded that the project will not have an impact on any architectural or archaeological resources. A Phase 1A previously conducted in connection with proposed playground improvements, including two sites at Sprain Ridge Park, concluded that Sprain Ridge Park in this vicinity was not considered sensitive for the presence of Native American or historic period sites.

Road salt use, including spills at loading/unloading areas, has been identified as a significant contributor to water quality impairments and ecological impacts. However, it remains a vital component of winter road deicing programs to address public safety concerns. The proposed facilities will comply with applicable regulations.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$2,800,000 in additional bonds of the County to finance capital project RGP11 – Salt Shed Facilities (“RGP11”).

The Amended Bond Act in the total amount of \$3,200,000 was prepared by the law firm Harris Beach and includes \$400,000 in previously authorized bonds of the County. The Bond Act would finance the cost of construction and construction management of salt storage facilities for the County Department of Parks, Recreation & Conservation (“Department”) at Croton Point, Lasdon and Sprain Ridge Parks.

The Department has further advised your Committee that there is a pressing need for the Department to purchase and store salt using shed structures in strategic locations within the County Park system. The Department plows and uses salt to safely remove snow and ice from Department facilities in order to keep those facilities safe in the winter months.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2023. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for prior components of RGP11 as follows: Bond Act No. 118-2017 in the amount of \$400,000 to finance design. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 118-2017 be amended to increase the initial amount authorized by \$2,800,000, for a total authorized amount, as amended, of \$3,200,000, to revise the scope of Bond Act No. 118-2017 to include work associated with the construction phase of RGP11, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, RGP11 may be classified as an “Unlisted” action under the State Environmental Quality Review Act

("SEQR"). A Resolution, and proposed Negative Declaration, along with Environmental Assessment Forms prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Upon review, your Committee concludes that the proposed action will not have any significant impact on the environment and recommends the adoption of the Resolution adopting the Negative Declaration. As you know, a determination of significance must be made prior to enacting the aforementioned Bond Act


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

Dated: November 1st, 2023.
White Plains, New York




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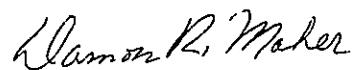
Budget & Appropriations

Public Works &
Transportation

Parks & Recreation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.




COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u> RGP11 </u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations <input type="checkbox"/> Capital Budget Amendment	
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$	3,200,000	PPU 30 Anticipated Interest Rate 3.85%
Anticipated Annual Cost (Principal and Interest):		\$	173,211
Total Debt Service (Annual Cost x Term):		\$	5,196,330
Finance Department: Interest rates from September 14, 2023 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): <hr/> <hr/>			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:		35	
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Robert C. Lopane</u>		
Title:	<u>Program Coordinator-Capital Planning</u>		
Department:	<u>Public Works & Transportation</u>		
Date:	<u>9/14/23</u>	Reviewed By:	<u></u> Budget Director
		Date:	<u>9/14/23</u>

RESOLUTION

WHEREAS, there is pending before this Honorable Board a Bond Act to authorize the County of Westchester to issue bonds in connection with Capital Project RGP11 – Salt Shed Facilities (“Bond Act”); and

WHEREAS, this Honorable Board has determined that the proposed Bond Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as a “Type I action,” which requires a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is conducting uncoordinated review as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Forms (“EAF”) have been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Full Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached EAFs, to determine if this proposed action will have a significant impact on the environment.


NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board's review of the EAFs and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Bond Act and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the EAFs, which is attached hereto and made a part hereof, as the "Responsible Officer in Lead Agency"; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

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

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

DATE: September 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RGP11 SALT SHED FACILITIES**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID 2302) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, this project has been classified as an Unlisted action. Uncoordinated review is being conducted as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations. A Short Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators. Since the project involves three separate sites, an individualized Part 1 was prepared for each site. However, all three sites are evaluated jointly in Parts 2 and 3.

Please contact me if you require any additional information regarding this document.

DSK/cnm
Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Short Environmental Assessment Form

Part 1 - Project Information

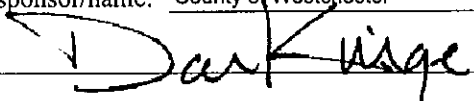
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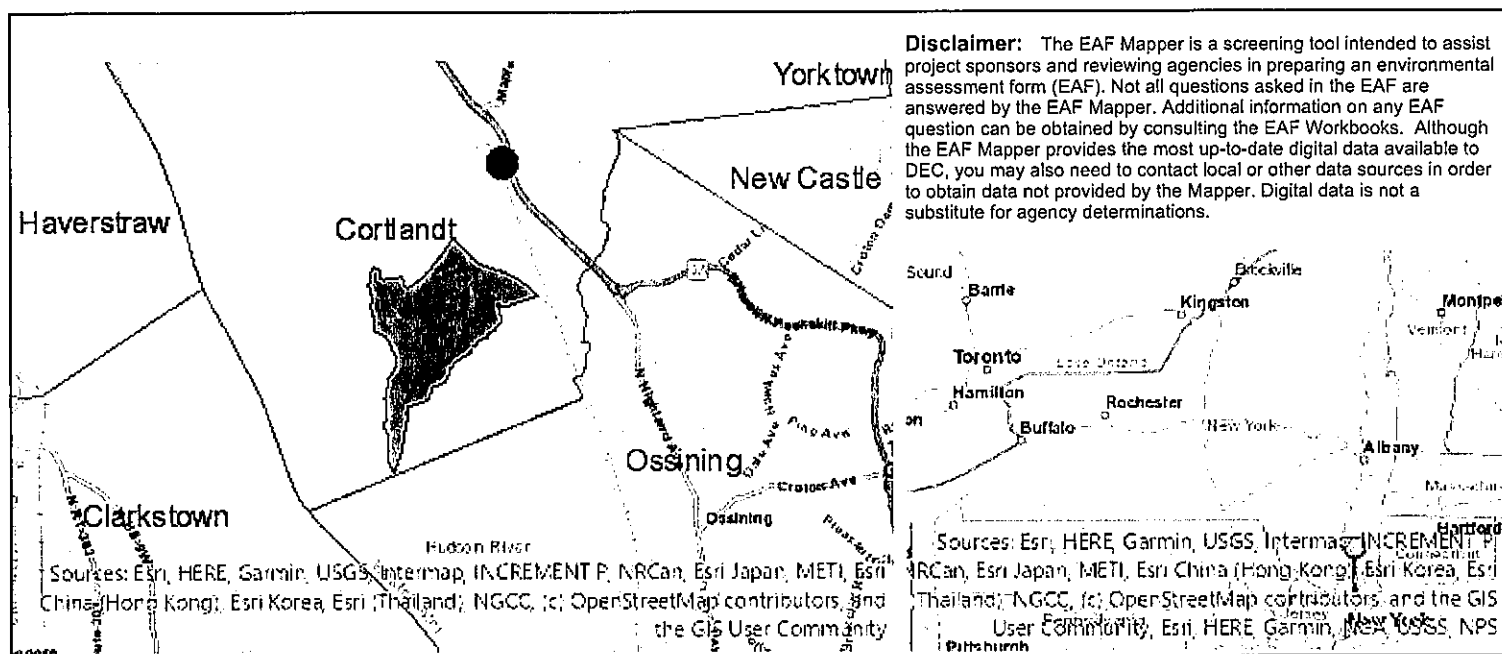
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Salt Shed Facilities (RGP11) - Croton Point Park.							
Project Location (describe, and attach a location map): 1 Croton Point Avenue, Croton-on-Hudson, Westchester County, New York.							
Brief Description of Proposed Action: The project involves the erection of a salt storage shed (30 ft. wide x 40 ft. long x 32 ft. high) with a concrete apron (approximately 900 sq.ft.) that will be located in the vicinity of the maintenance facility near the center of the park. The project includes the provision of a gravel access driveway and underground electrical service from the existing maintenance building to the new shed. Grading will be done on the east side of the proposed access driveway to create a detention basin to receive stormwater runoff from the new salt shed facility.							
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov					
Address: 148 Martine Avenue							
City/PO: White Plains		State: New York	Zip Code: 10601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: New York State Historic Preservation Office			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		0.27 acres					
b. Total acreage to be physically disturbed?		0.15 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		508 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input checked="" type="checkbox"/> Parkland							

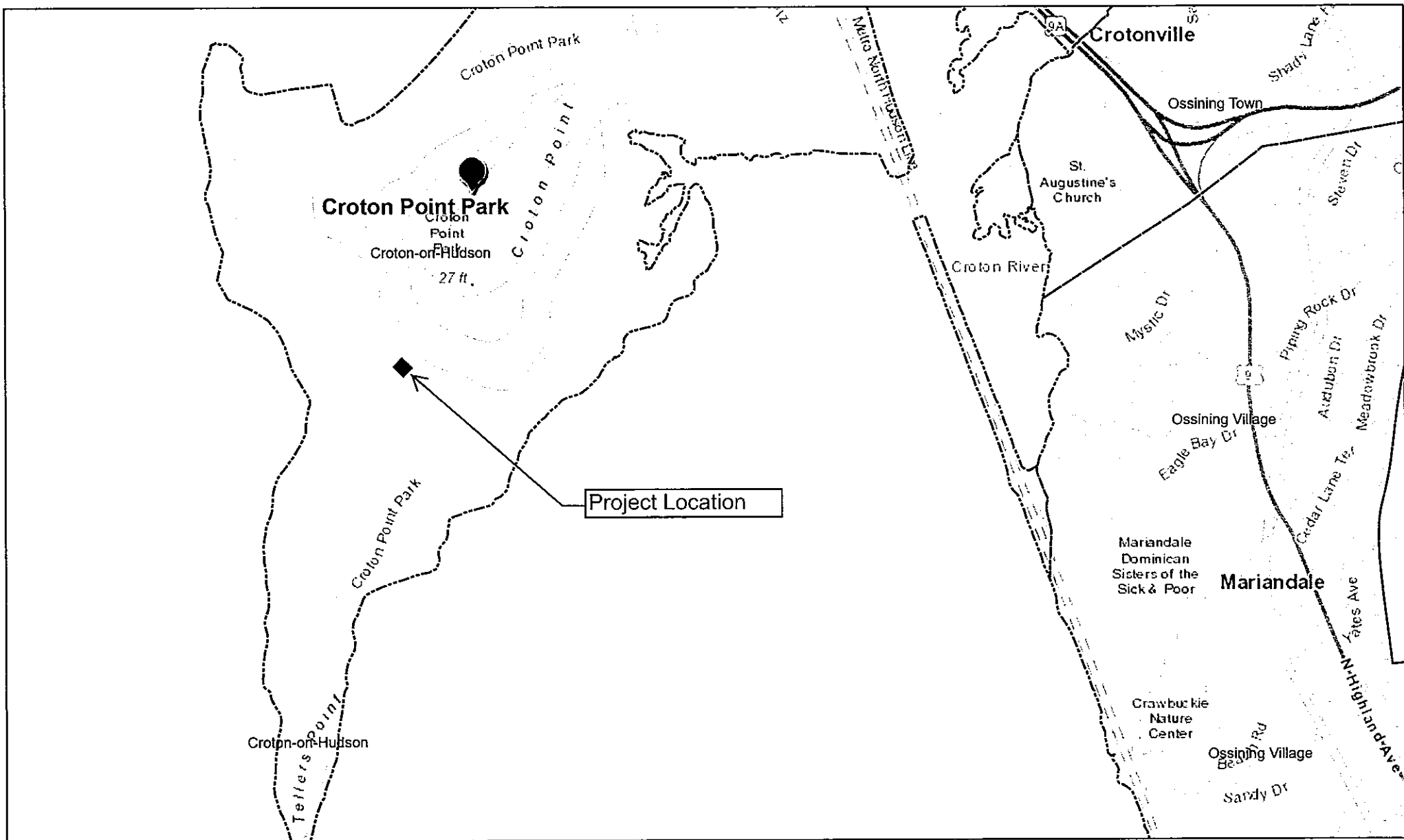
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Hudson River, Name:County & State Park Lands, Reason:Exceptional or unique character, If Yes, identify: <u>Agency:Westchester County, Date:1-31-90</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project does not require a water supply.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed project does not generate wastewater.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Determined to be eligible for listing on both State and National Registers. A Phase IB archeological survey has been prepared. b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Croton Point Park is adjacent to the Hudson River and contains NYS regulated Freshwater Wetland ID: H-6; however the site of the proposed action is 800 feet away from Hudson river shoreline and 850 feet from the H-6 wetland.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Shortnose Sturgeon, King Rail, Northern Harrier, Short-eared Owl, Least Bittern, Bald Eagle, Atlantic Sturgeon	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan? Shoreline areas of Croton Point Park are in the flood plains, however the project site is 500 feet away and upland from the nearest flood zone.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater runoff from the roof of the new shed and the concrete apron will be directed into a newly constructed detention basin that is not connected to an existing stormwater system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
The project includes grading for a detention basin of approximately 1,220 square feet with a capacity of approximately 76 cubic yards.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
Croton Point Park encompasses the site of a closed landfill. The site of proposed action is 100 feet away from the landfill edge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
The Croton Point landfill was capped and closed in the 1990's. The site of the proposed action was not subject to this remediation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 6, 2023</u>		
Signature: <u></u> Title: <u>Assistant Commissioner of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Hudson River, Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Shortnose Sturgeon, King Rail, Northern Harrier, Short-eared Owl, Least Bittern, Bald Eagle, Atlantic Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Mapping Westchester County

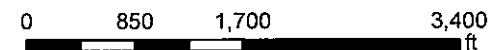


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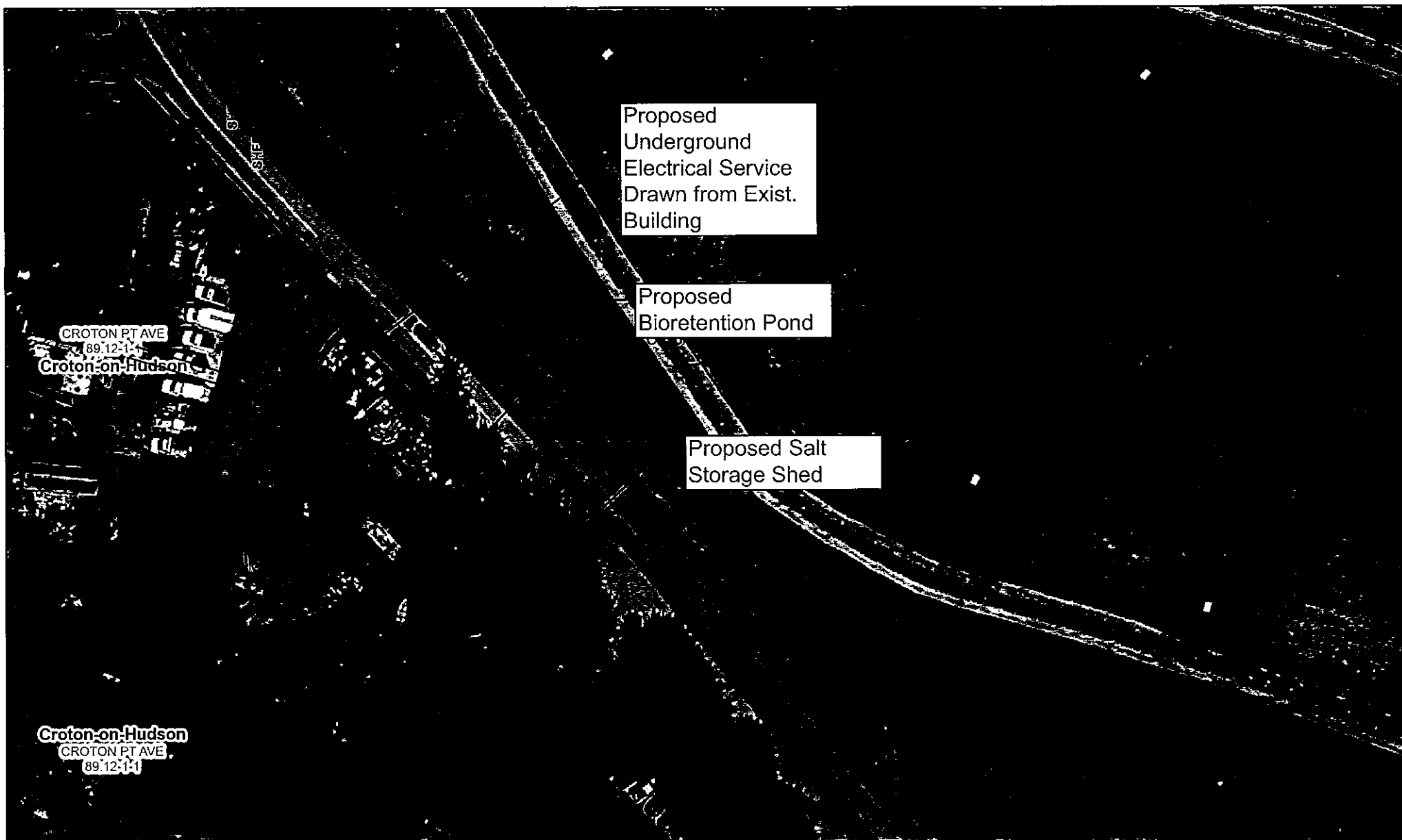
Municipal Boundaries

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 148 Martine Avenue Rm 214
 White Plains, New York 10601

Mapping Westchester County



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Municipal Boundaries

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White Plains, New York 10601

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Short Environmental Assessment Form

Part 1 - Project Information

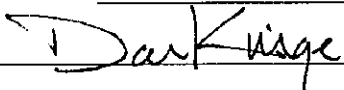
Instructions for Completing

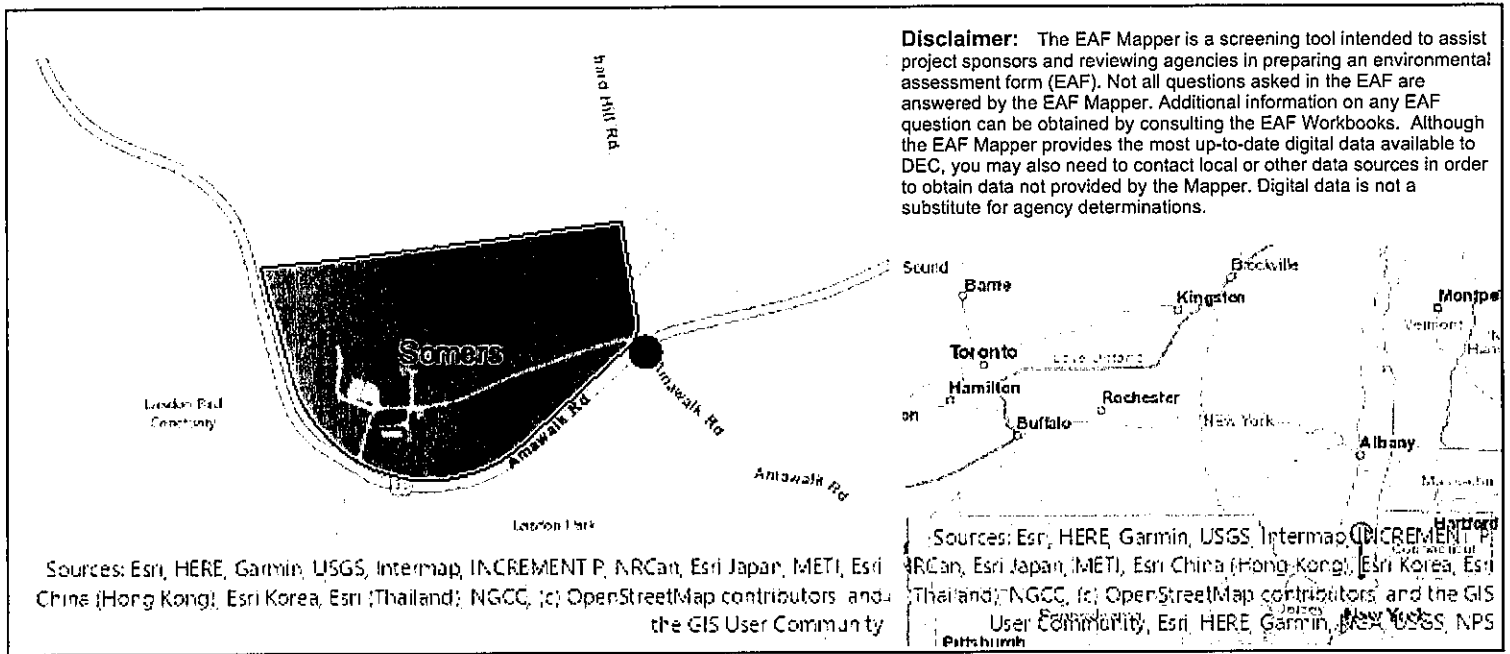
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Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Salt Shed Facilities (RGP11) - Lasdon Park							
Project Location (describe, and attach a location map): 2610 NY-35, Katonah (Town of Somers), Westchester County, NY 10536. A site location map and aerial photograph are included							
Brief Description of Proposed Action: The project involves the erection of a salt storage shed (30 ft. wide x 40 ft. long x 32 ft. high) with a small concrete apron (approximately 163 sq.ft.) at the park's maintenance facility on the north side of Route 35. The project includes the provision of underground electrical service from the existing maintenance building to the new shed. Site improvements include expansion of the existing asphalt pavement by approximately 818 sq.ft. to facilitate truck turnaround movements. The project site is located within the Croton Watershed, which is part of the New York City drinking watershed. Grading will be done on the east side of the existing driveway to create a bioretention pond (rain garden) for stormwater runoff from this facility.							
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov					
Address: 148 Martine Avenue							
City/PO: White Plains		State: New York	Zip Code: 10601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: New York City Department of Environmental Protection for construction in the New York City Watershed			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		0.24 acres					
b. Total acreage to be physically disturbed?		0.11 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		234 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input checked="" type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-1-90 If Yes, identify: 31-90	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: 	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project does not require a water supply.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed project does not generate wastewater.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Lasdon Park contains, and is adjacent to wetlands; however, the project site is 400 feet away from the nearest PSS1C Freshwater Forested Shrub Wetland on the south side of Rt 35 in the Lasdon Bird Sanctuary.	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storm water runoff from the roof of the new shed, concrete apron and a portion of the existing pavement will be directed into a newly constructed bioretention pond.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
The project includes grading for a bioretention pond of approximately 837 square feet with a capacity of approximately 47 cubic yards.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 6, 2023</u>		
Signature: <u></u> Title: <u>Assistant Commissioner of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area] Yes

Part 1 / Question 7 [Critical Environmental Area - Identify] Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No

Part 1 / Question 12b [Archeological Sites] No

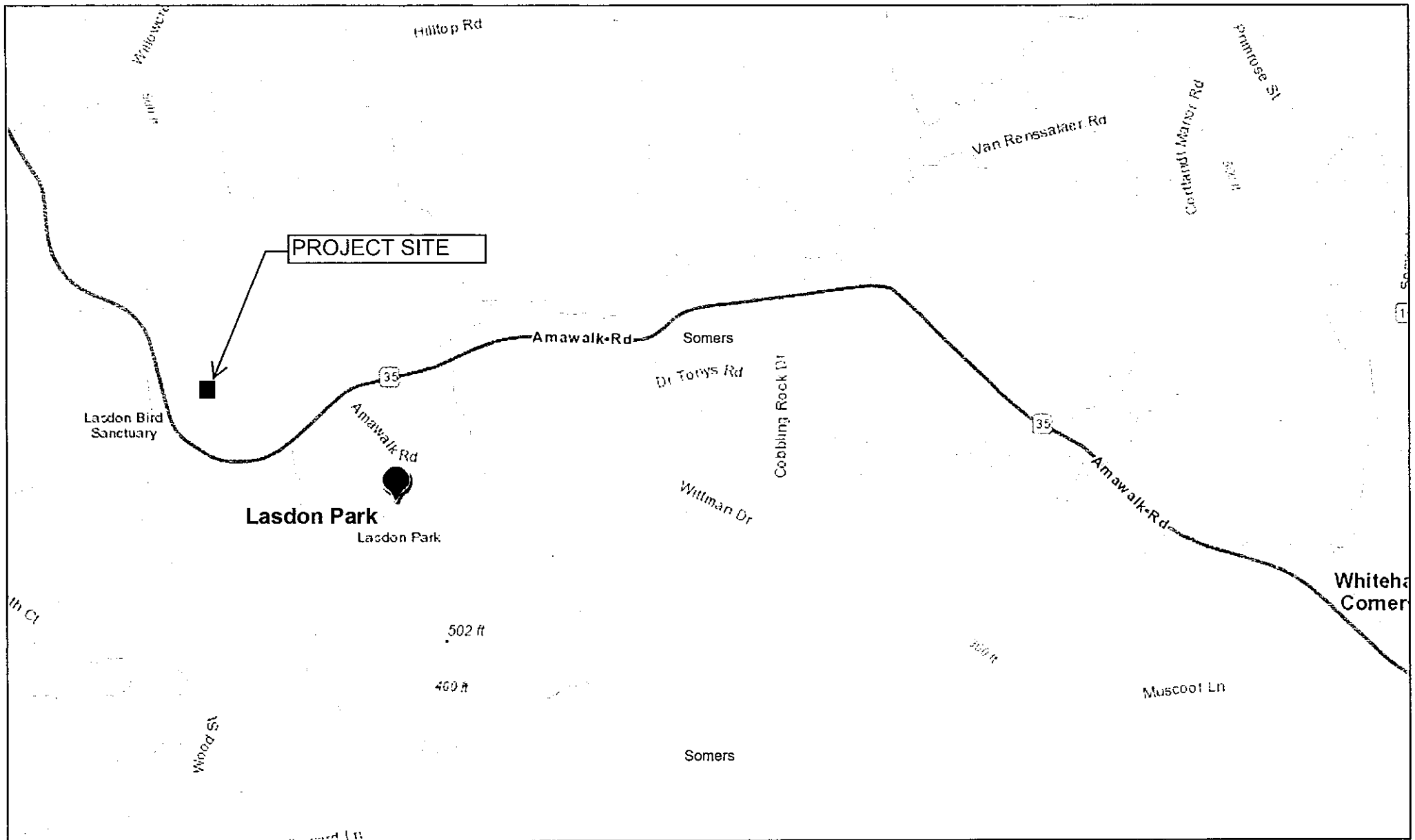
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal] No

Part 1 / Question 16 [100 Year Flood Plain] No

Part 1 / Question 20 [Remediation Site] No

Mapping Westchester County



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□ Municipal Boundaries

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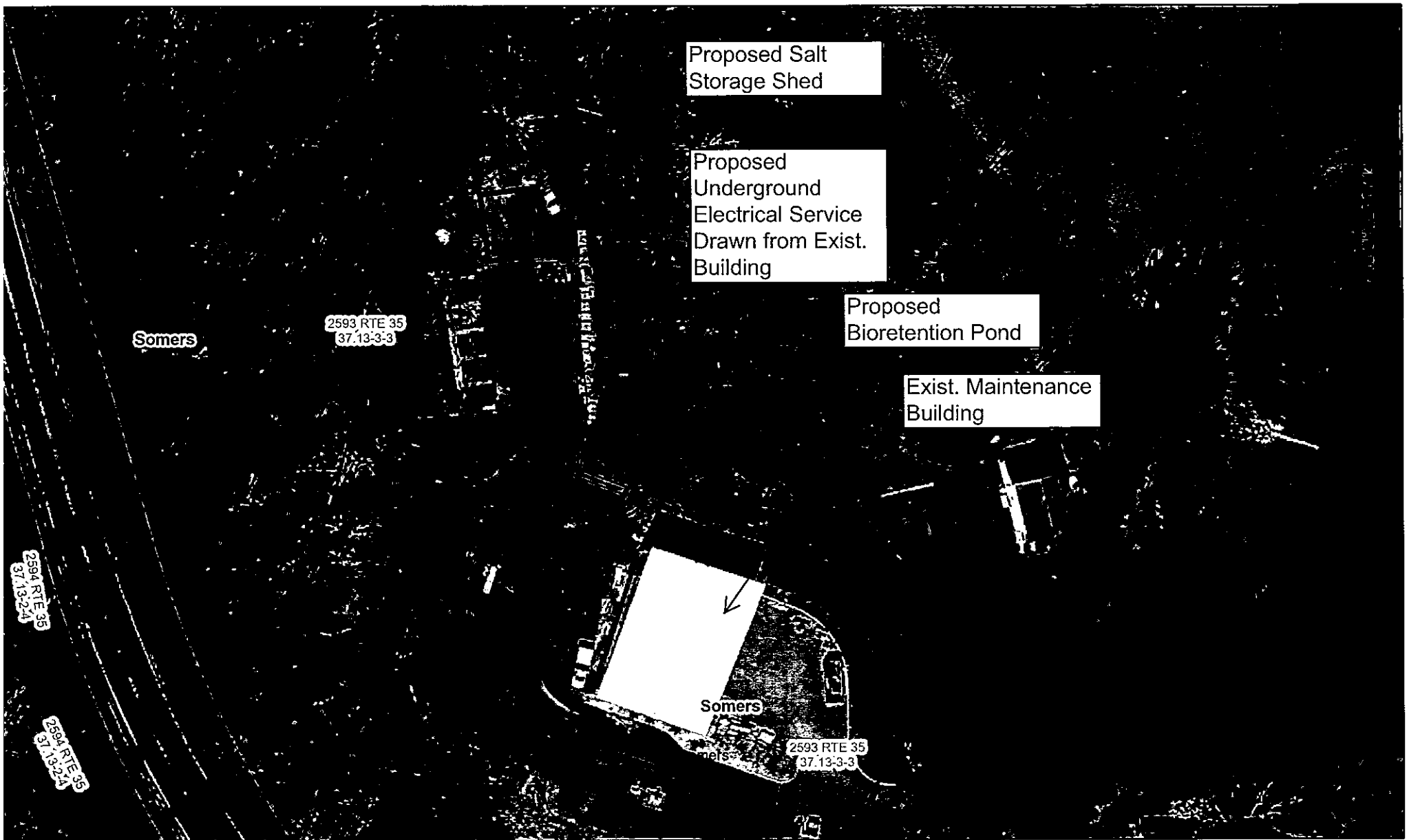
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White Plains, New York 10601

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Mapping Westchester County



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 Municipal Boundaries

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Short Environmental Assessment Form

Part 1 - Project Information

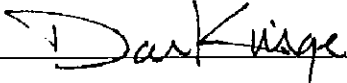
Instructions for Completing

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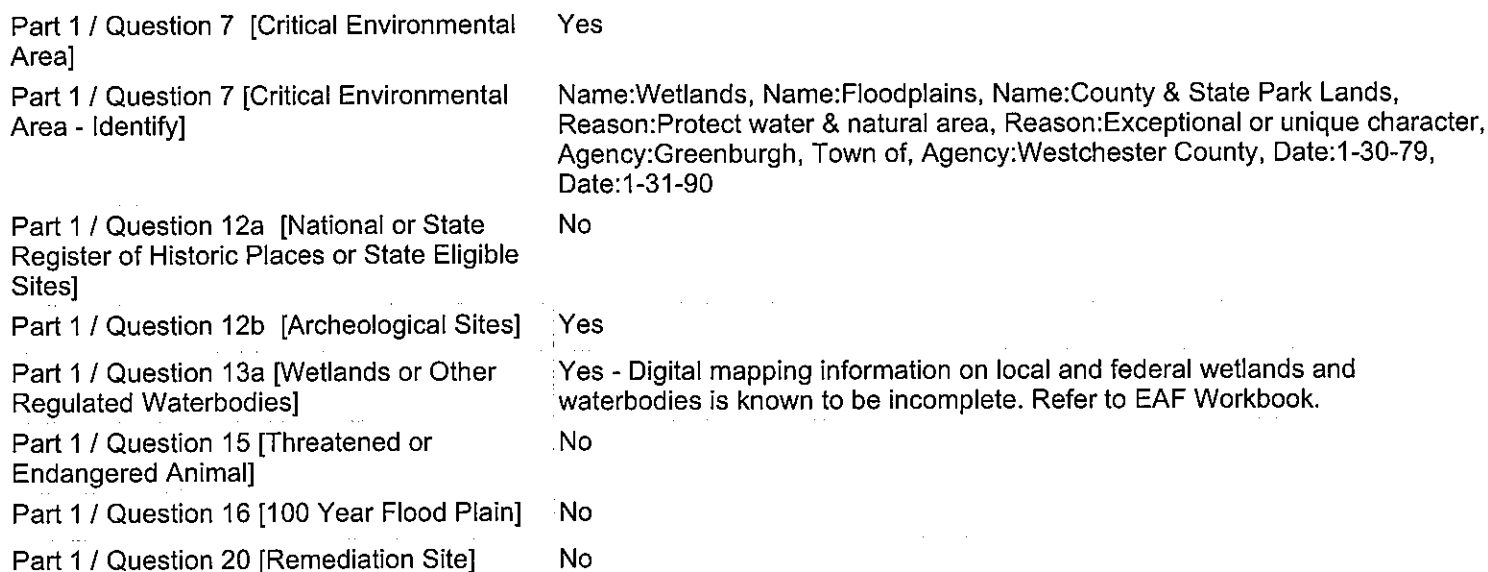
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Salt Shed Facilities (RGP11) - Sprain Ridge Park							
Project Location (describe, and attach a location map): 149 Jackson Ave, Yonkers, Westchester County, New York							
Brief Description of Proposed Action: The project involves the erection of a salt storage shed (30 ft wide x 40 ft long x 32 ft high) with a loader shed (15 ft wide x 26 ft long) attached to the side and a concrete apron (approximately 1,000 square feet) in front. The proposed shed will be located in a disturbed area of the park that has been used for overflow parking and bulk materials storage. A small generator will be installed to provide electrical service. Additional site improvements include a gravel access driveway and grading on the west side of the proposed shed to create a detention basin to receive stormwater runoff from the new salt shed facility.							
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov					
Address: 122 Wesley Avenue							
City/PO: White Plains		State: New York	Zip Code: 10601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		0.25 acres					
b. Total acreage to be physically disturbed?		0.12 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		278 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input checked="" type="checkbox"/> Parkland							

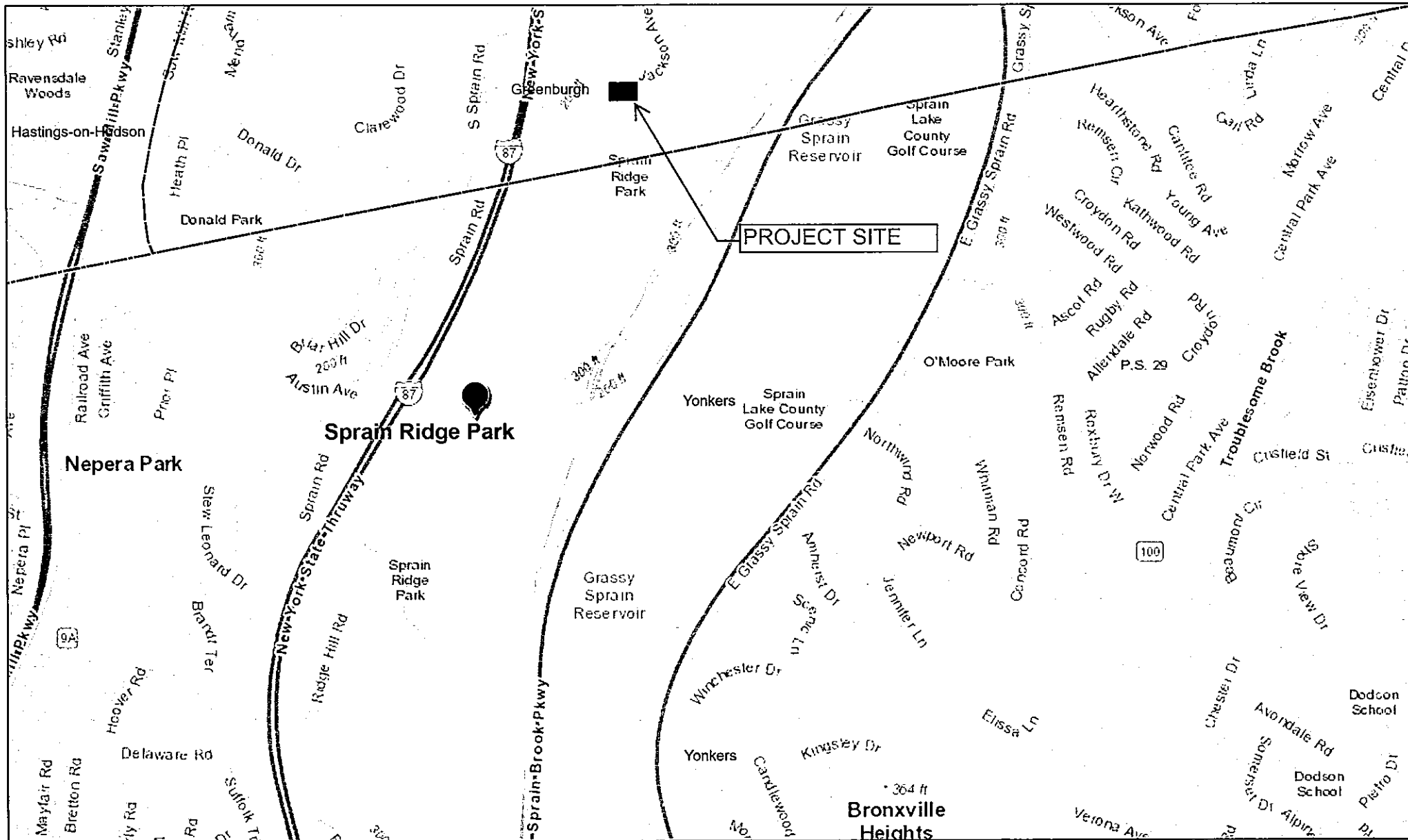
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Wetlands, Name:Floodplains, Name:County & State Park Lands, Reason:Protect water & natural area, If Yes, identify: Reason:Exceptional or unique character, Agency:Greenburgh, Town of, Agency:Westchester County, Date:1-30- 79, Date:1...	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project does not require a water supply.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed project does not require a wastewater treatment facility.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Sprain Ridge Park contains wetlands, however project site is 800 feet away from the nearest PF01A Freshwater Forested.Shrub wetland.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater runoff from the roof of the new shed and concrete apron will be directed into a newly constructed detention basin.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
The project includes grading for a detention basin of approximately 1,218 square feet with a capacity of approximately 65 cubic yards.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 6, 2023</u> Signature: <u></u> Title: <u>Assistant Commissioner of Planning</u>		

Friday, July 28, 2023 1:55 PM



Mapping Westchester County



7/27/2023, 4:08:02 PM



Municipal Boundaries

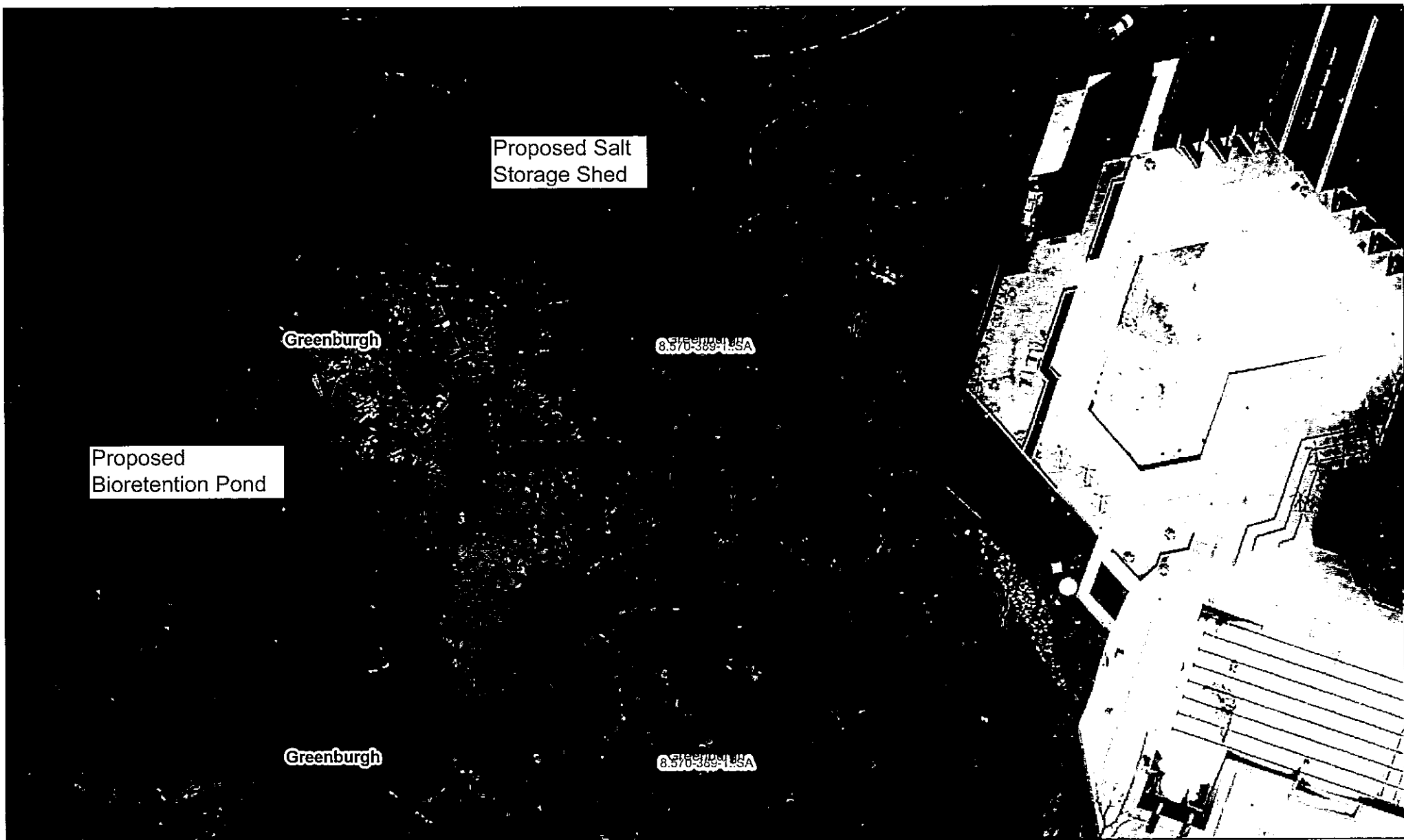
1:18,056

0 850 1,700 3,400
ft



GIS
<http://giswww.westchestergov.com>
 Michaelian Office Building
 148 Martine Avenue Rm 2
 White Plains, New York 106
624

Mapping Westchester County



7/27/2023, 4:13:49 PM



Municipal Boundaries

1:1,128



GIS
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

Project: RGP11 Salt Shed Facilities

Date: September 2023

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The purpose of the project is to enable the County's Department of Parks, Recreation and Conservation to store road salt on-site in order to facilitate public safety at county parks during the winter months. This will allow the Parks Department to maintain a ready supply to be used when needed and will reduce both operational impacts associated with the current need to travel repeatedly to other salt storage facilities to obtain incremental quantities of road salt on an as-needed basis, which carries the potential for these facilities to run out of salt to share during prolonged periods of harsh weather.

The proposed salt sheds will be at separate locations and all of the proposed locations are areas that have already been disturbed. The salt sheds for Croton Point Park and Lasdon Park will be located in the vicinity of their existing maintenance facilities, which will minimize the need for additional access roads and allow for easy electrical connection. The salt shed for Sprain Ridge Park will be located in a cleared area with existing access, but since there is no nearby electrical service, a generator will be installed at this location, which will have minimal additional impact. Each site will disturb less than 7,000 square feet of land and add less than 3,000 square feet of impervious surface. Part of the disturbed areas will be for the creation of a detention basin to mitigate stormwater runoff. Tree removals will be avoided if possible, but if necessary, will be replaced on a 2:1 ratio. As such, there will be no significant impact on land. None of the proposed sites are proximate to waterbodies, wetlands or significant habitats.

The EAF Mapper indicated that two of project sites were sensitive for historic and/or archaeological resources. A Phase 1B archaeological survey was conducted for the project site at Croton Point Park and a SHPO letter was received, which concluded that the project will not have an impact on any architectural or archaeological resources. A Phase 1A previously conducted in connection with proposed playground improvements, including two sites at Sprain Ridge Park, concluded that Sprain Ridge Park in this vicinity was not considered sensitive for the presence of Native American or historic period sites.

Road salt use, including spills at loading/unloading areas, has been identified as a significant contributor to water quality impairments and ecological impacts. However, it remains a vital component of winter road deicing programs to address public safety concerns. The proposed facilities will comply with applicable regulations.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED JUNE 19, 2017 IN RELATION TO FINANCING THE COST OF CONSTRUCTION OF SALT STORAGE FACILITIES FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; AT THE TOTAL ESTIMATED COST OF \$3,200,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the “Board”) has heretofore duly authorized the issuance of bonds to finance the planning costs for salt storage facilities for the Department of Parks, Recreation & Conservation at the estimated maximum cost of \$400,000 (the “Original Project”), pursuant to Act No. 118-2017, duly adopted on June 19, 2017, and it has now been determined that (i) the costs of construction of salt storage facilities for the Department of Parks, Recreation & Conservation in the amount of \$2,800,000 shall be added to the costs of the Original Project (collectively, the “Project”), (ii) the maximum cost of the Project shall now total \$3,200,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; andn

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 June 19, 2017, entitled:

“(BOND) ACT NO. 118-2017

BOND ACT AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING SALT STORAGE FACILITIES FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED JUNE 19, 2017 IN RELATION TO FINANCING THE COST OF CONSTRUCTION OF SALT STORAGE FACILITIES FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; AT THE TOTAL ESTIMATED COST OF \$3,200,000. (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, \$3,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of construction and construction management of salt storage facilities for the Department of Parks, Recreation & Conservation at Croton Point, Lasdon and Sprain Ridge Parks; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,200,000. The plan of financing includes the issuance of \$3,200,000 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. 11(a)(1) of the Law, is thirty (30) 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 \$3,200,000. 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

Error! Unknown document property name.

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

Error! Unknown document property name.

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

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

Section (B). The amendment and restatement 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 Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on June 19, 2017 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 OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED JUNE 19, 2017 IN RELATION TO FINANCING THE COST OF CONSTRUCTION OF SALT STORAGE FACILITIES FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; AT THE TOTAL ESTIMATED COST OF \$3,200,000. (Adopted , 20__).

object or purpose: to finance the cost of construction and construction management of salt storage facilities for the Department of Parks, Recreation & Conservation at Croton Point, Lasdon and Sprain Ridge Parks; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:
and period of probable usefulness: \$3,200,000; thirty (30) 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:* RGP11	<input type="checkbox"/> CBA	Fact Sheet Date:* 08-03-2023
Fact Sheet Year:* 2023	Project Title:* SALT SHED FACILITIES	Legislative District ID: 4, 12, 9,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2302

Overall Project Description

The project will fund three new salt storage facilities within the Park system

- | | | |
|---|--|--|
| <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	3,200	3,200	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,200	3,200	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 207

Current Bond Description: This project will fund construction and construction management of new salt storage facilities and associated work at Croton Point, Lasdon and Sprain Ridge Parks.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,800,000
Cash:	0
Total:	\$ 2,800,000

SEQR Classification:

UNLISTED

Amount Requested:

2,800,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	400,000	CONSTRUCTION OF SALT SHEDS AT CROTON POINT, SPRAIN RIDGE, AND LASDON
2018	2,800,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

3,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	118	400,000		0 COST OF PLANNING SALT STORAGE FACILITIES FOR DEPT OF PARKS

Total Financing History:

400,000

Recommended By:**Department of Planning**

MLLL

Date

08-16-2023

Department of Public Works

RJB4

Date

08-16-2023

Budget Department

DEV9

Date

08-17-2023

Requesting Department

RCL3

Date

08-21-2023

SALT SHED FACILITIES (RGP11)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,200	3,200	207						
Non County Share									
Total	3,200	3,200	207						

Project Description

The project will fund three new salt storage facilities within the Park system

Current Year Description

There is no current year request.

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
2016	400,000	Construction of salt sheds at Croton Point, Sprain Ridge, and Lasdon	DESIGN
2018	2,800,000	Construction and construction management.	AWAITING BOND AUTHORIZATION
Total	3,200,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,200,000		3,200,000
Total	3,200,000		3,200,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
118 17	400,000			400,000
Total	400,000			400,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,200,000 to finance capital project RGC19 – Saxon Woods Golf Course Maintenance Facility (“RGC19”). The Bond Act, which was prepared by the law firm Harris Beach, will finance the cost of planning for the construction of a new maintenance facility at Saxon Woods Golf Course including a new building, storage of materials area, demolition of a portion of the existing maintenance building, parking lot reconstruction and reconfiguration, landscaping, and other related site work.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the existing golf course maintenance shops, currently located behind the existing clubhouse, are severely cramped and inadequate. In addition, the golf course mowers and turf equipment are stored outside in the elements year round and suffer added deterioration due to the weather and erosion. This equipment, worth hundreds of thousands of dollars, is tightly squeezed between the front of the garages and the 1st tee in a space that is grossly undersized. The current space is inadequate and poses a potential safety hazard due to the confined space in which the maintenance staff has to function.

RGC19 will provide for construction of a new maintenance building and storage yard with workable space for safe and efficient maintenance operations. In addition, the project will provide for reconstruction and reconfiguration of the existing parking lot which is dilapidated and in need of resurfacing. The rear portion of the existing maintenance building will be demolished and the existing maintenance area will be incorporated into the reconfigured parking lot.

The Department has further advised that the facility will be located behind the first fairway adjacent to and incorporating the existing pump house. A reconfiguration of the west end of the parking lot, along with landscape screening, fencing and related site work is also a part of this project. The new facility will include an equipment storage area and general work shop, superintendent's office, and mechanic's shop. Air handling and safety equipment appropriate to

meet OSHA standards will also be added to this facility for the safety and well-being of park employees.

Following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take eighteen months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, RGC19 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: November 1st, 2023
White Plains, New York

James Bull John
Self
Self
Edat Paki
Manny Bae
Syner Brandon

Self
Self
Edat Paki
Manny Bae

Self
Edat Paki
Manny Bae
Syner Brandon

COMMITTEE ON

c/mg/8-21-23

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGC19

☐ 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 \$ 1,200,000 PPU 5 Anticipated Interest Rate 3.06%

Anticipated Annual Cost (Principal and Interest): \$ 265,599

Total Debt Service (Annual Cost x Term): \$ 1,327,995

Finance Department: Interest rates from September 14, 2023 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: 13

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation


Date: 9/14/23

Reviewed By: 

Budget Director

Date: 9/14/23

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

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

DATE: September 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGC19 SAXON WOODS GOLF COURSE MAINTENANCE FACILITY**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08/16/2023 (Unique ID: 2313)

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

- **617.5(c)(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: The current request is for design only.

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE CONSTRUCTION OF A NEW MAINTENANCE FACILITY AT SAXON WOODS GOLF COURSE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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 (the “County”), NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of planning for the construction of a new maintenance facility at Saxon Woods Golf Course; including a new building, storage of materials area, demolition of a portion of the existing maintenance building, parking lot

reconstruction and reconfiguration, landscaping, and other related site work; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,200,000. The plan of financing includes the issuance of \$1,200,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2nd) 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 \$1,200,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes

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

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

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

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

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

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

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

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

* * *

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 \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE CONSTRUCTION OF A NEW MAINTENANCE FACILITY AT SAXON WOODS GOLF COURSE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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 planning for the construction of a new maintenance facility at Saxon Woods Golf Course; including a new building, storage of materials area, demolition of a portion of the existing maintenance building, parking lot reconstruction and reconfiguration, landscaping, and other related site 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: \$1,200,000; 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

Project ID:* RGC19	<input type="checkbox"/> CBA	Fact Sheet Date:* 08-10-2023
Fact Sheet Year:* 2023	Project Title:* SAXON WOODS GOLF COURSE MAINTENANCE FACILITY	Legislative District ID: 5,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2313

Overall Project Description

This project involves the design and construction of a new maintenance facility at Saxon Woods Golf Course.

- | | | |
|---|---|--|
| <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	3,475	3,475	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,475	3,475	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 111

Current Bond Description: This request will fund the design of a new maintenance facility at Saxon Woods Golf Course. The project will include a new building, storage of materials area, demolition of a portion of the existing maintenance building, parking lot reconstruction and reconfiguration, landscaping and other related site work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
Total:	\$ 1,200,000

SEQR Classification:

TYPE II

Amount Requested:

1,200,000

Expected Design Work Provider:

☐ County Staff ☒ Consultant ☐ Not Applicable

Comments:

Energy Efficiencies:

THE DESIGN SHALL INCORPORATE CURRENT TECHNOLOGIES FOR ENERGY EFFICIENT LIGHTING AND HEATING AND COOLING SYSTEMS.

Appropriation History:

Year	Amount	Description
2008	350,000	DESIGN OF A NEW SAXON WOODS MAINTENANCE FACILITY
2013	3,125,000	CONSTRUCTION OF A NEW SAXON WOODS MAINTENANCE FACILITY

Total Appropriation History:

3,475,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
08	E-217	-239,000	-239,000	
08	217	350,000	82,251	PRELIMS.: NEW MAINTENANCE FACILITY AT SAXON WOODS G.C.

Total Financing History:

111,000

Recommended By:**Department of Planning**

MLLL

Date

08-16-2023

Department of Public Works

RJB4

Date

08-16-2023

Budget Department

DEV9

Date

08-17-2023

Requesting Department

RCL3

Date

08-21-2023

SAXON WOODS GOLF COURSE MAINTENANCE FACILITY (RGC19)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	3,475	3,475	111						
Non County Share									
Total	3,475	3,475	111						

Project Description

This project involves the design and construction of a new maintenance facility at Saxon Woods Golf Course.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds. In addition, as the golf courses are revenue producing, it is important to maintain the infrastructure.

Appropriation History

Year	Amount	Description	Status
2008	350,000	Design of a new Saxon Woods maintenance facility	DESIGN
2013	3,125,000	Construction of a new Saxon Woods maintenance facility	AWAITING BOND AUTHORIZATION
Total	3,475,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,475,000	82,251	3,392,749
Total	3,475,000	82,251	3,392,749

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
217 08	350,000	12/10/13	73,088	267,749
		12/10/13	8,912	
		12/10/13	251	
E-217 08	(239,000)			(239,000)
Total	111,000		82,251	28,749

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,600,000 to finance capital project RBM05 – Blue Mountain Sportsmen Center Rehabilitation II (“RBM05”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of design, construction and construction management of lead reclamation and modifications to the shooting ranges and other associated work at the County’s Blue Mountain Sportsmen Center.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the Blue Mountain Sportsman Center is the only public shooting range facility in the County and has been in continuous operation for over 60 years. Due to the facility’s age and the large usage volume, it has become necessary to properly remove and dispose of lead debris from the existing bullet trap system of the shooting ranges. RBM05 also includes replenishing the existing granular ballistic rubber system, replacing the existing ballistic rubber panels and conducting limited repairs to the shooting range structures.


Following bonding authorization, design will be scheduled and is anticipated to take eight months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, RBM05 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Dated: November 1st, 2023
White Plains, New York

Samuel Ball John J
Hill
J. B. B.
Federal John
Mancus Ball
Synara Brandon

101K
Left
John
Dadot fali
Yanny/Ram


 Synera Brandon

Parks & Recreation

c/mg/8-25-23

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Clamon R. Maher

Clamon R. Maher

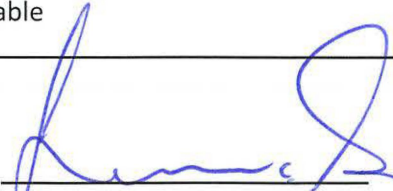
COMMITTEES ON

Budget & Appropriations


Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RBM05</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	
		<input type="checkbox"/> Capital Budget Amendment	
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$	1,600,000	PPU 5 Anticipated Interest Rate 3.06%
Anticipated Annual Cost (Principal and Interest):		\$	354,132
Total Debt Service (Annual Cost x Term):		\$	1,770,660
Finance Department: Interest rates from September 14, 2023 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):			
<hr/> <hr/>			
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			
<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Robert C. Lopane</u>		
Title:	<u>Program Coordinator-Capital Planning</u>		
Department:	<u>Public Works & Transportation</u>		
Date:	<u>9/14/23</u>		
	Reviewed By:		
	Date:	<u>9/14/23</u>	

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

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

DATE: September 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RBM05 BLUE MOUNTAIN SPORTSMEN CENTER REHABILITATION II**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08/23/2023 (Unique ID: 2276)

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

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

COMMENTS: None.

DSK/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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF LEAD RECLAMATION AND MODIFICATIONS TO THE SHOOTING RANGE AT THE BLUE MOUNTAIN SPORTSMEN CENTER, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,600,000 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, \$1,600,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of lead reclamation and modifications to the shooting ranges and other associated work at the Blue Mountain Sportsmen Center; 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 \$1,600,000. The plan of financing

includes the issuance of \$1,600,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 89 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 \$1,600,000. 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 \$1,600,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

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

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

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

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

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

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

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

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

* * *

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 \$1,600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF LEAD RECLAMATION AND MODIFICATIONS TO THE SHOOTING RANGE AT THE BLUE MOUNTAIN SPORTSMEN CENTER, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,600,000 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 design, construction and construction management of lead reclamation and modifications to the shooting ranges and other associated work at the Blue Mountain Sportsmen Center; as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued
and period of probable usefulness: \$1,600,000; five (5) 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

Project ID:* RBM05	<input type="checkbox"/> CBA	Fact Sheet Date:* 08-02-2023
Fact Sheet Year:* 2023	Project Title:* BLUE MOUNTAIN SPORTSMEN CENTER REHABILITATION II	Legislative District ID: 1,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2276

Overall Project Description

This project provides for improvements and re-construction of facilities at the Sportsmen's Center.

- | | | |
|---|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	6,200	6,200	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,200	6,200	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 68

Current Bond Description: This project will fund the design, construction and construction management of lead reclamation and modifications to the shooting ranges and other associated work at the Blue Mountain Sportsman Center.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,600,000
Cash:	0
Total:	<u>\$ 1,600,000</u>

SEQR Classification:

TYPE II

Amount Requested:

1,600,000

Expected Design Work Provider:

☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2011	400,000	SPORTSMAN'S CENTER REHABILITATION
2013	4,200,000	SPORTSMAN'S CENTER REHABILITATION
2019	1,000,000	ADDITIONAL CONSTRUCTION FOR WATER SYSTEM AND A COST ESCALATION
2023	600,000	DESIGN FOR A LEAD COLLECTION SYSTEM

Total Appropriation History:

6,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
12	41	400,000		0 BLUE MUONTAIN SPORTS CENTER REHABILITATION LOCATED IN CORTLANDT

Total Financing History:

400,000

Recommended By:**Department of Planning**

MLLL

Date

08-23-2023

Department of Public Works

RJB4

Date

08-23-2023

Budget Department

DEV9

Date

08-24-2023

Requesting Department

RCL3

Date

08-24-2023

BLUE MOUNTAIN SPORTSMEN CENTER REHABILITATION II (RBM05)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	6,200	5,600	68	600					
Non County Share									
Total	6,200	5,600	68	600					

Project Description

This project provides for improvements and re-construction of facilities at the Sportsmen's Center.

Current Year Description

The current year request funds design for a lead collection system.

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.

Appropriation History

Year	Amount	Description	Status
2011	400,000	Sportsman's Center rehabilitation	DESIGN
2013	4,200,000	Sportsman's Center rehabilitation	AWAITING BOND AUTHORIZATION
2019	1,000,000	Additional construction for water system and a cost escalation	AWAITING BOND AUTHORIZATION
Total	5,600,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,600,000		5,600,000
Total	5,600,000		5,600,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
41 12	400,000			400,000
Total	400,000			400,000

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$4,115,000, which includes \$600,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project RLAS6 - Lasdon Infrastructure/Site Work II (“RLAS6”). The Amended Bond Act, which was prepared by the law firm Harris Beach, PLLC, is required to finance the cost of construction and construction management associated with infrastructure and site work improvements at Lasdon Park and Arboretum, including a new septic system, resurfacing of existing pavements and creating new pathways throughout the arboretum. Associated site work and landscaping will also be included.

The Department of Parks, Recreation and Conservation (the “Department”) has advised that RLAS6 will continue to rehabilitate the park for public use and enjoyment. A number of plantings, roadways and paths have not been renovated since prior to the County’s acquisition of the property in 1986, while others sustained significant damage from severe storms over the last few years and are in need of rehabilitation.

Your Committee is advised that design is currently underway and is expected to be completed by the fourth quarter of 2023 and is being performed by consultants. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of the construction contracts.




Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance RLAS6, as follows: Bond Act No. 329-2016 in the amount of \$600,000, which funded design of infrastructure and site work improvements at the park. These bonds have not been sold. Accordingly, authority is now requested to amend Bond Act No. 329-2016 to increase the total amount of bonds authorized from \$600,000 to \$4,115,000, to revise the scope of Bond Act No. 329-2016 to include work associated with the construction phase of RLAS6, and to increase the period of probable usefulness of said bonds.


The Planning Department has advised your Committee that based on its review, RLAS6 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”), which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Short Environmental Assessment Form (EAF) and the criteria contained in Section 617.7 of Title 6 of the New York State Code of Rules and Regulations, the SEQRA


regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: November 1st, 2023.
White Plains, New York




David Zuckerman
Mandy Ban
Symon Brandon



David Zuckerman
Mandy Ban


David Zuckerman
Mandy Ban
Symon Brandon

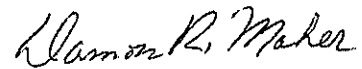
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COMMITTEE ON
Budget & Appropriations

Public Works &
Transportation

Parks & Recreation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RLAS6

☐ 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 \$ 4,115,000 PPU 15 Anticipated Interest Rate 3.79%

Anticipated Annual Cost (Principal and Interest): \$ 359,686

Total Debt Service (Annual Cost x Term): \$ 5,395,287

Finance Department: maab

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: 45

SECTION E - EXPECTED DESIGN WORK PROVIDER

☒ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator - Capital Planning

Department: Public Works and Transportation

Date: 9/12/23

Reviewed By: 

9/12/23

Budget Director

Date: 9/12/23

RESOLUTION

WHEREAS, there is pending before this Honorable Board an amended bond act in connection with Capital Project RLAS6 – Lasdon Infrastructure/Site Work II (“Bond Act”); and

WHEREAS, this Honorable Board has determined that the proposed Bond Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:


RESOLVED, that based upon the Honorable Board’s review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Bond Act and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the “Determination of Significance” in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative

Declaration” on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

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

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

DATE: September 6, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RLAS6 LASDON INFRASTRUCTURE/SITE WORK II**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID 2152) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, this project has been classified as an Unlisted action. Uncoordinated review is being conducted as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations. A Short Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm
Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

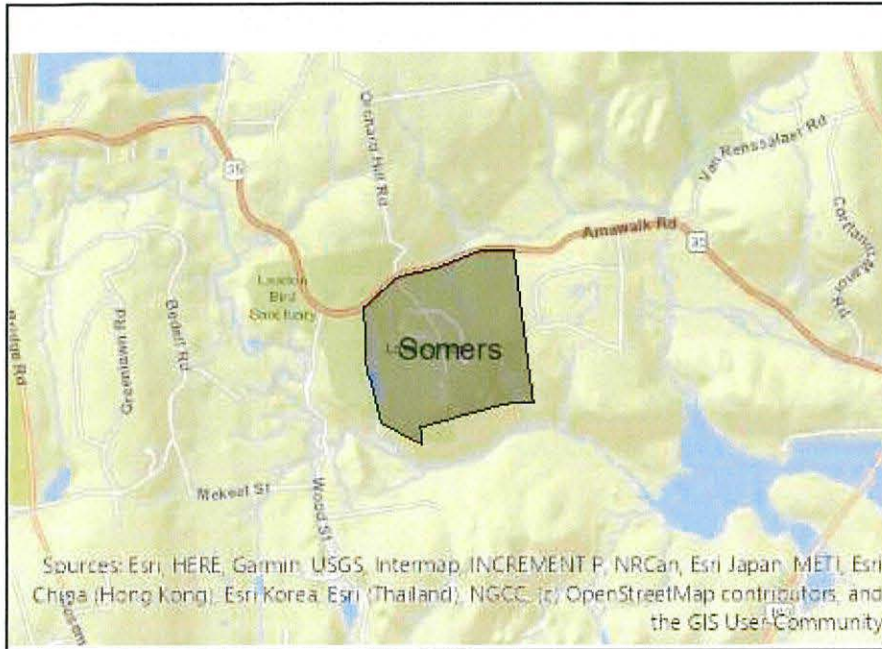
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Lasdon Park Infrastructure Improvements and Site Work			
Project Location (describe, and attach a location map): 2610 Route 35 (or 2610 Amawalk Road), Katonah (Town of Somers), Westchester County, New York			
Brief Description of Proposed Action: The project will replace existing septic systems with two updated system systems; one will service the Gift Shop, Comfort Station, and Green House and the other will service the Main House and Veterans Museum. The new septic systems will be located on the west side of the entrance road. The sewer lines will be installed within the roadway. The asphalt pavement of the entrance drive to the Main House will be replaced in-kind with select drainage features. The parking area near the main house and museum will have an existing gravel area (2,912 SF) replaced with porous pavement. New septic infrastructure in the vicinity of the maintenance driveway to the Conservatory will require reconstruction of a short segment of the driveway and re-landscaping adjacent to the driveway. The driveway will be widened slightly at the bend to accommodate larger delivery trucks. Existing drainage features along this driveway will be replaced in-kind to better manage existing stormwater, along with in-kind replacement of a low retaining wall. The project also proposes 5,458 linear feet (LF) of walkway improvements, which includes the conversion of approximately 2,544 LF of existing stone dust pathways to asphalt pathways, widening of approximately 2,341 LF of existing asphalt paths from 4 to 5 feet wide, and installation of approximately 685 LF of new 5-foot wide asphalt paths.			
Name of Applicant or Sponsor: County of Westchester		Telephone: (914) 995 - 4400 E-Mail: dsk2@westchestercountyny.gov	
Address: 148 Martine Avenue			
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: WCDOH (septic), NYCDEP (septic), NYSDEC (stormwater - GP-0-20-001) and West. County (MS4 stormwater - GP-0-20-001)		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		35 acres	
b. Total acreage to be physically disturbed?		0.986 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		228 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
Name: County & State Park Lands If Yes, identify: Agency: Westchester County	<input type="checkbox"/>	<input type="checkbox"/>	
Reason: Exceptional or unique character Date: January 31, 1990			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
N/A. The proposed action is not a new building, a new or additional building mechanical system, or a substantial (>50%) modification to an existing building.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? N/A	NO	YES	
If No, describe method for providing potable water:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
This proposal is to install new septic systems to service all the buildings currently requiring a septic connection within Lasdon Park.			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
No wetland areas or wetland buffer areas are proposed to be disturbed as part of the proposed action.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Storm Water Pollution Prevention Plan for the project does not include permanent measures for stormwater treatment and only addresses construction sediment and erosion control measures. All stormwater runoff generated by the project will be managed on-site through direction to adjacent vegetative areas.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 5, 2023</u> Signature: <u></u> Title: <u>Assistant Commissioner</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project serves to upgrade existing facilities at a popular county park. Much of the work is replacement in-kind and will not have an adverse impact. Replacement of the old septic systems will better protect the environment. The new septic fields will be located adjacent to the entrance road, which is already cleared. The installation of the sewer lines within the roadbed of the entrance drive, as well as within some of the existing pathways, will minimize land disturbance. There will be no additional impervious area associated with the septic installation or the entrance drive re-paving. The installation of porous pavement over gravel in connection with the parking area near the Main House and Veterans Museum will help stabilize the site for parking usage without increasing impervious surface. The increase in impervious surface associated with maintenance driveway modification will be approximately 650 square feet and is not considered a significant increase in overall stormwater runoff from the site.

The pathway improvements will result in approximately 0.62 acres of new impervious surfaces. The design will transform existing dirt walkways through wooded areas to firm-surfaced walkways that will be better suited for stroller traffic. The design will also guide visitors to the edges of lawn areas for better views of the landscape and water features. Since the new impervious surfaces involve pathways, which are narrow and linear in nature and spread out over many acres of land, there will be no contamination or concentration of runoff that would warrant post-construction mitigation. Conversion of dirt pathways to pavement may also serve to reduce erosion potential.

Several coniferous trees will need to be removed in the vicinity of the maintenance driveway to accommodate the septic improvements. None are of specimen status. The project includes tree replacements and re-landscaping with a diversity of native plantings. Tree impacts associated with the pathway improvements are anticipated to be minimal since the pathway can be shifted to avoid impacts to existing trees during construction.

The project site is within the East of Hudson New York City drinking watershed. A Stormwater Pollution Prevention Plan will prevent impacts during construction. Following completion, the proposed improvements will serve to protect the environment, as well as enhance the usability and recreational value of the park.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 1, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; AT THE TOTAL ESTIMATED COST OF \$4,115,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for recreational area improvements to Lasdon Park, Arboretum and Veterans Memorial in Katonah at the estimated maximum cost of \$600,000 (the "Original Project"), pursuant to Act No. 329-2016, duly adopted on November 1, 2016, and it has now been determined that (i) the costs of recreation area improvements to Lasdon Park, Arboretum and Veteran Memorial in Katonah in the amount of \$3,515,000 shall be added to the costs of the Original Project (collectively, the "Project"), (ii) the maximum cost of the Project shall now total \$4,115,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

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 November 1, 2016,
entitled:

“(BOND) ACT NO. 329-2016

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 PLANNING RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$600,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 1, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; AT THE TOTAL ESTIMATED COST OF \$4,115,000. (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, \$4,115,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of recreational area improvements to Lasdon Park, Arboretum and Veterans Memorial in Katonah, including construction, construction management of infrastructure, site work improvements, a new septic system, resurfacing existing pavements, new pathways throughout the arboretum, site work, landscaping and planning costs in connection therewith; 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

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Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,115,000. The plan of financing includes the issuance of \$4,115,000 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. 19(c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$4,115,000. 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

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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.

Section (B). The amendment and restatement 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.

* * *

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on November 1, 2016 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 OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 1, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; AT THE TOTAL ESTIMATED COST OF \$4,115,000. (Adopted _____, 20__).

object or purpose: to finance the cost of recreational area improvements to Lasdon Park, Arboretum and Veterans Memorial in Katonah, including construction, construction management of infrastructure, site work improvements, a new septic system, resurfacing existing pavements, new pathways throughout the arboretum, site work, landscaping and planning costs in connection therewith; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$4,115,000; 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

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CAPITAL PROJECT FACT SHEET

Project ID:* RLAS6	<input type="checkbox"/> CBA	Fact Sheet Date:* 02-02-2023
Fact Sheet Year:* 2023	Project Title:* LASDON INFRASTRUCTURE/ SITE WORK II	Legislative District ID: 4,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2152

Overall Project Description

This project funds the development of the infrastructure and site work at Lasdon Park, Arboretum and Veterans Memorial, a 228 acre park dedicated in 1993, located in Somers.

<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	4,115	4,115	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,115	4,115	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 599

Current Bond Description: This request will fund construction and construction management of infrastructure and site work improvements including a new septic system, resurfacing existing pavements and creating new pathways throughout the arboretum. Associated site work and landscaping will be included as well.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,515,000
Cash:	0
Total:	\$ 3,515,000

SEQR Classification:

UNLISTED

Amount Requested:

3,515,000

Expected Design Work Provider:

☐ County Staff
 ☐ Consultant
 ☐ Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	600,000	DESIGN
2018	3,515,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

4,115,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	329	600,000		0 LASDON INFRASTRUCTURE/SITE WORK II

Total Financing History:

600,000

Recommended By:**Department of Planning**
WBB4**Date**
04-07-2023**Department of Public Works**
RJB4**Date**
04-07-2023**Budget Department**
DEV9**Date**
04-10-2023**Requesting Department**
RCL3**Date**
09-06-2023

LASDON INFRASTRUCTURE/ SITE WORK II (RLAS6)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	4,115	4,115	599						
Non County Share									
Total	4,115	4,115	599						

Project Description

This project funds the development of the infrastructure and site work at Lasdon Park, Arboretum and Veterans Memorial, a 228 acre park dedicated in 1993, located in Somers.

Current Year Description

There is no current year request.

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
2016	600,000	Design	DESIGN
2018	3,515,000	Construction and construction management.	AWAITING BOND AUTHORIZATION
Total	4,115,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,115,000		4,115,000
Total	4,115,000		4,115,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
329 16	600,000			600,000
Total	600,000			600,000

RESOLUTION - 2023

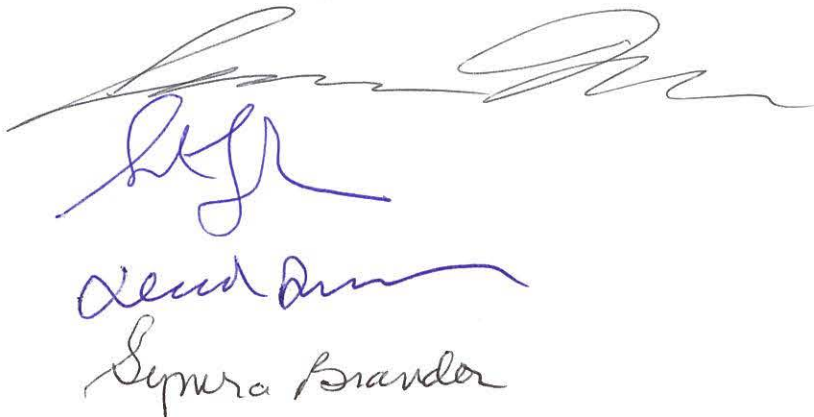
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 13th day of June, 2023, recommended the appointment of May Tang of White Plains, New York, as a member of the Westchester County Asian American Advisory Board, for a term to commence on June 13, 2023, and to expire on December 31, 2023, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 16th day of October, 2023, approved the appointment of May Tang to the Westchester County Asian American Advisory Board; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: October 16, 2023
White Plains, New York



Sylvia Brander

COMMITTEE ON APPOINTMENTS

Dated: October 16, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A handwritten signature in black ink, appearing to be a stylized 'T' or 'L' followed by a horizontal line.

RESOLUTION - 2023

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 28th day of August, 2023, recommended the appointment of Jennifer C. Bernhard of White Plains, New York, as a member of the Westchester County Fair Housing Board for a term to commence on August 28, 2023 and expire on December 31, 2024, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 23rd day of October, 2023, approved the appointment of Jennifer C. Bernhard as a member of the Westchester County Fair Housing Board; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: October 23, 2023
White Plains, New York

The block contains three handwritten signatures in black ink. The top signature is long and flowing, spanning most of the width of the block. Below it, on the left side, is a shorter, more compact signature. At the bottom left, there is a third signature that appears to be a name followed by a surname, possibly 'David D...'. The signatures are written in a cursive, somewhat informal style.

COMMITTEE ON APPOINTMENTS

Dated: October 23, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A stylized, handwritten signature in black ink, appearing to read 'Lynna D. Brandon'.

Lynna D. Brandon

RESOLUTION - 2023


TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 23rd day of February, 2022, recommended the reappointment of Leo A. W. Wiegman of Croton-on-Hudson, New York, as a member of the Westchester County Climate Smart Communities Task Force for a term to commence on February 23, 2022 and expire on December 31, 2024, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 23rd day of October, 2023, approved the reappointment of Leo A. W. Wiegman as a member of the Westchester County Climate Smart Communities Task Force;
NOW THEREFORE BE IT

RESOLVED, that said reappointment be and is hereby approved.

Dated: October 23, 2023
White Plains, New York

Three handwritten signatures in black ink. The top signature is long and flowing. The middle signature is more compact and stylized. The bottom signature is shorter and also stylized.

COMMITTEE ON APPOINTMENTS

Dated: October 23, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A stylized, handwritten signature in black ink, appearing to be 'Lynne D. Brandon'.

Lynne D. Brandon

RESOLUTION - 2023


TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK




WHEREAS, the County Executive having on the 18th day of January, 2023, recommended the reappointment of Rev. Dr. Stephen Pogue of Mount Vernon, New York, as a member of the Westchester County Human Rights Commission for a term to commence on January 18, 2023, and expire on December 31, 2025, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 16th day of October, 2023, approved the reappointment of Rev. Dr. Stephen Pogue to the Westchester County Human Rights Commission; NOW THEREFORE BE IT

RESOLVED, that said reappointment be and is hereby approved.

Dated: October 16, 2023
White Plains, New York



COMMITTEE ON APPOINTMENTS

Dated: October 16, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a single name.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester ("County") of a bond act ("Bond Act"), in the amount of \$655,000, to finance the County's share of capital project CC104 – Campus Infrastructure ("CC104").

Your Committee is advised that the total amount appropriated for project CC104 is \$1,310,000, of which 50% (\$655,000) will be funded by the County under the Bond Act, and the other 50% (\$655,000) will be funded by the State of New York (the "State"). This project will fund the extension of the natural gas main on the Westchester Community College campus, from the Student Center gas main connection, to the buildings along Knollwood Road.

Your Committee is advised that although the total cost of project CC104 is \$1,310,000, the total cost for the gas main extension is estimated to be \$1,410,000, of which \$655,000 will be funded by the State under CC104, \$655,000 will be funded by the County under CC104, and \$100,000 will be funded by the County from the proceeds of a previous bond act (Act No. 127-2018) issued under Capital Project WCC65.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete. It is anticipated that the design work will be completed by a consultant. It is also estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

The Department of Planning has advised that this project was previously reviewed by the Westchester County Board of Legislators in connection with capital project WCC65, which was classified as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on September 17, 2018, a Negative Declaration was issued by the Board of Legislators (Resolution 136-2018). Since the current request is for additional funding with no substantial changes in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

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: November 1st, 2023

White Plains, New York

James Bull John
Will WOR
Ze WOR
Vedat Fadhi
Manoj Ban
Sydney Brand

Will WOR
Ze WOR
Vedat Fadhi
Manoj Ban

c:\cmo\jpg 09.14.2023

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: November 1, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

William R. Maher

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: CC104

☐ 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 \$ 655,000 PPU 30 Anticipated Interest Rate 3.85%

Anticipated Annual Cost (Principal and Interest): \$ 35,996

Total Debt Service (Annual Cost x Term): \$ 1,079,880

Finance Department: Interest rates from September 14, 2023 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

No impact on Operating Budget

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: Dawn Gillins

Title: AVP/Controller

Department: WCC

Date: 9/15/23

Reviewed By:


Dvalis123

Budget Director

Date:

9/18/23

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

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

DATE: September 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
CC104 CAMPUS INFRASTRUCTURE**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2254) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

This project was previously reviewed by the Westchester County Board of Legislators in connection with capital project WCC65, which was classified as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on September 17, 2018, a Negative Declaration was issued by the Board of Legislators (Resolution 136-2018). Since the current request is for additional funding with no substantial changes in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

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

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
Dianne Vanadia, Associate Budget Director
Robert Cirillo, Director of Physical Plant, Westchester Community College
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$655,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ADDITIONAL CAMPUS INFRASTRUCTURE UPGRADES AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,310,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$655,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND APPLICATION OF \$655,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the partial reconstruction of various buildings at the Westchester Community College Campus, at the estimated maximum cost of \$4,400,000, pursuant to Act No. 127-2018 (Reference WCC65) duly adopted on September 17, 2018; and

WHEREAS, the Board wishes to finance the cost of additional campus upgrades to the Westchester Community College Campus at an estimated maximum cost of \$1,310,000 and issue additional bonds in the amount of \$655,000 in connection therewith;

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than Third-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, \$655,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of additional campus infrastructure upgrades at the Westchester Community College campus, including extending the natural gas main from the Student Center gas main connection and extending that line to service the buildings on the South Section of the campus; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,310,000. The plan of financing includes the issuance of \$655,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the application of \$655,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The existing buildings are of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and 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. 5 of the Law, is thirty (30) 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 \$655,000. 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.

* * *

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 \$655,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ADDITIONAL CAMPUS INFRASTRUCTURE UPGRADES AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,310,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$655,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND APPLICATION OF \$655,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; 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 additional campus infrastructure upgrades at the Westchester Community College campus, including extending the natural gas main from the Student Center gas main connection and extending that line to service the buildings on the South Section of the campus; at the estimated maximum cost of \$1,310,000; 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: \$655,000; thirty (30) 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:* CC104	<input type="checkbox"/> CBA	Fact Sheet Date:* 07-05-2023
Fact Sheet Year:* 2023	Project Title:* CAMPUS INFRASTRUCTURE	Legislative District ID: 3,
Category* WCC - BUILDINGS	Department:* COMMUNITY COLLEGE	CP Unique ID: 2254

Overall Project Description

This project will include the installation of the new gas main from the center of campus to the buildings on the south section of campus.

- | | | |
|---|---|--|
| <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	23-24	24-25	25-26	26-27	27-28	Under Review
Gross	1,310	1,310	0	0	0	0	0	0
Less Non-County Shares	655	655	0	0	0	0	0	0
Net	655	655	0	0	0	0	0	0

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

Current Bond Description: Current bonding approval is necessary to fund the County's 50% share of the College's Campus Infrastructure project. The amount appropriated for this Phase is \$1,310,000 of which 50% \$655,000 will be funded by the State and 50% by the County. This project will extend the natural gas main from the Student Center gas main connection and extend that line to service the buildings on the South Section of campus.

Financing Plan for Current Request:

Non-County Shares:	\$ 655,000
Bonds/Notes:	655,000
Cash:	0
Total:	\$ 1,310,000

SEQR Classification:

UNLISTED

Amount Requested:

655,000

Expected Design Work Provider:

- ☐ County Staff
 ☐ Consultant
 ☐ Not Applicable

Comments:

This project aims to upgrade the campus utility distribution systems and provide a campus-wide automatic temperature control system. The funding is for both design and construction. WCC65 is also funding a portion of this work, as the total estimated cost is \$1,410,000.

Energy Efficiencies:

EXTEND NATURAL GAS MAIN

Appropriation History:

Year	Amount	Description
2022	1,310,000	CAMPUS INFRASTRUCTURE

Total Appropriation History:

1,310,000

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

07-25-2023

Department of Public Works

RJB4

Date

07-25-2023

Budget Department

DEV9

Date

07-26-2023

Requesting Department

DAGX

Date

09-06-2023

RECEIVED
SEP 15 2023 11:38
CITY OF CHICAGO
OFFICE OF THE COMPTROLLER

RESOLUTION - 2023

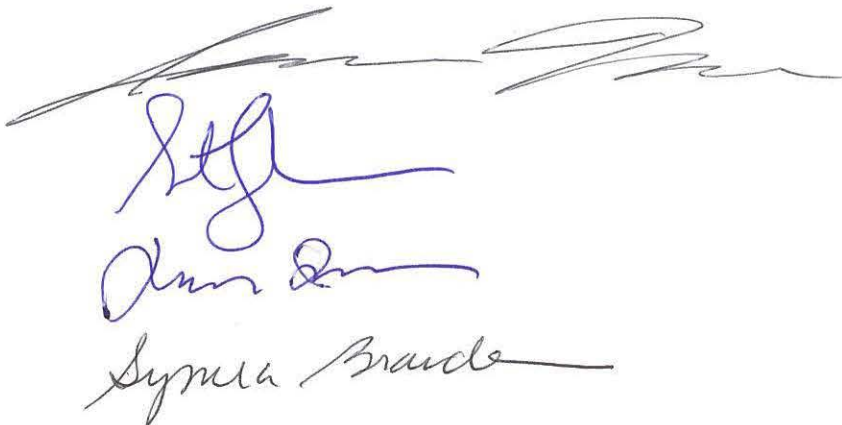
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive, having on the 17th day of August, 2023, recommended the appointment of Hon. Nancy Barr of White Plains, New York, as an interim legislator member of the Westchester County Parks, Recreation, and Conservation Board, for a term to commence on August 17, 2023, and expire on December 31, 2023, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 16th day of October, 2023, approved the appointment of Hon. Nancy Barr as an interim legislator member of the Westchester County Parks, Recreation and Conservation Board; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: October 16, 2023
White Plains, New York



COMMITTEE ON APPOINTMENTS

Dated: October 16, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A handwritten signature in black ink, appearing to be "T. R.", with a long horizontal stroke extending to the right.

RESOLUTION - 2023

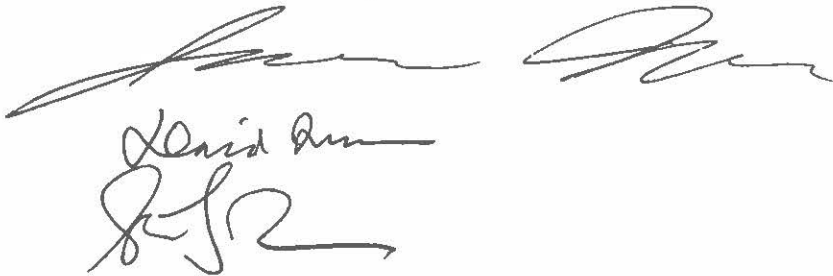
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 29th day of August, 2023, recommended the appointment of Greg Santone of Millwood, New York, as a member of the Westchester County Fire Advisory Board, for a term to commence on August 29, 2023 and expire on December 31, 2025, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 23rd day of October, 2023, approved the appointment of Greg Santone to the Westchester County Fire Advisory Board; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: October 23, 2023
White Plains, New York

Three handwritten signatures in black ink. The top signature is long and flowing. The middle signature is shorter and more compact. The bottom signature is also compact and appears to be a stylized name.

COMMITTEE ON APPOINTMENTS

Dated: October 23, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

A stylized, handwritten signature in black ink, appearing to be 'Syma D. Brandon'.

Syma D. Brandon

RESOLUTION NO. ____ – 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled “A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.” The public hearing will be held at __.m. on the ____ day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending adoption of "A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members."

Your Committee recognizes that volunteer firefighters and ambulance workers provide a significant benefit to residents and taxpayers through their countless hours of service protecting our communities. Accordingly, New York State Real Property Tax Law ("Real property Tax Law") Section 466-d authorized Westchester County and its cities, towns and villages to adopt local laws exempting a portion of the real property owned by a volunteer firefighter or volunteer ambulance service member from taxation. In 2008, Westchester County enacted Chapter 475 of the Laws of Westchester County authorizing a ten (10) percent tax exemption for volunteer firefighters and volunteer ambulance service members with five (5) or more years of service. Other sections of the Real Property Tax Law authorized other counties to enact local laws authorizing such a tax exemption as well.

Your Committee is informed that, as of 2022, according to New York State, less than half of counties in New York were authorized to provide this local property tax exemption benefit. Therefore, by Chapter 670 of the Laws of 2022, the state legislature amended the Real Property Tax Law by the addition of a new Section 466-a that authorized any county as well as any city, village, town, school district, or fire district, to adopt a local law exempting a portion of the real property owned by a volunteer firefighter or volunteer ambulance service member from taxation, and repealing Section 466-d (as well as the similar sections that applied to other counties). Section 466-a now provides a

uniform, statewide, option for all local governments to offer up to a 10% exemption of assessed value to eligible volunteers. The bill exempted up to 10% of the assessed value for members who served a minimum of two years (instead of five) and required localities that currently provide the exemption to adopt a local law by December 9, 2025, to conform to Chapter 670 of the Laws of 2022. By expanding the opportunity to provide this critical tax exemption, it will help improve recruitment and retention of our volunteer fire and ambulance services.

Your Committee has been advised that, if adopted, the attached Local Law would repeal the current Chapter 475 of the Laws of Westchester County and enact a new Chapter 475. Subject to the limitations provided for in the enabling legislation, the new Chapter 475 of the Laws of Westchester County would authorize a ten (10) percent exemption from County real property taxes for volunteer firefighters and volunteer ambulance service members. Only volunteer firefighters and volunteer ambulance service members with two or more years of service would be eligible for the exemption. Additionally, the exemption would apply only if the applicant resides in the city, town or village served by the volunteer fire company or volunteer ambulance service and would be limited to properties that are the applicant's primary residence and the portions of such a primary residence that are used exclusively for residential purposes.

Your Committee has further been informed that the attached Local Law would also provide such tax exemption to un-remarried spouses of deceased volunteer firefighters and volunteer ambulance service members and such members killed in the line of duty under certain circumstances. The law also provides that any member with more than 20 years of service shall be granted a lifetime tax exemption.

Your Committee is advised that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated November 13, 2023
White Plains, New York

Symone Brander
W.M.
Cathy Park
Mandy Bauer
Jimmy Breen John
J. W.
Colin O. Brea
Dennis Brea
S. B.

Symone Brander
D. N. Mads
Mandy Bauer
Colin O. Brea
Dennis Brea
Cathy Park
Benjamin Foykurt

COMMITTEES ON
Budget & Appropriations Legislation

Dated: November 13, 2023
White Plains, New York

Margaret A. Cunzio

COMMITTEE ON
Legislation

FISCAL IMPACT STATEMENT

SUBJECT: Local Law Amendment - CH 475

☒ 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 \$ _____

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: _____

Potential Related Operating Budget Revenues:

Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: October 11, 2023

Reviewed By: 

Budget Director

Date: _____

LOCAL LAW NO. -2023

A LOCAL LAW amending the Laws of Westchester with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Service Members.

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

Section 1. Chapter 475 of the Laws of Westchester County is hereby repealed.

Section 2. A new Chapter 475 is hereby added to the Laws of Westchester County to read as follows:

**Chapter 475 – Tax Exemption for Volunteer Firefighters
and Volunteer Ambulance Service Members**

Sec. 475.01. Purpose

The purpose of this Chapter is to provide volunteer firefighters and volunteer ambulance service members, who are qualified real property owners, with the tax exemption authorized by Section 466-a of the Real Property Tax Law, and to continue this exemption in the case of certain unremarried spouses of deceased volunteers pursuant to that law. The exemptions authorized by this Chapter are subject to all the qualifications and limitations set forth in Section 466-a of the Real Property Tax Law.

Sec. 475. 11. Exemption

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member and spouse residing in the County of Westchester shall be exempt from taxation to the extent of up to ten percent of the assessed value of such property for county purposes, and county special district purposes other than sewer purposes, exclusive of special assessments.

Sec. 475.21. Qualifications and Limitations upon Exemption.

Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the County of Westchester unless:

- (a) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service;
- (b) the property is the primary residence of the applicant;
- (c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Chapter;
- (d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for at least two years. It shall be the duty of each incorporated volunteer fire company, fire department, and incorporated voluntary ambulance service to file an affidavit of a responsible officer annually, prior to the applicable taxable status date, with the assessor or other appropriate agency, department, or office of each assessing unit served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service listing its enrolled members with two or more years of service.

Sec. 475.31. Lifetime Exemption

Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the County of Westchester.

Sec. 475.41. Continuation of exemption for un-remarried spouse of a deceased volunteer firefighter or volunteer ambulance worker killed in the line of duty.

The exemption authorized by this Chapter shall be continued for the un-remarried spouse of a deceased member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, killed in the line of duty; provided, that:

- (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and
- (b) such deceased volunteer had been an enrolled member for at least five years; and
- (c) such deceased volunteer had been receiving the exemption prior to his or her death.

Sec. 475.51. Continuation of exemption for un-remarried spouse of a deceased volunteer firefighter or volunteer ambulance worker who had been an enrolled member for at least twenty years.

The exemption authorized by this Chapter shall be continued for the un-remarried spouse of a deceased member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, who had been an enrolled member for at least twenty years provided that:

- (a) Such un-remarried spouse of deceased volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- (b) such deceased volunteer had been an enrolled member for at least twenty years; and
- (c) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

Section 3. This Local Law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

10-10-23

Sdk-10-10-23

Sdk-10-10-23

HONORABLE BOARD OF LEGISLATORS
WESTCHESTER COUNTY

Your Committee is in receipt of a communication from the County Executive pertaining to approval of the Agreement between the County of Westchester and the District Attorney's Investigators PBA of Westchester County, Inc. ("the Union") on a four (5) year contract commencing on January 1, 2020 and ending on December 31, 2024 ("Memorandum of Agreement" or "Agreement"). All terms and conditions of the collective bargaining agreement, as continued or changed by an interest arbitration award and prior memoranda of agreement, shall remain in full force and effect except as agreed to be modified herein.

Upon approval by the Union membership and Your Honorable Board, all new terms and conditions shall be implemented as soon as practicable. Base wage increases for 2020, 2021, 2022, 2023, and 2024 shall also be implemented as soon as practicable.

Any and all retroactive money due and owing, if any, shall be paid as soon as practicable to all unit members employed from January 1, 2020 to the date of execution of this agreement.

The provisions of the Agreement that this Board's consideration and approval in compliance with the Public Employees' Fair Employment Act ("Taylor Law") are outlined below:

1. Duration:

This Agreement shall be effective January 1, 2020 and ending on December 31, 2024.

2. Compensation:

Compensation shall be amended to read as follows:

- a. Effective January 1, 2020, each step of the salary schedule in effect on December 31, 2019 shall be increased by 3.0%.
- b. Effective January 1, 2021, each step of the salary schedule in effect on December 31, 2020 shall be increased by 3.0%.
- c. Effective January 1, 2022, each step of the salary schedule in effect on December 31, 2021 shall be increased by 2.0%.
- d. Effective January 1, 2023, each step of the salary schedule in effect on December 31, 2022 shall be increased by 2.0%.
- e. Effective January 1, 2024, each step of the salary schedule in effect on December 31, 2023 shall be increased by 2.75%.

3. Holidays

Effective June 19, 2023, and each January 1st thereafter, Juneteenth shall be credited holiday to all employees as a non-accruable “chart day” to be used within the calendar year.

4 Shift Differential:

The Shift Differential shall be amended to read as follows:

Effective January 1, 2023, the shift differential shall be increased to \$28.00.

5. Welfare Fund:

The Welfare Fund shall be amended to read as follows:

The County shall forward the following amount, every year, for each employee to the Association Welfare Fund:

- a. Effective January 1, 2022, increase annual payment by \$100 (total for each employee — \$2,550).
- b. Effective January 1, 2023, increase annual payment by \$100 (total for each employee — \$2,650).
- c. Effective January 1, 2024, increase annual payment by \$75 (total for each employee — \$2,725).

Your Committee has carefully considered the subject matter, the Agreement, and the attached Act and recommends approval of the Agreement. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
November 13th, 2023

David B. Bell

Cathleen Bell

W. R. M. S.

COMMITTEE ON

Budget & Appropriations

Dated: November 13, 2023
White Plains, New York

Symra D. Brandon

COMMITTEE ON

Budget & Appropriations

FISCAL IMPACT STATEMENT

SUBJECT: UFPO Contract 2020-2024

☐ 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 \$ 1,688,000

Total Current Year Revenue \$ 143,000

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: Various Personal Services Accounts

Potential Related Operating Budget Expenses:

Annual Amount

Describe:

Potential Related Operating Budget Revenues:

Annual Amount

Describe:

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

Current Year:

Next Four Years: 2024 - Expense of \$780,000 and Revenue of \$66,000

Prepared by: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: November 3, 2023

Reviewed By: 

Budget Director

Date:

11/2/23

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into by and between the County of Westchester (the "County") and the District Attorney's Investigators PBA of Westchester County, Inc. (the "Union") dated this 1st day of November, 2023.

WHEREAS, the County and the Union are parties to a collective bargaining agreement which was continued, as modified, by an interest arbitration award and several memoranda of agreement, most recently covering the period of January 1, 2016 through December 31, 2019; and

WHEREAS, the parties have now reached an agreement as of the date of execution of this Memorandum of Agreement for the terms and conditions of a successor collective bargaining agreement for the period of January 1, 2020 through December 31, 2024 and wish to memorialize their understanding, in writing; and

WHEREAS, this Memorandum of Agreement is subject to ratification by the Union and County Legislature as set forth herein; and

WHEREAS, upon execution of this Memorandum of Agreement by the representatives of the County and the Union, the parties agree to comply with the following:

1. All terms and conditions of the collective bargaining agreement, as continued or changed by the interest arbitration award and prior memoranda of agreement as set forth above, shall remain in full force and effect except as agreed to be modified herein.
2. After ratification by the Union and County Legislature, all new terms and conditions shall be implemented as soon as practicable following the date of the County Legislature's ratification vote. Base wage increases for 2020, 2021, 2022, 2023, and 2024 shall be implemented as soon as practicable.
3. The County agrees that any and all retroactive money due and owing, if any, shall be paid as soon as practicable to all unit members employed from January 1, 2020 to the date of execution of this agreement.
4. The parties agree that upon approval of the County Legislature after ratification by the Union, this Memorandum of Agreement shall have the full force and effect of the collective bargaining agreement between the parties.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, upon ratification by the Union and approval by the County Legislature, the parties agree that a successor collective bargaining agreement as continued or changed by the interest arbitration award and prior memorandum of agreement, as set forth above shall reflect the terms herein below:

1. DURATION

This Agreement shall be effective January 1, 2020 through December 31, 2024.

2. COMPENSATION

- a. Effective January 1, 2020, each step of the salary schedule in effect on December 31, 2019 shall be increased by 3.0%.
- b. Effective January 1, 2021, each step of the salary schedule in effect on December 31, 2020 shall be increased by 3.0%.
- c. Effective January 1, 2022, each step of the salary schedule in effect on December 31, 2021 shall be increased by 2.0%.
- d. Effective January 1, 2023, each step of the salary schedule in effect on December 31, 2022 shall be increased by 2.0%.
- e. Effective January 1, 2024, each step of the salary schedule in effect on December 31, 2023 shall be increased by 2.75%.

3. HOLIDAYS

Effective June 19, 2023, and each January 1st thereafter, Juneteenth shall be credited holiday to all employees as a non-accruable "chart day" to be used within the calendar year.

4. SHIFT DIFFERENTIAL

Effective January 1, 2023, the shift differential shall be increased to \$28.00.

5. WELFARE FUND

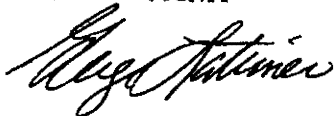
The County shall forward the following annual amount for each employee, payable in equal monthly installments, to the Association Welfare Fund:

- a. Effective January 1, 2022, increase annual payment by \$100 – \$2,550
- b. Effective January 1, 2023, increase annual payment by \$100 – \$2,650
- c. Effective January 1, 2024, increase annual payment by \$75 – \$2,725

All proposals not addressed by the Memorandum of Agreement are withdrawn by the parties.

Agreed to by and between the parties' representatives, as set forth below.

FOR THE COUNTY



FOR THE UNION

EWEL, President 11/1/2023

ACT NO. _____ 2023

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the District Attorney's Investigators PBA of Westchester County, Inc. for a five (5) year period commencing on January 1, 2020 and ending on December 31, 2024.

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

Section 1. All terms and conditions of the collective bargaining agreement, as continued or changed by an interest arbitration award and prior memoranda of agreement, shall remain in full force and effect except as agreed to be modified herein.

Section 2. Compensation:

Compensation shall be amended to read as follows:

- a. Effective January 1, 2020, each step of the salary schedule in effect on December 31, 2019 shall be increased by 3.0%.
- b. Effective January 1, 2021, each step of the salary schedule in effect on December 31, 2020 shall be increased by 3.0%.
- c. Effective January 1, 2022, each step of the salary schedule in effect on December 31, 2021 shall be increased by 2.0%.
- d. Effective January 1, 2023, each step of the salary schedule in effect on December 31, 2022 shall be increased by 2.0%.
- e. Effective January 1, 2024, each step of the salary schedule in effect on December 31, 2023 shall be increased by 2.75%.

Section 3. Holidays:

Effective June 19, 2023, and each January 1st thereafter, Juneteenth shall be credited holiday to all employees as a non-accruable “chart day” to be used within the calendar year.

Section 4 Shift Differential:

The Shift Differential shall be amended to read as follows:

Effective January 1, 2023, the shift differential shall be increased to \$28.00.

Section 5. Welfare Fund:

The Welfare Fund shall be amended to read as follows:

The County shall forward the following amount, every year, for each employee to the Association Welfare Fund:

- a. Effective January 1, 2022, increase annual payment by \$100 (total for each employee — \$2,550).
- b. Effective January 1, 2023, increase annual payment by \$100 (total for each employee — \$2,650).
- c. Effective January 1, 2024, increase annual payment by \$75 (total for each employee — \$2,725).

Any and all retroactive money due and owing, if any, shall be paid as soon as practicable to all unit members employed from January 1, 2020 to the date of execution of this agreement.

Section 6. This Act shall take effect immediately.

RESOLUTION -2023

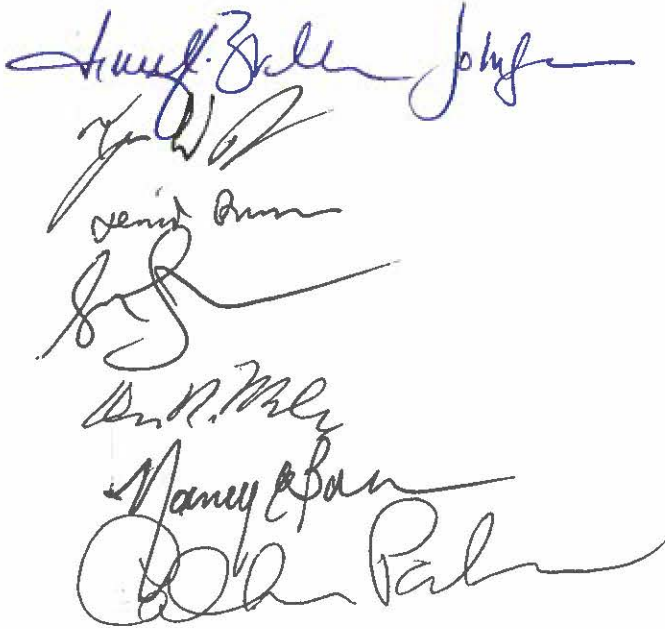
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

BE IT

RESOLVED, that Rules 9 and 11 of the Rules of Westchester County Board of Legislators, Resolution No. 101-1998, be suspended solely and exclusively with regard to the 2024 proposed Westchester County Budget, and
BE IT FURTHER

RESOLVED, that items may be presented orally and with majority consent.

Dated: November 13, 2023
White Plains, New York

A series of handwritten signatures in blue and black ink. The signatures are stacked vertically. The top signature is in blue ink and appears to be 'David Zeller'. Below it are several signatures in black ink, including one that looks like 'John W. [unclear]', 'David [unclear]', 'John [unclear]', 'David N. [unclear]', 'Nancy [unclear]', and 'John [unclear]'.

COMMITTEE ON BUDGET & APPROPRIATIONS

Dated: November 13, 2023
White Plains, New York

Sylvia D. Brandon

COMMITTEE ON

Budget & Appropriations

RESOLUTION -2023

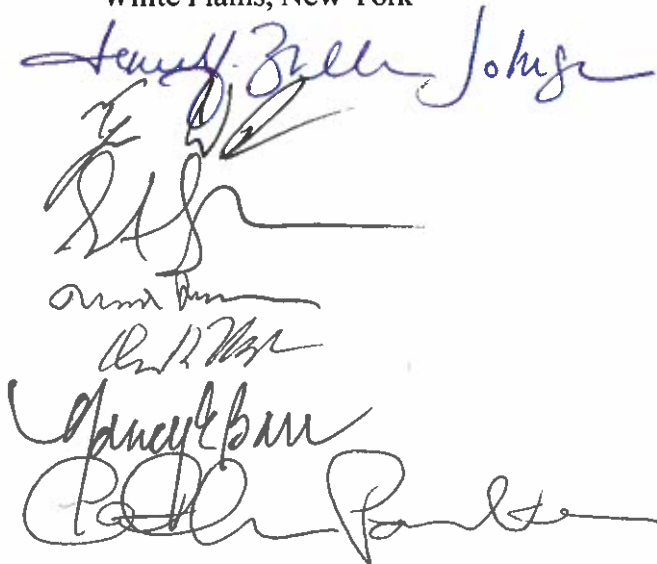
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Charter requires that a public hearing with respect to the proposed 2024 Westchester County Budget be held, at which persons may be heard for or against the items as presented in said Budget or any items thereof, **THEREFORE BE IT**

RESOLVED, that, in accordance with the provisions of the Westchester County Charter, a public hearing be held on Wednesday, December 6, 2023 at 7:00 pm. The County Board will allow participation in the public hearing both in-person and through the Board's Webex teleconferencing system. To register to speak via Webex, please visit this link: <https://bit.ly/3sp9R9N>. **Event number: 2441 877 6534; Event password: 2024Budget** (all one word). Speakers will be called in the order of registration. Speakers who wish to participate by phone, should call 1-844-621-3956. Callers will be interspersed, with in-person speakers at the Chair's discretion. Comments may be submitted in writing by emailing: BOLPublicHearingComments@westchesterlegislators.com by 5pm, December 6, 2023. Comments mailed to the Clerk of the Board of Legislators, 148 Martine Ave., 8th Floor, White Plains, NY 10601, must be postmarked by December 6, 2023, and **BE IT FURTHER**

RESOLVED, that the *JOURNAL NEWS* (All Westchester Editions), *WESTCHESTER HISPANO* (All Westchester Editions) be and hereby are designated as the newspapers in which to publish the Notice of Public Hearing as aforesaid.

Dated: November 13, 2023
White Plains, New York

The block contains five handwritten signatures in blue ink. The first signature is the most legible and appears to read "James J. Zeller Jr.". The other four signatures are more stylized and difficult to decipher.

COMMITTEE ON BUDGET & APPROPRIATIONS

Dated: November 13, 2023
White Plains, New York

Sylvia D. Brandon

COMMITTEE ON

Budget & Appropriations

RESOLUTION -2023

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

BE IT

RESOLVED, that the County Board will **permit in-person access to the meeting** and will allow participation in the public hearing both in-person and through the Webex teleconferencing system; and the following rules be and are hereby adopted for the conduct of the public hearing concerning the Proposed 2024 Westchester County Budget:

Only one numbered speaker card will be given out at 6:15p.m. for each in-person speaker,

All speakers shall be limited to three (3) minutes each,

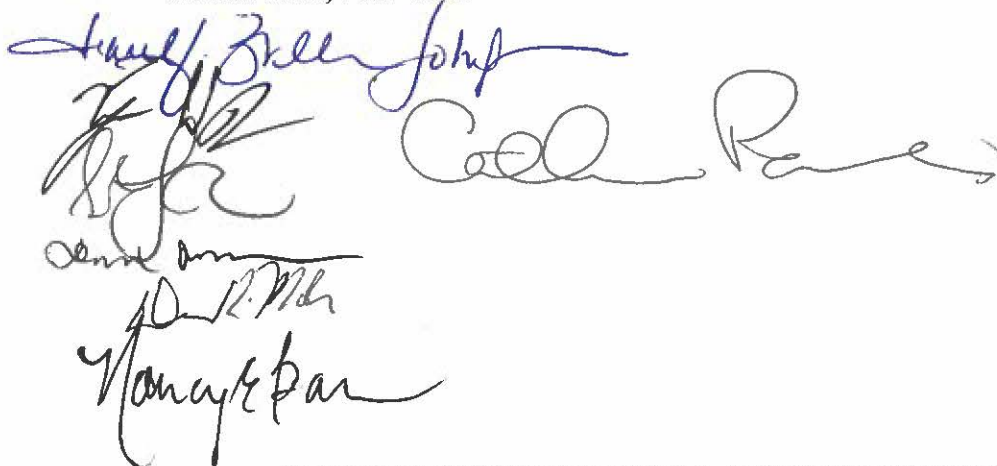
To register to speak via the Board's Webex teleconferencing system, please visit this link: <https://bit.ly/3sp9R9N>. **Event number: 2441 877 6534**; **Event password: 2024Budget** (all one word). Speakers will be called in the order of registration,

Speakers who wish to participate by phone should call 1-844-621-3956,

Speakers will be called in the order of registration. Callers will be interspersed with in-person speakers at the Chair's discretion,

Written comments may be submitted in advance by email at BOLPublicHearingComments@westchesterlegislators.com or by mailing them to the Clerk of the Board of Legislators, 148 Martine Ave., 8th Floor, White Plains, NY 10601. Emailed comments must be received on December 6th, 2023 by 5pm. Mailed comments must be postmarked by December 6, 2023. All written comments will be included in the official record.

Dated: November 13, 2023
White Plains, New York



Dated: November 13, 2023
White Plains, New York

Sybil D. Brandon

COMMITTEE ON

Budget & Appropriations

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 Notice of Claim, In the Matter of the Claim of H.H., an Incapacitated Person by Her Temporary Guardian, Adrienne J. Orbach Esq. v. the County of Westchester and Westchester Adult Protective Services in the amount of \$881,062.00.

Claimant H.H. by her Guardian, Adrienne J. Orbach, Esq. alleges that between 2017 and September, 2022, a Westchester County APS worker stole approximately \$881,062.00 that went undetected by APS rendering her destitute and unable to pay for necessary care. Claimant further alleges that the theft of Claimant's funds was a result of the County's negligence in hiring, retention and supervision of the APS case worker.

A review of the Attorney General's audit account has clearly established that the amount of \$881,062.00 was stolen from H.H. between 2017 and March 2022. Although it is unlikely that the County would be held liable for an intervening criminal act pursuant to a theory of negligent hiring or negligent retention, the County may be found liable pursuant to a theory of negligent supervision, given certain APS case management practices which, on information and belief, have been discontinued.

Under these circumstances, a jury may find in claimant's favor for \$881,062.00 paid outright, (and not subject to any future recovery by the County), as well as additional damages, such as emotional distress. Furthermore, should H.H. die before adjudication of the claim, the County's potential exposure to liability is not abated by death. The County could be subject to a lawsuit from H.H.'s heirs.

Your Committee has carefully considered the subject matter, the settlement proposal, and the attached Act and recommends authorizing the County Attorney or his designee to settle this lawsuit by payment to plaintiff in the amount not to exceed \$881,062.00.⁶ An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
November 13th, 2023

James B. Kelly Jr.
J. B. Kelly
J. B. Kelly
J. B. Kelly
J. B. Kelly
Calvin Park
Maurice Barry

James B. Kelly Jr.
J. B. Kelly
J. B. Kelly
J. B. Kelly
Calvin Park
Maurice Barry

Budget & Appropriations

COMMITTEE ON

Law & Major Contracts

l:sk

⁶ Claimant's attorney is acting *Pro Bono*.

Dated: November 13, 2023
White Plains, New York

Sylvia D. Brandon

COMMITTEE ON

Budget & Appropriations

FISCAL IMPACT STATEMENT

SUBJECT: Settlement for H [REDACTED], H [REDACTED] (G220160) ☐ **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	\$	135,000
-----------------------------------	-----------	----------------

Total Current Year Revenue

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

☐ Additional Appropriations ☒ Other (explain)

Identify Accounts: 6N Fund- 615/59/0697/4150/4280/04

Potential Related Operating Budget Expenses:	Annual Amount
	<u> </u>

Describe: H H G220160 Settlement -Total amount NTE \$881,062(2023-2025)

[illegible]

Describe:

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

Current Year: _____

Next Four Years:

Prepared by: Susan I Kettner

Title: Senior Assistant County Attorney

Department: Law

Date: November 9, 2023

Reviewed By:

Budget Director

Date:

AN ACT authorizing the County Attorney to settle the Request for Authorization to Settle the Notice of Claim filed by Adrienne J. Orbach, Esq., as Guardian of the Person and Property of H.H.⁷, an Incapacitated Person against the County of Westchester and the Westchester County Adult Protective Services in the amount of \$881,062.00.

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 Notice of Claim of filed by Adrienne J. Orbach, Esq., as Guardian of the Person and Property of H.H., A Incapacitated Person against the County of Westchester and the Westchester County Adult Protective Services in the amount of \$881,062.00.

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.

⁷ The Proposed Settlement Agreement was "So Ordered" in the Article 81 Mental Hygiene Guardianship Part. As, all proceedings are under seal.

PRIVILEGED & CONFIDENTIAL

November 9, 2023

To: Ken Jenkins
Deputy County Executive

From: John M. Nonna
County Attorney

Re: Request for Authorization to Settle the Notice of Claim of Claim filed by Adrienne J. Orbach, Esq., as Guardian of the Person and Property of H.H.⁸, an Incapacitated Person against the County of Westchester and the Westchester County Adult Protective Services in the amount of \$881,062.00.

Attached for your information is a copy of the legislation concerning the settlement of the above-referenced matter, which was submitted today to the Board of Legislators for its consideration.

If you have any questions, please contact me.

JMN/sik

Enclosure

cc: Joan McDonald
Director of Operations

Catherine Cioffi
Director of Communications

⁸ The Proposed Settlement Agreement was "So Ordered" in the Article 81 Mental Hygiene Guardianship Part. as, all proceedings are under seal.

EXHIBIT A

-----X

In the Matter of the Claim of

**H. H., an Incapacitated Person by her
Guardian, Adrienne J. Orbach, Esq.**

**Stipulation of
Settlement**

-v.-

**County of Westchester and Westchester County
Adult Protective Services**

-----X

This settlement agreement is made and entered into this day of October, 2023, by and between H.H., by her Guardian, Adrienne J. Orbach, Esq. ("Claimant") and Westchester County, the Westchester County Department of Social Services Adult Protective Services Unit, and any of their past, present, and future officials, employees, agents, heirs, executors, successors, administrators, representatives, attorneys, and assigns, and any individual or entity to who they would be obligated to provide defense and indemnification, whether previously named or identified in this litigation or not ("collectively referred to as "the County").

WHEREAS, Claimant is a 96-year-old woman for whom a temporary guardian was appointed, on April 7, 2023, and a permanent guardian was appointed on May 24, 2023.¹

WHEREAS, on or about May 8, 2023, Claimant duly filed a Notice of Claim with the office of the Westchester County Attorney alleging that an employee of Westchester County Adult Protective Services ("APS") assigned as the caseworker for H.H. stole approximately \$300,000.00 to \$500,000.00 from H.H. entirely depleting her bank and retirement accounts by a series of withdrawals, transfers, credit card transactions and other deceptions over a period of time commencing in 2017 and continuing to in or about March of 2022, that went undetected by APS. Claimant further alleges that the theft of Claimant's funds was a result of the County's negligence in its hiring, retention and supervision of the above-mentioned APS worker; and

WHEREAS, on or about March 24, 2023, the aforementioned caseworker was arrested and charged with three felonies and one A Misdemeanor in connection with the alleged theft of Claimant's funds. Specifically, she was charged with 1) Grand Larceny in the Second Degree; 2) Grand Larceny in the Third Degree; 3) Identity Theft in the First Degree; and 4) Official Misconduct; and

¹ The Guardian was appointed pursuant to a Judgment entered in the office of the Clerk of the Supreme Court in Westchester County, New York on May 18, 2023 in Index Number 31022/2023. As the Guardianship matter is SEALED, and this Settlement Agreement is subject to Court approval, the claimant is referred to by her initials H.H..

WHEREAS, after extensive investigation, including, but not limited to a review of the bank statements, transaction history, and statements provided by the Guardian from H.H.'s documents, and the forensic summary provided to the parties pursuant to a Sharing Order, by the Office of the Attorney General of the State of New, it is now alleged that that the caseworker stole approximately \$881,062.00 between 2017 and 2022; and

WHEREAS, the County makes no admissions as to liability; and

WHEREAS, as the parties intend to settle the aforesaid claim in its entirety, in order to address H.H.'s emergent need for care, the County agrees as follows:

TERMS OF SETTLEMENT

The County will pay to H.H. for her lifetime benefit only, an amount constituting the lesser of the costs of care during her lifetime, including legal expenses and disbursements related to her guardianship, or the sum of \$881,062.00, whichever amount is less. In no event shall the County pay any amount in excess of \$881,062.00.

Payment Schedule

1. The funds shall be disbursed in the following manner:

June 14, 2023 -	\$75,000.00 which sum has been paid by the County pursuant to a resolution of the Westchester County Board of Acquisition and Contract, dated June 8, 2023.
November 2023	\$60,000.00, for the balance of H.H.'s 2023 expense. \$60,000.00, one-time payment for arrearages for Court-ordered legal fees and disbursements pertaining to ongoing guardianship proceedings.
January 1, 2024	\$400,000.00 annual estimated expenses for 2024
January 1, 2025	\$286,062.00, annual payment of expenses for 2025

2. The Personal Needs and Property Guardian shall assign any potential cause of action or claims of any nature whatsoever against the following institutions: Citibank. N.A., a/k/a Citibank, a/k/a Citi Priority Services, its Successors and/or Assigns with respect to Citigold Account [REDACTED] inclusive of checking account [REDACTED] and Citibank Savings Plus account [REDACTED]; Morgan Stanley, its Successors and/or Assigns, Accounts [REDACTED] Ameritrade and/or Insight Advisors LLC, their Successors and/or Assigns with respect to Accounts [REDACTED] and [REDACTED] Barclays International, its Successors and/or Assigns² with respect to Account [REDACTED] to the extent the amount is included in the Attorney General's Summary; Wells Fargo, its

² The amount of this account is currently unknown.

Successors and/or Assigns with respect to Account [REDACTED] The Pension Service 11, Mail Handling Site A, Wolverhampton, WV98 1LW with respect to pension payments; and all other financial institutions known or unknown serving as custodian of H/H's assets.

3. The settlement amount is allocated exclusively for the lifetime use and benefit of H.H., including, but not limited to, expenses for her care and upkeep, Court-approved guardianship-related fees and disbursements, and obligations provided for in the Guardianship Commission. All money paid by the County pursuant to the terms of this Settlement Agreement up to the cap amount of \$881,062.00 pursuant to the terms of this Settlement Agreement shall be held in a separate Guardianship Account, (hereinafter "said Guardianship Account"). At the time of H.H.'s death, any amount allocated or paid by the County remaining in the "said Guardianship Account" after the payment of expenses, obligations, and Court-Ordered fees and disbursements, shall revert back to, and be refunded to, the County of Westchester.
4. It is understood and agreed that this is a full and final settlement of all claims for death, injuries, loss, and all damages known and unknown that Adrienne Orbach, Guardian of the Person and Property of H.H., her heirs, successors or assigns may have against the County of Westchester, inclusive of all of its Departments, and officers and employees of all of its Departments.

Governing Law

This Settlement Agreement shall be construed and interpreted in accordance with the laws of the State of New York.

Entire Agreement and Successors in Interest

This Settlement Agreement contains the entire agreement between the parties with regard to the matters set forth in it and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each.

Effectiveness

This Settlement Agreement shall become effective immediately following execution by each of the parties. However, the settlement is subject to the approval by the Westchester County Board of Legislators, and by the Supreme Court, County of Westchester in a SEALED guardianship proceeding.

Confidentiality

Neither claimant nor any of her representatives, including her counsel of record, shall publicize or disclose the terms of this negotiated Settlement Agreement and accompanying General Release to any third party or entity, except that claimant may disclose such terms to her tax advisors with instructions that they should not disclose the terms to any other person or entity. Upon inquiry regarding this claim, claimant and/or representatives shall state only that this lawsuit has been resolved to the mutual satisfaction of the parties.

Miscellaneous

The provisions of this Settlement Agreement may be modified only by a subsequent written agreement signed by the Parties, and is subject to approval by the Supreme Court, County of Westchester, and the Westchester County Board of Legislators.

Dated: October , 2023

JOHN M. NONNA,
Westchester County Attorney
By Frederick M. Sullivan, Esq.
148 Martine Avenue, 6th Floor
White Plains, New York 10601
Attorney for Westchester County.

By: LUCILLE A. FONTANA, ESQ.
Fontana & Giannini LLP
140 Grand Street, Suite 400
White Plains, New York 10601
Attorney for Claimant

SO ORDERED:

HON. ROBERT M. DiBELLA, J.S.C.

EXHIBIT B

At the Supreme Court of the State of New York held in and for the County of Westchester at the Supreme Court Building, 111 Dr. Martin Luther King Jr. Blvd, White Plains, NY, 10601.

**SUPREME COURT : STATE OF NEW YORK
COUNTY OF WESTCHESTER**

Present: Hon. Robert M. DiBella, J.S.C

In the Matter of the Application of
ADRIENNE JILL ORBACH as Guardian for the Person
and Property of

H [REDACTED] H [REDACTED],

An Incapacitated Person.

**ORDER APPROVING
SETTLEMENT OF CLAIMS**

Index No. 31022-2023

Seq. #: 9

An Order To Show Cause having been signed on the 17th day of October 2023, upon the application of Adrienne J. Orbach, Esq., as Guardian of the Person and Property of H [REDACTED] H [REDACTED], an Incapacitated Person ("IP"), made with her Affirmation in Support, dated October 13, 2023, (with Exhibits A – D), requesting that this Court enlarge the Guardian's authority to sign and execute all documents to settle all and any existing/prospective claims against Westchester County Department of Adult Protective Services documents (see *Ex D: Affirmation In Support*) in the amount of \$881,062.00; and

The matter having come before the Court on November 2, 2023, at which time the following parties / Court-appointees appeared: (1) Adrienne J. Orbach, Esq., as Guardian of the IP's Person and Property, with/by Lucille Fontana, Esq., counsel for the Guardian; (2) Mental Hygiene Legal Service (Catherine P. Mendolia, Esq.), as Court-appointed counsel for the IP; (3) Gail M. Boggio, Esq., as Court Examiner for this Guardianship file; and (4) SCA Susan Kettner, Esq. for the Westchester County Attorney's Office; and

The Court having reviewed the application and the proposed settlement agreement and submitted as exhibits to the Guardian's application, and having determined that the interests of the IP would be substantially furthered by the settlement of the outstanding claims and in accordance with the applicable statutes and rules of this Court.

NOW, upon the motion of Adrienne J. Orbach, Esq., as Guardian of the IP's Person and Property, it is hereby

ORDERED, that the Guardian's retention of Lucille Fontana, Esq. as Counsel to Guardian to settle all and any existing/prospective claims against Westchester County Department of Adult Protective Services is hereby approved *nunc pro tunc* to the May 1, 2023 – the date of the retainer executed by the Guardian (*see Exs. C: Affirmation In Support*) - as a non-list appointment under Part 36 of the Rules of the Chief Judge, inasmuch as Ms. Fontana's extensive experience in negligence matters and the exigencies of this settlement to provide necessary resources for the IP's care, among other reasons, constitute "good cause" for her appointment as Counsel to Guardian in the instant matter (22 NYCRR 36.2[b][2]); and it is further

ORDERED, that Adrienne J. Orbach, Esq., as Guardian of the IP's Person and Property, is authorized and directed to execute any and all documents (*Exs. A and B: Affirmation In Support*) to settle the subject claims against the County of Westchester in the amount of **\$881,062.00** upon the terms and conditions set forth in the Stipulation of Settlement, so as to best protect the IP's welfare and interests in the community; and it is further

ORDERED, the Guardian shall be permitted to pay for necessary services for the IP in order to continue to maintain her care at the assisted living facility, which could include private duty nurses which could be in excess of **\$10,000.00**, in order to maintain suitable housing and care as necessary services at the assisted living memory care unit where the IP resides; and it is further

ORDERED, that the Guardian shall serve a copy of this Order via NYSCEF upon MHLS, Westchester County Attorney and the Court Examiner no later than five (5) days after its entry.

Dated: November 16, 2023
White Plains, NY

ENTER:


Hon. Robert M. DiBella, J.S.C.

TO: Lucille Fontana, Esq.
E-Mail: lfontana@fgnylaw.com

Adrienne J. Orbach, Esq.
E-Mail: adrienne@orbachlawny.com

Mental Hygiene Legal Service
E-Mail: cmendoli@nycourts.gov

Gail M. Boggio, Esq.
E-Mail: gboggio@mccarthyfingar.com

Susan Kettner, Esq.
E-Mail: sikc@westchestercountyny.gov

EXHIBIT C

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW THAT IN CONSIDERATION OF THE PAYMENTS TO BE MADE BY THE COUNTY OF WESTCHESTER AS SET FORTH IN THE SETTLEMENT AGREEMENT, DATED _____ 2023, WHICH AGREEMENT IS INCORPORATED INTO THIS RELEASE AND IS MADE A PART THEREOF, ADRIENNE J. ORBACH, as Guardian of the Person and Property of H.H., an Incapacitated Person¹

As RELEASOR

Releases and discharges, to the maximum extent permitted by law, the County of Westchester, the Westchester County Attorney's office, its officials, agents, employees and counsel, the RELEASEE, RELEASEE'S heirs, executors, administrators, successors, and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, successors, and assigns ever had, Now have or hereafter can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the date of this RELEASE.

This waiver and release are intended to include and is limited to all possible legal theories which RELEASOR would have against RELEASEE.

The words "RELEASOR" and "RELEASEE" include all releasors and all releasees under this RELEASE, This RELEASE may not be changed orally.

IN WITNESS WHEREOF, the RELEASOR has hereunder set RELEASOR'S hand and seal on this _____ day of October, 2023.

IN PRESENCE OF _____

Adrienne J. Orbach, Guardian

State of New York, County of Westchester, ss.:

¹ The Guardian was appointed pursuant to a Judgment entered in the office of the Clerk of the Supreme Court in Westchester County, New York on May 18, 2023, in Index Number 31022/2023. As the Guardianship matter is SEALED, and this Settlement Agreement is subject to Court approval, the claimant is referred to by her initials H.H.

On the ____ day of October, 2023, before me personally came Adrienne J. Orbach, Guardian of the Person and Property of H.H., who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument on behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Notary Public