

Board of Legislators Meeting Agenda



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

Monday, February 5, 2024

7:00 PM

Legislative Chambers

Regular Meeting

CALENDAR 4 (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

January 22, 2024 7pm Regular Meeting.

PUBLIC COMMENT

Speakers_____

PUBLIC HEARING

UNFINISHED BUSINESS

I. COMMUNICATIONS

A. COUNTY EXECUTIVE

1. 2024-38 COMM-Gift Acceptance-Enbridge, Inc.

Forwarded from County Executive George Latimer, his written consent to accept a gift of a check in the amount of FIVE THOUSAND (\$5,000) DOLLARS from Enbridge, Inc. to be used by the Westchester County Department of Emergency Services to purchase a flammable gas detection device.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

2. [2024-39](#) **BOND ACT-T0056-Bus Stop Improvements II**

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

3. [2024-40](#) **BOND ACT-T0072-Cerrato Bus Garage-Infrast. & Site Improves., Valhalla**

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 (2024-2028).

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

4. [2024-42](#) **REAPPT-Police Board-Wishnie**

A RESOLUTION reappointing Hon. Richard Wishnie as a member of the Westchester County Police Board for the term January 2, 2024 to December 31, 2026.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

5. [2024-43](#) **REAPPT-Police Board-Tucker**

A RESOLUTION reappointing Robert Tucker, Esq. as a member of the Westchester County Police Board for the term January 1, 2024 to December 31, 2026.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

6. [2024-44](#) **REAPPT-Council for Seniors-Uzzo**

A RESOLUTION reappointing Dr. Rosemary Uzzo as the District 17 representative member of the Westchester County Council for Seniors for the term January 2, 2024 to December 31, 2025.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

7. [2024-45](#) **REAPPT-Council for Seniors-Clifford**

A RESOLUTION reappointing Terry Clifford as the District 4 representative member of the Westchester County Council for Seniors for the term January 1, 2024 to December 31, 2025.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

8. [2024-46](#) **REAPPT-Advisory Council on People with Disabilities-Hagadus**

A RESOLUTION reappointing Francesca Hagadus as a member of the Westchester County Advisory Council on People with Disabilities for the term January 1, 2024 to December 31, 2025.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS**9. [2024-47](#) REAPPT-Advisory Council on People with Disabilities-Gilberg**

A RESOLUTION reappointing Michael Gilberg as a member of the Westchester County Advisory Council on People with Disabilities for the term January 1, 2024 to December 31, 2025.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS**10. [2024-48](#) REAPPT-Domestic Violence Council-Kettner**

A RESOLUTION reappointing Susan I. Kettner as an at-large member of the Westchester County Domestic Violence Council for the term January 1, 2024 to December 31, 2026.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS**11. [2024-49](#) REAPPT-Board of Ethics-Cotton**

A RESOLUTION reappointing Stuart Cotton as a member of the Westchester County Board of Ethics for the term January 1, 2024 to December 31, 2028.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS**12. [2024-50](#) BOND ACT-B035E-Equipment Acquisition Program, RGP13-Gen'l
Infrast.-Equipment Acquisition**

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project B035E - Equipment Acquisition Program (2021-2025) and Capital Project RGP13 - General Infrastructure - Equipment Acquisition (2021-2025).

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND
PUBLIC WORKS & TRANSPORTATION****13. [2024-51](#) BOND ACT-BPL30-115 South MacQuesten Pkwy., Mount Vernon**

A BOND ACT authorizing the issuance of SIX MILLION (\$6,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL30 - 115 South MacQuesten Parkway, Mt. Vernon.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND
HOUSING & PLANNING****14. [2024-52](#) ACT-Land Acquisition-115 South MacQuesten Pkwy., Mount
Vernon**

AN ACT authorizing the County of Westchester to purchase approximately +/- 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway in the City of Mount Vernon and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary to furtherance thereof, for the purpose of creating 299 affordable rental units that will

affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING

15. [2024-53](#) ENV RES-1, 7-11 North MacQuesten Pkwy., Mount Vernon

A ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from the acquisition of real property at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon in support of the construction of two hundred twenty-nine (229) affordable rental housing units that will affirmatively further fair housing.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING

16. [2024-54](#) BOND ACT-BPL30-1, 7-11 North MacQuesten Pkwy., Mount Vernon

A BOND ACT authorizing the issuance of SIX MILLION, ONE HUNDRED TWENTY-FIVE THOUSAND (\$6,125,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL30 - 1,7-11 North MacQuesten Parkway, Mount Vernon.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING

17. [2024-55](#) ACT-Land Acquisition-1, 7-11 North MacQuesten Pkwy., Mount Vernon

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.68 acres (29,621 square feet) of real property located at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon and to subsequently convey said property and authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 229 affordable rental housing units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING

SI. 18.[2024-60](#) ENV RES-RGI04-Glen Island Bridge Rehabilitation III

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment from Capital Project RGI04 - Glen Island Bridge Rehabilitation III.

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

SI. 19.[2024-61](#) BOND ACT(Amended)-RGI04-Glen Island Bridge Rehabilitation III

A BOND ACT (Amended) authorizing the issuance of FIFTY-TWO MILLION, EIGHT HUNDRED TWENTY-FIVE THOUSAND (\$52,825,000) DOLLARS in bonds of Westchester County to finance Capital Project RG104 - Glen Island Bridge Rehabilitation III.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT, AND PUBLIC WORKS & TRANSPORTATION**SI. 20.2024-62 ACT-Acquiring Temporary Easement from the City of New Rochelle-RGI04**

AN ACT authorizing the County of Westchester to accept all necessary property rights from the City of New Rochelle in connection with the County's rehabilitation of the Glen Island Bridge.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PARKS & ENVIRONMENT

SI. 21.2024-63 CBA-T001Z-Replace 95 NABI 40-Foot Buses

AN ACT amending the 2024 County Capital Budget Appropriations for Capital Project T001Z - Replace 95 NABI 40-Foot Hybrid Buses.

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

SI. 22.2024-64 BOND ACT-T001Z-Replace 95 NABI 40-Foot Buses

A BOND ACT authorizing the issuance of TWENTY-FOUR MILLION, FOUR HUNDRED SEVENTY THOUSAND (\$24,470,000) DOLLARS in bonds of Westchester County to finance Capital Project T001Z - Replace 95 NABI 40-Foot Buses.

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

SI. 23.2024-65 BOND ACT-Rescinding Bond Act No. 95-2022

A BOND ACT to rescind Bond Act 95-2022 (A Bond Act originally issued to finance a component of Capital Project BPL26 - Flood Mitigation in the Village of Briarcliff Manor - the Village has since withdrew its request for funding).

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

SI. 24.2024-66 BOND ACT(Amended)-RB176-Westchester Avenue, Port Chester

A BOND ACT (Amended) authorizing the issuance of an additional TWO MILLION, SIX HUNDRED FIFTY THOUSAND (\$2,650,000) DOLLARS in bonds of Westchester County, making the total amount for this bond THREE MILLION, FIFTY THOUSAND (\$3,050,000) DOLLARS, to finance Capital Project RB176 - Westchester Avenue, Port Chester.

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

SI. 25.2024-67 ACT-Acquiring a Permanent Easement from the State of New York

AN ACT authorizing the County of Westchester to accept an easement from the State of New

York in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound in the vicinity of Playland Park.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PARKS & ENVIRONMENT

SI. 26.2024-69 BOND ACT-BLR2E-Labs & Research Equipment Acquisition '21-'25

A BOND ACT authorizing the issuance of ONE MILLION, SIX HUNDRED NINETY-TWO THOUSAND (\$1,692,000) DOLLARS in bonds of Westchester County to finance Capital Project BLR2E - Labs & Research Equipment Acquisition '21-'25.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HUMAN SERVICES

SI. 27.2024-70 PH-Term Lengths and Timing of Elections for Westchester County Legislator and County Executive

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive." [Public Hearing set for _____, 2024 at _____, .m.]. LOCAL LAW INTRO: 2024-72.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

SI. 28.2024-71 LOCAL LAW-Term Lengths and Timing of Elections for Westchester County Legislator and County Executive

A LOCAL LAW amending Chapter 107 and 110 of the Laws of Westchester County to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

B. COUNTY ATTORNEY

C. LEGISLATORS

1. 2024-57 HON. CATHERINE F. PARKER - Memo of Legislation - A law to authorize the exchange real property

A MEMO OF LEGISLATION to authorize the conveyance of a 13.4 acre parcel of real property currently owned by the County (County Parcel) to the Westchester Joint Water Works (WJWW) in exchange for a 13.4 acre parcel of real property currently owned by WJWW (WJWW Parcel).

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

2. 2024-58 HON. MARGARET A. CUNZIO - Request for Removal from Saw Mill Sanitary Sewer District - 485 Chappaqua Rd., Chappaqua.

Forwarding a request from the Town of Mt. Pleasant for the removal of property (485 Chappaqua Rd., Chappaqua) from the Westchester County Saw Mill Sanitary Sewer District.

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS &

TRANSPORTATION**SI. 3. [2024-72](#) LEGISLATORS NOLAN & WOODSON-SAMUELS - Memo of Leg. - Restoration of Street Surfaces After Excavation**

A Memo of Legislation requiring that within 60 days of completing work requiring the excavation of any county road, sidewalk or parkway that the same be fully restored from curb to curb.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION

SI. 4. [2024-73](#) HON. CATHERINE F. PARKER - Memo of Leg. - Utility Poles on County Road Rights-of-Way

A Memo of Legislation to create a law requiring utility companies that utilize Westchester County road right-of-way to remove their lines and equipment from damaged poles in a timely manner.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION

SI. 5. [32024-74](#) LEGISLATORS TUBIOLO & WOODSON-SAMUELS - Memo of Leg. - Prohibit Illegal Dumping

A Memo of Legislation to prohibit dumping of any kind including commercial and household waste upon any county owned street, lot, park, public place or other areas, public or privately owned. Such dumping would be punished with criminal and/or civil penalties. The law should be modeled after City of Yonkers Code Park VIII Chapter 91, Section 38.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION

SI. 6. [2024-75](#) HON. DAVID IMAMURA - Memo of Leg - Free Daycare for Childcare Workers

A Memo of Legislation to provide free childcare to any county resident who is employed as a childcare worker in Westchester County.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HUMAN SERVICES

D. OTHERS**1. [2024-56](#) CLERK OF THE BOARD - 2023 Annual Report - Westchester County Clerk**

Forwarding the 2023 Annual Report from the Westchester County Clerk.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

SI. 2. [2024-68](#) CLERK OF THE BOARD - Westchester Joint Water Works (WJWW) Request

Forwarding correspondence from the Westchester Joint Water Works (WJWW) requesting approval of the exchange transaction for construction of a filtration plant in the Town of Harrison.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION, AND PARKS & ENVIRONMENT

II. NOTICES & PETITIONS

SI. 1. [2024-77](#) COMM-Executive Order No. 1 of 2024 - Robert's Rules of Order

Forwarded by the County Executive, Executive Order No. 1-2024, ordering all County boards and commissions, their committees and subcommittees, excluding the County Board of Legislators and its committees and subcommittees, shall follow Robert's Rules of Order, Newly Revised 12th Edition, as their parliamentary or procedural authority.

FOR INFORMATIONAL PURPOSES - NO COMMITTEE REFERRAL NECESSARY

III. STANDING COMMITTEES

1. [2024-3](#) IMA-Project STRIV-Putnam Northern Westchester BOCES

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with Putnam Northern Westchester BOCES pursuant to which BOCES will coordinate and present a portion of the Bureau of Justice Assistance's STOP School Violence Program by implementing Project Schools Transforming Real Interventions to Violence.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

ACT _____ - 2024

VOTE _____

2. [2024-8](#) BOND ACT-B0126-Generator Systems Replacement, Grasslands Campus

A BOND ACT authorizing the issuance of THREE HUNDRED EIGHTY THOUSAND (\$380,000) DOLLARS in bonds of Westchester County to finance Capital Project B0126 - Generator Systems Replacement, Grasslands Campus.

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

BOND ACT _____ - 2024

VOTE _____

3. [2024-28](#) BOND ACT-BPS37-New Stop DWI Simulator, BPS39-Helicopter Airborne Camera

A BOND ACT authorizing the issuance of ONE MILLION, FOUR THOUSAND (\$1,004,000) DOLLARS in bonds of Westchester County to finance Capital Projects BPS37 - New Stop DWI Simulator and BPS39 - Helicopter Airborne Camera.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC

SAFETY**BOND ACT _____ - 2024** **VOTE _____****4. [2024-29](#) BOND ACT-BES25-Replacement of Fire Engine Pumper Truck, BES26-Mobile Emergency Communications Unit**

A BOND ACT authorizing the issuance of THREE MILLION, TWO HUNDRED THOUSAND (\$3,200,000) DOLLARS in bonds of Westchester County to finance Capital Projects BES25 - Replacement of Fire Engine Pumper Truck and BES26 - Mobile Emergency Communications Unit.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

BOND ACT _____ - 2024 **VOTE _____****5. [2024-30](#) BOND ACT-B0125-Infrastructure Rehab., Record Center, Elmsford**

A BOND ACT authorizing the issuance of THREE HUNDRED FIFTY THOUSAND (\$350,000) DOLLARS in bonds of Westchester County to finance Capital Project B0125 - Infrastructure Rehabilitation, Record Center, Elmsford.

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

BOND ACT _____ - 2024 **VOTE _____****SI. 6. [2024-9](#) BOND ACT-A0139-Fuel Farm Improvements**

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

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

BOND ACT _____ - 2024 **VOTE _____****SI. 7. [2024-10](#) BOND ACT-A0142-U.S. Customs and Border Protection Fac. and West Side Deicing Ramp**

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.

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

BOND ACT _____ - 2024 **VOTE _____****SI. 8. [2024-11](#) BOND ACT-A0147-Terminal Systems Infrastructure**

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.

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

BOND ACT _____ - 2024

VOTE _____

SI. 9. [2024-20](#)

ACT - Amend Outside Counsel Agreement with The Wicks Group, PLLC

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional SEVENTY-FIVE THOUSAND (\$75,000) DOLLARS.

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

ACT _____ - 2024

VOTE _____

SI. 10. [2024-26](#)

BOND ACT-SBB16-Blind Brook WRRF Effluent Forcemain

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.

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

BOND ACT _____ - 2024

VOTE _____

SI. 11. [2024-27](#)

BOND ACT-SW034-Heavy Equipment and Vehicle Replacement

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

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

BOND ACT _____ - 2024

VOTE _____

SI. 12. [2024-35](#)

ACT-Peekskill Release of Reverter

AN ACT authorizing the County of Westchester to (i) consent to the release of a reverter clause contained in a deed from the County of Westchester to the City of Peekskill dated March 16, 1978, with respect to approximately 2.3 acres of land located at 701 Washington Street in the City of Peekskill, and (ii) to execute a release of the right of reverter for the parcel.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND HOUSING & PLANNING

ACT _____ - 2024

VOTE _____

SI. 13.2024-37 ACT - Lawsuit Settlement of Bocek v County of Westchester

AN ACT authorizing the County Attorney to settle the lawsuit of John Bocek and Tonya Bocek v County of Westchester, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND (\$175,000) DOLLARS, inclusive of attorney's fees.

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

ACT _____ - 2024

VOTE _____

SI. 14.2024-59 RESO - 2024 Joint State Legislative Package

A Resolution forwarding the Westchester County 2024 Joint State Legislative Package to the County's State Delegation for consideration during the current legislative session.

SUBMITTED BY: COMMITTEE ON LEGISLATION

RESOLUTION _____ - 2024

VOTE _____

IV. SPECIAL ORDERS

MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS

1. 2024-41 Memorial Resolutions 2024-2

HON. JOSE I. ALVARADO: James Beirne

HON. NANCY BARR: Stanley Marvin Sheppard

HON. BEN BOYKIN: Sister Kristin Donworth, RDC

HON. MARGARET A. CUNZIO: John J. Magaletta, Michael McLaughlin, Genevieve Marie Chenet

HON. VEDAT GASHI AND ALL LEGISLATORS: Patricia Schipf

HON. DAVID J. TUBIOLO: Luigi Ferri

ADJOURNMENT

Next Meeting: March 4, 2024 at 7pm.

Westchester County

George Latimer
County Executive

January 17, 2024

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

Honorable Members:

Pursuant to Chapter 209 of the Laws of Westchester County, enclosed for filing please find a copy of my written consent to accept a gift of a check in the amount of \$5,000 from Enbridge Inc. This gift will be used by the Westchester County Department of Emergency Services to purchase a flammable gas detection device.

Acceptance of this gift requires no expenditure of County capital or non-recurring funds to house or make it operative.

Respectfully submitted,



George Latimer
County Executive

GL/RW/jpg

Office of the County Executive

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

Telephone: (914)995-2900

Westchester County

George Latimer
County Executive

January 17, 2024

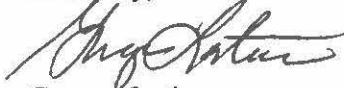
Timothy Sullivan
Sr. Advisor, Stakeholder Engagement
Public Affairs, Communications & Sustainability
Enbridge, Inc.
890 Winter Street, Suite 300
Waltham, MA 02451

Dear Mr. Sullivan:

Pursuant to Chapter 209 of the Laws of Westchester County, I hereby consent to the County's acceptance of a check in the amount of \$5,000 from Enbridge Inc. This gift will be used by the Westchester County Department of Emergency Services to purchase a flammable gas detection device.

On behalf of the citizens of Westchester County, I thank you and Enbridge, Inc. for your generosity.

Sincerely,



George Latimer
County Executive

GL/RW/jpg

Office of the County Executive

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

Telephone: (914)995-2900

FISCAL IMPACT STATEMENT

SUBJECT: Enbridge, Inc.

☒ 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 \$ 5,000

Total Current Year Revenue \$ 5,000

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

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 263 20 Y083 9856 (2023) and 263 20 Y083 2400 (2024)

Potential Related Operating Budget Expenses: Annual Amount \$5,000

Describe: Purchase flammable gas detection device for pipeline safety

Potential Related Operating Budget Revenues: Annual Amount \$5,000

Describe: Applied for and received \$5,000 check for the Enbridge Fueling Futures

Safe Community First Responder Program to purchase a flammable gas detection device

for pipeline safety

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Julia Criscitelli

Title: Budget Specialist III

Department: Emergency Services

Date: December 20, 2023

Reviewed By: *[Signature]*

Budget Director

Date: 1/11/24

Subject: FW: We've approved your Enbridge Fueling Futures grant request! (Ref#2023090253)
Attachments: Enbridge Fueling Futures Application.pdf; FW: [External] Inviting your application for the Enbridge Safe Community First Responder Grant program; Enbridge-Benevity Check \$5,000.pdf

From: noreply.grants@benevity.com <noreply.grants@benevity.com>
Sent: Thursday, October 26, 2023 12:06 PM
To: Criscitelli, Julia <jjcv@westchestercountyny.gov>
Subject: We've approved your Enbridge Fueling Futures grant request! (Ref#2023090253)

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the Help Desk.

Hello Julia,

We are happy to inform you that Enbridge has approved your Fueling Futures grant request in the amount of \$5,000.00 to Westchester County Department of Emergency Services for flammable gas detection device. The funds will arrive via a check from The American Online Giving Foundation in December.

By collaborating with community leaders like you, we're Fueling Futures. Together we're energizing communities through initiatives that strengthen community safety, vibrancy and sustainability. Enbridge is proud to support local priorities that make positive and lasting impacts in our communities.

We'd be honored if you shared your story on the social media channel of your choice or with your local media. We invite you to tag us using @Enbridge or the hashtag #ENBFuelingFutures so we can help spread the word.

Sincerely,

Enbridge

We're working to make tomorrow safer, more vibrant and sustainable.

Westchester County

George Latimer
County Executive

January 22, 2024

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")

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
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**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 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 #: 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 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 271,055

Total Debt Service (Annual Cost x Term): \$ 1,355,275

Finance Department: Interest rates from January 9, 2024 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: 1/22/24

Reviewed By: 

Budget Director

Date: 1/23/24

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 PURCHASE AND INSTALLATION OF REPLACEMENT BUS SHELTERS AND OTHER BUS STOP RELATED IMPROVEMENTS; STATING THE ESTIMATED TOTAL 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 purchase and installation of replacement bus shelters and other bus stop related improvements for the Airport/Department of Transportation, 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 \$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.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 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 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 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 PURCHASE AND INSTALLATION OF REPLACEMENT BUS SHELTERS AND OTHER BUS STOP RELATED IMPROVEMENTS; STATING THE ESTIMATED TOTAL 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 on _____, 20_____)

object or purpose: to finance the cost of the purchase and installation of replacement bus shelters and other bus stop related improvements for the Airport/Department of Transportation, 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

☐ 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.

☒ 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	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:

☐ County Staff

☒ Consultant

☐ 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.

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 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 108,422

Total Debt Service (Annual Cost x Term): \$ 542,110

Finance Department: Interest rates from January 9, 2024 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: 1/22/24


Reviewed By: 

1/22/24

Budget Director

Date: 1/23/24

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

☐ 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.

☒ 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	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:

☐ 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

08-22-2023

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

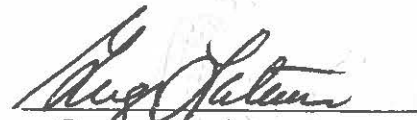
The impact on the Operating Budget is the debt service associated with the issuance of bonds.

George Latimer
County Executive

WHEREAS, the term of Hon. Richard Wishnie, as a member of the Westchester County Police Board, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Hon. Richard Wishnie, 83B Heritage Hills, Somers, New York as a member of the Westchester County Police Board, for the term January 2, 2024 to December 31, 2026.

Given under my hand
and seal this 2nd day
of January, 2024.


George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Westchester County

George Latimer
County Executive

January 2, 2024

Mr. Richard Wishnie
83B Heritage Hills
Somers, NY 10589

Dear Mr. Wishnie,

It is my pleasure to reappoint you to serve as a member of the Police Advisory Board, effective today, Tuesday, January 2, 2024. This appointment is for a term to expire on December 31, 2026.

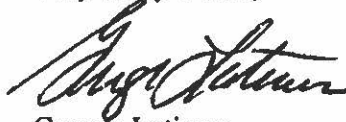
Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office within 30 days, either by appearing at the County Clerk's office or mailing the signed and notarized form to our office.

When you have filed your Oath of Office, a Resolution to confirm your reappointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
Terrance Raynor, Commissioner, Dept. of Public Safety
Joan McDonald, Director of Operations

Office of the County Executive

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

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

westchestercountyny.gov

2023 ATTENDANCE RECORDS: POLICE ADVISORY BOARD

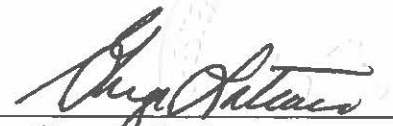
NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
Leroy Frazer	X	X	X	X	X	X	X	X	X	X	X	X	
Richard Wishnie	X	X	X	X	X	A	X	X	X	A	X	X	
Peter Kamensten	X	X	X	X	X	A	X	X	X	X	X	X	
Robert Tucker	X	X	X	A	X	A	X	X	X	X	A	A	
Paul Hood	A	X	X	X	A	A	A	X	X	X	X	X	
Carola Bracco	X	X	X	X	X	X	A	X	X	A	X	X	
Olney Reynolds	X	X	X	X	X	X	A	X		X	X	X	
Lori Belfiore	X	A	X	X	X	A	A	X	n/a	n/a	n/a	n/a	resigned a Frazer
Fernando Mateo	X	1/24/23-last meeting, resigned.											
R = remote Webex X = attended A = absent E = excused C = meeting cancelled													
DID NOT HAVE A QUORUM													

George Latimer
County Executive

WHEREAS, the term of Robert Tucker, Esq., as a member of the Westchester County Police Board, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Robert Tucker, Esq., 80 Morris Lane, Scarsdale, New York as a member of the Westchester County Police Board, for the term January 1, 2024 to December 31, 2026.

Given under my hand
and seal this 1st day
of January, 2024.


George Latimer
County Executive

Westchester County

George Latimer
County Executive

December 29, 2023

Mr. Robert Tucker, Esq.
80 Morris Lane
Scarsdale, NY 10583

Dear Mr. Tucker,

It is my pleasure to reappoint you to serve as a member of the Police Advisory Board, effective, January 1, 2024. This appointment is for a term to expire on December 31, 2026.

Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office within 30 days, either by appearing at the County Clerk's office or mailing the signed and notarized form to our office.

When you have filed your Oath of Office, a Resolution to confirm your reappointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
Terrance Raynor, Commissioner, Dept. of Public Safety
Joan McDonald, Director of Operations

Office of the County Executive

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

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

westchestercountyny.gov

2023 ATTENDANCE RECORDS: POLICE ADVISORY BOARD

NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
Leroy Frazer	X	X	X	X	X	X	X	X	X	X	X	X	
Richard Wishnie	X	X	X	X	X	A	X	X	X	A	X	X	
Peter Kamensten	X	X	X	X	X	A	X	X	X	X	X	X	
Robert Tucker	X	X	X	A	X	A	X	X	X	X	A	A	
Paul Hood	A	X	X	X	A	A	A	X	X	X	X	X	
Carola Bracco	X	X	X	X	X	X	A	X	X	A	X	X	
Olney Reynolds	X	X	X	X	X	X	A	X		X	X	X	
Lori Belfiore	X	A	X	X	X	A	A	X	n/a	n/a	n/a	n/a	resigned c Frazer
Fernando Mateo	X			1/24/23-last meeting, resigned.									
<div>R = remote Webex X = attended A = absent E = excused C = meeting cancelled</div>													
DID NOT HAVE A QUORUM													

COUNTY OF WESTCHESTER
OATH OF OFFICE
For Appointees to County Boards and Commissions

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

I, Robert S. Tucker do solemnly swear (or affirm) that I will support
(Print or Type Name)

the constitution of the United States, and the constitution of the State of New York, and that I will faithfully
discharge the duties of the office of Police Board Commissioner and for the
(Print or Type Board Name)

County of Westchester, according to the best of my ability.

Date: 1/17/24 Robert S. Tucker
(Signature)

Sworn to and subscribed before me this <u>17th</u> day of <u>January</u> , <u>2024</u> .
<u>Meryl Lutsky</u> (Signature)
<u>Meryl Lutsky</u> (Print or Type Name)
Meryl A. Lutsky Notary Public State of New York No. 02108408897 Qualified in Queens County Commission Expires 10-13-2024
(Title of Official Administering Oath)

Mail original Oath of Office to Office to Andrew Ferris, Office of the County Executive, 148 Martine Ave., Room 916D, White Plains, NY 10601 for filing within thirty (30) days of the commencement of the term of office or the notice of appointment.




George Latimer
County Executive

WHEREAS, the term of Dr. Rosemary Uzzo, as a member of the Westchester County Council for Seniors, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Dr. Rosemary Uzzo, 248 Park Hill Avenue, Yonkers, New York as the District 17 representative member of the Westchester County Council for Seniors, for the term January 2, 2024 to December 31, 2025.

Given under my hand
and seal this 2nd day
of January, 2024.



George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Westchester County

George Latimer
County Executive

January 2, 2024

Dr. Rosemary Uzzo
248 Park Hill Avenue
Yonkers, NY 10710

Dear Dr. Uzzo,

It is my pleasure to reappoint you to serve as the Legislative District 17 representative on the Westchester County Council for Seniors, effective today, Tuesday, January 2, 2024, pursuant to the Laws of Westchester County § 157.03. This reappointment is for a term to expire on December 31, 2025.

Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office and file it with the County Clerk prior to the next Council for Seniors meeting, and provide this office with a copy within 30 days, please contact the Westchester County Department of Senior Programs and Services at (914) 813-6435 for the date, place, and time of the upcoming Council for Seniors meeting for your participation.

When you have filed your Oath of Office, a Resolution to confirm your reappointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GS/ts

cc: Honorable Board of Legislators
Mae Carpenter, Commissioner, Department of Senior Services
Joan McDonald, Director of Operations

Office of the County Executive

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

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

westchestercountyny.gov

Attendance*				2023							
Title	First Name	Last Name	District	2-Feb	2-Mar	6-Apr	1-Jun	6-Jul	5-Oct	2-Nov	6-Dec
-	-	-	1	Vacant							
Ms.	Theresa	McNair	2	No	No	No	No	No	No	No	No
Ms.	Susan	Geffen	3	√	√	Excused	√	Excused	Excused	√	Excused
Ms.	Terry	Clifford	4	No	No	No	√	No	No	No	√
Mr.	Elio	Guiliani	5	nominated Fall 23					√	√	√
Ms.	Judy	Fink	6	nominated Feb 23	√	√	√	√	√	√	√
Ms.	Lynn	Reichgott	7	excused	√	No	√	Excused	No	No	√
Ms.	Lola	Hunter	8	No	No	No	No	No	No	No	No
Hon.	Ann	Gallelli	9	No	Excused	No	No	No	No	No	No
Ms.	Bea	Brown	10	No	No	No	No	No	√	√	No
Mr.	Edward	Doty	11	√	√	√	√	√	√	√	Excused
-	-	-	12	Vacant							
Ms.	Edith	Charles	13	√	√	No	No	√	√	No	No
Mr	Francis	Lombardi	14	√	√	√	√	Excused	√	Excused	√
Dr.	Ammir	Rabadi	15	No	No	No	No	No	No	No	No
Ms.	Muriel	Fuller	16	√	No	√	√	No	√	No	√
Dr.	Rosemary	Uzzo	17	√	√	√	√	√	No	√	√

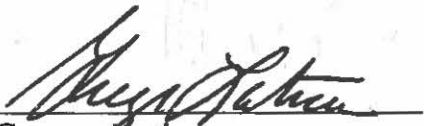


George Latimer
County Executive

WHEREAS, the term of Terry Clifford, as a member of the Westchester County Council for Seniors, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Terry Clifford, 642-C Heritage Hills, Somers, New York as the District 4 representative member of the Westchester County Council for Seniors, for the term January 1, 2024 to December 31, 2025.

Given under my hand
and seal this 1st day
of January, 2024.



George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Westchester County

George Latimer
County Executive

December 29, 2023

Ms. Terry Clifford
642-C Heritage Hills
Somers, NY 10589

Dear Ms. Clifford, *Terry*

It is my pleasure to reappoint you to serve as the Legislative District 4 representative for the Westchester County Council for Seniors, effective, January 1, 2024, pursuant to the Laws of Westchester County § 157.03. This appointment is for a term to expire on December 31, 2025.

Your appointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office and file it with the County Clerk prior to the next Board of Ethics meeting, and provide this office with a copy within 30 days.

When you have filed your Oath of Office, a Resolution to confirm your appointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed. Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
Mae Carpenter, Commissioner, Dept. of Seniors Services
Joan McDonald, Director of Operations

Office of the County Executive
Michaelian Office Building
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Telephone: (914)995-2900

westchestercountyny.gov

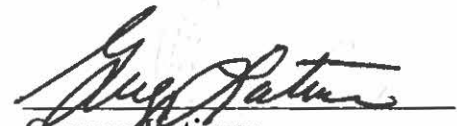
Attendance*				2023							
Title	First Name	Last Name	District	2-Feb	2-Mar	6-Apr	1-Jun	6-Jul	5-Oct	2-Nov	6-Dec
-	-	-	1	Vacant							
Ms.	Theresa	McNair	2	No	No	No	No	No	No	No	No
Ms.	Susan	Geffen	3	√	√	Excused	√	Excused	Excused	√	Excused
Ms.	Terry	Clifford	4	No	No	No	√	No	No	No	√
Mr.	Elio	Guiliani	5	nominated Fall 23					√	√	√
Ms.	Judy	Fink	6	nominated Feb 23	√	√	√	√	√	√	√
Ms.	Lynn	Reichgott	7	excused	√	No	√	Excused	No	No	√
Ms.	Lola	Hunter	8	No	No	No	No	No	No	No	No
Hon.	Ann	Gallelli	9	No	Excused	No	No	No	No	No	No
Ms.	Bea	Brown	10	No	No	No	No	No	√	√	No
Mr.	Edward	Doty	11	√	√	√	√	√	√	√	Excused
	-	-	12	Vacant							
Ms.	Edith	Charles	13	√	√	No	No	√	√	No	No
Mr	Francis	Lombardi	14	√	√	√	√	Excused	√	Excused	√
Dr.	Ammir	Rabadi	15	No	No	No	No	No	No	No	No
Ms.	Muriel	Fuller	16	√	No	√	√	No	√	No	√
Dr.	Rosemary	Uzzo	17	√	√	√	√	√	No	√	√

George Latimer
County Executive

WHEREAS, the term of Francesca Hagadus, as a member of the Westchester County Advisory Council on People with Disabilities, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Francesca Hagadus, 24 Brentwood Drive, Pleasantville, New York as a member of the Westchester County Advisory Council on People with Disabilities, for the term January 1, 2024 to December 31, 2025.

Given under my hand
and seal this 1st day
of January, 2024.



George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Westchester County

George Latimer
County Executive

December 28, 2023

Ms. Francesca Hagadus
24 Brentwood Drive
Pleasantville, NY 10570

Dear Ms. Hagadus,

It is my pleasure to reappoint you to serve as a member of the Advisory Council on People with Disabilities Board, effective, January 1, 2024. This appointment is for a term to expire on December 31, 2025.

Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office within 30 days, either by appearing at the County Clerk's office or mailing the signed and notarized form to our office.

When you have filed your Oath of Office, a Resolution to confirm your reappointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed. Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
Evan Latainer, Director, Office for People with Disabilities
Joan McDonald, Director of Operations

Office of the County Executive

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

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

westchestercountyny.gov

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 11-29-23

Chairperson: Carin H.

Location: MOBI / virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	Y(v)
Kenny Burr	Advocate	kennyburr123@gmail.com	N (medical)
Ann Chiappetta	Advocate	anniecms64@gmail.com	N/A
Jackie Fowler	Advocate	jfowler8@verizon.net	N/A
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y(v)
Marni Marron	Advocate	mvmarron@gmail.com	N
Geri Mariano	Advocate	geri@justcallmegeri.com	Y(v)
Liz Mark	Advocate	lizsma@optonline.net	Y(v)
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y(v)
Maria Samuels	Advocate	marias@wdom.org	N
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y(v)
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	N
Francesca Hagadus	Advocate	francescah728@gmail.com	Y(v)
Terry DeGatano	Advocate	sunshyny53@aol.com	Y(v)
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y(v)
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y(v)
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	N
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y(v)
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

GUESTS KATRY O'CONNOR WC DEPT. PARKS + RECREATION
 PETE TARTAGLIA WC DEPT. PARKS + RECREATION
 PARENT ADVOCATE

Y(v)

Y

Virtual/In-Person/No Attendance November 29, 2023 Meeting

+ - Accepted Invitation

Virtual Attendance:

+ Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

+ Dennis Delborgo: 4 Dana Road Valhalla, NY

+ Carin Horowitz 18 Cross Way Purdys ny 10578

Liz Mark: 77 Jared Drive, White Plains NY 10605

+ Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

In Person:

Millie Becker

+ Tara Conte

+ Michael Gilberg *r/A virtual*

Evan Latainer

+ Martha Lopez

Anna Masopust

+ Shari Rosen Ascher

+ Jeff Zitofsky

No Response and/or Didn't provide From Where They Are Attending:

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

+ Francesca Hagadus: 24 Brentwood Drive Pleasantville NY – Accepted but hasn't said if she is joining virtually or coming in person.

Geri Mariano: 6 Agnew Farm Road, Apt 1 Armonk, NY 10504

+ Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

Not Attending:

+ Patrick Bardsley: 199 Tompkins Avenue Pleasantville, NY 10570

+ Marni Marron

+ Maria Samuels: WDOM 984 North Broadway, Suite 400 Yonkers, NY 10701

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 10-25-23

Chairperson: CARIN HOROWITZ

Location: MOB1/VIRTUAL

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	Y✓
Kenny Burr	Advocate	kennyburr123@gmail.com	N
Ann Chiappetta	Advocate	anniecms64@gmail.com	N
Jackie Fowler	Advocate	jfowler8@verizon.net	N
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y✓
Marni Marron	Advocate	mvrmaron@gmail.com	N
Geri Mariano	Advocate	geri@justcallmejeri.com	N
Liz Mark	Advocate	lizsma@optonline.net	Y✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y✓
Maria Samuels	Advocate	marias@wdom.org	Y✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	N
Francesca Hagadus	Advocate	francescah728@gmail.com	Y✓
Terry DeGatano	Advocate	sunshyny53@aol.com	Y✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	N
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jimza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y✓
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y✓
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	N
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Jeremiah FREI- Pearson Guest speaker

Y✓

Virtual/No Attendance/In-Person October 25, 2023 Meeting

Virtual Attendance:

Patrick Bardsley: 199 Tompkins Avenue Pleasantville, NY 10570

Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

Dennis Delborgo: 4 Dana Road Valhalla, NY

Geri Mariano: 6 Agnew Farm Road, Apt 1 Armonk, NY 10504

Liz Mark: 77 Jared Drive, White Plains NY 10605

Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

Maria Samuels: WDOM 984 North Broadway, Suite 400 Yonkers, NY 10701

Not Attending:

Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

In Person:

Tara Conte

Carin Horowitz

Michael Gilberg

Evan Latainer

Martha Lopez

Anna Masopust

Shari Rosen Ascher

No Response:

() = from whom we are waiting to hear.

(Francesca Hagadus: 24 Brentwood Drive Pleasantville NY)

Marni Marron

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 9-27-23

Chairperson: Carin Horowitz

Location: MOBI / virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	N
Kenny Burr	Advocate	kennyburr123@gmail.com	N
Ann Chiappetta	Advocate	anniecms64@gmail.com	N
Jackie Fowler	Advocate	jfowler8@verizon.net	N
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y ✓
Marni Marron	Advocate	mvmarron@gmail.com	N
Geri Mariano	Advocate	geri@justcallmegeri.com	Y ✓
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y ✓
Maria Samuels	Advocate	marias@wdom.org	N
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y ✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y ✓
Francesca Hagadus	Advocate	francescah728@gmail.com	Y ✓
Terry DeGatano	Advocate	sunshyny53@aol.com	Y ✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	N
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	N
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jimza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y ✓
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y ✓
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	N
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Virtual/No Attendance/In-Person September 27, 2023 Meeting

Virtual Attendance:

Patrick Bardsley: 199 Tompkins Avenue Pleasantville, NY 10570

Ann Chiappetta: 2261 Palmer Ave, New Rochelle, NY 10801

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

Dennis Delborgo: 4 Dana Road Valhalla, NY

Francesca Hagadus: 24 Brentwood Drive Pleasantville NY

Geri Mariano: 6 Agnew Farm Road, Apt 1 Armonk, NY 10504

Liz Mark: 77 Jared Drive, White Plains NY 10605

Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

Dr. Amler ?

Not Attending:

Shari Rosen Ascher

Martha Lopez

Marni Marron

Maria Samuels

In Person:

Tara Conte

Michael Gilberg

Evan Latainer

Anna Masopust

Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

No Response:

Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 7-27-23

Chairperson: C. Horowitz

Location: mo31 / virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	Y V
Kenny Burr	Advocate	kennyburr123@gmail.com	~
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y V
Jackie Fowler	Advocate	jfowler8@verizon.net	~
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y
Marni Marron	Advocate	mvmarron@gmail.com	Y
Geri Mariano	Advocate	geri@justcallmeeri.com	~
Liz Mark	Advocate	lizsma@optonline.net	Y V
Lucille Rossi	Advocate	lucillerossi@gmail.com	~
Maria Samuels	Advocate	marias@wdom.org	Y V
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y V
Francesca Hagadus	Advocate	francescah728@gmail.com	Y V
Terry DeGatano	Advocate	sunshyny53@aol.com	Y V
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y V
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	~
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	Y V
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	~
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	~
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	Y V
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y V
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Guests
Tajan Nelson

Board of Elections
Commissioner Democratic
Deputy 11 Republican

Y V

Virtual and No Attendance July 27, 2023 Meeting

Virtual Attendance:

Patrick Bardsley: Phone via his car

Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

Ann Chiappetta: 2261 Palmer Ave, New Rochelle, NY 10801

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

Liz Mark: 77 Jared Drive, White Plains NY 10605

Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

Maria Samuels: 984 North Broadway, Yonkers

Not Attending:

Dr. Amler

Dennis Delborgo

Geri Mariano

Westchester County Council for People with Disabilities

Attendance / Sign In


Date: 6-28-23

Chairperson: C Horowitz

Location: MOB 1 / virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	
Kenny Burr	Advocate	kennyburr123@gmail.com	
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y ✓
Jackie Fowler	Advocate	jfowler8@verizon.net	
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y ✓
Marni Marron	Advocate	mvmarron@gmail.com	
Geri Mariano	Advocate	geri@justcallmegeri.com	
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y ✓
Maria Samuels	Advocate	marias@wdom.org	Y ✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y ✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y ✓
Francesca Hagadus	Advocate	francescah728@gmail.com	Y ✓
Terry DeGatano	Advocate	sunshyny53@aol.com	
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	N
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	
Nancy Barr	WC Board of Legislators	Neb7@westchestergov.com	Y ✓
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Westchester Cty. Advisory Council Mtg. for People with Disabilities

	Name	Date
1	Shari Aschen	6-28-23
2	Martha Lopez	
3	Carin Horowitz	
4	Tara Conte	
5	Debbie Friedman	
6	Liz Mark	
7	Francesca Magagnoli	
8	Patrick Bandsley	
9	Lucille Rossi	
10	Michael Gilberg	
11	Maria Samuels	
12	Annie Chiappetta	
13	Nancy Barr	
14	Marni Maxxon	
15		
16		
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20		

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 5-24-21

Chairperson: Carin Horowitz =

Location: MOB1

Name	Organization	Email	Attended Y / N V - virtual
Dillon Browne	Advocate	Browned@mhawestchester.org	Y Y ✓
Kenny Burr	Advocate	kennyburr123@gmail.com	~
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y ✓
Jackie Fowler	Advocate	jfowler8@verizon.net	~
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y ✓
Marni Marron	Advocate	mvmarron@gmail.com	~
Geri Mariano	Advocate	geri@justcallmegeri.com	Y ✓
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y ✓
Maria Samuels	Advocate	marias@wdom.org	Y ✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y ✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	~
Francesca Hagadus	Advocate	francescah728@gmail.com	~
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	~
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	~
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	~
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y ✓
Ellen Hendrickx	Westchester County CE	eph@westchestergov.com	~
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	~
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	~
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Virtual and Non-Attendance for 5.24.23

Virtual:

Annie Chiappetta: 2261 Palmer ave New Rochelle, NY

Dennis Delborgo: 200 Bradhurst Ave Hawthorne, NY

Michael Gilbert: Will be driving in his car

Geri Mariano: 6 Agnew Farm Road, Apt 1, Armonk. 10504

Liz Mark: 77 Jared Drive, White Plains 10605

Lucille Rossi: 181 Croton Avenue Mount Kisco ny 10549

Maria Samuels: 984 N Bway, Yonkers NY

Not Attending:

Patrick Bardsley

Francesca Hagadus

Michael Orth

Marni Marron

Nancy Barr

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 4-26-23

Chairperson: C. Horowitz =

Location: _____

Name	Organization	Email	Attended Y / N
Dillon Browne	Advocate	Browned@mhawestchester.org	Y (✓)
Kenny Burr	Advocate	kennyburr123@gmail.com	N
Ann Chiappetta	Advocate	anniecms64@gmail.com	N
Jackie Fowler	Advocate	jfowler8@verizon.net	N
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y
Marni Marron	Advocate	mvmarron@gmail.com	Y (✓)
Geri Mariano	Advocate	geri@justcallmegeri.com	N
Liz Mark	Advocate	lizsma@optonline.net	Y (✓)
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y (✓)
Maria Samuels	Advocate	marias@wdom.org	N
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y (✓)
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y (✓)
Francesca Hagadus	Advocate	francescah728@gmail.com	Y (✓)
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jimza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	amini@westchestergov.com	N
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y (✓)
Ellen Hendrickx	Westchester County CE	ephh@westchestergov.com	N
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	N
Nancy Barr	WC Board of Legislators	Neb7@westchestergov.com	
Debbie Friedman	WC BOL	dnfa@westchestergov.com	
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Cindy Peterson-Dona GUEST
Bonda Speight-Mo " "

Y (✓)
✓ (✓)

Virtual Attendance:

Carin Horowitz: 18 Cross Way Purdys, NY 10578

Geri Mariano: 6 Agnew Farm Road, Apt 1, Armonk. 10504

Patrick Bardsley: Port Washington. 366 Main Street, Port Washington, NY, 11050

Liz Mark: 77 Jared Drive, White Plains 10605

Dennis Delborgo: 200 Bradhurst Ave Hawthorne, NY

Lucille Rossi: 181 Croton Avenue Mount Kisco ny 10549

Not Attending:

Annie Chiappetta

Maria Samuels

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 3-22-23

Chairperson: C. Horowitz =

Location: MOB / virtual

Name	Organization	Email	Attended Y / N
Dillon Browne	Advocate	Browned@mhawestchester.org	Y ✓
Kenny Burr	Advocate	kennyburr123@gmail.com	
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y ✓
Jackie Fowler	Advocate	jfowler8@verizon.net	
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y
Marni Marron	Advocate	mvmarron@gmail.com	Y
Geri Mariano	Advocate	geri@justcallmegeri.com	Y ✓
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	
Maria Samuels	Advocate	marias@wdom.org	~
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	~
Francesca Hagadus	Advocate	francescah728@gmail.com	Y ✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	~
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jinza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	~
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	Y ✓
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	Y ✓
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y ✓
Ellen Hendrickx	Westchester County CE	eph@westchestergov.com	~
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	~
Nancy Barr	WC Board of Legislators	Neb7@westchestergov.com	~
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Robi Schlaff
Dorlene Reda

WC OFW
WC OFW

Y ✓
Y ✓

Council Members Attending Virtually:

- 1. Dillon Browne**
127 Garth Road, Scarsdale, NY 10583
- 2. Annie Chiappetta**
2261 Palmer Ave, apt, 1E New Rochelle NY 10801
- 3. Dennis Delborgo**
4 Dana Road Valhalla, NY 10595
- 4. Francesca Hagadus**
24 Brentwood drive Pleasantville
- 5. Liz Mark**
77 Jared Drive, White Plains, NY 10605
- 6. Liz Lucille Rossi**
181 Croton Avenue Mount Kisco, NY 10549
- 7. Michael Orth**
112 East Post Road WP

GENE MARANO
6 Agnes PARTIS RD DANBURG

Council Members not attending:

- 8. Patrick Bardsley**
- 9. Maria Samuels**

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 2-23-23

Chairperson: Carin Horowitz =

Location: Mu31 97th / Victoria

Name	Organization	Email	Attended Y / N V - virtual
Dillon Browne	Advocate	Browned@mhawestchester.org	✓
Kenny Burr	Advocate	kennyburr123@gmail.com	~
Ann Chiappetta	Advocate	anniecms64@gmail.com	✓
Jackie Fowler	Advocate	jfowler8@verizon.net	~
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y
Marni Marron	Advocate	mvmarron@gmail.com	~
Geri Mariano	Advocate	geri@justcallmejeri.com	✓
Liz Mark	Advocate	lizsma@optonline.net	✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	✓
Maria Samuels	Advocate	marias@wdom.org	✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	✓
Francesca Hagadus	Advocate	francescah728@gmail.com	~
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	✓
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	✓
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	~
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	✓
Ellen Hendrickx	Westchester County CE	ephh@westchestergov.com	~
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	~
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	✓
Debbie Friedman	WC BOL	dnfa@westchestergov.com	✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Attending Virtually:

Patrick Bardsley: 199 Tompkins Ave, Pleasantville, NY, 10570.

Dillon Browne: 127 Garth road, Scarsdale NY.

Annie Chiappetta: 2261 Palmer Ave, New Rochelle, NY 10801

Dennis Delborgo: 200 Bradhurst Avenue Hawthorne, NY 10532

Geri Mariano: 6 Agnew Farm Road, Apt #1, Armonk, NY 10504

Liz Mark: 77 Jared Drive, White Plains 10605

Michael Orth: 112 East Post Road – 2nd fl White Plains

Lucille Rossi: 181 Croton Avenue Mount kisco ny

Maria Samuels: 984 North Broadway, Yonkers, NY

Not attending:

Jackie Fowler

Francesca Hagadus: 24 Brentwood Drive Pleasantville NY 10570

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 1-25-23

Chairperson: Carin Horowitz

Location: MOU / WEBEX

Name	Organization	Email	Attended Y / N
Kenny Burr	Advocate	kennyburr123@gmail.com	
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y virtual
Jackie Fowler	Advocate	jfowler8@verizon.net	Y virtual
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y virtual
Marni Marron	Advocate	mvmarron@gmail.com	Y virtual
Geri Mariano	Advocate	geri@justcallmegeri.com	Y virtual
Liz Mark	Advocate	lizsma@optonline.net	Y virtual
Lucille Rossi	Advocate	lucillerossi@gmail.com	
Maria Samuels	Advocate	marias@wdom.org	Y virtual
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	
Francesca Hagadus	Advocate	francescah728@gmail.com	Y virtual
Dillon Browne	Advocate	Browncd@mhawestchester.org	Y virtual
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y virtual
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	Y (Joe Glaizer)
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	Y virtual
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	
Ellen Hendrickx	Westchester County CE	ephh@westchestergov.com	
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y virtual

Latainer, Evan

From: Zitofsky, Jeffrey
ent: Wednesday, January 25, 2023 1:42 PM
o: Latainer, Evan; 'Carin Horowitz'; Salimie Jean; Lopez, Martha
Subject: Virtual Attendance 1.25.23 mtg

Hi,

This is from whom I've heard so far about virtually attending today.

Virtual Attendance for 1.25.23 Meeting

Patrick Bardsley will be on the road from Albany to home if he's able to make it at all.

Annie Chiappetta 2261 Palmer Ave, New Rochelle, NY 10801

Jackie Fowler 527 Elizabeth Road, Yorktown Heights, NY

Liz Mark 77 Jared Drive White Plains, NY 10605

Marni Rabin-Marron

Lucille Rossi 181 Croton Avenue Mount Kisco, NY 10549

Geri Mariano 6 Agnew Farm Road, Apt 1, Armonk 10504



Jeffrey Zitofsky (he/him/his)

Community Work Assistant

Westchester County Office for People with Disabilities

148 Martine Ave Room 102

White Plains, NY 10601

Tel: 914 995 2956 * TTY: 914 995 7397 * Fax: 914 995 2799

jmza@westchestergov.com

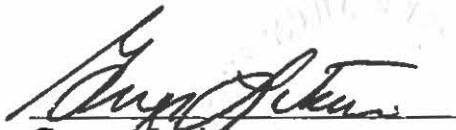


George Latimer
County Executive

WHEREAS, the term of Michael Gilberg, as a member of the Westchester County Advisory Council on People with Disabilities, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Michael Gilberg, P.O. Box 26, Granite Springs, New York as a member of the Westchester County Advisory Council on People with Disabilities, for the term January 1, 2024 to December 31, 2025.

Given under my hand
and seal this 1st day
of January, 2024.



George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Westchester County

George Latimer
County Executive

December 28, 2023

Mr. Michael Gilberg
PO Box 26
Granite Springs, NY 10527

Dear Mr. Gilberg, *Michael*

It is my pleasure to reappoint you to serve as a member of the Westchester County Council for People with Disabilities, effective January 1, 2024. This appointment is for a term to expire on December 31, 2025.

Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office within 30 days, either by appearing at the County Clerk's office or mailing the signed and notarized form to our office.

When you have filed your Oath of Office, a Resolution to confirm your reappointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
Evan Latimer, Director, Office for People with Disabilities
Joan McDonald, Director of Operations

Office of the County Executive

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

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

westchestercountyny.gov

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 11-29-23

Chairperson: Carin H.

Location: MOBI / Virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	Y(v)
Kenny Burr	Advocate	kennyburr123@gmail.com	N (medical)
Ann Chiappetta	Advocate	anniecms64@gmail.com	N/A
Jackie Fowler	Advocate	jfowler8@verizon.net	N/A
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y(v)
Marni Marron	Advocate	mvmarron@gmail.com	N
Geri Mariano	Advocate	geri@justcallmejeri.com	Y(v)
Liz Mark	Advocate	lizsma@optonline.net	Y(v)
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y(v)
Maria Samuels	Advocate	marias@wdom.org	N
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y(v)
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	N
Francesca Hagadus	Advocate	francescah728@gmail.com	Y(v)
Terry DeGatano	Advocate	sunshyny53@aol.com	Y(v)
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y(v)
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y(v)
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	N
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y(v)
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

GUESTS KATRY O'CONNOR WC DEPT. PARKS + RECREATION
 PETE TATYLIA WC DEPT. PARKS + RECREATION
 PARENT ADVOCATE

Y(v)
 Y
 Y

Virtual/In-Person/No Attendance November 29, 2023 Meeting

+ - Accepted Invitation

Virtual Attendance:

+ Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

+ Dennis Delborgo: 4 Dana Road Valhalla, NY

+ Carin Horowitz 18 Cross Way Purdys ny 10578

Liz Mark: 77 Jared Drive, White Plains NY 10605

+ Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

In Person:

Millie Becker

+ Tara Conte

+ Michael Gilberg *r/A virtual*

Evan Latainer

+ Martha Lopez

Anna Masopust

+ Shari Rosen Ascher

+ Jeff Zitofsky

No Response and/or Didn't provide From Where They Are Attending:

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

+ Francesca Hagadus: 24 Brentwood Drive Pleasantville NY – Accepted but hasn't said if she is joining virtually or coming in person.

Geri Mariano: 6 Agnew Farm Road, Apt 1 Armonk, NY 10504

+ Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

Not Attending:

+ Patrick Bardsley: 199 Tompkins Avenue Pleasantville, NY 10570

+ Marni Marron

+ Maria Samuels: WDOM 984 North Broadway, Suite 400 Yonkers, NY 10701

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 10-25-23

Chairperson: CARIN HOROWITZ

Location: MOB1/VIRTUAL

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	Y✓
Kenny Burr	Advocate	kennyburr123@gmail.com	N
Ann Chiappetta	Advocate	anniecms64@gmail.com	N
Jackie Fowler	Advocate	jfowler8@verizon.net	N
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y✓
Marni Marron	Advocate	mvrmaron@gmail.com	N
Geri Mariano	Advocate	geri@justcallmejeri.com	N
Liz Mark	Advocate	lizsma@optonline.net	Y✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y✓
Maria Samuels	Advocate	marias@wdom.org	Y✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	N
Francesca Hagadus	Advocate	francescah728@gmail.com	Y✓
Terry DeGatano	Advocate	sunshyny53@aol.com	Y✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	N
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y✓
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y✓
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	N
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Jeremiah FREI- Pearson Guest speaker

Y✓

Virtual/No Attendance/In-Person October 25, 2023 Meeting

Virtual Attendance:

Patrick Bardsley: 199 Tompkins Avenue Pleasantville, NY 10570

Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

Dennis Delborgo: 4 Dana Road Valhalla, NY

Geri Mariano: 6 Agnew Farm Road, Apt 1 Armonk, NY 10504

Liz Mark: 77 Jared Drive, White Plains NY 10605

Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

Maria Samuels: WDOM 984 North Broadway, Suite 400 Yonkers, NY 10701

Not Attending:

Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

In Person:

Tara Conte

Carin Horowitz

Michael Gilberg

Evan Latainer

Martha Lopez

Anna Masopust

Shari Rosen Ascher

No Response:

() = from whom we are waiting to hear.

(Francesca Hagadus: 24 Brentwood Drive Pleasantville NY)

Marni Marron

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 9-27-23

Chairperson: Carin Horowitz

Location: MOBI / Virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	N
Kenny Burr	Advocate	kennyburr123@gmail.com	N
Ann Chiappetta	Advocate	anniecms64@gmail.com	N
Jackie Fowler	Advocate	jfowler8@verizon.net	N
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y ✓
Marni Marron	Advocate	mvmarron@gmail.com	N
Geri Mariano	Advocate	geri@justcallmegeri.com	Y ✓
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y ✓
Maria Samuels	Advocate	marias@wdom.org	N
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y ✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y ✓
Francesca Hagadus	Advocate	francescah728@gmail.com	Y ✓
Terry DeGatano	Advocate	sunshyny53@aol.com	Y ✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	N
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	N
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y ✓
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y ✓
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	N
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Virtual/No Attendance/In-Person September 27, 2023 Meeting

Virtual Attendance:

Patrick Bardsley: 199 Tompkins Avenue Pleasantville, NY 10570

Ann Chiappetta: 2261 Palmer Ave, New Rochelle, NY 10801

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

Dennis Delborgo: 4 Dana Road Valhalla, NY

Francesca Hagadus: 24 Brentwood Drive Pleasantville NY

Geri Mariano: 6 Agnew Farm Road, Apt 1 Armonk, NY 10504

Liz Mark: 77 Jared Drive, White Plains NY 10605

Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

Dr. Amler ?

Not Attending:

Shari Rosen Ascher

Martha Lopez

Marni Marron

Maria Samuels

In Person:

Tara Conte

Michael Gilberg

Evan Latainer

Anna Masopust

Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

No Response:

Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 7-27-23

Chairperson: C. Horowitz

Location: mo31 / virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	Y V
Kenny Burr	Advocate	kennyburr123@gmail.com	Y V
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y V
Jackie Fowler	Advocate	jfowler8@verizon.net	Y V
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y V
Marni Marron	Advocate	mvrmaron@gmail.com	Y V
Geri Mariano	Advocate	geri@justcallmejeri.com	Y V
Liz Mark	Advocate	lizsma@optonline.net	Y V
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y V
Maria Samuels	Advocate	marias@wdom.org	Y V
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y V
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y V
Francesca Hagadus	Advocate	francescah728@gmail.com	Y V
Terry DeGatano	Advocate	sunshyny53@aol.com	Y V
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y V
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	Y V
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	Y
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	Y V
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y V
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Guests
Tajan Nelson

Board of Elections
Commissioner Democratic
Deputy 11 Republican

Y V

Virtual and No Attendance July 27, 2023 Meeting

Virtual Attendance:

Patrick Bardsley: Phone via his car

Dillon Browne: 127 Garth road, Scarsdale Ny or 29 Sterling ave White Plains NY

Ann Chiappetta: 2261 Palmer Ave, New Rochelle, NY 10801

Terry Degatano: 25 Lake St Apt 3G White Plains NY 10603

Liz Mark: 77 Jared Drive, White Plains NY 10605

Michael Orth: 112 East Post Road – 2nd Floor White Plains NY

Lucille Rossi: 181 Croton Avenue Mount Kisco, NY 10549

Maria Samuels: 984 North Broadway, Yonkers

Not Attending:

Dr. Amler

Dennis Delborgo

Geri Mariano

Westchester County Council for People with Disabilities

Attendance / Sign In


Date: 6-28-23

Chairperson: C Horowitz

Location: MOB 1 / virtual

Name	Organization	Email	Attended Y / N V (Virtual)
Dillon Browne	Advocate	Browned@mhawestchester.org	
Kenny Burr	Advocate	kennyburr123@gmail.com	
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y ✓
Jackie Fowler	Advocate	jfowler8@verizon.net	
Michael Gilbert	Advocate	michaelgilbergesq@gmail.com	Y ✓
Marni Marron	Advocate	mvmarron@gmail.com	
Geri Mariano	Advocate	geri@justcallmegeri.com	
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y ✓
Maria Samuels	Advocate	marias@wdom.org	Y ✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y ✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y ✓
Francesca Hagadus	Advocate	francescah728@gmail.com	Y ✓
Terry DeGatano	Advocate	sunshyny53@aol.com	
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y ✓
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y ✓
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y ✓
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y ✓
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	Y ✓
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y ✓

Westchester Cty. Advisory Council Mtg. for People with Disabilities

	Name	Date
1	Shari Aschen	6-28-23
2	Martha Lopez	
3	Carin Horowitz	
4	Tara Conte	
5	Debbie Friedman	
6	Liz Mark	
7	Francesca Maggini	
8	Patrick Bandsley	
9	Lucille Rossi	
10	Michael Gilberg	
11	Maria Samuels	
12	Annie Chiappetta	
13	Nancy Burr	
14	Marni Markon	
15		
16		
17		
18		
19		
20		

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 5-24-23

Chairperson: Carin Horowitz =

Location: MOB 1

Name	Organization	Email	Attended Y / N V - virtual
Dillon Browne	Advocate	Browned@mhawestchester.org	Y Y ✓
Kenny Burr	Advocate	kennyburr123@gmail.com	~
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y ✓
Jackie Fowler	Advocate	jfowler8@verizon.net	~
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y ✓
Marni Marron	Advocate	mvmarron@gmail.com	~
Geri Mariano	Advocate	geri@justcallnegeri.com	Y ✓
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y ✓
Maria Samuels	Advocate	marias@wdom.org	Y ✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y ✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	~
Francesca Hagadus	Advocate	francescah728@gmail.com	~
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	~
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	~
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	~
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y ✓
Ellen Hendrickx	Westchester County CE	eph@westchestergov.com	~
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	~
Nancy Barr	WC Board of Legislators	Neb7@westchestergov.com	~
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Virtual and Non-Attendance for 5.24.23

Virtual:

Annie Chiappetta: 2261 Palmer ave New Rochelle, NY

Dennis Delborgo: 200 Bradhurst Ave Hawthorne, NY

Michael Gilberg: Will be driving in his car

Geri Mariano: 6 Agnew Farm Road, Apt 1, Armonk. 10504

Liz Mark: 77 Jared Drive, White Plains 10605

Lucille Rossi: 181 Croton Avenue Mount Kisco ny 10549

Maria Samuels: 984 N Bway, Yonkers NY

Not Attending:

Patrick Bardsley

Francesca Hagadus

Michael Orth

Marni Marron

Nancy Barr

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 4-26-23

Chairperson: C. Horowitz =

Location: _____

Name	Organization	Email	Attended Y / N
Dillon Browne	Advocate	Browned@mhawestchester.org	Y (v)
Kenny Burr	Advocate	kennyburr123@gmail.com	N
Ann Chiappetta	Advocate	anniecms64@gmail.com	N
Jackie Fowler	Advocate	jfowler8@verizon.net	N
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y
Marni Marron	Advocate	mvmarron@gmail.com	Y (v)
Geri Mariano	Advocate	geri@justcallmegeri.com	N
Liz Mark	Advocate	lizsma@optonline.net	Y (v)
Lucille Rossi	Advocate	lucillerossi@gmail.com	Y (v)
Maria Samuels	Advocate	marias@wdom.org	N
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y (v)
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	Y (v)
Francesca Hagadus	Advocate	francescah728@gmail.com	Y (v)
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jimza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	N
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	N
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	N
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y (v)
Ellen Hendrickx	Westchester County CE	ephh@westchestergov.com	N
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	N
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	
Debbie Friedman	WC BOL	dnfa@westchestergov.com	
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y

Cindy Peterson-Dana Guest
Ronda Speight-Mo " "

Y (v)
Y (v)

Virtual Attendance:

Carin Horowitz: 18 Cross Way Purdys, NY 10578

Geri Mariano: 6 Agnew Farm Road, Apt 1, Armonk. 10504

Patrick Bardsley: Port Washington. 366 Main Street, Port Washington, NY, 11050

Liz Mark: 77 Jared Drive, White Plains 10605

Dennis Delborgo: 200 Bradhurst Ave Hawthorne, NY

Lucille Rossi: 181 Croton Avenue Mount Kisco ny 10549

Not Attending:

Annie Chiappetta

Maria Samuels

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 3-22-23

Chairperson: C. Horowitz =

Location: MOBI / virtual

Name	Organization	Email	Attended Y / N
Dillon Browne	Advocate	Browned@mhawestchester.org	Y ✓
Kenny Burr	Advocate	kennyburr123@gmail.com	
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y ✓
Jackie Fowler	Advocate	jfowler8@verizon.net	
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y
Marni Marron	Advocate	mvmarron@gmail.com	Y
Geri Mariano	Advocate	geri@justcallmegeri.com	Y ✓
Liz Mark	Advocate	lizsma@optonline.net	Y ✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	
Maria Samuels	Advocate	marias@wdom.org	~
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	~
Francesca Hagadus	Advocate	francescah728@gmail.com	Y ✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	~
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	~
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	Y ✓
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	Y ✓
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	Y ✓
Ellen Hendrickx	Westchester County CE	eph@westchestergov.com	~
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	~
Nancy Barr	WC Board of Legislators	Neb7@westchestergov.com	~
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y ✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	Y ✓

Robi Schlaff
Dorlene Reda

WC OFW
WC OFW

Y ✓
Y ✓

Council Members Attending Virtually:

- 1. Dillon Browne**
127 Garth Road, Scarsdale, NY 10583
- 2. Annie Chiappetta**
2261 Palmer Ave, apt, 1E New Rochelle NY 10801
- 3. Dennis Delborgo**
4 Dana Road Valhalla, NY 10595
- 4. Francesca Hagadus**
24 Brentwood drive Pleasantville
- 5. Liz Mark**
77 Jared Drive, White Plains, NY 10605
- 6. Liz Lucille Rossi**
181 Croton Avenue Mount Kisco, NY 10549
- 7. Michael Orth**
112 East Post Road WP

GENE MARANO
6 Agnes PARTIS RD JNTONK

Council Members not attending:

- 8. Patrick Bardsley**
- 9. Maria Samuels**

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 2-23-23

Chairperson: Carin Horowitz =

Location: Mu3137FK / virtual

Name	Organization	Email	Attended Y / N V - virtual
Dillon Browne	Advocate	Browned@mhawestchester.org	✓
Kenny Burr	Advocate	kennyburr123@gmail.com	✓
Ann Chiappetta	Advocate	anniecms64@gmail.com	✓
Jackie Fowler	Advocate	jfowler8@verizon.net	✓
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	✓
Marni Marron	Advocate	mvmarron@gmail.com	✓
Geri Mariano	Advocate	geri@justcallmejeri.com	✓
Liz Mark	Advocate	lizsma@optonline.net	✓
Lucille Rossi	Advocate	lucillerossi@gmail.com	✓
Maria Samuels	Advocate	marias@wdom.org	✓
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	✓
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	✓
Francesca Hagadus	Advocate	francescah728@gmail.com	✓
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	✓
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	✓
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	✓
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	✓
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	✓
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	✓
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	✓
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	✓
Ellen Hendrickx	Westchester County CE	ephh@westchestergov.com	✓
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	✓
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	✓
Debbie Friedman	WC BOL	dnfa@westchestergov.com	✓
Tara Conte	Westchester County OPWD	tncn@westchestergov.com	✓

Attending Virtually:

Patrick Bardsley: 199 Tompkins Ave, Pleasantville, NY, 10570.

Dillon Browne: 127 Garth road, Scarsdale NY.

Annie Chiappetta: 2261 Palmer Ave, New Rochelle, NY 10801

Dennis Delborgo: 200 Bradhurst Avenue Hawthorne, NY 10532

Geri Mariano: 6 Agnew Farm Road, Apt #1, Armonk, NY 10504

Liz Mark: 77 Jared Drive, White Plains 10605

Michael Orth: 112 East Post Road – 2nd fl White Plains

Lucille Rossi: 181 Croton Avenue Mount kisco ny

Maria Samuels: 984 North Broadway, Yonkers, NY

Not attending:

Jackie Fowler

Francesca Hagadus: 24 Brentwood Drive Pleasantville NY 10570

Westchester County Council for People with Disabilities

Attendance / Sign In

Date: 1-25-23

Chairperson: Carin Horowitz

Location: MOD / WEBEX

Name	Organization	Email	Attended Y / N
Kenny Burr	Advocate	kennyburr123@gmail.com	
Ann Chiappetta	Advocate	anniecms64@gmail.com	Y virtual
Jackie Fowler	Advocate	jfowler8@verizon.net	Y virtual
Michael Gilberg	Advocate	michaelgilbergesq@gmail.com	Y virtual
Marni Marron	Advocate	mvmarron@gmail.com	Y virtual
Geri Mariano	Advocate	geri@justcallmegeri.com	Y virtual
Liz Mark	Advocate	lizsma@optonline.net	Y virtual
Lucille Rossi	Advocate	lucillerossi@gmail.com	
Maria Samuels	Advocate	marias@wdom.org	Y virtual
Carin Horowitz	Advocate	carinhorowitzlmsw@gmail.com	Y
Patrick Bardsley	Advocate	patrick@spectrumdesigns.org	
Francesca Hagadus	Advocate	francescah728@gmail.com	Y virtual
<u>Dillon Browne</u>	<u>Advocate</u>	<u>Browncd@mhawestchester.org</u>	<u>Y virtual</u>
Martha Lopez	Westchester County CE	MLopez@westchestergov.com	Y
Shari Rosen Ascher	Westchester County CE	SAscher@westchestergov.com	Y
Evan Latainer	Westchester County OPWD	ehl2@westchestergov.com	Y
Jeff Zitofsky	Westchester County OPWD	jmza@westchester.gov	Y
Anna Masopust	Westchester County OPWD	ammi@westchestergov.com	Y virtual
Michael Orth	Westchester County DCMH	Mmo6@westchestergov.com	Y (Joe Glaizer)
Dr. Sherlita Amler	Westchester County DOH	SAmler@westchestergov.com	Y virtual
Dennis Delborgo	Westchester County OEM	drd2@westchestergov.com	
Ellen Hendrickx	Westchester County CE	eph@westchestergov.com	
Kevron Knight	Westchester County DSS	kqkk@westchestergov.com	
Nancy Barr	WC Board of Legislator	Neb7@westchestergov.com	
Debbie Friedman	WC BOL	dnfa@westchestergov.com	Y virtual

Latainer, Evan

From: Zitofsky, Jeffrey
ent: Wednesday, January 25, 2023 1:42 PM
o: Latainer, Evan; 'Carin Horowitz'; Salimie Jean; Lopez, Martha
Subject: Virtual Attendance 1.25.23 mtg

Hi,

This is from whom I've heard so far about virtually attending today.

Virtual Attendance for 1.25.23 Meeting

Patrick Bardsley will be on the road from Albany to home if he's able to make it at all.

Annie Chiappetta 2261 Palmer Ave, New Rochelle, NY 10801

Jackie Fowler 527 Elizabeth Road, Yorktown Heights, NY

Liz Mark 77 Jared Drive White Plains, NY 10605

Marni Rabin-Marron

Lucille Rossi 181 Croton Avenue Mount Kisco, NY 10549

Geri Mariano 6 Agnew Farm Road, Apt 1, Armonk 10504



Jeffrey Zitofsky (he/him/his)

Community Work Assistant

Westchester County Office for People with Disabilities

148 Martine Ave Room 102

White Plains, NY 10601

Tel: 914 995 2956 * TTY: 914 995 7397 * Fax: 914 995 2799

jmza@westchestergov.com

COUNTY OF WESTCHESTER
OATH OF OFFICE
For Appointees to County Boards and Commissions

STATE OF NEW YORK

COUNTY OF WESTCHESTER

)
) ss.:
)

I, Michael Gilbert do solemnly swear (or affirm) that I will support
(Print or Type Name)

the constitution of the United States, and the constitution of the State of New York, and that I will faithfully
discharge the duties of the office of County of Westchester in and for the
(Print or Type Board Name)

County of Westchester, according to the best of my ability.

Date: 1/4/24

[Signature]
(Signature)

Sworn to and subscribed before me this 4th day of January,
2024.

[Signature]
(Signature)

SUSAN E. GILBERG
Notary Public, State of New York
(Print or Type Name)
No. 0169057302
Qualified in Westchester County
Commission Expires March 18, 2024

(Title of Official Administering Oath)

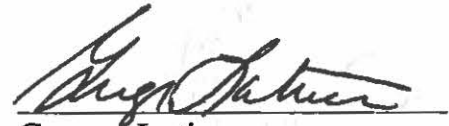
Mail **original** Oath of Office to Office to Andrew Ferris, Office of the County Executive, 148 Martine Ave., Room 916D, White Plains, NY 10601 for filing within thirty (30) days of the commencement of the term of office or the notice of appointment.

George Latimer
County Executive

WHEREAS, the term of Susan I. Kettner, Esq., as a member of the Westchester County Domestic Violence Council, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Susan I. Kettner, Esq., 89 Taymil Road, New Rochelle, New York as an at-large member of the Westchester County Domestic Violence Council, for the term January 1, 2024 to December 31, 2026.

Given under my hand
and seal this 1st day
of January, 2024.



George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

George Latimer
County Executive

December 27, 2023

Ms. Susan I. Kettner, Esq.
89 Taymil Road
New Rochelle, NY 10804

Dear Ms. Kettner,

It is my pleasure to reappoint you to serve as an At-Large member of the Westchester County Domestic Violence Council, effective, January 1, 2024. This appointment is for a term to expire on December 31, 2026.

Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office within 30 days, either by appearing at the County Clerk's office or mailing the signed and notarized form to our office.

When you have filed your Oath of Office, a Resolution to confirm your reappointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,



George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
Robi Schlaff, Director, Office for Woman
Joan McDonald, Director of Operations

Office of the County Executive

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

Email: cc@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

2023

Domestic Violence Council

MEMBERS	1.12	2.9	3.9	4.13	5.11	6.8	9.14	10.12	11.9	12.14
Benson, Doris	C	X	X	X	A	A	A	C	E	E
Bryan, Glenda	C	X		X	E	E	A	C	x	E
Capeci, Hon. Susan	C	X	X	X	X	E	A	C	E	E
Capuano, Bertina	C	X	X	X	X	X	X	C	x	X
Carter, Khalia	C	E	X	X	X	X	X	C	x	E
Castelli, Joe	C	E	X	E	E	E	A	C	E	E
Choksi, Komal	C	X	A	A	X	A	A	C	x	E
Gordon-Oliver, Hon. Arlene	C	E	E	E	E	E	A	C	E	A
Green, Fred	C	X	X	X	X	X	X	C	x	X
Haigh, Stephen	C	A	A	E	E	E	A	C	E	E
Henriquez, Aurelia	C	A	X	A	X	A	X	C	E	E
Horton, CarlLa	C	X	E	X	X	X	X	C	x	E
Kanusher, Cindy	C	X	E	X	X	X	A	C	E	X
Kettner, Susan	C	X	X	X	X	X	X	C	x	E
Lesser, Nicole	C	E	X	X	X	X	X	C	E	E
Menken, Hon. David	C	E	X	X	E	X	X	C	E	E

Portilla, Maria	C	A	E	X	E	X	X	C	x	X
Sandberg, Licia	C	E	X	X	E	X	A	C	x	X
Schlaff, Robi	C	X	X	X	X	X	X	C	x	X
Serrano, Ida	C	A	X	X	X	X	X	C	x	X
Moran (Sullivan), Marisa	C	A	A	X	E	E	A	C	E	E
Van Bomel, Catherine	C	A	X	X	X	X	X	C	x	A
Zuckerman, Hon. Dave	C	E	E	E	E	E	A	C	E	A

Legend

X = attended

X* = representative attended

A = absent

E = excused

C = meeting cancelled

R = resigned/term ended


-- = not part of DVC

George Latimer
County Executive

WHEREAS, the term of Stuart Cotton, as a member of the Westchester County Board of Ethics, has expired:

NOW, THEREFORE, I, George Latimer, County Executive of Westchester County, in accordance with the terms and provisions of the Westchester County Charter, reappoint Stuart Cotton, 10 The Crossing at Blind Brook, Purchase, New York as a member of the Westchester County Board of Ethics, for the term January 1, 2024 to December 31, 2028.

Given under my hand
and seal this 1st day
of January, 2024.



George Latimer
County Executive

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com



George Latimer
County Executive

December 28, 2023

Mr. Stuart Cotton
10 The Crossing at Blind Brook
Purchase, NY 10577

Dear Mr. ~~Cotton~~ *Stu*,

It is my pleasure to reappoint you to serve as a member of the Westchester County Board of Ethics, pursuant to the Laws of Westchester County § 192.11. This reappointment is for a term to commence on January 1, 2024 and expire on December 31, 2028.

Your reappointment is subject to confirmation by the Westchester County Board of Legislators, but your service begins immediately. You must complete the attached Oath of Office and file it with the County Clerk prior to the next Board of Ethics meeting, and provide this office with a copy within 30 days. Please contact the Westchester County Attorney's Office at (914) 995-6344 for the date, place, and time of the upcoming Board of Ethics meeting for your participation.

When you have filed your Oath of Office, a Resolution to confirm your appointment will be submitted to the County Board of Legislators. As part of the confirmation process, you may be called before the Board to be interviewed.

Pursuant to Local Law, as a member of a Westchester County Board and/or Commission, you are responsible for adhering to the requirements of our Code of Ethics, which includes the annual filing of a financial disclosure statement with the County Board of Ethics.

Warmest wishes for a successful tenure.

Very Truly Yours,

George Latimer
Westchester County Executive

GL/ts

cc: Honorable Board of Legislators
John Nonna, County Attorney
Joan McDonald, Director of Operations

Office of the County Executive

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

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

westchestercountyny.gov

MEMBER	01/30/23	04/24/23	05/08/23	06/05/23	07/17/24
K. Covill	Present	Present	Present	Present	Present
B. Summers	Present	Absent	Present	Present	Present
S. Cotton	Present	Present	Absent	Present	Present
S. Fabriani	n/a	Present	Present	Present	Present
D. French	Present	Present	Present	Present	Present
J. Ruderman	Present	Present	Present	Present	Present

MEMBER	09/18/23	10/04/23	11/06/23	12/18/23	
K. Covill	Present	Present	Present	Present	
B. Summers	Present	Present	Present	Present	
S. Cotton	Present	Present	Absent	Present	
S. Fabriani	Present	Present	Present	Present	
D. French	Present	Present	Present	Present	
J. Ruderman	Present	Present	Present	Present	
J. Basso	Present	Present	Present	Present	

***Please note that Sylvian Fabriani did not start with the Board of Ethics until April 2023, and Jeremy Basso started in September 2023.**



George Latimer
County Executive

January 24, 2024

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 a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total amount of \$2,500,000 to finance the following two capital projects for 2024:

B035E – Equipment Acquisition Program (2021-2025) ("B035E"); and

RGP13 – General Infrastructure – Equipment Acquisition (2021 -2025) ("RGP13").

The Bond Act would authorize the County to issue bonds in the amount of \$2,500,000 to finance the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation ("DPW&T") in the amount of \$1,500,000. It will also fund the acquisition of heavy equipment and vehicles for the Department of Parks, Recreation and Conservation ("PRC") in the amount of \$1,000,000.

DPW&T anticipates that the following equipment will be replaced:

- 2005 Gradall (#61046) with a medium sized track excavator
- 2005 International six-wheel dump trucks with plow, wing and spreader (#38146)
- 2008 International six-wheel dump trucks with plow, wing and spreader (#122746)
- 2003 Freightliner tow truck (#025746) with a new flatbed tow truck

PRC anticipates that the following equipment will be replaced:

- 2008 Ford dump truck (#14004) with new dump truck
- 2014 Ford pickup truck (#620242) with new pickup truck with plow and sander
- 2008 Ford pickup truck (#12764) with new pickup truck with plow and sander
- 2008 Chevy dump truck (#149142) with new mason dump truck
- 2006 JCB mini excavator (#76542) with new mini excavator
- 2007 Toro sprayer (#117642) with new sprayer

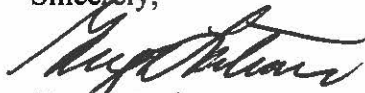
- 2006 Toro sand pro grooming machine (#5903) with new grooming machine
- 2012 Toro sprayer (#550442) with new sprayer
- 2001 Toro mower (#5973) with new mower
- 2009 Toro Mower (#189842) with new mower
- 2009 Lastec mower (#208342) with new procore 1298 aerator

PRC anticipates that the following new equipment will be added:

- Pickup truck with plow and sander
- Pickup truck with plow and sander
- Cargo van
- Cargo van
- Chipper

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

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 (the “Bond Act”) in the total amount of \$2,500,000 to authorize the County of Westchester (the “County”) to finance the following two capital projects for 2024:

B035E – Equipment Acquisition Program (2021-2025) (“B035E”); and

RGP13 – General Infrastructure – Equipment Acquisition (2021 -2025) (“RGP13”).

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 \$2,500,000 to finance the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation (“DPW&T”) in the amount of \$1,500,000. It will also fund the acquisition of heavy equipment and vehicles for the Department of Parks, Recreation and Conservation (“PRC”) in the amount of \$1,000,000.

DPW&T anticipates that the following equipment will be replaced:

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- 2006 JCB mini excavator (#76542) with new mini excavator
- 2007 Toro sprayer (#117642) with new sprayer
- 2006 Toro sand pro grooming machine (#5903) with new grooming machine
- 2012 Toro sprayer (#550442) with new sprayer
- 2001 Toro mower (#5973) with new mower
- 2009 Toro Mower (#189842) with new mower
- 2009 Lastec mower (#208342) with new procore 1298 aerator

PRC anticipates that the following new equipment will be added:

- Pickup truck with plow and sander
- Pickup truck with plow and sander
- Cargo van
- Cargo van
- Chipper

The Planning Department has advised your Committee that based on its review, B035E and RGP13 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

B035E & RGP13

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,500,000 PPU 15 Anticipated Interest Rate 2.56%

Anticipated Annual Cost (Principal and Interest): \$ 203,021

Total Debt Service (Annual Cost x Term): \$ 3,045,315

Finance Department: Interest rates from January 9, 2024 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 27

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/24/24

Reviewed By:


Dillian

Budget Director

Date:

1/25/24

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 29, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR 2024 CAPITAL PROJECTS BOND ACT – EQUIPMENT ACQUISITION**

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
RGP13	General Infrastructure-Equipment Acquisition (2021-2025)	2362	08/28/2023
B035E	Equipment Acquisition Program (2021-2025)	2285	08/22/2023

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)(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.

As such, no environmental review is required.

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 Abbamont, Director of Operations, Department of Public Works & Transportation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS FOR USE IN AND BY THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$2,500,000. The plan of financing includes the

issuance of \$2,500,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

A	B
\$1,500,000	the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation
1,000,000	the purchase of equipment associated with the maintenance of park facilities under the jurisdiction of the Department of Parks, Recreation and Conservation

Section 2. The period of probable usefulness (“PPU”) of the class of objects or purposes for which said \$2,500,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 .a 28 of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$2,500,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$2,500,000 as the estimated total cost of the aforesaid 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 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 \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS FOR USE IN AND BY THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on _____, 20__)

object or purpose: the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation and the purchase of equipment associated with the maintenance of park facilities under the jurisdiction of the Department of Parks, Recreation and Conservation; all as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued
and periods of probable usefulness: \$2,500,000; fifteen (15) years

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* B035E	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* EQUIPMENT ACQUISITION PROGRAM (2021-2025)	Legislative District ID: 5,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2285

Overall Project Description

This project funds the acquisition of equipment to ensure Public Works/Transportation can maintain the County roads, bridges and grounds.

- | | | |
|---|---|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	5,225	2,125	1,500	1,600	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,225	2,125	1,500	1,600	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 2,082

Current Bond Description: Funding is requested for the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,500,000
Cash:	0
Total:	\$ 1,500,000

SEQR Classification:

TYPE II

Amount Requested:

1,500,000

Expected Design Work Provider:

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

Comments:

Energy Efficiencies:

ALL VEHICLES WILL MEET OR EXCEED THE ENVIRONMENTAL PROTECTION AGENCY'S CLEAN AIR STANDARDS. POSSIBLE ENERGY EFFICIENT OR ENVIRONMENTALLY FRIENDLY ALTERNATIVES WILL BE RESEARCHED AND EVALUATED DURING THE EQUIPMENT PURCHASES.

Appropriation History:

Year	Amount	Description
2021	1,100,000	REPLACEMENT OF A BUCKET TRUCK, TWO CRASH ATTENUATOR TRUCKS, AND TWO SKID STEERS AND ASSOCIATED ATTACHMENTS
2022	500,000	CONTINUATION OF THIS PROJECT
2023	525,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

2,125,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	13	1,100,000	497,014	DPW&T RELACEMENT EQUIPMENT
21	205	500,000	160,051	DPW&T RELACEMENT EQUIPMENT
23	31	525,000	0	DPW&T RELACEMENT EQUIPMENT

Total Financing History:

2,125,000

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

08-23-2023

EQUIPMENT ACQUISITION PROGRAM (2021-2025) (B035E)

User Department : Public Works

Managing Department(s) : Public Works ;

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	5,225	2,125	2,082	1,500	1,600				
Non County Share									
Total	5,225	2,125	2,082	1,500	1,600				

Project Description

This project funds the acquisition of equipment to ensure the Department of Public Works and Transportation can maintain the County roads, bridges and grounds.

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	1,500,000			1,500,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2021	1,100,000	Replacement of a bucket truck, two crash attenuator trucks, and two skid steers and associated attachments	COMPLETE
2022	500,000	Continuation of this project	COMPLETE
2023	525,000	Continuation of this project	IN PROGRESS
Total	2,125,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,125,000	657,065	1,467,935
Total	2,125,000	657,065	1,467,935

EQUIPMENT ACQUISITION PROGRAM (2021-2025) **(B035E)**

Bonds Authorized					
Bond Act		Amount	Date Sold	Amount Sold	Balance
13	21	1,100,000	12/01/22	452,086	602,986
			12/01/22	44,929	
205	21	500,000	12/01/22	145,583	339,949
			12/01/22	14,468	
31	23	525,000			525,000
Total		2,125,000		657,065	1,467,935

CAPITAL PROJECT FACT SHEET

Project ID:* RGP13	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021- 2025)	Legislative District ID:
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2362

Overall Project Description

This project funds the continued acquisition of heavy equipment and vehicles throughout the Parks 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	4,500	2,500	1,000	1,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,500	2,500	1,000	1,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 1,469

Current Bond Description: This request will fund the purchase of equipment associated with the maintenance of park facilities under the jurisdiction of the Department of Parks, Recreation and Conservation.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

1,000,000

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
2021	1,500,000	CONTINUATION OF THIS PROJECT \$500,000; PURCHASE/INSTALLATION OF SENIOR FITNESS EQUIPMENT \$1,000,000
2022	500,000	CONTINUATION OF THIS PROJECT
2023	500,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

2,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	13	500,000	380,681	PRC EQUIPMENT REPLACEMENT
21	127	1,000,000	0	PRC - OUTDOOR FITNESS EQUIPMENT FOR SENIORS
21	205	500,000	0	PRC EQUIPMENT REPLACEMENT
23	31	500,000	0	PRC EQUIPMENT REPLACEMENT

Total Financing History:

2,500,000

Recommended By:**Department of Planning**

MLLL

Date

08-28-2023

Department of Public Works

RJB4

Date

08-28-2023

Budget Department

DEV9

Date

08-28-2023

Requesting Department

RCL3

Date

08-29-2023

GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021-2025) (RGP13)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

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	4,500	2,500	1,469	1,000	1,000				
Non County Share									
Total	4,500	2,500	1,469	1,000	1,000				

Project Description

This project funds the continued acquisition of heavy equipment and vehicles throughout the Parks system.

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	1,000,000			1,000,000

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
2021	1,500,000	Continuation of this project \$500,000; Purchase/installation of senior fitness equipment \$1,000,000	IN PROGRESS
2022	500,000	Continuation of this project	IN PROGRESS
2023	500,000	Continuation of this project	IN PROGRESS
Total	2,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,500,000	380,681	2,119,319
Total	2,500,000	380,681	2,119,319

GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021-2025) **(RGP13)**

Bonds Authorized

Bond Act		Amount	Date Sold	Amount Sold	Balance
13	21	500,000	12/01/21	96,417	119,319
			12/01/22	258,567	
			12/01/22	25,697	
127	21	1,000,000			1,000,000
205	21	500,000			500,000
31	23	500,000			500,000
Total		2,500,000		380,681	2,119,319

January 26, 2024

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 please find the following:

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway (the "Property") in the City of Mount Vernon (the "City") to The NRP Group LLC, its successors, assigns (the "Developer"), as part of the County's program to support the construction of affordable housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$6,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$6,000,000 to purchase the Property from the current owner to create two hundred ninety-nine (299) Affordable AFFH Units for rent (the "Development"). The Developer will also construct two hundred fifty-three (253) parking spaces for use by the residents.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the 299 Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 40% and up to 80% of the Westchester County area median income ("AMI"). The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development. Of the total of 315 units to be constructed by the Developer, the remaining 16 units will be marketed to households that earn at or below 90% of AMI. The Affordable AFFH Units, funded by the County NHLA Bond Act are required to be marketed to households that earn at or below 80% of AMI.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the two hundred ninety-nine (299) Affordable AFFH rental units. The Development will consist of two towers of thirteen-stories and nine stories housing the AFFH units, each over a three-story base containing the parking, amenity space and

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



community facility space, as well as two hundred fifty-three (253) parking spaces to be utilized by the AFFH residents of a total of two hundred eighty-three (283) parking spaces.

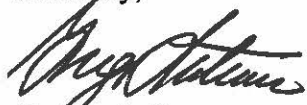
Planning has further advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal ("HCR"), HCR Subsidy, Brownfield Tax Credits and Empire State Development Momentum Fund and/or Westchester County Housing Flex Fund subsidy for an estimated total development cost of approximately \$207,830,000.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review ("SEQR") Act have been met. Planning has advised that the City classified the proposed Development as a Type I action pursuant to 6 NYCRR 617.6(b)(3) of the SEQR implementing regulations, acted as lead agency and issued a Negative Declaration for the Development on September 8, 2021. Because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

On August 1, 2023, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 23-10 that recommends funding for the purchase and conveyance of the Property. Planning has further advised that 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 by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/BPL/DI
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following:

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the purchase and subsequent conveyance of approximately +/- 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway (the “Property”) in the City of Mount Vernon (the “City”) to The NRP Group LLC, its successors or assigns (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$6,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$6,000,000 to purchase the Property from the current owner to create two hundred ninety-nine (299) Affordable AFFH Units for rent (the “Development”). The Developer will also construct two hundred fifty-three (253) parking spaces for use by the Affordable AFFH residents.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households earning at or below 40% and up to 80% of the Westchester County area median income and will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development. Of the

total of 315 units to be constructed by the Developer, the remaining 16 units will be marketed to households that earn at or below 90% of AMI. The Affordable AFFH Units, funded by the County NHLA Bond Act are required to be marketed to households that earn at or below 80% of AMI.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for ONE (\$1.00) DOLLAR to construct the two hundred ninety-nine (299) Affordable AFFH Units for rent. The Development will consist of two towers of thirteen-stories and nine stories each over a three-story base, and will contain the affordable AFFH Units as well as the two hundred fifty-three (253) parking spaces to be utilized by the AFFH residents of a total of two hundred eighty-three (283) parking spaces.

Your Committee has been advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal (“HCR”), HCR Subsidy, Brownfield Tax Credits, and Empire State Development Momentum Fund and/or Westchester County Housing Flex Fund subsidy for an estimated total development cost of approximately \$207.83 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review (“SEQR”) Act have been met. Planning has advised that the City classified the proposed Development as a Type I action pursuant to 6 NYCRR 617.6(b)(3) of the SEQR implementing regulations, acted as lead agency and issued a Negative Declaration for the Development on September 8, 2021. Your Committee has been advised that because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. Your Committee has reviewed the attached analysis prepared by Planning and concurs with this conclusion.

Your Committee has been further advised that on August 1, 2023, the Westchester County

Planning Board (the “Planning Board”) adopted Resolution No. 23-10 that recommends funding for the purchase and conveyance of the Property. 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 by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested, noting that the Land Acquisition Act and the NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated: _____, 2024

White Plains, New York

COMMITTEE ON
C/1/01.26.24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL30

☐ 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

So. Macquesten MV

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 6,000,000 PPU 30 Anticipated Interest Rate 3.28%

Anticipated Annual Cost (Principal and Interest): \$ 306,089

Total Debt Service (Annual Cost x Term): \$ 9,182,670

Finance Department: Interest rates from January 25, 2024 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: N/A

Prepared by: Blanca P. Lopez

Title: Commissioner

Department: Planning

Date: 1/25/24


Reviewed By: 

DV165124

Budget Director

Date: 1/25/24

TO: Leonard Gruenfeld, Program Administrator
Division of Housing & Community Development

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

DATE: January 17, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
BPL30 NEW HOMES LAND ACQUISITION II
115 SOUTH MACQUESTEN PARKWAY, MOUNT VERNON**

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

The action involves the provision of County funding under capital project BPL30 - New Homes Land Acquisition II (Fact Sheet ID #2427) - to facilitate the development of affordable housing at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway (collectively referred to as 115 South MacQuesten Parkway) in the City of Mount Vernon. County funds will be applied towards the purchase of approximately 1.74 acres of property, which will be transferred to a developer, who will create approximately 315 units of rental housing, of which 299 units will be affordable and affirmatively further fair housing. The project will include the construction of two towers of thirteen and nine stories over a three-story podium, with residential amenities, as well as community programming, recreational and commercial spaces on the ground floor. The development will also provide approximately 273 internal parking spaces.

In accordance with SEQR, the City of Mount Vernon Planning Board classified this project as a Type I action. On March 4, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On September 8, 2021, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

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

cc: Blanca Lopez, Commissioner
Daniela Infield, Senior Assistant County Attorney
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner



Memorandum

**Department of Planning
432 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601**

TO: Honorable George Latimer
County Executive

FROM: Blanca P. Lopez
Commissioner

DATE: January 26, 2024

SUBJECT: Acquisition of Real Property - 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway -City of Mount Vernon

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway in the City of Mount Vernon, identified on the City tax maps as Section 164.75: Block 1060; Lots: 1, 2, 3, 6, 8 & 29 (the "Property") for the purpose of creating 299 affordable housing units (the "Affordable AFFH Units"), that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 273 parking spaces with 253 parking spaces set aside for the AFFH units.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$6,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to The NRP Group LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct two towers of thirteen-stories and nine stories over a three story base on the Property that will include a mix of affordable studio, one, two and three bedroom rental apartments that will be leased to households who earn at or below 40% and up to 80% of the area median income (collectively the "Development").

I recommend funding for acquisition and conveyance of the Property for the following reasons:

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and

affordable housing is consistent with development policies adopted by the County Planning Board as set forth in *Westchester 2025 - Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*, adopted May 6, 2008, and amended January 5, 2010, and the recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995;

3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. A green roof will be installed to minimize runoff from rainfalls. The Development is designed to meet the green building standards of LEED;
4. The Development is consistent with the land use policies and regulations of the City of Mount Vernon; and
5. On August 1, 2023, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

BPL/lg

cc: Kenneth Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
John M. Nonna, County Attorney
Westchester County Planning Board

RESOLUTION 23- 10

WESTCHESTER COUNTY PLANNING BOARD

**New Homes Land Acquisition II
Capital Project Funding Request
115 South Macquesten Parkway,
City of Mount Vernon**

WHEREAS, the County of Westchester (the "County") has established Capital Project BPL30 New Homes Land Acquisition II ("NHLA") to assist in the acquisition of property associated with the development and preservation of fair and affordable housing; and

WHEREAS, The NRP Group LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South Macquesten Parkway in the City of Mount Vernon (the "City"), identified on the tax maps as Section 164.75; Block 1060; Lots: 1, 2, 3, 6, 8 & 29 (the "Property") to create 315 residential units and approximately 283 parking spaces (collectively the "Development"). 299 of the 315 units will be affordable residential units that will affirmatively further fair housing (the "Affordable AFFH Units") and

WHEREAS, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$6,000,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; and

WHEREAS, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units constructed on the Property be leased to households who earn at or below 40% and up to 80% of the Westchester County Area Median Income ("AMI"); and

WHEREAS, the County will transfer ownership of the Property to the Developer to construct a mix of studio, one, two, and three-bedroom apartments to be leased to eligible households, pursuant to an approved Affirmative Fair Housing Marketing Plan, for a minimum of 50 years; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL30 NHLA II to add the Property, 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South Macquesten Parkway; City of Mount Vernon, and authorize bonding in a not to exceed amount of \$6,000,000 to develop the Property; and

WHEREAS, the Development is subject to approvals by the City of Mount Vernon; and

WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing

to the development of "a range of housing types" "affordable to all income levels"; and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$6,000,000 from BPL30 NHLA II for property acquisition; and be it further

RESOLVED, that the Westchester County Planning Board amends its report on the 2023 Capital Project requests to include 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South Macquesten Parkway in the City of Mount Vernon, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous.

Adopted this 1st day of August 2023.


Richard Hyman, Chair

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON GROVE STREET, SOUTH TERRACE AVENUE AND SOUTH MACQUESTEN PARKWAY, IN THE CITY OF MOUNT VERNON, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$6,000,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 1.74 acres of real property located on Grove Street, South Terrace Avenue and South MacQuesten Parkway, in the City of Mount Vernon (the “AFFH Property”) from the current

owner(s) of record at a cost of \$6,000,000, including acquisition and settlement costs, in order to support the construction of 299 affordable housing units, including 253 parking spaces, that will affirmatively further fair housing ("AFFH"). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 299 affordable AFFH rental units, including 253 parking spaces, at the aggregate estimated maximum cost of \$6,000,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to The NRP Group LLC (the "Developer"), its successors or assigns. The Developer will construct a project which will include 299 affordable AFFH rental units, including 253 parking spaces, on the AFFH Property. The County's acquisition of the AFFH Property is 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 and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,000,000. The plan of financing includes the issuance of \$6,000,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$6,000,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose 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 Bond Act, in the maximum amount of \$6,000,000. 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 \$6,000,000 as the estimated maximum 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 section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 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, and 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 bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and 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 section 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 and 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__.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20____ and approved by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON GROVE STREET, SOUTH TERRACE AVENUE AND SOUTH MACQUESTEN PARKWAY, IN THE CITY OF MOUNT VERNON, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20____)

Object or purpose: to finance the cost of the purchase of approximately 1.74 acres of real property located on on Grove Street, South Terrace Avenue and South MacQuesten Parkway, in the City of Mount Vernon (the "AFFH Property") from the current owner(s) of record at a cost of \$6,000,000, including acquisition and settlement costs, in order to support the construction of 299 affordable housing units, including 253 parking spaces, that will affirmatively further fair housing ("AFFH"). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 299 affordable AFFH rental units, including 253 parking spaces, at the aggregate estimated maximum cost of \$6,000,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive

Covenants and subsequently conveyed to The NRP Group LLC (the "Developer"), its successors or assigns. The Developer will construct a project which will include 299 affordable AFFH rental units, including 253 parking spaces, on the AFFH Property. The County's acquisition of the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued
and period of probable usefulness:

\$6,000,000 - 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 Form

Project ID: *
BPL30

☒ CBA

Fact Sheet Date: *
01/09/2024

Fact Sheet Year *
2024

Project Title: *
NEW HOMES LAND ACQUISITION
II

Legislative District ID:
14

Category *
BUILDINGS, LAND &
MISCELLANEOUS

Department *
PLANNING

Unique Identifier
2427

Overall Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

☐ Best Management

☐ Energy Efficiencies

☐ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☒ Other

Other Details

Five Year Capital Program (in Thousands)

	Estimate d Ultimate Total Cost	Prior Appropri ation	2024	2025	2026	2027	2028	Under Review
Gross	104,500	104,500	0	0	0	0	0	0
Less Non- County Shares	0	0	0	0	0	0	0	0
Net	104,500	104,500	0	0	0	0	0	0

Expended Obligated Amount (in thousands)
54,851

Current Bond Request / Description:

Bonding is requested to finance the acquisition of approximately 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway in the City of Mount Vernon and identified on the tax maps as Section 164.75: Block 1060; Lots: 1, 2, 3, 6, 8 & 29 (the "Property") in order to construct 299 units of rental housing that will Affirmatively Further Fair Housing (the "Affordable AFFH Units") and 253 parking spaces for the Affordable AFFH Units. The Development will also include 4,800 square feet of ground floor commercial space, 11,300 square feet of community facility space, 20 additional parking spaces and 16 additional rental units.

Financing Plan for Current Request:

Bond/Notes: 6,000,000

Cash: 0

Non-county
Shares: 0

Total: 6,000,000

SEQR Classification

TYPE I

Amount Requested

6,000,000

PPU

Description	Amount	Years
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Expected Design Work Provider

☐ County Staff ☐ Consultant ☒ Not Applicable

Comments

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL30 and to authorize the County to purchase the land improved with parking lots and one-story commercial structures from the current owner for an amount not to exceed \$6,000,000 to support the construction of two residential towers of thirteen-stories and nine stories with 315 rental units of which 299 are Affordable AFFH rental units over a three story base with 253 parking spaces for the Affordable AFFH Units. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 40% and up to 80% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to The NRP Group LLC. (the "Developer") its successors or assigns for one dollar (\$1.00).

Energy Efficiencies:

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING SYSTEMS, WATER CONSERVING FIXTURES AND A GREEN ROOF. THE DEVELOPMENT IS DESIGNED TO MEET THE STANDARDS OF BOTH ENERGY STAR MULTIFAMILY NEW CONSTRUCTION AND LEED V4

Appropriation History

Appropriation Year	Amount	Description
2014	5,000,000	CONTINUATION OF THIS PROJECT
2016	2,500,000	CONTINUATION OF THIS PROJECT
2017	7,200,000	\$2,200,000 LAND ACQUISITION FOR MT HOPE PLAZA FOR MT HOPE COMMUNITY REDEVELOPMENT CORP, LOCATED AT 65 LAKE ST. WHITE PLAINS AND \$5,000,000CONTINUATION OF THIS PROJECT.
2018	8,000,000	CONTINUATION OF THIS PROJECT.
2019	5,000,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	16,800,000	CONTINUATION OF THIS PROJECT
2022	25,000,000	CONTINUATION OF THIS PROJECT
2023	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History
104,500,000

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
15	240	0	0	
15	235	1,840,000	1,830,000	ACQUISITION OF 80 BOWMAN AVENUE, VILLAGE OF RYE BROOK
15	204	460,000	460,608	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS ACQUISITION
15	267	284,000	284,375	ACQUISITION OF 322 KEAR STREET, YORKTOWN HEIGHTS
16	24	353,000	290,732	104 PINE STREET, CORTLANDT- COST OF ACQUISITION
16	21	197,000	191,659	27 WALDEN COURT, UNIT #M YORKTOWN - COST OF ACQUISITION
16	18	385,000	0	164 PHYLLIS COURT, YORKTOWN - COST OF ACQUISITION
16	56	400,220	388,541	9 WATSON ST-CORTLANDT
16	231	2,009,980	1,999,980	200 READER'S DIGEST ROAD CHAPPAQUA AFFIRMATIVELY FURTHERING AFFORDABLE HOUSING AMEND
16	53	219,050	0	18 MINKEL RD OSSINING
16	59	210,800	211,079	5 STANLEY AVE - OSSINING
16	50	228,800	207,286	112 VILLAGE RD YORKTOWN
17	172	1,250,000	1,250,000	ACQUISITION OF LAND AT 1847 CROMPOND ROAD PEEKSKILL
17	142	2,600,000	2,312,500	ACQUISITION OF LAND LOCATED ON ROUTE 22 IN LEWISBORO
17	209	0	0	PURCHASE OF LAND AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	77	2,100,000	2,100,000	PURCHASE OF LAND LOCATED AT 65 LAKE STREET IN WHITE PLAINS FOR FAIR HOUSING
18	123	787,500	787,507	PURCHASE PROPERTY AT 5 HUDSON STREET IN YONKERS TO PRESERVE AFFORDABLE AFFH RENTAL UNITS
18	186	3,000,000	3,000,000	PURCHASE OF REAL PROPERTY AT 25 SOUTH REGENT STREET IN PORT CHESTER TO FURTHER FAIR HOUSING
18	159	1,000,000	1,000,000	PURCHASE OF PROPERTY LOCATED AT HALSTEAD AVENUE TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
18	155	0	0	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	68	1,765,000	1,765,000	PURCHASE AND SUBSEQUENT CONVEYANCE OF PROPERTY LOCATED AT 227 ELM STREET IN YONKERS
19	70	5,225,000	5,225,000	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	150	2,340,000	2,419,325	PURCHASE OF REAL PROPERTY LOCATED AT 645 MAIN STREET IN PEEKSKILL, FOR FAIR HOUSING
19	171	306,000	305,325	FINANCE THE PURCHASE OF REAL PROPERTY, INCLUDING THREE UNIT RENTAL BUILDING AT 162 LINCOLN
19	182	1,375,000	0	
20	206	5,000,000	5,000,000	AFFORDABLE HOUSING DEVELOPMENT 62 MAIN STREET, TARRYTOWN
21	47	5,000,000	5,000,000	AFFORDABLE HOUSING - POINT ST AND RAVINE AVE YONKERS
21	84	3,825,000	0	AFFORDABLE AFFH UNITS - GREENBURGH 1 DROMORE ROAD
21	93	1,400,000	1,399,999	AFFORDABLE AFFH UNITS - 76 LOCUST HILL AVE YONKERS
21	190	5,000,000	4,999,999	500 MAIN STREET NEW ROCHELLE
21	178	5,000,000	4,999,999	AFFH 26 GARDEN ST NEW ROCHELLE
21	166	1,800,000	0	AFFH 51 MAPLE ST VILLAGE OF CROTON
22	154	1,900,000	0	32, 36-38 MAIN STREET AND 1-3 RIVERDALE AVENUE CITY OF YONKERS

Cash History

Year	Amount	Description
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Financing History Total
57,261,350

Recommended By:

Department of Planning
LNGA

Date
01/16/2024

Department of Public Works
RJB4

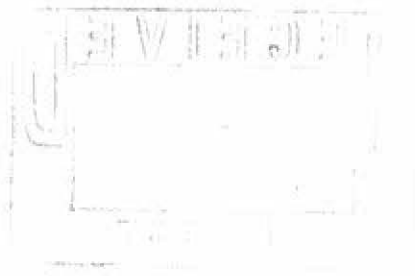
Date
01/16/2024

Budget Department
DEV9

Date
01/18/2024

Requesting Department
MLLL

Date
01/18/2024



NEW HOMES LAND ACQUISITION II (BPL30)

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	2024	2025	2026	2027	2028	Under Review
Gross	104,500	104,500	54,851						
Non County Share			(688)						
Total	104,500	104,500	54,163						

Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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
2014	5,000,000	Continuation of this project	COMPLETE
2016	2,500,000	Continuation of this project	COMPLETE
2017	7,200,000	\$2,200,000 Land acquisition for Mt Hope Plaza for Mt Hope Community Redevelopment Corp, located at 65 Lake St. White Plains and \$5,000,000 continuation of this project.	COMPLETE
2018	8,000,000	Continuation of this project.	COMPLETE
2019	5,000,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	COMPLETE
2021	16,800,000	Continuation of this project	COMPLETE
2022	25,000,000	Continuation of this project	DESIGN / CONSTRUCTION
2023	25,000,000	Continuation of this project	DESIGN / CONSTRUCTION
Total	104,500,000		

NEW HOMES LAND ACQUISITION II (BPL30)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	104,500,000	47,455,609	57,044,391
Others		688,010	(688,010)
Total	104,500,000	48,143,619	56,356,381

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 15	460,000	12/15/17	388,647	(609)
		12/15/17	71,360	
		12/15/17	603	
235 15	1,840,000	12/15/16	1,830,000	10,000
240 15				
267 15	284,000	12/15/17	239,947	(376)
		12/15/17	44,057	
		12/15/17	372	
18 16	385,000			385,000
21 16	197,000	12/15/16	191,659	5,341
24 16	353,000	12/15/16	290,732	62,268
56 16	400,220	12/15/17	327,838	11,679
		12/15/17	60,194	
		12/15/17	509	
59 16	210,800	12/15/17	178,102	(279)
		12/15/17	32,701	
		12/15/17	276	
50 16	228,800	12/15/17	174,902	21,513
		12/15/17	32,114	
		12/15/17	271	
53 16	219,050			219,050
231 16	2,009,980	12/15/16	1,999,980	10,000
142 17	2,600,000	12/01/21	2,312,500	287,500
172 17	1,250,000	12/10/18	1,250,000	
209 17				
77 18	2,100,000	12/10/19	1,205,036	
		12/10/19	237,964	
		12/01/21	657,000	
123 18	787,500	10/28/20	690,728	(8)
		10/28/20	96,780	
		10/28/20	26,688	
		10/28/20	(26,688)	
155 18				

NEW HOMES LAND ACQUISITION II (BPL30)

159	18	1,000,000	12/10/19	835,090	
			12/10/19	164,910	
186	18	3,000,000	12/10/19	2,505,271	
			12/10/19	494,729	
68	19	1,765,000	12/10/19	1,473,935	
			12/10/19	291,065	
70	19	5,225,000	12/10/19	4,363,348	
			12/10/19	861,652	
150	19	2,340,000	10/28/20	2,052,449	(79,325)
			10/28/20	287,575	
			10/28/20	79,302	
171	19	306,000	12/01/21	305,325	675
182	19	1,375,000			1,375,000
206	20	5,000,000	12/01/21	5,000,000	
47	21	5,000,000	12/01/21	5,000,000	
84	21	3,825,000			3,825,000
93	21	1,400,000	12/01/22	1,273,444	
			12/01/22	126,556	
166	21	1,800,000			1,800,000
178	21	5,000,000	12/01/22	4,548,013	
			12/01/22	451,987	
190	21	5,000,000	12/01/22	4,548,013	
			12/01/22	451,987	
154	22	1,900,000			1,900,000
Total		57,261,350		47,428,921	9,832,429

YONKERS WATERFRONT PLAN, PHASE II (BPL32)

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	2024	2025	2026	2027	2028	Under Review
Gross	6,350	6,350	5,435						
Non County Share									
Total	6,350	6,350	5,435						

Project Description

This project will fund improvements to the Yonkers Waterfront. This project continues Capital Project RYON1 Yonkers Waterfront Plan.

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
2019	6,350,000	Installation of statues at the Enslaved Africans Rain Garden \$150,000 ; Construction improvements to the Hudson River Museum \$6,200,000.	COMPLETE
Total	6,350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,200,000	5,285,174	914,826
Funds Revenue	150,000	150,000	
Total	6,350,000	5,435,174	914,826

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
158 19	6,200,000	12/01/21	1,001,391	914,826
		12/01/22	3,896,540	
		12/01/22	387,242	
Total	6,200,000		5,285,174	914,826

ACT NO. _____ - 2024

AN ACT authorizing the County of Westchester to purchase approximately +/- 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway in the City of Mount Vernon and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 299 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

SECTION 1. The County of Westchester (the "County") is hereby authorized to purchase from the current owner(s) of record approximately +/- 1.74 acres of real property located at 2 & 8 Grove Street, 102 & 126 South Terrace Avenue and 111 & 115 South MacQuesten Parkway in the City of Mount Vernon, (the "Property") to construct 299 affordable rental housing units that will affirmatively further fair housing (the "Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2).

§2. The County is hereby authorized to purchase the Property for an amount not to exceed SIX MILLION (\$6,000,000) DOLLARS.

§3. The County is hereby authorized to convey the Property to Macquesten Development LLC, its successors or assigns, for One (\$1.00) Dollar to construct the 299 Affordable AFFH Units that will be marketed and leased to households earning at or below 40% and up to 80% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent

occupancies, as established by the U.S. Department of Housing and Urban Development.

§4. The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.

§5. The transfers of the Property shall be by such deeds as approved by the County Attorney.

§6. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§7. This Act shall take effect immediately.



George Latimer
County Executive

January 26, 2024

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 please find the following:

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 0.68 acres (29,621 square feet) of real property located at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway (the "Property") in the City of Mount Vernon (the "City") to Qwest Towers LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable housing units that affirmatively further fair housing. The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof. It should be noted that the Development includes 2,615 square feet of retail space, this space is not part of the acquisition by the County. A condominium ownership structure will be set up by the Developer for the retail space prior to the County's acquisition of the real property. The County will only acquire the property containing the affordable AFFH Units and their associated parking and amenities, excluding the retail space.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$6,125,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$6,125,000 to purchase the Property from the current owner to create two hundred twenty-nine (229) affordable rental housing units, including one (1) superintendent's unit, that will affirmatively further fair housing (the "Affordable AFFH Units") and one hundred sixty-three (163) parking spaces for use by the residents in two buildings of thirteen and fifteen stories on two sites (the "Development"). The retail space, 2,615 square feet, will not be included in the acquisition by the County.

Resolution. A Resolution adopting a Negative Declaration (the "Resolution") in accordance with the requirements of the State Environmental Quality Review Act as further described herein.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 30% and up to 80% of the Westchester County area median income. The Affordable AFFH Units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Development.

Planning has further advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by the New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal ("HCR"), HCR Subsidy, Brownfield Tax Credits and Westchester County Housing Flex Fund subsidy for an estimated total development cost of approximately \$146.27 Million.

Planning has advised that in accordance with Section 167.131 of the County Charter, on August 1, 2023, the County Planning Board adopted Resolution No. 23-12, which is annexed hereto, that recommends funding for the purchase and conveyance of the Property. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Resolution and Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/BPL/LC
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following:

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the purchase and subsequent conveyance of approximately +/- 0.68 acres (29,621 square feet) of real property located at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway (the “Property”) in the City of Mount Vernon (the “City”) to Qwest Towers LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing. The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof. It should be noted that the Development includes 2,615 square feet of retail space, this space is not part of the acquisition by the County. A condominium ownership structure will be set up by the Developer for the retail space prior to the County’s acquisition of the real property. The County will only acquire the property containing the affordable AFFH Units and their associated parking and amenities, excluding the retail space.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$6,125,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$6,125,000 to purchase the Property from the current owner to create two hundred twenty-nine (229) affordable rental housing units, including one superintendent’s unit, that will affirmatively further fair housing (the “Affordable AFFH Units”) and one hundred sixty-three (163) parking spaces for use by the residents in two buildings of thirteen and fifteen stories on two sites (the “Development”). . The 2,615 square feet of retail space included in the Development will not be part of the acquisition by the County.

Resolution. A Resolution adopting a Negative Declaration (the “Resolution”) in accordance with the requirements of the State Environmental Quality Review Act as further described herein.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households earning at or below 30% and up to 80% of the Westchester County area median income. The Affordable AFFH Units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

Your Committee is advised that in accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Development.

Your Committee is further advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by the New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal (“HCR”), HCR Subsidy, Brownfield Tax Credits, and Westchester County Housing Flex Fund subsidy for an estimated total development cost of approximately \$146.27 Million.

Your Committee has been advised by Planning that based on its review, the proposed Development is classified as a “Type I” action under the State Environmental Quality Review Act (“SEQRA”) pursuant to 6 NYCRR Part 617, the implementing regulations of SEQRA. Planning has also advised that pursuant to a resolution adopted on July 12, 2023, the Mount Vernon City Council (the “City”) determined that the Development met all the criteria of the Mount Vernon West Form-Based Code, would not result in any new potential significant adverse impacts that were not previously studied during the Generic Environmental Impact Statement

("GEIS") review of the Mount Vernon West rezoning and that no additional or supplemental environmental review by the City was required.

Your Committee is further advised by Planning that since the County was not an involved agency in connection with the rezoning and did not participate in the preparation of the GEIS, the County must conduct its own environmental review. Therefore, Planning prepared the attached Full Environmental Assessment Form ("EAF") which includes two Part I forms, one for each building that were provided by the City. Parts 2 and 3 of the Full EAF, which constitute the cumulative evaluation of impacts from both sites, has been drafted and are attached for the Committees consideration. Your Committee has carefully reviewed the EAF and for the reasons set forth in the 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 in order to issue a Negative Declaration for the Development.

Your Committee has been further advised that in accordance with Section 167.131 of the County Charter, on August 1, 2023, the County Planning Board adopted Resolution No. 23-12, which is annexed hereto, that recommends funding for the purchase and conveyance of the Property. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Resolution and Acts is respectfully requested, noting that the Land Acquisition Act and the NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated: , 2024
White Plains, New York

COMMITTEE ON
C/LAC/01/26/24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL30

☐ 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

No. Macquesten MV

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 6,125,000 PPU 30 Anticipated Interest Rate 3.28%

Anticipated Annual Cost (Principal and Interest): \$ 312,466

Total Debt Service (Annual Cost x Term): \$ 9,373,980

Finance Department: Interest rates from January 25, 2024 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: N/A

Prepared by: Blanca P. Lopez

Title: Commissioner

Department: Planning

Date: 1/25/24

Reviewed By: 

DW12524

Budget Director

Date: 1/25/24

RESOLUTION 23- 12

WESTCHESTER COUNTY PLANNING BOARD

**New Homes Land Acquisition II
Capital Project Funding Request
1 & 7-11 North Macquesten Parkway,
City of Mount Vernon**

WHEREAS, the County of Westchester (the "County") has established Capital Project BPL30 New Homes Land Acquisition II ("NHLA") to assist in the acquisition of property associated with the development and preservation of fair and affordable housing; and

WHEREAS, Qwest Towers LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 1 & 7-11, 25, 29 and 33 North Macquesten Parkway in the City of Mount Vernon (the "City"), identified on the tax maps as Section 164.88: Block 1073; Lots: 20, 21, 24, 25 & 26 (the "Property") to create 229 residential units and approximately 161 parking spaces (collectively the "Development"). All 229 units will be affordable residential units that will affirmatively further fair housing including one employee unit ("AFFH"; collectively the "Affordable AFFH Units") and

WHEREAS, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$6,180,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; and

WHEREAS, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units constructed on the Property be leased to households who earn at or below 30% and up to 80% of the Westchester County Area Median Income ("AMI"); and

WHEREAS, the County will transfer ownership of the Property to the Developer to construct a mix of studio, one, two, and three-bedroom apartments to be leased to eligible households, pursuant to an approved Affirmative Fair Housing Marketing Plan, for a minimum of 50 years; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL30 NHLA II to add the Property, 1 & 7-11, 25, 29 and 33 North Macquesten Parkway; City of Mount Vernon, and authorize bonding in a not to exceed amount of \$6,180,000 to develop the Property; and

WHEREAS, the Development is subject to approvals by the City of Mount Vernon; and

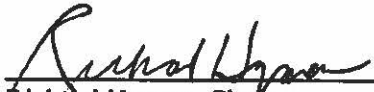
WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types" "affordable to all income levels"; and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$6,180,000 from BPL30 NHLA II for property acquisition; and be it further

RESOLVED, that the Westchester County Planning Board amends its report on the 2023 Capital Project requests to include 1 & 7-11, 25, 29 and 33 North Macquesten Parkway in the City of Mount Vernon, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous.

Adopted this 1st day of August 2023.


Richard Hyman, Chair



Memorandum

**Department of Planning
432 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601**

TO: Honorable George Latimer
County Executive

FROM: Blanca P. Lopez
Commissioner

DATE: January 17, 2024

SUBJECT: Acquisition of Real Property – 1, 7-11, 25, 29 and 33 North
MacQuesten Parkway -City of Mount Vernon

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 0.68 acres of real property located at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon, identified on the City tax maps as Section 164.88: Block 1073; Lots: 20, 21, 24, 25 & 26. (the "Property") for the purpose of creating 229 affordable housing units (the "Affordable AFFH Units"), including one superintendent's unit that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 163 parking spaces for residents. It should be noted that the Development also includes 2,615 square feet of retail space, this space is not part of the acquisition by the County. A condominium ownership structure will be set up by the Developer for the retail space prior to the County's acquisition of the real property. The County will only acquire the property/condominium units containing the affordable AFFH Units and their associated parking and amenities, excluding the retail space.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$6,125,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to Qwest Towers LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct two towers of thirteen-stories and fifteen stories on the Property that will include a mix of affordable studio, one, two and three-bedroom rental apartments that will be leased to households who earn at or below 30% and up to 80% of the area median income (collectively the "Development").


I recommend funding for acquisition and conveyance of the Property for the following reasons:

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning Board as set forth in *Westchester 2025 - Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*, adopted May 6, 2008, and amended January 5, 2010, and the recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995;
3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. A green roof will be installed to minimize runoff from rainfalls. The Development is designed to meet the green building standards of Enterprise Green Communities;
4. The Development is consistent with the land use policies and regulations of the City of Mount Vernon; and
5. On August 1, 2023, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

BPL/lg

cc: Kenneth Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
John M. Nonna, County Attorney
Westchester County Planning Board

TO: Leonard Gruenfeld, Program Administrator
Division of Housing & Community Development

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

DATE: January 17, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
BPL30, NEW HOMES LAND ACQUISITION II
1, 7-11, 25, 29 & 33 NORTH MACQUESTEN PARKWAY, MOUNT VERNON**

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

The action involves the provision of County funding under capital project BPL30 - New Homes Land Acquisition II (Fact Sheet ID #2428) - to facilitate the construction of two affordable housing developments, one to be located at 1 & 7-11 North MacQuesten Parkway and the other at 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon. County funds will be applied towards the purchase of approximately 0.68 acres of property (0.34 acre for each site), which will be transferred to a developer who will create approximately 114 units of affordable housing at one site and 115 units of affordable housing at the other. Known as the Q West Towers, the project will include the construction of a 13-story building and a 15-story building with ground floor retail space, residential amenities and approximately 80 and 83 parking spaces, respectively.

Although reviewed together, the two affordable housing projects are independent of each other and were each classified as an Unlisted action by the Mount Vernon City Council. Both of the proposed affordable housing developments are located in the City's MVW-H-Hub zoning district, which was the subject of a Generic Environmental Impact Statement (GEIS) for which Findings were adopted by the City Council in 2016. This resulted in the adoption of the Mount Vernon West Transit Oriented Form-based Zoning Ordinance. Under this ordinance, projects complying with the GEIS Findings are entitled to expedited review. Pursuant to a resolution adopted on July 12, 2023, the Mount Vernon City Council determined that these projects met all the criteria of the Mount Vernon West Form-Based Code, would not result in any new potential significant adverse impacts that were not previously studied during the GEIS review of the Mount Vernon West rezoning and that no additional or supplemental environmental review by the City was required.

Since the County of Westchester was not an involved agency in connection with the rezoning and GEIS, the County must conduct its own environmental review. As the County's action will be a single bond act supporting both projects which collectively will exceed 200 dwelling units, the County must classify the action as Type I. Attached, from the City, is Part 1 of the Full

Environmental Assessment Form (EAF) that was completed for each site. Parts 2 and 3 of the Full EAF, which constitute the cumulative evaluation of impacts from both sites, have been drafted and are attached for consideration by the Board of Legislators.

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

Att.

cc: Blanca Lopez, Commissioner
Lynne Colavita, Senior Assistant County Attorney
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Q West Towers - Tower 1 (Site A)		
Project Location (describe, and attach a general location map): 25 & 29 North MacQuesten Parkway, Mount Vernon, New York		
Brief Description of Proposed Action (include purpose or need): <p>Construction of a 15-story and cellar, 138'-6" tall, 143,365 sf mixed-use building containing 115 DUs and a 415 sf ground floor retail space on a 15,000 sf lot. The 108,600 sf residential portion of the building would contain residential units on the 3rd through 15th floors, a first floor residential lobby, and cellar space including a tenant storage room, a recreation room, and bike storage, laundry, and mechanical rooms. The project would include 81 accessory parking spaces in a 3-story, 34,350 sf portion of the building and 15,000 sf of open space on a green roof. The site is developed with a vacant 1-story, brick and frame building (25 North MacQuesten Parkway) and a 3-story frame structure containing ground floor commercial space and residential space on the 2nd and 3rd floors of the building (29 North MacQuesten Parkway). Both properties are owned by the City of Mt. Vernon and contain obsolete buildings in poor condition. The project site is underdeveloped relative to the density permitted by the existing zoning mapped on the site. The April 2016 Final Generic FEIS for the Amendment to Zoning Code to Create Mount Vernon West Transit Oriented Form-Based Zoning District includes the subject property within the proposed MVW-H-Hub zoning district. The intent of this district is to encourage higher density mixed-use transit oriented development in proximity to the Mt. Vernon West Metro-North train station.</p>		
Name of Applicant/Sponsor: L'Jude Matt-Simmons/Joseph Simone		Telephone: 914-462-6093 E-Mail: ljude1@aol.com
Address: 4 Albert Leonard Road		
City/PO: New Rochelle	State: New York	Zip Code: 10804
Project Contact (if not same as sponsor; give name and title/role): Mitchell Newman, President, Newman Design, Project Architect		Telephone: 631-673-3111 E-Mail: mnewman@ndarchitects.com
Address: 210 West Rogues Path		
City/PO: Cold Spring Hills	State: New York	Zip Code: 11743
Property Owner (if not same as sponsor): City Of Mount Vernon - Dept. of Finance		Telephone: 914-665-2442 E-Mail:
Address: 1 Roosevelt Square		
City/PO: Mount Vernon	State: New York	Zip Code: 10550

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Dept. of Planning and Community Development	
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Dept., Architectural Review Board	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County Board of Legislators	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? <u>MVW-H (Mount Vernon West Transit Oriented Development Zone-Hub)</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Mount Vernon City School District</u>	
b. What police or other public protection forces serve the project site? <u>Mount Vernon Police Department</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Mount Vernon Fire Department</u>	
d. What parks serve the project site? <u>Grove Street Playground, Bronx River Parkway</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Residential, commercial</u>	
b. a. Total acreage of the site of the proposed action?	<u>0.34</u> acres
b. Total acreage to be physically disturbed?	<u>0.34</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>0.34</u> acres
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: <u>24</u> months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase I (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	115

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>1 (partial)</u> ii. Dimensions (in feet) of largest proposed structure: <u>138'-6"</u> height; <u>125.88'</u> width; and <u>120'</u> length iii. Approximate extent of building space to be heated or cooled: <u>entire building - 143,365</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? <u>Construction of building cellar, installation of utilities</u> ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): <u>69,179.94 cubic yards</u> • Over what duration of time? <u>3 months</u> iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. <u>Site soils and rock to be disposed off-site.</u> iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe. _____ v. What is the total area to be dredged or excavated? <u>0.34</u> acres vi. What is the maximum area to be worked at any one time? <u>0.34</u> acres vii. What would be the maximum depth of excavation or dredging? <u>8</u> feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ <u>Site would be developed with a 15-story and cellar, 143,365 sf mixed-use building containing 115 dwelling units and a 415 sf ground floor retail space.</u>	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 31,400 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: City of Mt. Vernon Board of Water Supply
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☒ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
A new 8" water connection is proposed from the existing service line to the new building.
- Source(s) of supply for the district: New York City's Catskill / Delaware reservoir system

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 31,400 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Not known
- Name of district: City of Mt. Vernon Dept. of Public Works Bureau of Sewers
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ <p>A new 8" sanitary sewer connection and a new 8" storm sewer connection to the new building are proposed from a new 12" sanitary sewer and a new 12" storm sewer in MacQuieslen Parkway.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>None _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ acres (impervious surface)</p> <p>_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p>_____</p> <p>_____</p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p>_____</p> <p>• Will stormwater runoff flow to adjacent properties? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p> <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>Passenger cars and vehicles used for residential and commercial deliveries _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>None _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>Standard residential/small commercial boiler _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☒ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☒ Morning ☒ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ none

iii. Parking spaces: Existing 0 Proposed 83 Net increase/decrease 83

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Only repaving of MacQuisten Parkway and new sidewalks in front of project site

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☒ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☒ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
13,849,385 Blu's annual energy usage

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
local utility

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> Monday - Friday: <u>7AM-4PM</u> Saturday: <u>None</u> Sunday: <u>None</u> Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> Monday - Friday: <u>24</u> Saturday: <u>24</u> Sunday: <u>24</u> Holidays: <u>24</u>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>Existing ambient noise levels in the area of the project site will be exceeded during construction of the project. Additional noise will be generated by construction equipment and vehicles weekdays between 7 AM and 4 PM.</u></p> <p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;">_____</p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p style="margin-left: 20px;">_____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : <u>0.08 (commercial waste)</u> tons per _____ week (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: <u>Recycling of commercial glass and plastic containers, cardboard and paper</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: <u>Private carters</u>

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses:

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): parking, open space

ii. If mix of uses, generally describe:

Urban land containing a mixture of industrial, commercial, residential, and open space uses

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.34	0.34	0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: <u>A public school is located approximately 800 feet to the east of the project site along North High Street.</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ iii. Describe any development constraints due to the prior solid waste activities: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database ii. If site has been subject of RCRA corrective activities, describe control measures: _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? Not Known feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: Urban Land _____ 100 % <div style="text-align: right;"> _____ % _____ % </div>	
d. What is the average depth to the water table on the project site? Average: Not Known feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: 100 % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>none _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. 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"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>The Bronx River Parkway is approximately 400 feet west of the project site.</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>National Register listing for portions of Bronx River Parkway</u>	
iii. Distance between project and resource: _____ <u>0.08 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

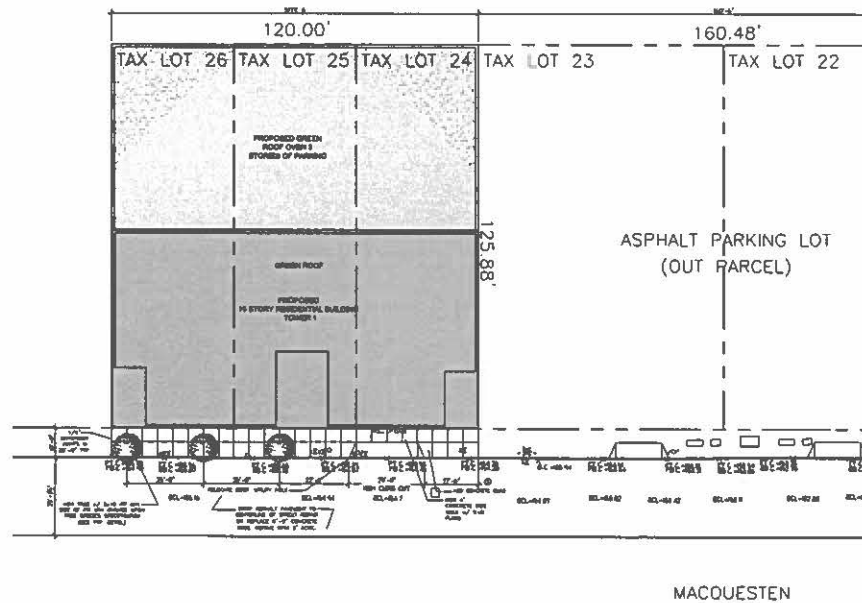
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name J Strauss, EnvStudiesCorp. for L'Judie Simonns Date July 15, 2019

Signature J Strauss Title _____

PRINT FORM



ZONING DATA			
ADDRESS	25 S. 29 North Main Question Parkway		
ADJACENT STREET	Adams St		
STREET TYPE	Over 25 Years / Residential		
FLOOR AREA BY USE	Residential 30,550 sq ft General 414 sq ft Basement 34,300 sq ft		
Building Type - or, Purpose Use a category	REQUIREMENTS / PERMITTED	NOTES	REMARKS
1.000 AREA 1000	7.24		
BUILDING HEIGHT (FLOOR 1)	25.1 FLOORS	75.1 FLOORS	COMPLIES
BUILDING HEIGHT (FLOOR 1)	70.0'	130' 0"	EXCEEDS
BUILDING HEIGHT (FLOOR 1)	70.0'	130' 0"	EXCEEDS
2.000 CONFORMANCE BUILDINGS	Other 30%	2,000 sq ft (2,000)	COMPLIES
3.000 CONFORMANCE BUILDINGS	Other 30%	2,000 sq ft (2,000)	COMPLIES
4.000 AREA 1000	7.24		
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ARCHITECTURE + URBAN PLANNING
HE WHAN DESIGN ARCHITECTS PLLC
210 West Putnam Path • Cold Spring Mills, NY 11724
TEL: 212.673.1010 • TEL: 516.873.0111 • FAX: 516.873.2831
www.hewhandesign.com

PROJECT:
Q WEST TOWERS

**NORTH MACQUESTEN PKWY.
MOUNT VERNON, NEW YORK**

TITLE:
DEVELOPMENT SITE PLAN
SITE A

STAMP:	DATE: 3-00-18
	JOB #: 17-33
	DRAWN BY: JH/BN
	SCALE: AS NOTED
DRAWING NO:	
SP-001	

FILE NO. _____ DATE: _____

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Q West Towers - Tower 2 (Site B)		
Project Location (describe, and attach a general location map): 1, 7-11 North MacQuesten Parkway, Mount Vernon, New York		
Brief Description of Proposed Action (include purpose or need): Construction of a 13-story and cellar, 126'-6" tall, 157,800 sf mixed-use building containing 114 DUs and 2 ground floor retail spaces totaling 2,200 sf on a 14,860 sf lot. The 113,800 sf residential portion of the building would contain residential units on the 4th through 13th floors, a residential lobby on the 1st floor, and cellar space including a tenant storage, recreational, bike storage, laundry, and mechanical rooms. The project would include 80 accessory parking spaces in a 3-story, 41,800 sf portion of the building. (The project requires 80 parking spaces.) 14,860 sf of usable open space on a green roof of the building would be provided. The site is developed with a 4-story, multi-family residential building (1 North MacQuesten Parkway) and two 3-story multi-family residential structures that are currently vacant (7-11 North MacQuesten Parkway). 7-11 North MacQuesten Parkway is owned by the City of Mt. Vernon and contains obsolete buildings in poor condition. The project site is underdeveloped relative to the density permitted by the existing zoning mapped on the site. The April 2016 Final Generic FEIS for the Amendment to Zoning Code to Create Mount Vernon West Transit Oriented Form-Based Zoning District includes the subject property within the proposed MVW-H-Hub zoning district. The intent of this district is to encourage new higher density mixed-use transit oriented development in proximity to the Mt. Vernon West Metro-North train station.		
Name of Applicant/Sponsor: L'Judle Matt-Simmons/Joseph Simone	Telephone: 914-462-6093	
	E-Mail: ljudle1@aol.com	
Address: 4 Albert Leonard Road		
City/PO: New Rochelle	State: New York	Zip Code: 10804
Project Contact (if not same as sponsor; give name and title/role): Mitchell Newman, President, Newman Design, Project Architect	Telephone: 631-673-3111	
	E-Mail: mnewman@ndarchitects.com	
Address: 210 West Rogues Path		
City/PO: Cold Spring Hills	State: New York	Zip Code: 11743
Property Owner (if not same as sponsor): Wakefield Nereid Corp.; City Of Mount Vernon - Dept. of Finance	Telephone: 914-665-2442	
	E-Mail:	
Address: 5 Willow Way; 1 Roosevelt Square		
City/PO: Eastchester; Mount Vernon	State: New York	Zip Code: 1070910550

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Dept. of Planning and Community Development	
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Dept., Architectural Review Board	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County Board of Legislators	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
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C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
MVW-H (Mount Vernon West Transit Oriented Development Zone-Hub)

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Mount Vernon City School District

b. What police or other public protection forces serve the project site?
Mount Vernon Police Department

c. Which fire protection and emergency medical services serve the project site?
Mount Vernon Fire Department

d. What parks serve the project site?
Grove Street Playground, Bronx River Parkway

D. Project Details**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential, commercial

b. a. Total acreage of the site of the proposed action? 0.34 acres
b. Total acreage to be physically disturbed? 0.34 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.34 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No
i. If No, anticipated period of construction: 24 months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase I (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	114

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>1 (partial)</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>126'-6"</u> height; <u>100'</u> width; and <u>160.48'</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>entire building - 153,600</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Construction of building cellar, installation of utilities</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): <u>55,712.79</u> • Over what duration of time? <u>3 months</u> 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. <u>Site soils and rock to be disposed off-site</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? <u>0.34</u> acres	
vi. What is the maximum area to be worked at any one time? <u>0.34</u> acres	
vii. What would be the maximum depth of excavation or dredging? <u>8</u> feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: <u>Site would be developed with a 13-story and cellar, 153,600 sf mixed-use building containing 114 dwelling units and two ground floor retail spaces totaling 2,200 sf.</u>	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: 31,528 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: City of Mt. Vernon Board of Water Supply
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☒ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
A new 4" and 8" water connection is proposed from the existing service line to the new building.
- Source(s) of supply for the district: New York City's Catskill / Delaware reservoir system

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: 31,528 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Not known
- Name of district: City of Mt. Vernon Dept. of Public Works Bureau of Sewers
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Will line extension within an existing district be necessary to serve the project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>A new 8" sanitary sewer connection and a new 8" storm sewer connection to the new building are proposed from a new 12" sanitary sewer and a new 12" storm sewer in MacQuesten Parkway.</p>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>None</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ _____ • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p style="padding-left: 40px;">Passenger cars and vehicles used for residential and commercial deliveries</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p style="padding-left: 40px;">None</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p style="padding-left: 40px;">Standard residential/small commercial boiler</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ none iii. Parking spaces: Existing <u>0</u> Proposed <u>80</u> Net increase/decrease <u>80</u> iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>Only repaving of MacQuisten Parkway and new sidewalks in front of project site</u> vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ <u>14,894,320 Btu's annual energy usage</u> ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>local utility</u> iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: <u>7AM-4PM</u> • Saturday: <u>None</u> • Sunday: <u>None</u> • Holidays: <u>None</u> </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: <u>24</u> • Saturday: <u>24</u> • Sunday: <u>24</u> • Holidays: <u>24</u> </td> </tr> </table>		i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: <u>7AM-4PM</u> • Saturday: <u>None</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: <u>24</u> • Saturday: <u>24</u> • Sunday: <u>24</u> • Holidays: <u>24</u>
i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: <u>7AM-4PM</u> • Saturday: <u>None</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: <u>24</u> • Saturday: <u>24</u> • Sunday: <u>24</u> • Holidays: <u>24</u> 		

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): parking, open space

ii. If mix of uses, generally describe: _____

Urban land containing a mixture of industrial, commercial, residential, and open space uses

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.34	0.34	0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i> A public school is located approximately 800 feet to the east of the project site along North High Street.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____ <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>none _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. 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"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>The Bronx River Parkway is approximately 400 feet west of the project site.</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>National Register listing for portions of Bronx River Parkway</u> iii. Distance between project and resource: _____ <u>0.08 miles.</u> 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name J Strauss, EnvStudiesCorp. for L'Judie Simonns Date July 15, 2018

Signature  Title Project Manager

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project: **MTV Q West (BPL30)**
 Date: **November 2023**

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet. Unknown.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO☒ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>MacQuesten Parkway northbound left-turn would go from LOS D to E.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: Added noise during construction only, which will be limited by City noise ordinance/building regulations.		<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>The block currently contains buildings no higher than 4-stories, but this will be consistent with the City's new transit-oriented development zoning code.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Overall impacts on the environment will be minimal since both sites are already developed and within an urban setting. As such, the anticipated construction time of 2 years will not contribute to any further physical impact. Compliance with standard best management practices for construction and the City's noise ordinance will minimize community impacts during construction.

The new development will replace 1- to 4-story residential or mixed-use structures, 3 of which are currently vacant. Although the new buildings will be significantly taller, increasing shading and density, they are consistent with the City's recent zoning amendments and other recent developments within the Mount Vernon West zoning district. The City's form-based zoning promotes sustainability by concentrating higher density, mixed-use development close to public transit, in particular the Mount Vernon Train Station. Although potentially visible from the Bronx River Parkway, this section of the parkway is outside of the historic- designated area.

Each of the proposed buildings will consist of over 100,000 square feet of gross floor area. To reduce energy use, the buildings will be installed with energy efficient heating and cooling systems and appliances, as well as green roofs, which will also provide stormwater management benefits.

Pursuant to the City's review, additional demands on community services and traffic have been evaluated and comply with the City's criteria as summarized in the document: "Compliance of Proposed Q-West Towers Development with the Findings of the SEQRA Generic EIS Adopted for the MVW Rezoning." Based on the project's traffic analysis, only one intersection would result in a change in level of service from LOS D to LOS E; as such, no improvements were required by the City. Traffic impacts will be re-evaluated 6 months after full occupancy to determine whether minor adjustments in signal timing would be necessary.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Compliance of Proposed Q-West Towers Development with the Findings of the SEQRA Generic EIS Adopted for the MVW Rezoning + Mount Vernon City Council Resolution (June 2023). Mount Vernon West Transit Oriented Form Based Zoning Code Findings Statement (July 2016).

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
County of Westchester, acting by and through it's Board of Legislators, as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Q West Towers

Name of Lead Agency: Westchester County Board of Legislators

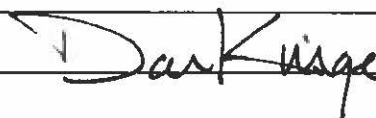
Name of Responsible Officer in Lead Agency: Malika Vanderberg

Title of Responsible Officer: Clerk and Chief Administrative Officer of the Board of Legislators

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)



Date: January 5, 2024

For Further Information:

Contact Person: David S. Kvinge, Assistant Commissioner of Planning

Address: 148 Martine Aveue, Rm 432, White Plains, NY 10601

Telephone Number: 914-995-4400

E-mail: dsk2@westchestercountyny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

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RESOLUTION

WHEREAS, there is pending before this Honorable Board an Act to authorize the County of Westchester (the “County”) to acquire real property for the purpose of constructing two hundred twenty-nine (229) affordable rental units at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon (the Development) that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years; and

WHEREAS, this Honorable Board has determined that the proposed acquisition of real property for the proposed Development would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), the proposed Development is classified as a “Type I” action which requires this Honorable Board to make a determination as to whether the proposed Development will have a significant impact on the environment; and

WHEREAS, the City of Mount Vernon City Council (the “City”), pursuant to a resolution adopted on July 12, 2023, determined that the Development met all the criteria of the Mount Vernon West Form-Based Code, would not result in any new potential significant adverse impacts that were not previously studied during the Generic Environmental Impact Statement (“GEIS”) review of the Mount Vernon West rezoning and that no additional or supplemental environmental review by the City was required; and

WHEREAS, the County was not an involved agency in connection with the rezoning and did not participate in the preparation of the GEIS, and, therefore, must conduct its own environmental review; and

WHEREAS, in accordance with SEQRA and its implementing regulations, a Full Environmental Assessment Form includes two Part I forms, one for each building that were provided by the City. Parts 2 and 3 of the Full EAF, which constitute the cumulative evaluation of impacts from both sites, has been prepared by the Department of Planning (“Planning”) to assist this Honorable Board in its environmental assessment of the proposed Development; and

WHEREAS, this Honorable Board has carefully considered the proposed Development 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 Full Environmental Assessment Form, to determine if the proposed Development 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 this Honorable Board’s review of the Full 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 acquisition of real property at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon in support of the construction of two hundred twenty-nine (229) affordable rental housing units that will affirmatively further fair housing; 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 Full 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 SEQRA 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.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,125,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON NORTH MACQUESTEN PARKWAY, IN THE CITY OF MOUNT VERNON, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,125,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,125,000 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 other laws applicable thereto, bonds of the County in the aggregate amount of \$6,125,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 1.15 acres of real property located on North MacQuesten Parkway, in the City of Mount Vernon (the “AFFH Property”) from the current owner(s) of record at a cost of \$6,125,000,

including acquisition and settlement costs, in order to support the construction of 229 affordable housing units, including 161 parking spaces, that will affirmatively further fair housing (“AFFH”). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk’s office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 229 affordable AFFH rental units, including 161 parking spaces, at the aggregate estimated maximum cost of \$6,125,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Qwest Towers LLC (the “Developer”), its successors or assigns. The Developer will construct a project which will include 229 affordable AFFH rental units, including 163 parking spaces, on the AFFH Property. The County’s acquisition of the AFFH Property is 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 and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,125,000. The plan of financing includes the issuance of \$6,125,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$6,125,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion

of the costs of said object or purpose 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 Bond Act, in the maximum amount of \$6,125,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$6,125,000 as the estimated maximum 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 section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 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, and 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 bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and 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 section 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 and 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__.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,125,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON NORTH MACQUESTEN PARKWAY, IN THE CITY OF MOUNT VERNON, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,125,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,125,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20__)

Object or purpose: to finance the cost of the purchase of approximately 0.68 acres of real property located on North MacQuesten Parkway, in the City of Mount Vernon (the "AFFH Property") from the current owner(s) of record at a cost of \$6,125,000, including acquisition and settlement costs, in order to support the construction of 229 affordable housing units, including 161 parking spaces, that will affirmatively further fair housing ("AFFH"). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 229 affordable AFFH rental units, including 163 parking spaces, at the aggregate estimated maximum cost of \$6,125,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Qwest Towers LLC (the "Developer"), its successors or assigns. The Developer will construct a project which will include 229 affordable AFFH rental units, including 161 parking spaces, on the AFFH Property. The County's acquisition of the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued
and period of probable usefulness:

\$6,125,000 - 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 Form

Project ID: *
BPL30

☒ CBA

Fact Sheet Date: *
01/09/2024

Fact Sheet Year *
2024

Project Title: *
NEW HOMES LAND ACQUISITION
II

Legislative District ID:
14

Category *
BUILDINGS, LAND &
MISCELLANEOUS

Department *
PLANNING

Unique Identifier
2428

Overall Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

☐ Best Management

☐ Energy Efficiencies

☐ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☒ Other

Other Details

Five Year Capital Program (in Thousands)

	Estimate d Ultimate Total Cost	Prior Appropri ation	2024	2025	2026	2027	2028	Under Review
Gross	104,500	104,500	0	0	0	0	0	0
Less Non- County Shares	0	0	0	0	0	0	0	0
Net	104,500	104,500	0	0	0	0	0	0

Expended Obligated Amount (in thousands)
54,851

Current Bond Request / Description:

Bonding is requested to finance the acquisition of approximately 0.68 acres of real property located at 1 & 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon and identified on the tax maps as Section 164.88: Block 1073; Lots: 20, 21, 24, 25 & 26 (the "Property") in order to construct 229 units of rental housing (includes one employee unit) that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 163 parking spaces for residents and 2,615 square feet of retail space. A condominium ownership structure will be created by the Developer for the retail space prior to the County's acquisition of the real property. The County will only acquire the property containing the Affordable AFFH Units and their associated parking and amenities, excluding the retail space.

Financing Plan for Current Request:

Bond/Notes:	6,125,000
Cash:	0
Non-county Shares:	0
Total:	6,125,000

SEQR Classification

TYPE I

Amount Requested

6,125,000

PPU

Description	Amount	Years
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Expected Design Work Provider

☐ County Staff ☐ Consultant ☒ Not Applicable

Comments

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL30 and to authorize the County to purchase the vacant land from the current owner for an amount not to exceed \$6,125,000 to support the construction of two residential buildings of thirteen and fifteen stories with 229 Affordable AFFH rental units (including one employee unit) and 161 parking spaces. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 30% and up to 80% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to Qwest Towers LLC (the "Developer") its successors or assigns for one dollar (\$1.00).

Energy Efficiencies:

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING SYSTEMS, WATER CONSERVING FIXTURES AND A GREEN ROOF. THE DEVELOPMENT IS DESIGNED TO MEET THE STANDARDS OF ENTERPRISE GREEN COMMUNITIES.

Appropriation History

Appropriation Year	Amount	Description
2014	5,000,000	CONTINUATION OF THIS PROJECT
2016	2,500,000	CONTINUATION OF THIS PROJECT
2017	7,200,000	\$2,200,000 LAND ACQUISITION FOR MT HOPE PLAZA FOR MT HOPE COMMUNITY REDEVELOPMENT CORP, LOCATED AT 65 LAKE ST. WHITE PLAINS AND \$5,000,000CONTINUATION OF THIS PROJECT.
2018	8,000,000	CONTINUATION OF THIS PROJECT.
2019	5,000,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	16,800,000	CONTINUATION OF THIS PROJECT
2022	25,000,000	CONTINUATION OF THIS PROJECT
2023	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History
104,500,000

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
15	240	0	0	
15	235	1,840,000	1,830,000	ACQUISITION OF 80 BOWMAN AVENUE, VILLAGE OF RYE BROOK
15	204	460,000	460,608	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS ACQUISITION
15	267	284,000	284,375	ACQUISITION OF 322 KEAR STREET, YORKTOWN HEIGHTS
16	24	353,000	290,732	104 PINE STREET, CORTLANDT- COST OF ACQUISITION
16	21	197,000	191,659	27 WALDEN COURT, UNIT #M YORKTOWN - COST OF ACQUISITION
16	18	385,000	0	164 PHYLLIS COURT, YORKTOWN - COST OF ACQUISITION
16	56	400,220	388,541	9 WATSON ST-CORTLANDT
16	231	2,009,980	1,999,980	200 READER'S DIGEST ROAD CHAPPAQUA AFFIRMATIVELY FURTHERING AFFORDABLE HOUSING AMEND
16	53	219,050	0	18 MINKEL RD OSSINING
16	59	210,800	211,079	5 STANLEY AVE - OSSINING
16	50	228,800	207,286	112 VILLAGE RD YORKTOWN
17	172	1,250,000	1,250,000	ACQUISITION OF LAND AT 1847 CROMPOND ROAD PEEKSKILL
17	142	2,600,000	2,312,500	ACQUISITION OF LAND LOCATED ON ROUTE 22 IN LEWISBORO
17	209	0	0	PURCHASE OF LAND AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	77	2,100,000	2,100,000	PURCHASE OF LAND LOCATED AT 65 LAKE STREET IN WHITE PLAINS FOR FAIR HOUSING
18	123	787,500	787,507	PURCHASE PROPERTY AT 5 HUDSON STREET IN YONKERS TO PRESERVE AFFORDABLE AFFH RENTAL UNITS
18	186	3,000,000	3,000,000	PURCHASE OF REAL PROPERTY AT 25 SOUTH REGENT STREET IN PORT CHESTER TO FURTHER FAIR HOUSING
18	159	1,000,000	1,000,000	PURCHASE OF PROPERTY LOCATED AT HALSTEAD AVENUE TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
18	155	0	0	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	68	1,765,000	1,765,000	PURCHASE AND SUBSEQUENT CONVEYANCE OF PROPERTY LOCATED AT 227 ELM STREET IN YONKERS
19	70	5,225,000	5,225,000	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	150	2,340,000	2,419,325	PURCHASE OF REAL PROPERTY LOCATED AT 645 MAIN STREET IN PEEKSKILL, FOR FAIR HOUSING
19	171	306,000	305,325	FINANCE THE PURCHASE OF REAL PROPERTY, INCLUDING THREE UNIT RENTAL BUILDING AT 162 LINCOLN
19	182	1,375,000	0	
20	206	5,000,000	5,000,000	AFFORDABLE HOUSING DEVELOPMENT 62 MAIN STREET, TARRYTOWN
21	47	5,000,000	5,000,000	AFFORDABLE HOUSING - POINT ST AND RAVINE AVE YONKERS
21	84	3,825,000	0	AFFORDABLE AFFH UNITS - GREENBURGH 1 DROMORE ROAD
21	93	1,400,000	1,399,999	AFFORDABLE AFFH UNITS - 76 LOCUST HILL AVE YONKERS
21	190	5,000,000	4,999,999	500 MAIN STREET NEW ROCHELLE
21	178	5,000,000	4,999,999	AFFH 26 GARDEN ST NEW ROCHELLE
21	166	1,800,000	0	AFFH 51 MAPLE ST VILLAGE OF CROTON
22	154	1,900,000	0	32, 36-38 MAIN STREET AND 1-3 RIVERDALE AVENUE CITY OF YONKERS

Cash History

Year	Amount	Description
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Financing History Total
57,261,350

Recommended By:

Department of Planning
LNGA

Date
01/16/2024

Department of Public Works
RJB4

Date
01/16/2024

Budget Department
DEV9

Date
01/18/2024

Requesting Department
MLLL

Date
01/18/2024



NEW HOMES LAND ACQUISITION II (BPL30)

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	2024	2025	2026	2027	2028	Under Review
Gross	104,500	104,500	54,851						
Non County Share			(688)						
Total	104,500	104,500	54,163						

Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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
2014	5,000,000	Continuation of this project	COMPLETE
2016	2,500,000	Continuation of this project	COMPLETE
2017	7,200,000	\$2,200,000 Land acquisition for Mt Hope Plaza for Mt Hope Community Redevelopment Corp, located at 65 Lake St. White Plains and \$5,000,000 continuation of this project.	COMPLETE
2018	8,000,000	Continuation of this project.	COMPLETE
2019	5,000,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	COMPLETE
2021	16,800,000	Continuation of this project	COMPLETE
2022	25,000,000	Continuation of this project	DESIGN / CONSTRUCTION
2023	25,000,000	Continuation of this project	DESIGN / CONSTRUCTION
Total	104,500,000		

NEW HOMES LAND ACQUISITION II (BPL30)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	104,500,000	47,455,609	57,044,391
Others		688,010	(688,010)
Total	104,500,000	48,143,619	56,356,381

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 15	460,000	12/15/17	388,647	(609)
		12/15/17	71,360	
		12/15/17	603	
235 15	1,840,000	12/15/16	1,830,000	10,000
240 15				
267 15	284,000	12/15/17	239,947	(376)
		12/15/17	44,057	
		12/15/17	372	
18 16	385,000			385,000
21 16	197,000	12/15/16	191,659	5,341
24 16	353,000	12/15/16	290,732	62,268
56 16	400,220	12/15/17	327,838	11,679
		12/15/17	60,194	
		12/15/17	509	
59 16	210,800	12/15/17	178,102	(279)
		12/15/17	32,701	
		12/15/17	276	
50 16	228,800	12/15/17	174,902	21,513
		12/15/17	32,114	
		12/15/17	271	
53 16	219,050			219,050
231 16	2,009,980	12/15/16	1,999,980	10,000
142 17	2,600,000	12/01/21	2,312,500	287,500
172 17	1,250,000	12/10/18	1,250,000	
209 17				
77 18	2,100,000	12/10/19	1,205,036	
		12/10/19	237,964	
		12/01/21	657,000	
123 18	787,500	10/28/20	690,728	(8)
		10/28/20	96,780	
		10/28/20	26,688	
		10/28/20	(26,688)	
155 18				

NEW HOMES LAND ACQUISITION II (BPL30)

159	18	1,000,000	12/10/19	835,090	
			12/10/19	164,910	
186	18	3,000,000	12/10/19	2,505,271	
			12/10/19	494,729	
68	19	1,765,000	12/10/19	1,473,935	
			12/10/19	291,065	
70	19	5,225,000	12/10/19	4,363,348	
			12/10/19	861,652	
150	19	2,340,000	10/28/20	2,052,449	(79,325)
			10/28/20	287,575	
			10/28/20	79,302	
171	19	306,000	12/01/21	305,325	675
182	19	1,375,000			1,375,000
206	20	5,000,000	12/01/21	5,000,000	
47	21	5,000,000	12/01/21	5,000,000	
84	21	3,825,000			3,825,000
93	21	1,400,000	12/01/22	1,273,444	
			12/01/22	126,556	
166	21	1,800,000			1,800,000
178	21	5,000,000	12/01/22	4,548,013	
			12/01/22	451,987	
190	21	5,000,000	12/01/22	4,548,013	
			12/01/22	451,987	
154	22	1,900,000			1,900,000
Total		57,261,350		47,428,921	9,832,429

YONKERS WATERFRONT PLAN, PHASE II (BPL32)

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	2024	2025	2026	2027	2028	Under Review
Gross	6,350	6,350	5,435						
Non County Share									
Total	6,350	6,350	5,435						

Project Description

This project will fund improvements to the Yonkers Waterfront. This project continues Capital Project RYON1 Yonkers Waterfront Plan.

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
2019	6,350,000	Installation of statues at the Enslaved Africans Rain Garden \$150,000 ; Construction improvements to the Hudson River Museum \$6,200,000.	COMPLETE
Total	6,350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,200,000	5,285,174	914,826
Funds Revenue	150,000	150,000	
Total	6,350,000	5,435,174	914,826

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
158 19	6,200,000	12/01/21	1,001,391	914,826
		12/01/22	3,896,540	
		12/01/22	387,242	
Total	6,200,000		5,285,174	914,826

ACT NO. _____ - 2024

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.68 acres (29,621 square feet) of real property located at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon and to subsequently convey said property, and authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 229 affordable rental housing units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

SECTION 1. The County of Westchester (the “County”) is hereby authorized to purchase from the current owner(s) of record approximately +/- 0.68 acres (29,621 square feet) of real property located at 1, 7-11, 25, 29 and 33 North MacQuesten Parkway in the City of Mount Vernon, (the “Property”) to construct two hundred twenty-nine (229) affordable rental housing units which includes one superintendent’s unit that will affirmatively further fair housing (the “Affordable AFFH Units”) as set forth in 42 U.S.C. Section 5304(b)(2). It should be noted that the Development includes 2,615 square feet of retail space, this space is not part of the acquisition by the County. A condominium ownership structure will be set up by the Developer for the retail space prior to the County’s acquisition of the real property. The County will only acquire the property containing the affordable AFFH Units and their associated parking and amenities, excluding the retail space.

§2. The County is hereby authorized to purchase the Property for an amount not to exceed Six Million One Hundred Twenty-Five Thousand (\$6,125,000) Dollars.

§3. The County is hereby authorized to convey the Property to MacQuesten

Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction, for One (\$1.00) Dollar to construct the Affordable AFFH Units including one superintendent's unit that will be marketed and leased to households earning at or below 30% and up to 80% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

§4. The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.

§5. The transfers of the Property shall be by such deeds as approved by the County Attorney.

§6. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§7. This Act shall take effect immediately.

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended) – RGI04 – Glen Island Bridge Rehabilitation III. Act – To Acquire a Temporary Easement from the City of New Rochelle.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your review and approval is an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$52,825,000 to finance capital project RGI04 - Glen Island Bridge Rehabilitation III (“RGI04”). Also attached is an act (the “Act”) that would authorize the County to acquire a temporary easement from the City of New Rochelle.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

January 30, 2024

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 amended bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$52,825,000 to finance capital project RGI04 - Glen Island Bridge Rehabilitation III ("RGI04"). Also attached is an act (the "Act") that would authorize the County to acquire a temporary easement from the City of New Rochelle (the "City") over approximately twenty-three thousand (23,000) square feet of property located adjacent to New Rochelle Harbor (the "Property"), in order to facilitate the rehabilitation of the Glen Island Bridge (the "Bridge") and provide the County with a financeable property interest for the issuance of County bonds.

The Amended Bond Act, in the total amount of \$58,000,000, which includes \$5,175,000 in previously authorized bonds of the County, would finance the cost of construction and construction management associated with the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure, as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans. The Amended Bond Act will also finance the cost of construction and construction management of a temporary bridge which will provide access to Glen Island while the Bridge is being repaired.

The Department of Parks, Recreation and Conservation (the "Department") has advised that the Bridge provides sole access from the mainland to Glen Island, which includes Glen Island Park and the Glen Island Harbour Club. The County is required by the U.S. Coast Guard to operate and maintain the Bridge, which also allows access through the channel. The Bridge is an original component of the 1925 development of Glen Island by the County Park Commission. Structural engineering reports by the Department of Public Works and Transportation indicate an urgent need to rehabilitate the Bridge.

The Act will authorize the County to acquire a temporary easement from the City over the Property in order to facilitate the rehabilitation of the Bridge, including the construction of the temporary bridge, and provide the County with a financeable property interest for the issuance of County bonds.

Design is complete and construction is estimated to take thirty (30) 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

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RGI04, as follows: Bond Act No. 122-2019 in the amount of \$1,050,000, which funded design of the replacement of the bridge deck and above deck elements, as well as all associated infrastructure; and Bond Act No. 86-2022, which amended Bond Act No. 122-2019 to increase the initial amount authorized thereunder by \$4,125,000, to a new total amount authorized of \$5,175,000, and revised the scope of the project to include additional design services associated with the bridge rehabilitation and the temporary bridge. \$492,830 in bonds authorized by Bond Act No. 86-2022 have been sold. Accordingly, authority is now requested to further amend Bond Act No. 122-2019, as amended by Bond Act No. 86-2022, to increase the total amount of bonds authorized from \$5,175,000 to \$58,000,000, to revise the scope of Bond Act No. 122-2019, as amended, to include work associated with the construction phase of RGI04, and to increase the period of probable usefulness of said bonds.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act and the Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written over the printed name.

George Latimer
County Executive

KOC/RL/jpg
Attachments

**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 \$58,000,000, which includes \$5,175,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project RGI04 - Glen Island Bridge Rehabilitation III (“RGI04”). Your Committee is also in receipt of an act (the “Act”) that would authorize the County to acquire a temporary easement from the City of New Rochelle (the “City”) over approximately twenty-three thousand (23,000) square feet of property located adjacent to New Rochelle Harbor (the “Property”), in order to facilitate the rehabilitation of the Glen Island Bridge (the “Bridge”) and provide the County with a financeable property interest for the issuance of County bonds.

The Amended Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, is required to finance the cost of construction and construction management associated with the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure, as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans. The Amended Bond Act will also finance the cost of construction and construction management of a temporary bridge which will provide access to Glen Island while the Bridge is being repaired.

The Department of Parks, Recreation and Conservation (the “Department”) has advised that the Bridge provides sole access from the mainland to Glen Island, which includes Glen Island Park and the Glen Island Harbour Club. The County is required by the U.S. Coast Guard to operate and maintain the Bridge, which also allows access through the channel. The Bridge is an original component of the 1925 development of Glen Island by the County Park Commission. Structural engineering reports by the Department of Public Works and Transportation indicate an urgent need to rehabilitate the Bridge.

Your Committee is advised that the Act will authorize the County to acquire a temporary easement from the City over the Property in order to facilitate the rehabilitation of the Bridge, including the construction of the temporary bridge, and provide the County with a financeable property interest for the issuance of County bonds.

Your Committee is advised that design is complete and that construction is estimated to take thirty (30) 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 RGI04, as follows: Bond Act No. 122-2019 in the amount of \$1,050,000, which funded design of the replacement of the bridge deck and above deck elements, as well as all associated infrastructure; and Bond Act No. 86-2022, which amended Bond Act No. 122-2019 to increase the initial amount authorized thereunder by \$4,125,000, to a new total amount authorized of \$5,175,000 and revised the scope of the project to include additional design services associated with the bridge rehabilitation and the temporary bridge. \$492,830 in bonds under Bond Act No. 86-2022 have been sold. Accordingly, authority is now requested to further amend Bond Act No. 122-2019, as amended by Bond Act No. 86-2022, to increase the total amount of bonds authorized from \$5,175,000 to \$58,000,000, to revise the scope of Bond Act No. 122-2019, as amended, to include work associated with the construction phase of RGI04, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, RGI04 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 Codes, 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, while an affirmative vote of a majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the temporary easement.

Your Committee recommends the adoption of the proposed Amended Bond Act and the Act authorizing the acquisition on the temporary easement.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

Cjgg/12-07-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RG104

☐ 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 \$ 58,000,000 PPU 30 Anticipated Interest Rate 3.31%

Anticipated Annual Cost (Principal and Interest): \$ 2,970,622

Total Debt Service (Annual Cost x Term): \$ 89,118,660

Finance Department: Interest rates from January 31, 2024 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: 630

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation

Date: 1/31/24

Reviewed By: 

01/31/24

Budget Director

Date:

2/1/24

RESOLUTION

WHEREAS, there is pending before this Honorable Board an amended bond act and an act authorizing the County to acquire a temporary easement over property belonging to the City of New Rochelle in connection with Capital Project RGI04 – Glen Island Bridge Rehabilitation III (the “Project”); and

WHEREAS, this Honorable Board has determined that the proposed Project 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 conducting uncoordinated review as permitted for Unlisted Actions pursuant to Section 617.6(b)(4) of the implementing regulations for the environmental review of this project; 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 Project; 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.

Short Environmental Assessment Form

Part 1 - Project Information

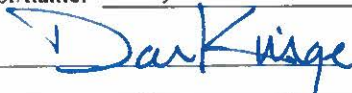
Instructions for Completing

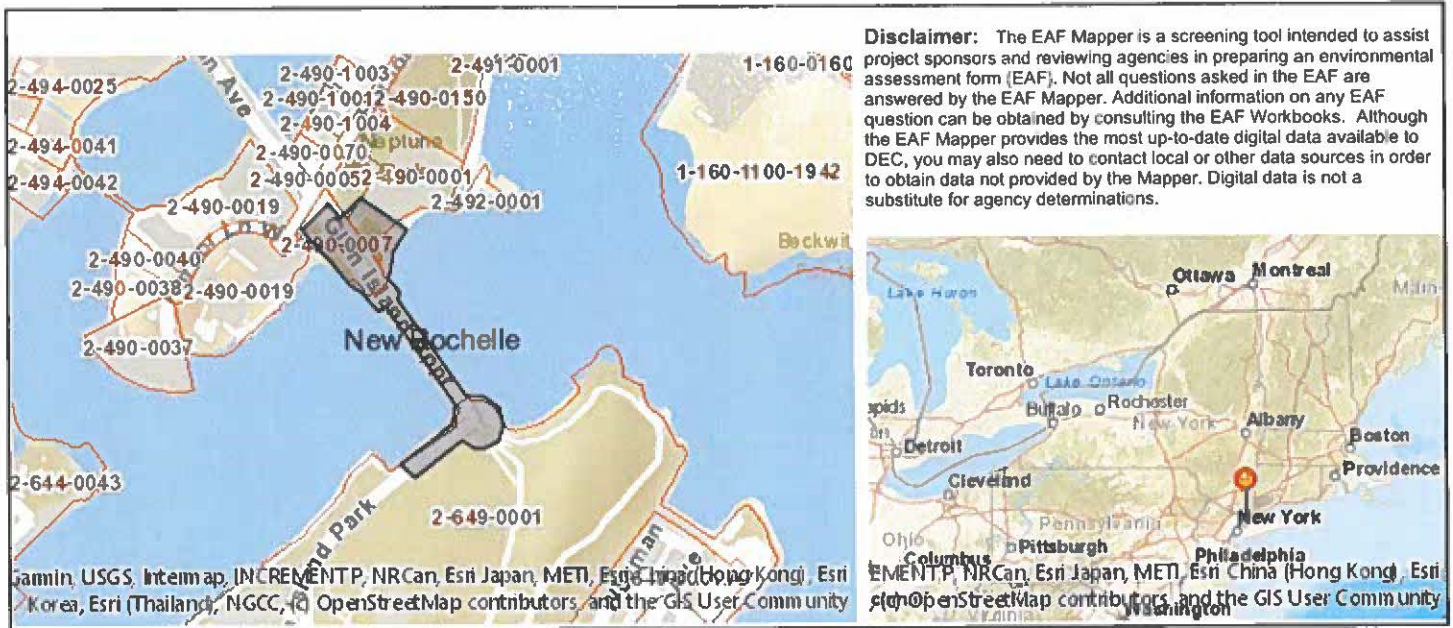
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Glen Island Bridge Rehabilitation (RGI04)			
Project Location (describe, and attach a location map): Glen Island Approach over New Rochelle Harbor, New Rochelle, Westchester County, NY			
Brief Description of Proposed Action: Proposed work includes: removal and replacement of the bridge deck, sidewalks, handrails, lighting, traffic warning signs and gates, electro-mechanical and counterweight systems for both fixed and bascule spans; painting the bridge superstructure; replacement of the cross bracing, frames, main girders, bearings; repairs to the masonry piers, abutments; and painting of immersed substructure steel. A temporary bridge will be installed on the north side of the existing bridge to allow a long-term shutdown of the existing bridge without interrupting normal traffic flow. This will require a temporary easement over property belonging to the City of New Rochelle as well as temporary relocation of some of the parking spaces on this property. The temporary bridge structure will have a movable span to continue to allow for marine traffic passage. In addition, a submarine cable running underneath the bridge will be replaced. The cable supplies electrical power and communications signals for the Glen Island Bridge. A new fiber optic line will be included within the cable to serve the Parks Department building on the island. The project will also provide for renovations to the existing control house, including upgrading of the kitchenette and restroom facilities, along with a new sewer connection.			
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: NYSDEC Tidal Wetlands Permit, USACOE NWP #3 and #33, U.S. Coast Guard Bridge Permit, New Rochelle Temporary Easement			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2 acres	
b. Total acreage to be physically disturbed?		1.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		Approx. 105 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 checked="" type="checkbox"/> Commercial <input checked="" 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: Long Island Sound, 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 type="checkbox"/>	<input checked="" 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:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO	YES	
	<input type="checkbox"/>	<input checked="" 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? Glen Island Bridge identified as eligible (see SHPO letter dated December 5, 2022).	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 type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
<p>The bridge crosses over New Rochelle Harbor, which is in the Littoral Zone of the NYSDEC Tidal Wetlands Map. The bridge substructure and superstructure will be replaced in kind in the same location using the existing piers which will be rehabilitated and, as such, will have minimal waterbody/wetland impacts. The temporary bridge, however, will require the placement of new support piers in the water. It is anticipated that 5-6 piers would be needed resulting in +/-4,000 square feet of temporary disturbance. Replacement of a submarine cable will also cause some in-water disturbance. All temporarily disturbed areas will be restored.</p>			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input 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 will primarily be conveyed to existing drainage networks, ultimately outletting to the harbor.		
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 <input checked="" 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 checked="" 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 checked="" type="checkbox"/>	YES <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>January 29, 2024</u> Signature: <u></u> Title: <u>Assistant Commissioner</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Long Island Sound, 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]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project: Glen Island Bridge (RGI04)

Date: January 2024

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"/>

Agency Use Only [If applicable]	
Project:	Glen Island Bridge (RGI04)
Date:	January 2024

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 will not have a significant impact on the environment as it entails replacement in kind and any adjacent areas disturbed during construction will be restored following completion of the project. Major rehabilitation is necessary in order to keep the bridge safe and functional. It is the sole access to Glen Island, a heavily used County park with a catering hall in Long Island Sound.

The bridge was built in the 1920s. Although not listed, it is eligible for listing on the National Register of Historic Places. As directed by State Historic Preservation Office, all components for replacement will match existing or be as close as feasible and any alternative materials will match the existing in size, configuration and finish as is feasible.

The original piers for the existing bridge will be rehabilitated. In-water impacts will be limited to the installation of temporary piers for the temporary bridge and some disturbance of bottom sediments/substrate for the replacement of the submarine cable across the channel. Standards and specifications will be followed for erosion and sedimentation control, as well as for construction debris and hazardous materials containment while working in/over the water. Measures include bio-fiber rolls, turbidity curtains, geotextile fabric, platforms, nets and screens. Impacts will also be minimized by timing restrictions. Work below mean high water will be limited to periods of low tide. Benthic disturbances will be limited to October 1 through January 15 to protect summer and winter flounder. All construction materials will be removed and the site restored to preexisting conditions following project completion.

The temporary easement is for the use of approximately a half acre of city property on neighboring Neptune Island to provide for a temporary access bridge and staging area during construction. The property consists of an informal row of bordering trees, a sloping lawn and a level area of gravel parking which serves the City's Neptune Park. The trees are of varying sizes and many are non-native. Tree removals will be replaced with native species. Temporary surface improvements (crushed gravel) will be made to the northwest corner of the city property, which is comprised of compacted dirt, to provide for the temporary relocation of approximately 20 parking spaces. The entire easement area will be restored to its original or slightly better condition. Therefore, there will be no significant impact in connection with the temporary use of City property.

The new sewer line, which will just serve the control house, will be installed within the Glen Island Approach roadway to the nearest sewer main located at the intersection with Harbor Lane/Neptune Island Road. The new fiber optic line will essentially run along the curb line of the access road and utilize microtrenching with HDPE ducts installation. As such, these installations will not have a significant impact on the environment.

The project site is within two County-designated Critical Environmental Areas (CEAs)--(1) Long Island Sound (LIS) and (2) County and State Park Lands. Impacts to the waters of LIS will be temporary and carefully mitigated. The temporary bridge will allow for continued use of this highly popular park during the extended project duration. Overall, the project will benefit the public and the environment by rectifying a hazardous structure, restoring all disturbed areas to renewed condition, and ensuring continued enjoyment of Glen Island Park for years to come.

- ☐ 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

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JULY 15, 2019 AND ON JULY 11, 2022, IN RELATION TO THE REPLACEMENT OF THE BRIDGE DECK AND ABOVE ELEMENTS OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, AT THE MAXIMUM ESTIMATED COST OF \$58,000,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,050,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the bridge deck and above elements of the Glen Island Bridge, pursuant to Act No. 122-2019 duly adopted on July 15, 2019; and

WHEREAS, it had been determined that additional funds were required for said preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning of the Glen Island Bridge and the design of a temporary bridge, and it was necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such planning;

WHEREAS, this Board has heretofore duly authorized the issuance of \$4,125,000 additional bonds to finance the cost of preparation of surveys, preliminary and detailed plans, for

planning of the Glen Island Bridge and the design of a temporary bridge, pursuant to Act No. 86-2022 duly adopted on July 11, 2022; and

WHEREAS, it is now appropriate to authorize such improvements, 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 11, 2022, entitled:

“ACT NO. 86-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,175,000 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 BRIDGE DECK AND ABOVE ELEMENTS OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,175,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,175,000 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 \$58,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REMOVAL AND REPLACEMENT OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$58,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$58,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$58,000,000 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 removal and replacement of the Glen Island Bridge and the planning of a temporary bridge, including the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans, 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 \$58,000,000. The plan of financing includes the issuance of \$58,000,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$58,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$58,000,000. 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 \$58,000,000 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 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 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, 2019 and amended on July 11, 2022 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.

A complete copy 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 \$58,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REMOVAL AND REPLACEMENT OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$58,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$58,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on July 15, 2019 and amended on July 11, 2022 and on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the removal and replacement of the Glen Island Bridge and the planning of a temporary bridge, including the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans, 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: \$58,000,000; forty (40) 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:* RG104	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-19-2024
Fact Sheet Year:* 2024	Project Title:* GLEN ISLAND BRIDGE REHABILITATION III	Legislative District ID: 11,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2456

Overall Project Description

Rehabilitation of the bridge as follows: spall repairs, painting of the entire bridge, repair of girders, concrete piers and concrete abutments
 localized repair to sidewalks, railing, and bridge deck.

<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	58,000	58,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	58,000	58,000	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,684

Current Bond Description: Funding is requested for construction and construction management associated with the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	52,825,000
Cash:	0
Total:	\$ 52,825,000

SEQR Classification:

UNLISTED

Amount Requested:

52,825,000

Expected Design Work Provider:

☐ County Staff ☒ Consultant ☐ Not Applicable

Comments:

An IMA will be executed with the City of New Rochelle for the County to obtain a temporary construction easement from the City to allow us to install a temporary bridge and construction staging area on City-owned property.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	9,978,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT.
2022	48,022,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

58,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
19	122	0	0	DESIGN OF REHABILITATION OF ABOVE DECK ELEMENTS OF GLEN ISLAND BRIDGE
22	86	5,175,000	492,830	

Total Financing History:

5,175,000

Recommended By:

Department of Planning
MLLL

Date
01-22-2024

Department of Public Works
RJB4

Date
01-22-2024

Budget Department
DEV9

Date
01-23-2024

Requesting Department
RCL3

Date
01-23-2024

GLEN ISLAND BRIDGE REHABILITATION III (RGI04)

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	58,000	58,000	3,684						
Non County Share									
Total	58,000	58,000	3,684						

Project Description

Rehabilitation of the bridge as follows: spall repairs, painting of the entire bridge, repair of girders, concrete piers and concrete abutments, localized repair to sidewalks, railing, and bridge deck.

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
2017	9,978,000	Design, construction and construction management.	\$5,175,000 - DESIGN; \$4,803,000 - AWAITING BOND AUTHORIZATION
2022	48,022,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	58,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	58,000,000	492,830	57,507,170
Total	58,000,000	492,830	57,507,170

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
122 19				
86 22	5,175,000	12/01/22	448,279	4,682,170
		12/01/22	44,550	
Total	5,175,000		492,830	4,682,170

ACT NO. 2024- _____

AN ACT authorizing the County of Westchester to accept all necessary property rights from the City of New Rochelle in connection with the County's rehabilitation of the Glen Island Bridge.

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

Section 1. The County of Westchester (the "County") is hereby authorized to accept all necessary property rights from the City of New Rochelle or the current owner of record (the "City"), including but not limited to, a temporary easement substantially in the form attached hereto, in connection with the County's rehabilitation of the Glen Island Bridge (Capital Project RGI04).

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

§3. This Act shall take effect immediately.

TEMPORARY EASEMENT AGREEMENT

THIS TEMPORARY EASEMENT AGREEMENT (the “Easement Agreement”), dated as of _____, 2024, between the **CITY OF NEW ROCHELLE** (hereinafter the “Grantor”), a municipal corporation of the State of New York, having a place of business at City Hall, 515 North Avenue, New Rochelle, New York 10801, and the **COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having a place of business at 148 Martine Avenue, White Plains, New York, 10601 (hereinafter the “County” or “Grantee”). The Grantor and the Grantee may be collectively referred to hereinafter as the “Parties” or individually as “Party”.

WHEREAS, the Grantor owns that certain property located adjacent to Glen Island, City of New Rochelle, Westchester County, New York; and

WHEREAS, the Grantee has undertaken a capital project in connection with the rehabilitation of the Glen Island Bridge (the “Bridge”), which serves as a means of ingress and egress to the County-owned Glen Island Park (the “Project”), which Project requires the use of the Grantor’s property as a construction access and staging area; and

WHEREAS, Grantor’s property is also needed as a site for the construction of a temporary bridge to enable access to Glen Island Park while the Bridge is being rehabilitated; and

WHEREAS, the Project is being financed with County Bonds (“the “County Bonds”); and

WHEREAS, Grantor desires to cooperate with Grantee in its effort to undertake this Project.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Grant. In connection with the Project identified as Glen Island Bridge Rehabilitation III, Grantor hereby grants to Grantee, its successors, assigns, employees, invitees, agents, independent contractors and subcontractors (“Grantee’s Representatives”), a non-exclusive temporary easement to access in, on, upon, across, through and over (the “Easement”) the following:

Parcel consisting of approximately .53 acres being a portion of tax Lot 0001 in tax Block 490, Section 2, as shown on the Tax Map of the City of New Rochelle, situated in the City of New Rochelle, County of Westchester, State of New York

(hereinafter the “Premises” or “Easement Area”), all as more particularly described in the Right-of-Way Property Description and Map which are attached hereto and incorporated herein as Schedule “A”.

With respect to the property descriptions for the Easement granted hereunder, if any additions, changes or corrections are required due to accurate survey or field conditions, such additions, changes or corrections may be made by either Party subject to the approval of the other Party in writing. Such approval for the Grantee will be by the Commissioner of Public Works and Transportation and for the Grantor will be by the City Manager, such approval not to be unreasonably withheld or delayed. Such additions, changes or corrections shall also be made to reflect such facts as an accurate survey of final construction and installation may disclose. Any additions, changes or corrections to the legal description of the Easement shall be duly recorded by appropriate instrument prepared and filed by the Grantee in a timely manner in the Westchester County Clerk’s Office, with a copy to the Grantor. In the event any additions, changes or corrections to the legal description of the Easement are undertaken, the consideration will be adjusted proportionately.

2. Use. The Grantee shall have the right to use the Easement Area as a construction access and staging area and for purposes of providing ingress and egress to the Project and to Glen Island. The Easement Area shall also serve as a financeable property interest to enable Grantee to issue County Bonds in accordance with the New York State Local Finance Law.

3. Term and Fee. The term ("Term") of this Easement Agreement shall commence upon execution of this instrument by both parties (the "Commencement Date") and shall expire upon completion of the Project.

In consideration for the grant of this Easement by Grantor to Grantee, Grantee will pay to the Grantor the sum of One (\$1.00) Dollar lawful money of the United States, receipt of which is hereby acknowledged.

4. Title. Grantor covenants that Grantor has the right, title and interest to grant the Easement and reserves unto itself such right, title or interest in and to the Premises. Provided the Grantee abides by the provisions set forth in this Easement Agreement, the Grantee, and Grantee's Representatives shall have non-exclusive quiet and peaceful enjoyment of the Easement for the Term.

5. Subject and Subordinate. The grant of this Easement to Grantee shall be subject and subordinate to: (i) all ground or underlying leases and to all mortgages and deeds of trust and existing liens, encumbrances and agreements which may now or hereafter affect such leases or the real property of which the Easement Area forms a part, and to all renewals, modifications, consolidations, replacements and extensions thereof ; and (ii) all easements, covenants and restrictions of record affecting the Easement Area, if any, which may now or hereafter be in effect.

6. Restoration of Premises; Maintenance and Repair. The Grantee, at its sole cost and expense, shall at all times during this Agreement keep and maintain the Premises in reasonably clean condition and in good order and shall make all reasonable repairs caused by Grantee or Grantee Representatives. Grantee shall stake, secure, fence, and/or barricade the Easement Area during times construction is not underway, and provide all other safety and security measures necessary to protect the public and property during construction.

Upon expiration or termination of this Easement Agreement, Grantee agrees, at its sole cost and expense, to fully repair and restore the Premises to a condition that is similar or better than the condition that existed at or immediately prior to the commencement of this Easement Agreement, to the reasonable satisfaction of the New Rochelle Commissioner of Parks and

Recreation ("City Commissioner"). In addition, at the sole cost and expense of the Grantee, Grantee shall fully repair and restore any and all damage to the Premises caused by Grantee, its officers, employees, agents, invitees, independent contractors or subcontractors.

Upon expiration or termination of this Easement Agreement, at the sole cost and expense of the Grantee, Grantee shall restore to substantially the condition that existed prior to the Commencement of this Easement Agreement, the soil, sod, plants, shrubs, trees, sidewalks, pavement, curbs, gutters, flagging and any and all other facilities and equipment that may be or have been disturbed at the Premises as a result of Grantee's use of the Premises to the reasonable satisfaction of the City Commissioner. Grantee shall also perform backfilling, grading, seeding and replacement of shrubs and trees at its sole cost and expense to restore the Easement Area to the reasonable satisfaction of the City Commissioner. Upon request, Grantee shall provide Grantor with copies of all maintenance, performance, restoration, and repair records relating to the Easement Area. In the event Grantee shall fail to timely make such repairs, Grantee shall pay the Grantor for actual damages sustained by the Grantor directly related to a failure to timely make a repair as reasonably determined by the Grantor, subject to appropriation by Grantee's Board of Legislators. If such a request for payment is made, Grantor shall provide Grantee with written proof of such actual damages sustained, including, but not limited to, photographs and estimates prepared by duly licensed contractors. Grantee shall be responsible for obtaining all permits, licenses and approvals necessary for performing the Project or related work under this Agreement at its sole cost and expense.

Grantee shall be solely responsible and liable for any loss, claim, injury, damage to persons or property occurring within or outside the Easement Area directly arising out of Grantee's or Grantee Representatives negligent or willful acts or omissions during the Project, and/or during the maintenance, repair or restoration of the Premises, except to the extent such claim, injury or damages results from the negligence or willful misconduct of the Grantor, or its officers, employees, agents, independent contractors or subcontractors.

7. Right of Entry. Grantor reserves unto itself, its employees, agents, successors and assigns, the right to enter and cross the Easement Area at all times and for any purpose, using reasonable efforts not to interfere with Grantee's use of the Easement Area and if

avoidance is not possible, limiting to the extent possible the amount of time such limitations of Grantor's use takes place, and will ensure that the Project is not damaged.

8. Expiration of Term. Upon the expiration or termination of this Easement Agreement, the Grantee shall, at its sole cost and expense, remove all of its equipment, materials, supplies and refuse from the Premises.

9. Insurance. In connection with the use by the Grantee of the Easement Area, the Grantee agrees to self-insure all liability for bodily injury and death and property damage under the Grantee's self-insurance program in accordance with Local Law 6-1986 and Chapter 295 of the Laws of Westchester County. Attached hereto as Schedule "C" is a written assurance from the Grantee of its decision to self-insure. Further, if the Grantee changes from a self-insurance program to a traditional insurance program then the Grantee shall forward certificates of General Liability coverage naming the Grantor as an additional insured. The Grantee represents that the Grantee's Contractors will be required to maintain the Grantor as an additional insured on the Contractor's insurance.

10. Indemnification. To the fullest extent permitted by law, the Grantee, its successors or assigns, shall indemnify, defend and hold harmless the Grantor, its employees, officers, successors and assigns (collectively the "Indemnitees") from and against any and all third party claims, lawsuits, damages, fines, causes of action, judgments, penalties, costs, liabilities, settlements, fees and expenses (including reasonable attorneys' fees, court costs and disbursements), losses and awards directly arising out of or as a direct result of (i) this Easement, (ii) construction, reconstruction or maintenance work done by or on behalf of Grantee on or around the Easement Area; (iii) the use, possession, enjoyment or operation of the Easement Area, by Grantee or any of its employees, invitees (including the general public), agents, employees or contractors, (iv) any negligent or willful act or omission by Grantee or anyone acting under the direction or control of the Grantee, or (v) any violation of law or default hereunder. This provisions shall survive the expiration or termination of this Agreement.

11. Default. If Grantee shall not keep or perform the respective terms, covenants or conditions imposed upon it pursuant to the terms of this Agreement, and such default shall continue for a period of thirty (30) calendar days after written notice thereof from the Grantor

(or, in connection with any default not susceptible to being cured with due diligence within thirty (30) days, such longer period of time as may be necessary to complete the same in good faith with due diligence, provided that the cure of such default is promptly commenced and diligently pursued), or in the case of an emergency or hazardous condition, the Grantee fails to proceed promptly to cure the same after service of such written or oral notice, then the Grantee shall be in breach of this Agreement. Upon any breach of this Agreement by the Grantee which is not remedied prior to the expiration of the applicable cure period, the Grantor shall have the right to cancel, terminate or rescind this Agreement, and/or exercise any and all rights and remedies that are available at law or in equity.

12. Enforcement. The Parties shall have the right to enforce this Easement Agreement by any proceeding at law or in equity against any person or persons violating or attempting to violate this Easement Agreement, to restrain said violation, to require specific performance and/or to recover damages, and to recover any legal fees incurred in connection with such proceeding. Failure by either Party to enforce any provision herein contained shall not be deemed a waiver of the right to do so thereafter.

13. No Lease. This Easement Agreement is not a lease and does not grant the Parties rights of a tenant. Under no circumstances shall this Easement Agreement be construed as granting either Party any rights, title or interest of any kind or character in, on, or about the Easement Areas, land, or premises of the Grantor, other than as expressly provided herein.

14. Compliance with Law. Each Party, at its sole cost and expense, shall comply with all Federal, State and local laws, regulations and ordinances applicable to it and to its activities, and shall procure and maintain, in full force and effect for the term of this Easement Agreement, all applicable permits, licenses and approvals from all governmental authorities having jurisdiction required for the lawful operation of this Easement Agreement.

15. Notice. All notices of any nature referred to in this Easement Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses 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.

To the County:

Commissioner of Public Works and Transportation
County of Westchester
148 Martine Avenue, Room 518
White Plains, New York 10601

With a copy to:

County Attorney
County of Westchester
148 Martine Avenue, Room 600
White Plains, New York 10601

To the Grantor:

City Manager
City of New Rochelle
City Hall
515 North Avenue
New Rochelle, New York 10801

With a copy to:

Corporation Counsel
City of New Rochelle
City Hall
515 North Avenue
New Rochelle, New York 10801

16. Entire Agreement. This Easement Agreement, including all Exhibits, contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior understandings, if any, with respect thereto. The Parties have made no prior representations with respect to the subject matter of this Easement Agreement and have given no warranties with respect to the subject matter hereof except as provided herein. This Easement Agreement may not be modified, changed or supplemented nor may any obligations hereunder be waived, except by written instrument signed by the Parties hereto.

17. Severability. Invalidation of any one of the provisions of this Easement Agreement by judgment or court order shall not affect the validity of any other provision, which shall remain in full force and effect.

18. Singular and Plural Form. Whenever the sense of this Easement Agreement may make it necessary or appropriate, any singular word or term used herein shall include the plural and any masculine word or term shall include the feminine and/or neuter genders and visa versa.

19. Assignment. Grantee shall not assign or transfer this Easement Agreement or any interest herein without the prior written consent of the Grantor, which consent shall not be unreasonably delayed, withheld or conditioned, subject to the appropriate governmental and legal approvals.

20. No Third Party Rights. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns, including but not limited to the general public, any rights, remedies or basis for reliance upon, under or by reason of this Easement Agreement, except in the event that specific third party rights are expressly granted herein.

21. Governing Law. This Easement Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of New York applicable to agreements made and to be performed wholly within such State.

22. Recording. The Parties agree that the Grantee, at its sole cost and expense, shall cause this Easement Agreement to be recorded in the records of the Westchester County Clerk and shall terminate at the expiration of the Term or earlier termination as set forth herein.

23. Multiple Counterparts. This Easement Agreement may be executed in a number of identical counterparts but all counterparts shall constitute one and the same agreement. This Easement Agreement shall not be binding or effective until duly executed by Grantor and Grantee and delivered by one to the other.

24. Enforceability. This Easement Agreement shall not be enforceable until executed by both Parties and approved by the Office of the Westchester County Attorney and City Manager.

IN WITNESS WHEREOF, the Parties have executed this instrument on the day and date first above mentioned.

CITY OF NEW ROCHELLE

By: _____

Name:

Title:

COUNTY OF WESTCHESTER

By: _____

Name:

Title:

Authorized by the County Board of Legislators by Act. No. 2024-____ on the ____ day of _____, 2024.

Approved:

Sr. Assistant County Attorney
The County of Westchester

Date

Corporation Counsel
City of New Rochelle

Date

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT

(GRANTEE)

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

On this _____ day of _____, 2024 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.

NOTARY PUBLIC

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT

(GRANTOR)

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

On this _____ day of _____, 2024 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.

NOTARY PUBLIC

SCHEDULE "A"

LEGAL DESCRIPTION

A Temporary Construction Easement being a portion of a parcel consisting of approximately .53 acres being a portion of tax Lot 0001 in tax Block 490, Section 2, as shown on the Tax Map of the City of New Rochelle, situated in the City of New Rochelle, County of Westchester, State of New York and more specifically described below:

PARCEL NO. ____:

Beginning at a point

DRAFT

MAP
To be attached

DRAFT

SCHEDULE "B"
Grantees' Self Insurance Letter
(SAMPLE ONLY)

DATE: _____, 2023

TO: CITY OF NEW ROCHELLE
City Hall
515 North Avenue
New Rochelle, New York 10801

Dear Sir or Madam:

This letter is being provided as evidence of the County of Westchester's financial security in support of any indemnity contained in the Temporary Construction Easement Agreement between the County of Westchester and the City of New Rochelle.

The County of Westchester is self-funding its casualty and liability exposures in accordance with Local Law 6-1986 that amended the Laws of Westchester County to add a new Chapter 295 providing for the establishment and management of a liability and casualty reserve fund. Contribution to this dedicated reserve fund is actuarially determined and funded on an annual basis.

Current assets exceed Ten Million Dollars (\$10,000,000.00)

Sincerely,

Risk Management

Description:
Temporary Construction Easement Agreement for Parcel ____

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act –
T001Z - Replace 95 NABI 40-Foot Buses.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

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 as adopt a related bond act (the "Bond Act") to finance the following capital project: T001Z.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

January 30, 2024

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 as adopt a related bond act (the "Bond Act") to finance the following capital project:

T001Z – Replace 95 NABI 40-Foot Buses ("T001Z").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the amount of non-County shares for T001Z by \$8,625,000. The Department of Public Works and Transportation (the "Department") has advised that a capital budget amendment is required to add more non-County funds to this project. The total cost of the project has increased due to updated cost estimates for buses.

The Bond Act, in the amount of \$24,470,000, would provide additional funding for the purchase of 95 replacement 40-foot buses for the County. The Department has advised that the buses to be replaced are approaching the end of their useful lives and are in need of replacement. The existing model year 2009 hybrid buses will be replaced with a combination of new hybrid and all electric buses.

Following bonding authorization, it is expected to take approximately twelve (12) months to purchase the buses and put them into service.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with T001Z as follows: Bond Act No. 221-2021 which authorized \$29,600,000 in bonds of the County to finance the acquisition of buses under capital projects T001U – Replacement of Thirty-Foot Buses, T001Y – Replace Orion Forty-Foot Coach Buses, and T001Z. \$350,000 of this amount is attributable to T001Z. These bonds have not been sold.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/HJG/jpg/nn

**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 bond act (the “Bond Act”) which, if adopted, will authorize the County to issue up to \$24,470,000 in bonds of the County to finance capital project T001Z – Replace 95 NABI 40-Foot Buses (“T001Z”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the amount of non-County shares for T001Z by \$8,625,000. The Department of Public Works and Transportation (the “Department”) has advised that a capital budget amendment is required to add more non-County funds to the project. The total cost of the project has increased due to updated cost estimates for buses.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would provide additional funding for the purchase of 95 replacement 40-foot buses for the County. The Department has advised that the buses to be replaced are approaching the end of their useful lives and are in need of replacement. The existing model year 2009 hybrid buses will be replaced with a combination of new hybrid and all electric buses.

The Department has advised that following bonding authorization, it is expected to take approximately twelve (12) months to purchase the buses and put them into service.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with T001Z as follows: Bond Act No. 221-2021 which authorized \$29,600,000 in bonds of the County to finance the acquisition of buses under capital projects T001U – Replacement of Thirty-Foot Buses, T001Y – Replace Orion Forty-Foot Coach Buses, and T001Z. \$350,000 of this amount is attributable to T001Z. These bonds have not been sold.

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 further 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 amend the County’s Capital Budget and to adopt the Bond Act.

Your Committee has carefully considered the proposed Acts and recommends approval of same.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

s: jpg/1-29-24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T001Z

☒ 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 \$ 24,470,000 PPU 10 Anticipated Interest Rate 2.51%

Anticipated Annual Cost (Principal and Interest): \$ 2,815,359

Total Debt Service (Annual Cost x Term): \$ 28,153,590

Finance Department: Interest rates from January 31, 2024 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: 265

Prepared by: Michael Swee

Title: Dir. Of Surface Transportation

Department: DPW&T


Date: 1/31/24

Reviewed By: 

Budget Director

Date: 2/1/24

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: January 26, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T001Z REPLACE 95 NABI 40-FOOT HYBRID BUSES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-22-2024 (Unique ID: 2414)

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/jfg

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

ACT No. _____ 2024

An Act amending the 2024 County
Capital Budget Appropriations for
Capital Project T001Z Replace 95 NABI
40-Foot Hybrid Buses

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

Section 1. The Capital section of the 2024 County Budget is hereby amended as follows:

	Previous 2024 Appropriation	Change	Revised 2024 Appropriation
I. Appropriation	\$95,375,000	\$8,625,000	\$104,000,000

Section 2. The estimated method of financing in the Capital Section of the 2024 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$24,820,000		\$24,820,000
Non County Shares	\$70,555,000	\$8,625,000	\$79,180,000
Cash	\$0		\$0
Total	\$95,375,000	\$8,625,000	\$104,000,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$24,470,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE ACQUISITION OF BUSES FOR THE DEPARTMENT OF TRANSPORTATION; STATING THE ESTIMATED TOTAL COST THEREOF IS \$103,650,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE EXPENDITURE OF \$79,180,000 OF GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND THE ISSUANCE OF \$24,470,000 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; \$24,470,000 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 the purchase of replacement buses for the Department of Transportation, 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 \$103,650,000. The plan of financing includes the expenditure of \$79,180,000 in grant funds expected to be received from the United States of America and the issuance of \$24,470,000 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 \$24,470,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.29-a of the Law, is ten (10) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$24,470,000. 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 \$103,650,000 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, 2022 and in accordance with Section 107.71 of the Westchester 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 \$24,470,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE ACQUISITION OF BUSES FOR THE DEPARTMENT OF TRANSPORTATION; STATING THE ESTIMATED TOTAL COST THEREOF IS \$103,650,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE EXPENDITURE OF \$79,180,000 OF GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND THE ISSUANCE OF \$24,470,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____, 20____)

object or purpose: to finance the purchase of replacement buses for the Department of Transportation, 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: \$24,470,000; 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

3863713.1 047331 RSIND

CAPITAL PROJECT FACT SHEET

Project ID:* T001Z	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* REPLACE 95 NABI 40-FOOT HYBRID BUSES	Legislative District ID: ALL
Category* TRANSPORTATION	Department:* AIRPORT/DOT	CP Unique ID: 2414

Overall Project Description

This project will fund the procurement of replacement of 95 forty-foot buses. The project also includes appropriation for procurement related services, associated equipment and parts.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2024	2025	2026	2027	2028	Under Review
Gross	104,000	95,375	0	0	0	0	0	8,625
Less Non-County Shares	79,180	70,555	0	0	0	0	0	8,625
Net	24,820	24,820	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 200

Current Bond Description: For the purchase of 95 replacement 40-foot buses.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 79,180,000
Bonds/Notes:	24,470,000
Cash:	0
Total:	\$ 103,650,000

SEQR Classification:

TYPE II

Amount Requested:

24,470,000

Expected Design Work Provider:

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

Comments:

A capital budget amendment is required to add more non-county funds to the project. The total cost of the project has increased due to updated cost estimates for buses.

Energy Efficiencies:

THE EXISTING MODEL YEAR 2009 HYBRID BUSES WILL BE REPLACED WITH A COMBINATION OF NEW HYBRID AND ALL-ELECTRIC BUSES.

Appropriation History:

Year	Amount	Description
2022	350,000	FUNDS PREPARATION OF SPECIFICATIONS AND RELATED SERVICES
2023	95,025,000	PURCHASE OF BUSES

Total Appropriation History:

95,375,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	221	350,000	0	REPLACE 95 NABI 40-FOOT HYBRID BUSES

Total Financing History:

350,000

Recommended By:**Department of Planning**

MLLL

Date

01-22-2024

Department of Public Works

RJB4

Date

01-22-2024

Budget Department

DEV9

Date

01-23-2024

Requesting Department

MAS9

Date

01-24-2024

REPLACE 95 NABI 40-FOOT HYBRID BUSES (T001Z)

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ; Public Works ;

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	95,375	95,375	200						
Non County Share	(70,555)	(70,555)							
Total	24,820	24,820	200						

Project Description

This project will fund the procurement of forty-foot buses. The project also includes appropriation for procurement related services, associated equipment and parts.

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
2022	350,000	Funds preparation of specifications and related services	DESIGN
2023	95,025,000	Purchase of buses	\$70,555,000 NCS; \$24,470,000 awaiting bond authorization
Total	95,375,000		

Prior Appropriations

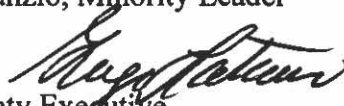
	Appropriated	Collected	Uncollected
Bond Proceeds	24,820,000		24,820,000
Federal Funds	66,795,000		66,795,000
State Funds	3,760,000		3,760,000
Total	95,375,000		95,375,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
221 21	350,000			350,000
Total	350,000			350,000

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – Rescinding
Bond Act No. 95-2022.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act (the “Bond Act”), which if adopted by your Honorable Board, will rescind a bond act previously adopted by your Honorable Board.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

January 30, 2024

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 "Bond Act"), which if adopted by your Honorable Board, will rescind a bond act previously adopted by your Honorable Board.

On August 1, 2022, by Bond Act No. 95-2022, your Honorable Board authorized the County of Westchester (the "County") to issue up to Two Hundred Twenty Thousand (\$220,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Bond Act No. 95-2022 was to fund up to 50% of the costs of a study of localized flooding in the Village of Briarcliff Manor (the "Village") near the Pocantico River.

The Department of Planning was notified by the Village that it has withdrawn its request for funding for this project. Accordingly, the Bond Act, if approved by your Honorable Board, will rescind Bond Act No. 95-2022 in its entirety.

As the rescission of Bond Act No. 95-2022 is in the best interests of the County, I most respectfully recommend approval of the attached Bond Act.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer", written over a horizontal line.

George Latimer
County Executive

GL/BL/LS/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”) which, if adopted, will rescind a bond act previously adopted by your Honorable Board.

On August 1, 2022, by Bond Act No. 95-2022, your Honorable Board authorized the County of Westchester (the “County”) to issue up to Two Hundred Twenty Thousand (\$220,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Bond Act No. 95-2022 was to fund up to 50% of the costs of a study of localized flooding in the Village of Briarcliff Manor (the “Village”) near the Pocantico River.

The Department of Planning was notified by the Village that it has withdrawn its request for funding for this project. Accordingly, the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, will rescind Bond Act No. 95-2022 in its entirety.

The Planning Department has advised that, based on its review, the proposed rescission of Bond Act No. 95-2022 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 8, 2024, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee has reviewed the referenced memorandum and concurs with this conclusion.


It should be noted that an affirmative vote of the majority 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: _____, 2024
White Plains, New York

COMMITTEE ON

c:\jpg 01.19.24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BPL26</u>		<input checked="" 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	
Rescind Bond Act 95-2022 BPL26-13 Flood Mitigation Briarcliff Manor Pocantico River			
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	PPU	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):			
<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:			
Prepared by: <u>Dianne Vanadia</u>		Reviewed By:  Budget Director	
Title: <u>Associate Budget Director</u>		Date: <u>01/30/24</u>	
Department: <u>Budget</u>		Date: <u>1/31/24</u>	
Date: <u>1/30/24</u>			

ACT NO. -20_____

RESCINDING BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, RESCINDING THE BOND ACT ADOPTED AUGUST 1, 2022 TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF BRIARCLIFF MANOR NEAR THE POCANTICO RIVER. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$220,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of localized flooding in the Village of Briarcliff Manor near the Pocantico River (the "Project"), pursuant to Act No. 95-2022 duly adopted on August 1, 2022; and

WHEREAS, it is now been determined that such Project request has been withdrawn from the Village of Briarcliff Manor, and it is now necessary to rescind such Bond Act;

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

SECTION (A) The bond act duly adopted by this Board on August 1, 2022, entitled:

"ACT NO. 95-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$220,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE

COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF BRIARCLIFF MANOR NEAR THE POCANTICO RIVER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$220,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$220,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS."

is hereby rescinded.

SECTION (B) The rescission 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____.

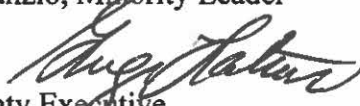
(SEAL)

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



February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended) –
RB176 – Westchester Avenue, Port Chester.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your review and approval is an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue an additional \$2,650,000 in bonds to finance the following capital project: RB176.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

January 29, 2024

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 amended bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue an additional \$2,650,000 in bonds to finance the following capital project:

RB176 – Westchester Avenue, CR 112, Port Chester ("RB176").

The Amended Bond Act, in the total amount of \$3,050,000, which includes \$400,000 in previously authorized bonds of the County, would finance the cost of construction and construction management associated with the rehabilitation of approximately 0.6 miles of roadway from Bowman Avenue to Oak Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

The Department of Public Works and Transportation ("Department") has advised that this project is being divided into two phases to coordinate with a sewer rehabilitation project. The Amended Bond Act will fund the first phase of the project from Bowman Avenue to Oak Street. Once the sewer rehabilitation project is completed, additional funding will be requested for the remaining portion of the work from Oak Street to Main Street.

The Department has further advised that this road, which has an average annual daily traffic count ("AADT") of 16,223, 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.

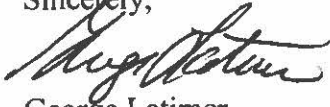
Design is currently underway by in-house staff and is expected to be completed by the 1st Quarter of 2024. Following bonding authorization, construction will be scheduled and is anticipated to take six (6) months and will begin after award and execution of the construction contracts.

Your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2020-172 in the amount of \$400,000, which funded design services. No bonds have been issued under Bond Act No. 2020-172. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-172 to increase the initial amount of bonds authorized by \$2,650,000, from \$400,000 to \$3,050,000, to expand the scope of

work to include construction and construction management, and to increase the period of probable usefulness of said bonds.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/HJG/RA/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (the “Amended Bond Act”) in the total amount of \$3,050,000, which includes \$400,000 in previously authorized bonds of the County, to finance capital project RB176 – Westchester Avenue, CR 112, Port Chester (“RB176”).

The Amended Bond Act, which was prepared by the law firm of Hawkins, Delafield & Wood, LLP, will finance the cost of construction and construction management associated with the rehabilitation of approximately 0.6 miles of roadway from Bowman Avenue to Oak Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

The Department of Public Works and Transportation (“Department”) has advised that this project is being divided into two phases to coordinate with a sewer rehabilitation project. The Amended Bond Act will fund the first phase of the project from Bowman Avenue to Oak Street. Once the sewer rehabilitation project is completed, additional funding will be requested for the remaining portion of the work from Oak Street to Main Street.

The Department has further advised that this road, which has an average annual daily traffic count (“AADT”) of 16,223, 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 design is currently underway by in-house staff and is expected to be completed by the 1st Quarter of 2024. Your Committee is further advised that following bonding authorization, construction will be scheduled and is anticipated to take six (6) months 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 associated with this project as follows: Bond Act No. 2020-172 in the amount of \$400,000, which funded design services. No bonds have been issued under Bond Act No. 2020-172. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-172 to increase the initial amount of bonds authorized by \$2,650,000, from \$400,000 to \$3,050,000, to expand the scope of work to include construction and construction management services, and to increase the period of probable usefulness of said bonds.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c/jpg/l-23-24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB176

☐ 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 \$ 3,050,000 PPU 15 Anticipated Interest Rate 2.71%

Anticipated Annual Cost (Principal and Interest): \$ 250,355

Total Debt Service (Annual Cost x Term): \$ 3,755,325

Finance Department: Interest rates from January 31, 2024 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: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 1/31/24


Reviewed By: 

Dr 1/31/24

Budget Director

Date: 1/31/24

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: January 26, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB176 WESTCHESTER AVENUE, CR 112, PORT CHESTER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-22-2024 (Unique ID: 2409)

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

COMMENTS: None.

DSK/dvw

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

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED OCTOBER 5, 2020 TO FINANCE THE COST OF ROADWAY REHABILITATION OF WESTCHESTER AVENUE (CR 112), IN THE VILLAGE OF PORT CHESTER, AT THE MAXIMUM ESTIMATED COST OF \$3,050,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$400,000 bonds to finance the cost of roadway rehabilitation of Westchester Avenue (CR 112), in the Village of Port Chester (the "Project"), pursuant to Act No. 172-2020 duly adopted on October 5, 2020; and

WHEREAS, it is now appropriate to authorize the Project, 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 October 5, 2020, entitled:

"ACT NO. 172-2020

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 IMPROVEMENTS TO WESTCHESTER AVENUE (CR 112) FROM BOWMAN AVENUE TO MAIN STREET,

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.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ROADWAY REHABILITATION OF WESTCHESTER AVENUE (CR 112), IN THE VILLAGE OF PORT CHESTER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$3,050,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction for the rehabilitation of approximately 0.6 miles of Westchester Avenue, in the Village of Port Chester from Bowman Avenue to Oak Street, including milling

and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$3,050,000. The plan of financing includes the issuance of \$3,050,000 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 said specific object or purpose, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$3,050,000. 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 \$3,050,000 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 October 5, 2020 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 \$3,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ROADWAY REHABILITATION OF WESTCHESTER AVENUE (CR 112), IN THE VILLAGE OF PORT CHESTER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on October 5, 2020 and amended on _____, 20____)

object or purpose: to finance the design, construction management and construction for the rehabilitation of approximately 0.6 miles of Westchester Avenue, in the Village of Port Chester from Bowman Avenue to Oak Street, including milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated 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: \$3,050,000; 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

3862743.1 046607 LEG

CAPITAL PROJECT FACT SHEET

Project ID:* RB176	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* WESTCHESTER AVENUE, CR 112, PORT CHESTER	Legislative District ID: 6,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2409

Overall Project Description

This project will fund the rehabilitation of approximately 0.89 miles of roadway from Bowman Avenue to Main Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings 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	4,300	4,300	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,300	4,300	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 307

Current Bond Description: Funding is requested for construction and construction management associated with the rehabilitation of approximately 0.6 miles of roadway from Bowman Avenue to Oak Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,650,000
Cash:	0
Total:	\$ 2,650,000

SEQR Classification:

TYPE II

Amount Requested:

2,650,000

Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

This project is being divided into two phases to coordinate with a sewer rehabilitation project. Once the sewer rehabilitation project is completed, funding will be requested for the remaining portion of the work from Oak Street to Main Street.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	400,000	DESIGN
2021	3,900,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

4,300,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	172	400,000		0 REHAB OF ROADWAY FROM BOWMAN AVE TO MAIN STREET

Total Financing History:

400,000

Recommended By:**Department of Planning**

MLLL

Date

01-22-2024

Department of Public Works

RJB4

Date

01-22-2024

Budget Department

DEV9

Date

01-23-2024

Requesting Department

RJB4

Date

01-23-2024

WESTCHESTER AVENUE, CR 112, PORT CHESTER (RB176)

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	4,300	4,300	307						
Non County Share									
Total	4,300	4,300	307						

Project Description

This project will fund the rehabilitation of approximately 0.89 miles of roadway from Bowman Avenue to Main Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated 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
2020	400,000	Design	DESIGN
2021	3,900,000	Construction and construction management	AWAITING BOND AUTHORIZATION
Total	4,300,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,300,000		4,300,000
Total	4,300,000		4,300,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
172 20	400,000			400,000
Total	400,000			400,000

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **ACT -
Acquiring a Permanent Easement from the State of New York.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Attached for your consideration is a proposed Act which, if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the State of New York.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

February 5, 2024

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is a proposed Act which, if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the State of New York, or the current owner of record (the "State"), over approximately 3.8 acres of property along, in and under the waters of the Long Island Sound in the vicinity of Playland Park (the "Easement Area") in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound (the "Project").

The Department of Public Works and Transportation ("DPW&T") has advised that the easement and Project are necessary to provide additional areas within the tidal zone to protect the vulnerable barrier beach located at the eastern edge of Playland Park that contains the driveway entrance to the Edith Read Sanctuary and that also serves as a barrier between the Long Island Sound and Manursing Lake. In order to decrease the wave action on the beach, a series of breakwater barriers will be installed, including a series of boulder sills which will be located in the Easement Area. The construction work will include the installation of breakwater features, intertidal marsh, and a heavily planted berm at the beach area. The breakwater features are designed to temper the wave action at the beach and include boulder sills and reef balls. The reef balls are concrete formed round structures with circular holes formed into the walls and potentially will provide habitat for oysters and mussels. An intertidal marsh will be planted landward of these structures which will further enhance the habitat for shoreline organisms such as crabs, fish and birds. Above the tidal area, a berm will be installed which will consist of a well graded material core and topsoil cover which will be planted with native woody trees, shrubs, perennials and grasses. In addition, the Project will include an educational and outreach component such as interpretive signage and other measures to communicate the importance of living shorelines.

DPW&T has advised that design of the Project has been finalized and permits have been acquired from the United States Army Corps of Engineers, New York State Department of Environmental Conservation, and New York State Department of State. It is estimated that construction will take six (6) months to complete.

DPW&T has further advised that the County must obtain this easement in order to construct the Project on State-owned property in the Long Island Sound and to fund a portion of the Project with proceeds that were previously authorized in connection with Capital Project BLP40 – Stormwater Management – Various County Facilities II, by Bond Act No. 60-2021 in the amount of \$1,500,000, Bond Act No. 91-2022 in the amount of \$500,000 and Bond Act No. 203-2023 in the amount of 2,000,000.

Pursuant to the terms of the easement, the County shall pay the State \$500.00 in administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

Based on the importance of Project to the County and the necessity of the easement, your favorable action on the annexed Act is most respectfully requested.

Very truly yours,



George Latimer
County Executive

GL/jpi
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act which, if adopted, would authorize the County of Westchester (the “County”) to acquire a permanent easement from the State of New York, or the current owner of record (the “State”), over approximately 3.8 acres of property along, in and under the waters of the Long Island Sound in the vicinity of Playland Park (the “Easement Area”) in order to facilitate the County’s construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound (the “Project”).

The Department of Public Works and Transportation (“DPW&T”) has advised that the easement and Project are necessary to provide additional areas within the tidal zone to protect the vulnerable barrier beach located at the eastern edge of Playland Park that contains the driveway entrance to the Edith Read Sanctuary and that also serves as a barrier between the Long Island Sound and Manursing Lake. In order to decrease the wave action on the beach, a series of breakwater barriers will be installed, including a series of boulder sills which will be located in the Easement Area. The construction work will include the installation of breakwater features, intertidal marsh, and a heavily planted berm at the beach area. The breakwater features are designed to temper the wave action at the beach and include boulder sills and reef balls. The reef balls are concrete formed round structures with circular holes formed into the walls and potentially will provide habitat for oysters and mussels. An intertidal marsh will be planted landward of these structures which will further enhance the habitat for shoreline organisms such as crabs, fish and birds. Above the tidal area, a berm will be installed which will consist of a well graded material core and topsoil cover which will be planted with native woody trees, shrubs, perennials and grasses. In addition, the Project will include an educational and outreach component such as interpretive signage and other measures to communicate the importance of living shorelines.

DPW&T has advised that design of the Project has been finalized and permits have been acquired from the United States Army Corps of Engineers, New York State Department

of Environmental Conservation, and New York State Department of State. It is estimated that construction will take six (6) months to complete.

DPW&T has further advised that the County must obtain this easement in order to construct the Project on State-owned property in the Long Island Sound and to fund a portion of the Project with proceeds that were previously authorized in connection with Capital Project BLP40 – Stormwater Management – Various County Facilities II, by Bond Act No. 60-2021 in the amount of \$1,500,000, Bond Act No. 91-2022 in the amount of \$500,000 and Bond Act No. 203-2023 in the amount of 2,000,000.

Pursuant to the terms of the easement, the County shall pay the State \$500.00 in administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

The Department of Planning (“Planning”) has advised your Committee that based on its review, the Project was previously reviewed by the County Board of Legislators, which classified the Project as a “Type I” action under the State Environmental Quality

Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617. In accordance with SEQRA, a Full Environmental Assessment Form was prepared and, on April 26, 2021, a Negative Declaration was issued by the County Board of Legislators (Resolution 88-2021). Planning has further advised that since the current request is for the acceptance of an easement from the State only with no change in the scope of the Project, the original Negative Declaration remains valid and no further environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that an affirmative vote of a majority of the voting strength of the County Board of Legislators is required for approval of the proposed Act.

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

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c/jpi 1.30.24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL40

☐ 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

EASEMENT AGREEMENT WITH NYS FOR LIVING SHORELINE \$500 CHARGE TO BPL40-06-E (BOND ACT 203-2023)

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

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: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/24/24

Reviewed By:

02/13/24

Lawrence S.
Budget Director

Date:

1/31/24

TO: John Paul Iannace, Senior Assistant County Attorney
Department of Law

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



DATE: January 23, 2024

SUBJECT : **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
NYS EASEMENT FOR LIVING SHORELINE/ARTIFICIAL REEF, RYE**

The Planning Department has reviewed the above referenced action in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the acceptance of a permanent easement from the State of New York over approximately 3.8 acres of property in and under the waters of Long Island Sound in order to install and maintain an artificial reef in Long Island Sound off the shores of the County's Playland Park and Edith G. Read Wildlife Sanctuary in Rye. The overall project, which is being funded by capital project BPL40, 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 88-2021). Since the current action does not involve a change in scope, 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
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner of Planning
Suzette Lopane, Landscape Architect
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2024

AN ACT authorizing the County of Westchester to accept an easement from the State of New York in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound in the vicinity of Playland Park.

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

Section 1. The County of Westchester (the "County") is hereby authorized to accept all necessary property rights from the State of New York, or the current owner of record (the "State"), including but not limited to a permanent easement, over approximately 3.8 acres of property along, in and under the waters of the Long Island Sound in the vicinity of Playland Park (the "Easement Area") in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound (the "Project").

§2. Pursuant to the terms of the easement, the County shall pay the State \$500.00 for administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation

and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense of and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

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

§4. This Act shall take effect immediately.

February 2, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BLR2E –
Labs & Research Equipment Acquisition '21-'25.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,692,000 to finance the following capital project: BLR2E.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

February 5, 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 a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,692,000 to finance the following capital project:

BLR2E – Labs and Research Equipment Acquisition (2021-2025).

The Bond Act, in the amount of \$1,692,000 would finance the cost of acquisition of various lab equipment, including, but not limited to Biosafety cabinets, QIAGEN EZ1 Advanced XL Instrument, BioFire modules, Quadrupole Time-of-Flight Liquid Chromatography Mass Spectrometer, Gas Chromatograph/Mass Spectrometer, Gas Chromatograph/Electron Capture Detectors, Advanced Molecular Wastewater Surveillance System, Biotage Automated TurboVap System, EpMotion Liquid Handling System and Life Technologies 3500 Genetic Analyzer.

The Department of Labs and Research ("Department") has advised that the project funds the acquisition of new and replacement equipment for the Department's Public Health Environmental and Microbiology labs, Forensic, Toxicology and Medical Examiner's labs. The Department must use complex, high-tech new and replacement instrumentation in order to carry out its required activities and maintain a state of the art laboratory facility.

Following bond authorization, it is expected that the Department will purchase the equipment within eighteen to twenty-four months.

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

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 by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,692,000 to finance capital project BLR2E – Labs and Research Equipment Acquisition (2021-2025). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of the acquisition of various lab equipment, including, but not limited to Biosafety cabinets, QIAGEN EZ1 Advanced XL Instrument, BioFire modules, Quadrupole Time-of-Flight Liquid Chromatography Mass Spectrometer, Gas Chromatograph/Mass Spectrometer, Gas Chromatograph/Electron Capture Detectors, Advanced Molecular Wastewater Surveillance System, Biotage Automated TurboVap System, EpMotion Liquid Handling System and Life Technologies 3500 Genetic Analyzer.

The Department of Labs and Research (“Department”) has advised that the project funds the acquisition of new and replacement equipment for the Department’s Public Health Environmental and Microbiology labs, Forensic, Toxicology and Medical Examiner’s labs. The Department must use complex, high-tech new and replacement instrumentation in order to carry out its required activities and maintain a state of the art laboratory facility.

Following bond authorization, it is expected that the Department will purchase the equipment within eighteen to twenty-four months.

The Planning Department has advised your Committee that based on its review, BLR2E 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

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BLR2E

☐ 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 \$ 1,692,000 PPU 5 Anticipated Interest Rate 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 366,900

Total Debt Service (Annual Cost x Term): \$ 1,834,500

Finance Department: Interest rates from January 9, 2024 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 18

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 2/2/24

Reviewed By: 

Date: 2/2/24

Budget Director

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:
BLR2E LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-22-2023 (Unique ID: 2352)

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/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 Abbamont, Director of Operations, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,692,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF LAB EQUIPMENT FOR THE DEPARTMENT OF LABS AND RESEARCH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,692,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,692,000 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, \$1,692,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various lab equipment, including, but not limited to Biosafety cabinets, QIAGEN EZ1 Advanced XL Instrument, BioFire modules (4), Q-TOF LC/MS/MS, Gas Chromatograph/Mass Spectrometer(2), Gas Chromatograph/Electron Capture Detectors (2), Advanced Molecular Wastewater Surveillance System, Biotage Automated TurboVap System, EpMotion Liquid Handling System and Life Technologies 3500 Genetic Analyzer, 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 class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,692,000. The plan of financing includes the issuance of \$1,692,000 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 class of objects or purposes, 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 \$1,692,000. 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 \$1,692,000 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. 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 \$1,692,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF LAB EQUIPMENT FOR THE DEPARTMENT OF LABS AND RESEARCH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,692,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,692,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.
(Adopted _____, 20____)

object or purpose:

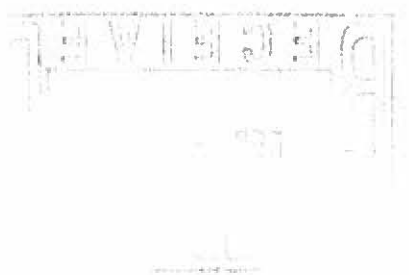
to finance the cost of the acquisition of various lab equipment, including, but not limited to Biosafety cabinets, QIAGEN EZ1 Advanced XL Instrument, BioFire modules (4), Q-TOF LC/MS/MS, Gas Chromatograph/Mass Spectrometer(2), Gas Chromatograph/Electron Capture Detectors (2), Advanced Molecular Wastewater Surveillance System, Biotage Automated TurboVap System, EpMotion Liquid Handling System and Life Technologies 3500 Genetic Analyzer, 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:

\$1,692,000; 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:* BLR2E	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* LABS AND RESEARCH	CP Unique ID: 2352

Overall Project Description

This project fund the replacement and acquisition of equipment to support this department's programs.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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	2024	2025	2026	2027	2028	Under Review
Gross	5,863	4,171	1,692	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,863	4,171	1,692	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,530

Current Bond Description: Bonding is required to purchase equipment such as: Biosafety cabinets, QIAGEN EZI Advanced XL Instrument, BioFire modules (4), Q-TOF LC/MS/MS, Gas Chromatograph/Mass Spectrometer(2), Gas Chromatograph/Electron Capture Detectors (2), Advanced Molecular Wastewater Surveillance System, Biotage Automated TurboVap System, EpMotion Liquid Handling System, LifeTechnologies 3500 Genetic Analyzer

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,692,000
Cash:	0
Total:	\$ 1,692,000

SEQR Classification:

TYPE II

Amount Requested:

1,692,000

Expected Design Work Provider:

☐ County Staff
 ☐ Consultant
 ☒ Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	840,000	FUNDS EQUIPMENT FOR TOXICOLOGY
2022	1,992,000	CONTINUATION OF THIS PROJECT
2023	1,339,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

4,171,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	39	840,000	503,103	LABS AND RESEARCH EQUIP - GAS CHROMATOGRAPH/MASS SPECTROMETER, SPECTOPHOTOMETER, HP LIGUID CHROM ETC
21	220	1,992,000	129,777	LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)
23	32	1,339,000	0	LABS AND RESEARCH EQUIPMENT ACQUISITION

Total Financing History:

4,171,000

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

DAA1

Date

08-23-2023

LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025) (BLR2E)

User Department : Labs and Research

Managing Department(s) : Labs and Research ;

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	5,863	4,171	3,695	1,692					
Non County Share									
Total	5,863	4,171	3,695	1,692					

Project Description

This project fund the replacement and acquisition of equipment to support this department's programs.

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	1,692,000			1,692,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2021	840,000	Funds equipment for Toxicology	IN PROGRESS
2022	1,992,000	Continuation of this project	IN PROGRESS
2023	1,339,000	Continuation of this project	IN PROGRESS
Total	4,171,000		

Prior Appropriations


	Appropriated	Collected	Uncollected
Bond Proceeds	4,171,000	632,880	3,538,120
Total	4,171,000	632,880	3,538,120

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
39 21	840,000	12/01/22	457,624	336,897
		12/01/22	45,479	
220 21	1,992,000	12/01/22	118,045	1,862,223
		12/01/22	11,731	
32 23	1,339,000			1,339,000
Total	4,171,000		632,880	3,538,120

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **LOCAL LAW – Term Lengths and Timing of Elections for Westchester County Legislator and County Executive.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your consideration is a Local Law to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

January 30, 2024

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:

Enclosed herewith for your consideration is "A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive."

Chapter 741 of the Laws of the State of New York (Chapter 741), signed by Governor Hochul on December 22, 2023, moves certain elections to even-numbered years. This includes elections for County Legislator and County Executive.

Chapter 741 takes effect on January 1, 2025, and impacts the County's 2025 election year. Consequently, amendments to the County law are required to conform our law to the requirements of Chapter 741, which moves elections for County Legislator and County Executive to even-numbered years.

In order to comply with Chapter 741 and realign the election schedules, this proposed Local Law will mandate that County Legislators elected in 2025 will serve for one year in 2026. Further, an additional election for County Legislator will then be held in 2026, when County Legislators will again serve two-year terms. The proposed Local Law also provides that the County Legislators' one-year term in 2026, pursuant to Chapter 741, will not be counted under the County's term limit requirements. In addition, pursuant to this proposed Local Law, the County Executive elected in 2025 will serve for three, rather than four, years. An additional election for County Executive will be held in 2028, and the County Executive will again serve four-year terms. The three-year term for County Executive from 2026 through 2028, in compliance with Chapter 741, will also not be counted under the County's current term limits law.

The requirements contained in this proposed County law will take effect by operation of State law, whether or not the County amends its laws. Therefore, in order to prevent confusion between the Chapter 741 and the current language of the County law, this proposed legislation will conform the County law to the mandates of Chapter 741. Therefore, I respectfully urge that your Honorable Board adopt the attached Local Law.

Sincerely,

GEORGE LATIMER
County Executive
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive.”

Your Committee is informed that bill A. 4282B/S. 3505B has been passed by the New York State Legislature and signed by Governor Hochul on December 22, 2023. Chapter 741 of the Laws of the State of New York (Chapter 741) moves certain elections to even-numbered years.

Your Committee is aware that the Chapter 741 takes effect on January 1, 2025, and impacts the County’s 2025 election year. Consequently, amendments to the County law are required to conform our law to the requirements of the Chapter 741 which moves elections for County Legislator and County Executive to even-numbered years.

Your Committee is advised that in order to comply with the Chapter 741 and realign the election schedules, this proposed Local Law will mandate that County Legislators elected in 2025 will serve for one year in 2026. Further, an additional election for County Legislator will then be held in 2026, where County Legislators will serve the requisite two-year term. The proposed Local Law also provides that the County Legislators’ one-year term in 2026, pursuant to Chapter 741 will not be counted under the County’s term limit requirements unless the County specifically passes a law to do so. In addition, pursuant to this proposed Local Law, the County Executive elected in 2025 will serve for three, rather than four years. An additional election for County Executive will be held in 2028, and the County Executive will again serve the requisite four-year term. The three-year term for County Executive from 2026 through 2028, in compliance with Chapter 741, will not be counted under the County’s current term limits law unless the County specifically passes a law to do so.

Your Committee is further advised that the requirements contained in this proposed County law will take effect by operation of State law, whether or not the County amends its laws. Therefore, in order to prevent confusion between the Chapter 741 and the current language of the County law, this proposed legislation will conform the County law to the mandates of Chapter 741.

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 8, 2024, 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: _____, 2024

White Plains, New York

COMMITTEE ON

RESOLUTION NO. - 2024

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. – 2024 entitled “A LOCAL LAW amending Chapters 107 and 110 of the Laws of Westchester County to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive.” The public hearing will be held at ____ .m. on the day of _____, 2024 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.

A Local Law amending Chapters 107 and 110 of the Laws of Westchester County to modify the length of terms and the timing of elections for Westchester County Legislator and County Executive.

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

Section 1. Effective January 1, 2025, Section 107.11 of the Laws of Westchester County is hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. Pursuant to Chapter 741 of the 2023 Laws of the State of New York, the term of office of members of the County Board elected in the 2025 general election shall be one year, and shall begin on the first day of January 2026 and end on December 31, 2026. ~~shall be two years and shall begin on the first day of January next following their election.~~ Members of the County Board shall be known as county legislators and shall be county officers.

Section 2. Effective January 1, 2026, Section 107.11 of the Laws of Westchester County is hereby amended as follows:

Sec. 107.11. - Members: term, vacancies, vote.

1. The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. The term of office of members of the County Board elected in the 2026 general election, and for all general elections thereafter, shall be two years, and shall begin on the first day of January next following their election ~~elected in the 2025 general election shall be three years, and shall begin on the first day of January 2026 and ending on December 31, 2028.~~ Members of the County Board shall be known as county legislators and shall be county officers.

Section 3. Effective January 1, 2026, Subsection 5 of Section 107.31 of the Laws of Westchester County is hereby amended as follows:

5. County legislators shall be elected at the general election held in each even ~~odd~~ numbered year.

Section 4. Effective January 1, 2025, Section 110.01 of the Laws of Westchester County is hereby amended as follows:

Sec. 110.01. - Election; term; qualifications; compensation.

There shall be a County Executive who shall be elected from the county at large at the general election held the year following the presidential election. The candidate shall be nominated at the primary election in the same manner as other county officers are nominated. Pursuant to Chapter 741 of the 2023 Laws of the State of New York, The County Executive elected during the 2025 general election shall hold office for a term of ~~four~~ three years from January 1 succeeding their election. The County Executive shall at all times be a qualified elector of the county, and shall have been a resident of the county for at least five years prior to their election. The County Executive shall devote their whole time to the duties of the County Executive office and shall hold no other public office. The County Executive shall receive compensation to be fixed by an act of the County Board. No person shall serve as County Executive who has served two four-year terms. No service for a partial term as County Executive shall be included in calculating the two four-year terms.

Section 5. Effective January 1, 2028, Section 110.01 of the Laws of Westchester County is hereby amended as follows:

There shall be a County Executive who shall be elected from the county at large at the general election held the year ~~following~~ of the presidential election. The candidate shall be nominated at the primary election in the same manner as other county officers are nominated. ~~Pursuant to Chapter 741 of the 2023 Laws of the State of New York, The County Executive elected during the 2025 general election~~ shall hold office for a term of ~~three~~ four years from January 1 succeeding their election. The County Executive shall at all times be a qualified elector of the county, and shall have been a resident of the county for at least five years prior to their election. The County Executive shall devote their whole time to the duties of the County Executive office and shall hold no other public office. The County Executive shall receive compensation to be fixed by an act of the County Board. No person shall serve as County Executive who has served two four-year terms. No service for a partial term as County Executive shall be included in calculating the two four-year terms nor shall the three-year term commencing on January 1, 2025.

Section 6. This Local Law shall take effect on January 1, 2025, except that each section with an effective date shall take effect on the date specified therein.

Catherine F. Parker
Legislator, 7th District
Chair, Committee on Appointments



Committee Assignments:
Economic Development
Veterans, Seniors & Youth

MEMORANDUM OF LEGISLATION

DATE: January 30, 2024

TITLE: A law to authorize the exchange of real property

SPONSORS: Legislator Catherine Parker

INITIAL OR GENERAL IDEA OF THE BILL: To authorize the conveyance of a 13.4-acre parcel of real property currently owned by the County (County Parcel) to Westchester Joint Water Works (WJWW), in exchange for a 13.4-acre parcel of real property currently owned by WJWW (WJWW Parcel).

INTENT: To authorize a “land swap” between the County and WJWW. This legislation and corresponding real-estate contract shall authorize the County to convey the County parcel to WJWW. In exchange, WJWW shall convey the WJWW parcel to the County.

JUSTIFICATION: WJWW is a non-profit public benefit corporation that was formed in 1927 consisting of the member municipalities of the Village of Mamaroneck, the Town of Mamaroneck, and the Town/Village of Harrison. WJWW delivers drinking water to its member municipalities and also sells water to portions of the City of Rye and the City of New Rochelle.

Pursuant to an administrative order issued by the US EPA and an order from New York Supreme Court, WJWW is required to build a filtration plant to address the levels of Haloacetic acid found in its water. In June of last year, WJWW formally requested that the County approve the request to exchange land. Shortly thereafter, the NYS Supreme Court dismissed the only lawsuit challenging the proposal to locate the filtration plant on the county owned parcel.

Even then, it was not until September of last year that the Board of Legislators (BOL) commenced its process of “reviewing” the WJWW request. The BOL has been reviewing the WJWW request for months without legislation, giving special attention to those who oppose the filtration plant being located on the parcel of land currently owned by the county. It is time for legislation authorizing the land exchange between the County and WJWW to be brought before this body.

Present Law: None

Fiscal Impact: None

Margaret A. Cunzio

Minority Leader, Legislator, 3rd District
Co-Chair, Committee on Rules



Committee Assignments:
Legislation
Public Safety

MEMORANDUM

TO: Vedat Gashi, Chair, Board of Legislators

FROM: Margaret Cunzio, Legislator – 3rd District

DATE: January 23, 2024

RE: Correspondence: request for Annexation from Westchester County
Saw Mill Sewer District 485 Chappaqua Road, Chappaqua, NY 10514

Please add the attached correspondence to the agenda of the February 5, 2024 Board of Legislators meeting for referral to the appropriate committees.



CARL FULGENZI
Supervisor

November 17, 202

Honorable Margaret A. Cunzio
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Re: Request for removal from Westchester County Saw Mill Sanitary Sewer District

Dear Honorable Cunzio,

Enclosed is a certified copy of Town Board Resolution 405-23 for the following property owner who has requested removal from the County Saw Mill Sewer District.

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Deborah Gargiulo	98.8-1-2	485 Chappaqua Road, Chappaqua, NY

Also enclosed is a copy of the town tax map for this parcel. Please have this request processed for removal from the County Saw Mill Sewer District.

Sincerely,

s/ *Carl Fulgenzi*

Carl Fulgenzi, Town Supervisor



EMILY COSTANZA
Town Clerk

EXTRACT OF THE MINUTES
OF THE REGULAR MEETING
OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NY
HELD OCTOBER 24, 2023

Authorization to Remove 485 Chappaqua Road from County Saw Mill Sewer District

RESOLUTION 405-23

Upon motion of Ms. Smalley, seconded by Ms. Zaino and unanimously carried, it was,

WHEREAS, certain property owner(s) have requested removal of their property from the Westchester County Saw Mill Sanitary Sewer District because it is not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be constructed in this area in the foreseeable future; and

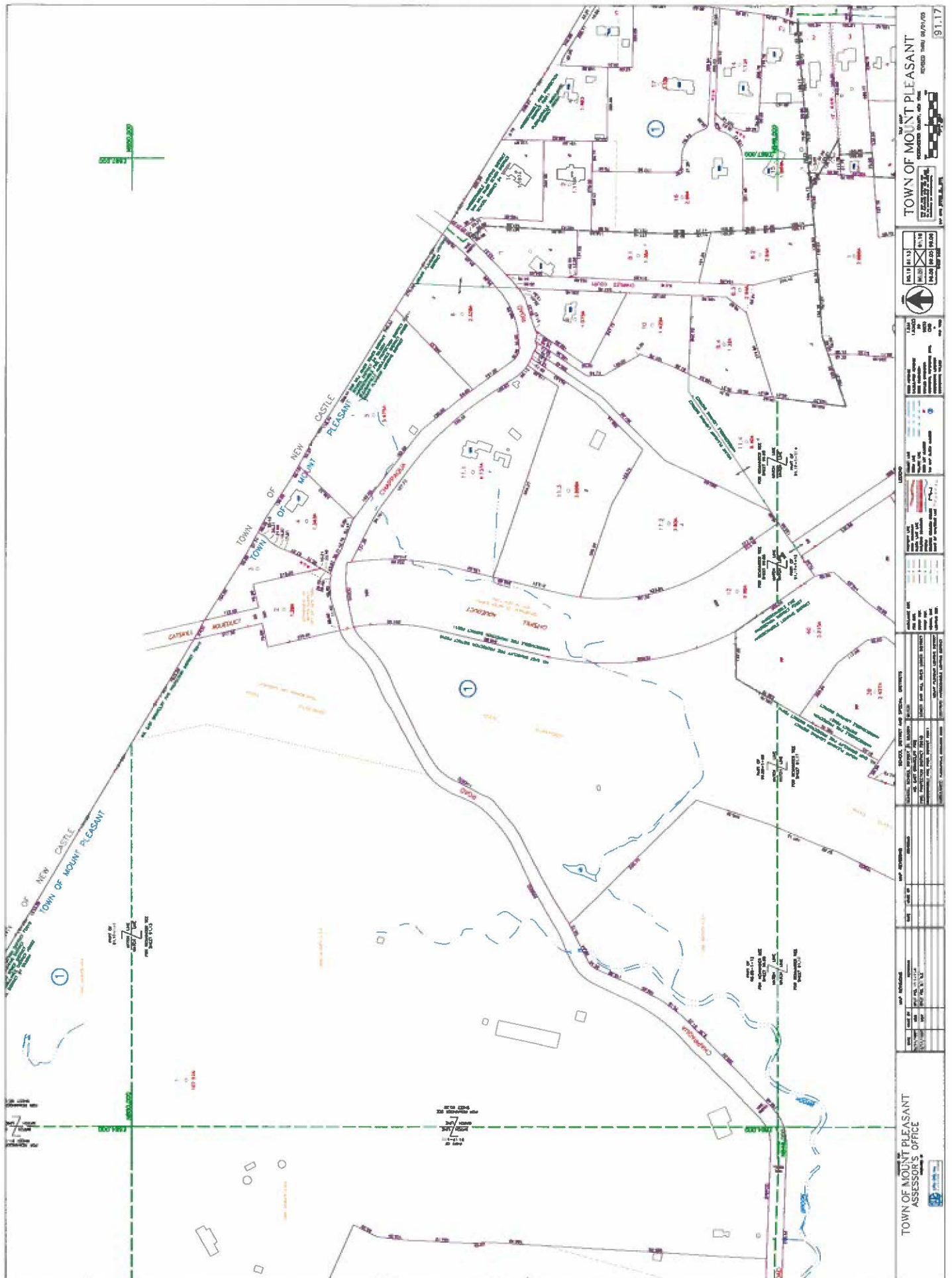
WHEREAS, it is believed by the Town of Mount Pleasant that the property satisfies all criteria set forth by the Westchester County Department of Environmental Facilities (WCDEF) for removal of a property from the tax base; therefore,

BE IT RESOLVED, that the Westchester County Board of Legislators is requested to remove the following parcel from the Westchester County Saw Mill Sanitary Sewer District:

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Deborah Gargiulo	98.8-1-2	485 Chappaqua Road

VOTE - AYES - Fulgenzi, Schulman, Sialiano, Smalley, Zaino

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT



TOWN OF MOUNT PLEASANT
ASSESSOR'S OFFICE

DATE: 01/11/17
BY: [Signature]
FOR: [Signature]

MAP NUMBER: 17-01
SCALE: 1" = 100'

MAP REVISIONS:

NO.	DATE	DESCRIPTION
1	01/11/17	Initial Map

TOWN OF MOUNT PLEASANT
REVISOR'S OFFICE

DATE: 01/11/17
BY: [Signature]
FOR: [Signature]

MAP NUMBER: 17-01
SCALE: 1" = 100'

MAP REVISIONS:

NO.	DATE	DESCRIPTION
1	01/11/17	Initial Map

LEGEND

- ROADS
- WATER BODIES
- PROPERTY LINES
- UTILITY LINES
- SETBACKS
- ADDITIONAL NOTES

SCALE

1" = 100'

0 100 200 300 400 500 600 700 800 900 1000



MEMORANDUM OF LEGISLATION

DATE: February 02, 2024

TITLE: Restoration of Street Surfaces After Excavation

SPONSOR: Minority Leader James Nolan, Majority Leader Tyrae Woodson-Samuels

PURPOSE OR GENERAL IDEA OF BILL: To require that within 60 days of completing work requiring the excavation of any county, road, sidewalk, or parkway that the same be fully restored from curb to curb.

INTENT: To ensure complete restoration after repairs and prevent patchwork repairs.

JUSTIFICATION: Westchester County does not currently have a law mandating that repairs must be made from curb to curb. The County Department of Public Works requires a permit for work on County roads, and the permittee must agree that “any present or future damage, injury to or disturbance of the highway, its pavements, slopes or gutters, caused by placing of any structures pursuant to the terms of the permit, shall be immediately repaired by the Permittee at his or its own expense and to the satisfaction of the Commissioner.” The application specifies that replacement pavement “must be at least 10 feet long as measured parallel to the center line of the pavement.”

Many municipalities in Westchester have passed legislation specifically requiring that restoration of pavement be made from curb to curb. For example, Bronxville Village Code Section 260- 26.1(A)(3) provides that “restoration of pavement shall be curb to curb ... Where no curb exists, the restoration shall extend to the existing pavement limits.” Rye Brook Village Code Section 215-7 (C) states that for final restoration, “if the patch falls within 18 inches of the curb or pavement edge, the patch shall extend to the curb or pavement edge.” Yonkers City Code Section 96-2(C) states that “If any excavation for which a permit has been issued hereunder exceeds 25 feet in length, the permittee shall be responsible for resurfacing the street from curb to curb over the entire area or as determined by the City Engineer. Where no curb exists, the resurfacing shall extend to the existing pavement limits or as determined by the City Engineer.”

Requiring complete coverage rather than spot repaving is not just more aesthetically acceptable, but also more economical in the long run. It can prevent rutting and erosion from water seepage into surface cracks, which would then require further repairs. It will also set clear standards as to what is required for repairs.

PRESENT LAW: None.

FISCAL IMPACT: TBD

cc: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff

Catherine F. Parker
Legislator, 7th District
Chair, Committee on Appointments



Committee Assignments:
Economic Development
Veterans, Seniors & Youth

MEMORANDUM OF LEGISLATION

DATE: February 2, 2024

TITLE: Utility Poles on County Road Rights-of-Way

SPONSOR: Legislator Catherine F. Parker

PURPOSE OR GENERAL IDEA OF BILL: To create a law requiring utility companies that utilize Westchester County road right-of-way to remove their lines and equipment from damaged poles in a timely manner.

INTENT: To enhance public safety and the aesthetic appearance of roadways in Westchester County by ensuring that utility companies repair and replace damaged utility poles without delay.

JUSTIFICATION: Public utility companies place poles in County road rights-of-way to facilitate the delivery of electric, telephone and cable television services to County residents. These poles are often damaged by traffic accidents or adverse weather conditions. Public safety can be compromised when utility lines and equipment remain affixed to damaged poles for unreasonably long periods of time. A utility company's delay in removing lines and equipment from damaged poles in turn delays the removal of the pole itself, and simultaneously causes many aesthetically unpleasant "double woods" along roadways.

Other municipalities in New York have addressed this issue. For example, Suffolk County Code Section 808-3 provides that if the County notifies a public utility that a pole in a County road right-of-way is damaged and poses a potential threat to public safety, the utility must remove its plant from the damaged pole with 15 days of receiving notice of such from the County. If there is a double pole in a County road right-of-way, the utility must remove the top plant on the double pole within 60 days of receipt of notification from the County.

PRESENT LAW: None.

FISCAL IMPACT: TBD

cc: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff



MEMORANDUM OF LEGISLATION

DATE: February 2, 2024

TITLE: Prohibit Illegal Dumping

SPONSOR: Legislator David Tubiolo, Majority Leader Tyrae Woodson-Samuels

PURPOSE OR GENERAL IDEA OF BILL: To prohibit dumping of any kind including commercial and household waste upon any county owned street, lot, park, public place or other areas, public or privately owned. Such dumping would be punished with criminal and/or civil penalties. The law should be modeled after City of Yonkers Code Part VIII Chapter 91 Section 38.

INTENT: To enact a county-wide law that would prohibit the illegal dumping of any kind in areas not designated to receive such waste. This would inherently add a layer of environmental protection to county owned property and its resources.

JUSTIFICATION: Throughout the County there are many complaints of illegal dumping especially in our County Parks. While municipalities in Westchester County such as Yonkers and Greenburgh have illegal dumping laws, they do not capture County owned property and therefore the laws are unable to be enforced. This law would create a deterrent against such illegal dumping by creating a unique fine and penalty structure to specifically target this behavior.

An example of the need for a county-wide law can be seen through City of Yonkers Code Part VIII: Garbage, Landfills and Public Utilities, Chapter 91 Section 38 which addresses illegal dumping in the City of Yonkers by stating “ *It shall be unlawful for any person, his or her agent or employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or commercial or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area, whether publicly or privately owned.* ” However, the law is limited to areas that fall within the jurisdiction of the City of Yonkers. However, a county park within Yonkers, such as Tibbetts Brook Park, falls outside of the city’s enforcement. fails to capture county-owned property and parks that are within the city. This law would encompass county-owned property throughout Westchester, in every municipality.

PRESENT LAW: There is no county law that specifically prohibits illegal dumping.

FISCAL IMACT: TBD

cc: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff

David T. ImamuraLegislator, 12th District**MEMORANDUM OF LEGISLATION****DATE:** February 2, 2024**TITLE:** Free Daycare for Childcare Workers**SPONSOR:** Legislator David Imamura**PURPOSE OR GENERAL IDEA OF BILL:** For the provision of free childcare services for childcare workers who reside within the county. Providing free childcare to childcare workers will attract more people to the field, which has a significant worker shortage.**INTENT:** To provide free childcare to any county resident who is employed as a childcare worker in Westchester County.**JUSTIFICATION:** The childcare industry is having a difficult time finding and retaining quality workers. Simultaneously, childcare costs are a substantial burden to parents who are employed as childcare providers. The position is a difficult one, as these workers love their jobs but, due to their wages, find themselves unable to afford the services they help provide. To address this issue, an incentive to alleviate the costs of childcare for childcare workers must be offered. This can be achieved by offering free childcare to childcare workers who reside in the county.

During the pandemic the state of Kentucky saw a sharp decline in the number of children accessing childcare subsidies. After analyzing the issues, Kentucky officials and childcare providers concluded that staffing shortages were contributing to a myriad of issues. Higher salaries offered by less demanding jobs in other fields, along with rising childcare costs, caused a significant number of childcare workers to quit their jobs. To address this worker shortage, Kentucky began offering free childcare to childcare workers in 2022. This benefit has been paid for using Kentucky's childcare subsidy program, a program that is substantially similar to the one offered by Westchester County. Notably, a number of childcare subsidies in Kentucky remained unused prior to the incentive being offered. Currently, a significant number of childcare subsidies in Westchester County remain unused.

Since offering the incentive, Kentucky saw a large increase in the number of childcare subsidies being used. The state has identified at least 3,600 new subsidiary beneficiaries because of their entry into the childcare workforce.

PRESENT LAW: None.**FISCAL IMACT:** To be determined.

cc: Marcello Figueroa, Legislative Director
Dylan Tragani, Chief of Staff

Tel: (914) 995-2821 • Fax: (914) 995-3884 • E-mail: Imamura@westchesterlegislators.com

2023 Annual Report

WESTCHESTER COUNTY CLERK



Timothy C. Idoni
Westchester County Clerk



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

January 30, 2024

Honorable George Latimer
County Executive
148 Martine Avenue
White Plains, New York 10601

Honorable Members of the
Westchester County Legislature
148 Martine Avenue
White Plains, New York 10601

Honorable Colleagues:

In compliance with County Law §406, I hereby submit the Annual Report of the Westchester County Clerk for the fiscal year 2023. The duties of the County Clerk are mandated by the New York State Constitution and by federal, state and local law. These duties are carried out by dedicated staff who work diligently to serve the public.

Each service provided by the County Clerk's office impacts the lives of residents and businesses throughout the county and the nation. Each deed, mortgage, court record, judgment, business certification or incorporation and pistol license is filed and recorded in the Office of the Westchester County Clerk.

The Office of the Westchester County Clerk collected \$179,979,550.11 in 2023, of which \$21,527,956.64 was disbursed over to the County. The expenditures for the County Clerk's office in 2023, totaling \$6,354,494.97 are offset by the \$6,797,583.98 in revenue collected.

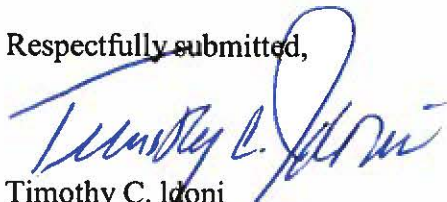
Our office collects fees on behalf of numerous federal and state agencies, and paid out the following 2023 revenue:

- \$78,952,761.83 to the New York State Department of Taxation and Finance for transfer tax
- \$31,962,463.15 to the Metropolitan Transit Authority for mortgage tax
- \$5,240,139.25 to the Unified Court System for court filing fees
- \$3,097,426.85 to the State of New York Mortgage Agency for mortgage tax
- \$1,746,294.00 to the New York State Office of Real Property Tax Services
- \$964,297.50 to the New York State Cultural Education Fund
- \$321,465.75 to the New York State Records Management Improvement Fund
- \$101,120.00 to the New York Department of State for Notary Public renewals

In 2023, approximately 72% of land records such as deeds and mortgages were being submitted to the office electronically as part of a voluntary e-Recording initiative and approximately 91% of civil cases were commenced electronically pursuant to state mandate or voluntarily. As we enter 2024, my goals for the Office of the Westchester County Clerk continue to include service through technology, increase productivity through professional management and a customer friendly environment, and facilitate commerce throughout the County through cooperation and efficiency. We remain committed to improving our services while reducing costs to our residents.

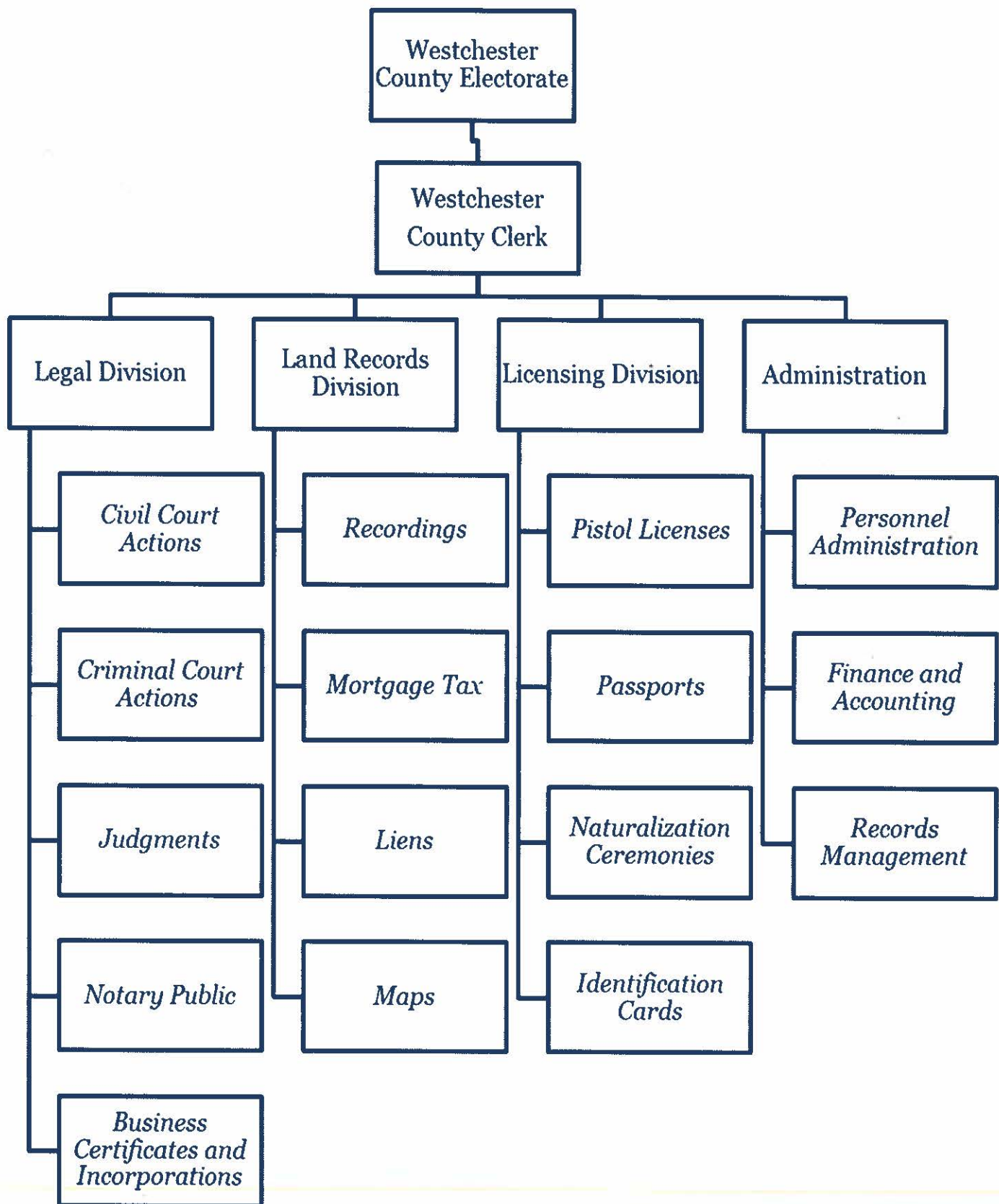
I want to thank the County Executive and the County Legislature for continuing to provide the resources to allow the Office of the County Clerk to meet its mandates and fulfill its fiduciary responsibilities on behalf of the residents of Westchester County and beyond.

Respectfully submitted,



Timothy C. Igoni
Westchester County Clerk

Office of the Westchester County Clerk Organizational Chart



Services Provided by the Office of the County Clerk

Land Records Division

- Recording land records, including deeds, mortgages, assignments, and satisfactions
- Collection and processing of New York State mortgage and transfer taxes
- Filing of maps, UCC statements, Federal tax liens, Notices of Common Charges, and other federal liens

Legal Division

- Fee collection and filing of court records for Supreme and Westchester County courts
- Administration of Notary Public and Commissioner of Deeds licenses
- Administration of the Domestic Partnership Registry
- Filing of Business Certificates and Incorporation records from New York State
- Filing of Small Claims Assessment Review petitions
- Filing of Veterans Military Discharge papers

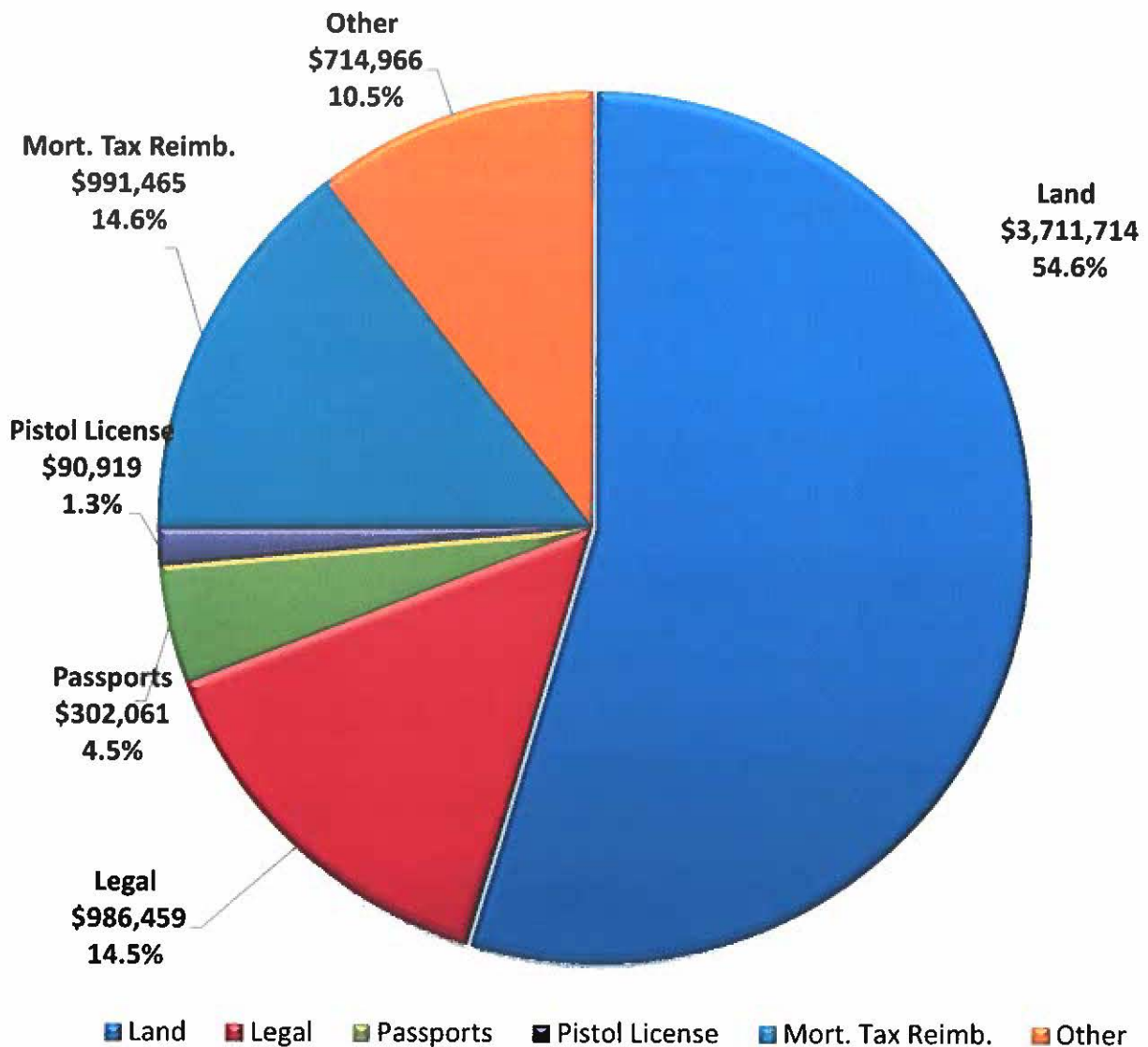
Licensing Division

- Processing of United States Passport applications
- Administration of Pistol Licenses
- Issuance of Westchester County Identification Cards
- Host and Administration of Oath of Allegiance to newly naturalized United States citizens
- Operation of Mobile Passport Office to bring services to municipalities and events throughout the County

Administration

- Subscription Service for online access to land and legal records, foreclosure lists, judgments, and other records ("WRO")
- Financial Reporting to partners in federal, state and county government
- Administering and Filing of Oaths of Office
- Provision of certified copies of all recordings and filings

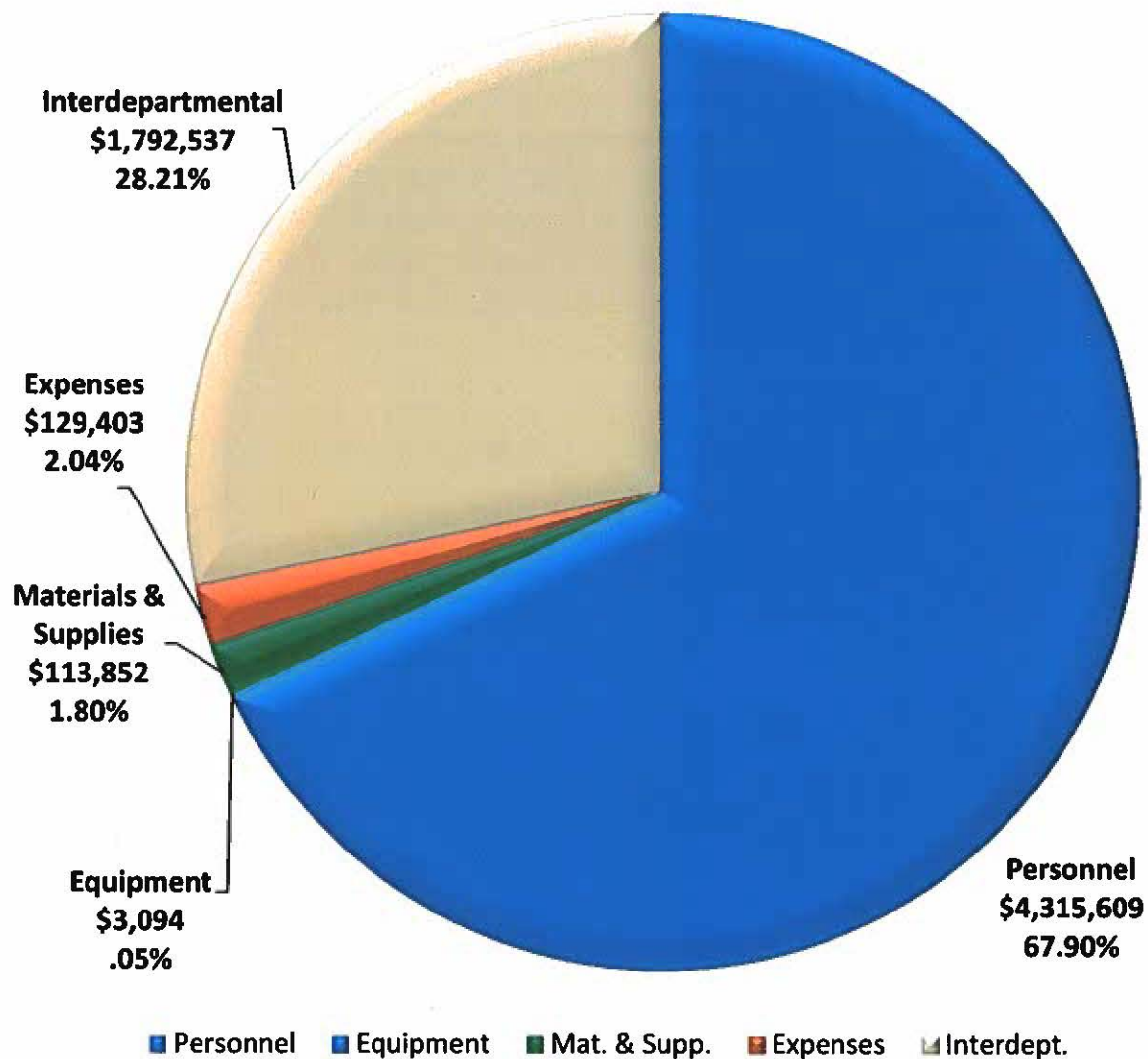
2023 REVENUE AT \$6,797,584



2023 Revenue

Fees paid in connection with the recording of land records such as deeds and mortgages make up the majority (54.6%) of our revenue. Court and legal fees provide an additional 14.5% of the revenue collected by our office. New York State reimburses us for expenses in connection with the processing of mortgage tax and this accounts for 14.6% of our revenue. Passports and pistol licenses make up 5.8%. The remaining 10.5% is comprised of equalization and assessment fees, interest income, online access to records, transfer tax revenue, public copier and overpayment of fees.

2023 EXPENSES AT \$6,354,495



2023 Expenses

Our largest expenses are personnel costs which include salaries and overtime, representing approximately 68% of our expenses for 2023. Interdepartmental charges represent the next largest portion of our expense budget, at approximately 28% of our budget funding items such as our DoIT support team, the Archives, Department of Public Works and Transportation, and the Law Department. Our general expenses, which make up approximately 2% of our expense budget, include items such as scanning and equipment rental. Our materials and supplies expenses continue to remain modest at less than 2% as our e-initiatives expand and additional and replacement equipment making up less than 1% of the budgeted expenses.

Office of the Westchester County Clerk**Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2023****County Clerk Fees Collected****Land Records Division**

Recording Fees	\$3,711,714.05
Real Property Transfer Report Fee	\$123,831.00
Administrative Fee, Refund Processing	\$2,896.70

Legal Division

Filing Fees	\$884,544.73
DWI Surcharges	\$69,055.00
Criminal Fines	\$32,859.52

Licensing Division

Filing Fees	\$392,979.88
Interest	\$1,199.66

Other (Online Access, Copiers)

Public Copiers	\$1,021.10
Workstation/phone	\$0.00
Unclaimed funds	\$23,150.20

\$5,717,461.84**Mortgage Tax Collected****Paid to Westchester County**

Westchester County Mortgage Tax	\$15,721,837.89
Local Mortgage Tax	\$31,324,846.04
Yonkers Mortgage Tax	\$3,749,313.87
Reimbursement for Processing Costs	\$991,465.23
Interest, County Portion	\$28,862.14

Paid to Metropolitan Transit Authority

\$31,962,463.15

Paid to State of New York Mortgage Agency

\$3,097,426.85

\$86,876,215.17**New York State Real Estate Transfer Tax****Paid to Westchester County**

Recording Officer's Fee	\$11,975.00
Interest, County Portion	\$47,819.77

Paid to the Department of Taxation and Finance

\$78,952,761.83

\$79,012,556.60**Court Revenue****Paid to the Unified Court System****\$5,240,139.25****Notary Revenue****Paid to the New York State Department of State****\$101,120.00****Records Management Improvement Fund**

Collected from Court Filings	\$89,846.25
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Collected from Land Records Filings	\$231,619.50
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Cultural Education Fund

Collected from Court Filings	\$269,439.00
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Collected from Land Records Filings	\$694,858.50	\$1,285,763.25
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Equalization and Assessment**Paid to NYS Office of Real Property Tax Services****\$1,746,294.00****Total Collected and Disbursed:****\$179,979,550.11**

State of New York

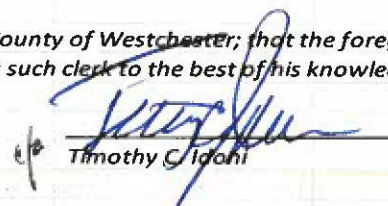
County of Westchester

Timothy C. Idoni, being duly sworn, says he is the County Clerk of the County of Westchester; that the foregoing statement is in all respects a full and true statement of moneys received by him as such clerk to the best of his knowledge and belief.

Sworn to before me this 21 day of January, 2024


CAROL FUMANTI ARCURI
Notary Public, State of New York
No. 02AR4665201

Qualified in Westchester County
Commission Expires 09/30/2026



Timothy C. Idoni

LAND RECORDS DIVISION: Total Funds Collected & Distributed-Fiscal Year Ending 12/31/2023

	Fee	No Fee	State Share	County Share
Conveyances:				
Assignment of Lease and Rents	643	1	\$12,217.00	\$50,683.50
Contract	13	0	\$247.00	\$653.50
Declaration	178	12	\$3,401.00	\$14,454.50
Dedication	1	0	\$19.00	\$321.00
Deed	13,622	5	\$258,818.00	\$580,138.50
Deed Agreement	170	1	\$3,230.00	\$11,545.50
Deed, Correction	135	0	\$2,565.00	\$5,921.50
Easement	184	2	\$3,496.00	\$15,741.00
Lease Agreement	852	1	\$16,188.00	\$36,521.50
Letters of Patent	2	0	\$38.00	\$102.00
Release of Lien of Estate Tax	44	1	\$836.00	\$1,564.50
Release of Mortgage	118	0	\$2,242.00	\$5,968.50
Real Property Law 291 Notices	20,355	0	\$0.00	\$125,070.00
Mortgages:				
Assignment of Mortgage	4,357	18	\$82,783.00	\$170,762.50
Mortgage	11,020	48	\$208,088.00	\$1,216,967.50
Mortgage Agreement	330	8	\$6,270.00	\$22,007.00
Mortgage, Correction	104	0	\$1,976.00	\$13,199.00
Registered Agreement	1,408	1	\$26,752.00	\$207,876.50
Satisfactions of Mortgage	11,177	18	\$230,964.00	\$600,216.00
Miscellaneous:				
Affidavit	0	24	\$0.00	\$0.00
Agreement	4	0	\$76.00	\$189.00
Certificate	0	0	\$0.00	\$0.00
Commitment	0	0	\$0.00	\$0.00
Judgment	5	0	\$95.00	\$225.00
Negative Pledge Agreement	1	2	\$19.00	\$56.00
Notice of Appropriation	0	13	\$0.00	\$0.00
Order	103	0	\$1,957.00	\$4,838.00
Power of Attorney	3,363	0	\$63,897.00	\$187,638.00
Power of Attorney, Revocation	6	0	\$114.00	\$221.00
Statement Identifying Property	10	0	\$190.00	\$415.00
Waiver	0	0	\$0.00	\$0.00
Cross-References Entered	46,730	0	\$0.00	\$23,365.00
Transfer Tax Return Filing Fee	14,288	0	\$0.00	\$71,440.00
Mortgage Tax Affidavit Filing Fee	3,818	0	\$0.00	\$19,090.00
Certified Copies, Copies, Searches	2,249	0	\$0.00	\$18,317.40
Map Copies	185	0	\$0.00	\$1,519.00
Administrative Fee, Refund Processing	0	0	\$0.00	\$2,896.70
Adjustments	0	0	\$0.00	\$2,071.65
Ucc Filed	7,701	0	\$0.00	\$247,360.00
Federal tax liens filed	1,325	0	\$0.00	\$52,980.00
Other Federal Liens	60	0	\$0.00	\$427.00
Notices of Common Charges	247	0	\$0.00	\$1,235.00
Certified Copies, Copies, Searches	40	0	\$0.00	\$613.00
2023 Land Records Division Total:			\$926,478.00	\$3,714,610.75

LEGAL DIVISION: Total Funds Collected & Distributed for Fiscal Year Ending 12/31/2023

	<i>Cost</i>	<i>Fee</i>	<i>No Fee</i>	<i>State Share</i>	<i>County Share</i>
Business Certificates	\$25.00	1,103	101	\$0.00	\$27,575.00
Incorporations from NYS	varies	9,889	27	\$0.00	\$84,096.00
Religious Corporations	\$25.00	28	0	\$0.00	\$700.00
Certified Copies	varies	9,615	0	\$0.00	\$77,635.75
Commissions	varies	429	0	\$0.00	\$2,155.00
Executions	\$5.00	236	0	\$0.00	\$1,180.00
Exemplifications	\$10.00	378	0	\$0.00	\$3,780.00
Matrimonial Dissolutions	\$5.00	3,100	1	\$0.00	\$15,500.00
Transcripts Issued	\$5.00	200	0	\$0.00	\$1,000.00
Veteran's Permits	\$0.00	0	1	\$0.00	\$0.00
Commencements (Index Numbers)	\$210.00	17,432	401	\$3,207,488.00	\$453,232.00
Foreclosure Surcharge	\$190.00	903	0	\$171,570.00	\$0.00
Judgment Transcripts Filed	\$10.00	1,461	6,870	\$0.00	\$14,610.00
Judgments Entered	\$45.00	2,504	89	\$112,680.00	\$0.00
Jury Demand	\$65.00	1,135	0	\$73,775.00	\$0.00
Liens/Small Liens	varies	2,321	129	\$28,044.00	\$38,848.00
Motion	\$45.00	6,201	35	\$279,045.00	\$0.00
Note of Issue	\$30.00	5,240	19	\$157,200.00	\$0.00
Notice of Appeal	\$65.00	794	4	\$51,610.00	\$0.00
Order to Show Cause	\$45.00	2,081	21	\$93,645.00	\$0.00
Request for Judicial Intervention	\$95.00	9,373	105	\$890,435.00	\$0.00
Separation Agreement	\$5.00	19	0	\$0.00	\$95.00
Small Claims Assessment Review	\$30.00	5,256	0	\$131,400.00	\$26,280.00
Stipulation	\$35.00	8,450	5	\$295,750.00	\$0.00
Subpoenas	\$20.00	18	0	\$0.00	\$360.00
Trial De Novo	\$75.00	0	0	\$0.00	\$0.00
Criminal Fines	varies	39	0	\$0.00	\$32,859.52
Felony Surcharge	varies	165	0	\$46,043.00	\$0.00
Misdemeanor Surcharge	varies	64	0	\$11,241.00	\$0.00
Violation Surcharge	varies	31	0	\$5,050.00	\$0.00
Sex Offender Registration	\$50.00	15	0	\$775.00	\$0.00
DNA Data Bank Registration	\$50.00	200	0	\$10,000.00	\$0.00
Crime Victims Assistance Fee	varies	243	0	\$6,060.00	\$0.00
Supplemental Sex Offender	\$0.00	9	0	\$9,000.00	\$0.00
Criminal Penalty for DWI	varies	90	0	\$17,525.00	\$0.00
Criminal Fine for DWI	varies	80	0	\$0.00	\$69,055.00
Sanctions	varies	1	0	\$1,000.00	\$0.00
New Filings	\$25.00	224	0	\$0.00	\$5,600.00
Amendments	\$25.00	1	0	\$0.00	\$25.00
Terminations	\$25.00	25	0	\$0.00	\$625.00
Authentication of Notaries Public	\$3.00	11,801	0	\$0.00	\$35,403.00
Character Cards Filed	\$10.00	230	0	\$0.00	\$1,040.00
Character Cards Issued	\$5.00	294	0	\$0.00	\$990.00
Notary Public Renewals	\$60.00	3,537	0	\$101,120.00	\$80,820.00
Business Filing Report	\$20.00	1	0	\$0.00	\$20.00
Foreclosure Filing Report	\$20.00	31	0	\$0.00	\$620.00
Judgment/Lien Report	\$30.00	0	0	\$0.00	\$0.00
Other Filings & Services	varies	1,771	0	\$88.50	\$12,359.98
Adjustments					-\$5.00
2023 Total Legal Division:				\$5,700,544.50	\$986,459.25

LICENSING DIVISION: Total Funds Collected & Distributed-Fiscal Year Ending 12/31/2023

	Fee Count	No Fee	Cost	Total	
Passport Fees Collected:					
Processing Fees	6,285	0	\$35.00	\$219,975.00	
Photo Fees	4,581	0	\$10.00	\$45,810.00	
Photo Fees (Senior)	353	0	\$7.00	\$2,478.00	
Miscellaneous	10	0		\$43.00	\$268,306.00
Pistol License Administration:					
New Applications	1,209	56	\$10.00	\$12,090.00	
Amendments	5,872	0	\$3.00	\$17,616.00	
Recertifications	4,499	595	\$10.00	\$44,990.00	
Dealer/Gunsmith	19	0	\$10.00	\$1,290.00	
Transfers	211	0	\$5.00	\$1,055.00	
Photo Fees	1,331	0	\$10.00	\$13,310.00	
Replacement	32	0	\$5.00	\$170.00	
Photo Fees (Senior)	4	0	\$7.00	\$28.00	
Miscellaneous	70			\$370.00	\$90,919.00
Naturalization Ceremony Administration:					
Ceremony Administration Fees				\$7,746.88	
Certified Petitions	27	0	\$5.00	\$135.00	
Certified Letters	179	0	\$5.00	\$895.00	\$8,776.88
Westchester County Identification Cards:					
Cards Issued	1,493	0	\$8.00	\$11,944.00	
Photo Fees (Senior)	39	0	\$7.00	\$273.00	
Photo Fees	1,431	0	\$10.00	\$14,310.00	\$26,527.00
Adjustments					-\$1,549.00
2023 Licensing Division Total:					\$392,979.88

HIGHLIGHTS

Facilitating E-filing in New York State: As co-chair of the New York State Association of County Clerks' Court Committee, member of its Legislative Committee, and first ever Chair of the Supreme Court Steering Committee for Supreme Court E-filing, the County Clerk remains committed to advancing e-filing throughout the State. The committees coordinate responses from the county clerks and legal community leaders and make recommendations to the State Chief Administrative Judge on the creation or expansion of mandatory electronic filing programs. The committees' initiatives have resulted in 61 of the 62 counties in the State now providing e-filing. Working with dedicated and diverse legal community leaders has enhanced the ability of the Clerk's Office to serve pro se litigants and attorneys.

E-Filing and E-recording: Approximately 91% of civil actions are commenced electronically through the NYS electronic filing system and approximately 72% of the land record documents are currently e-recorded. Electronic recording has significantly increased the efficiency of the filing and recording and reducing manual labor.

Renovation in Office Space: The renovation of the 32,000 square feet of office space that was occupied by the Clerk's office is underway, with an expected completion date in Spring 2024. With the automation of department functions and the resultant reduction in staffing needs, space has been opened up for adaptive reuse by other County offices. The renovation generates a savings in rental costs incurred by other County departments, and it enhances the efficiency and the environment for an improved staff and visitor experience.

Westchester County Personal Identification Card Expansion: Due to the recent influx of migrants, there has been a significant increase in the number of applications for County Identification cards. The number of cards issued rose from 807 in 2022 to 1,493 in 2023. These ID cards have opened doors to benefits by providing an option to Westchester residents who, due to citizenship status, poverty, or other circumstances, cannot obtain state-issued photo IDs. To further assist in providing this service, the application and guidelines to obtain the County ID card have been translated into Spanish, Haitian Creole, Portuguese, Italian, Chinese, French, Arabic, Tagalog, Japanese, and Albanian languages.

Foreclosure Data Captured and Shared to Assist Homeowners in Need: The Clerk's Office continues to capture information from foreclosure cases to provide Westchester County residents with the data needed to secure funds and/or otherwise assist those impacted by the foreclosure crisis. While there has been a slight decrease in foreclosure judgments from 269 in 2022 to 223 in 2023, there has been an increase in new foreclosure filings from 503 in 2022 to 870 in 2023.

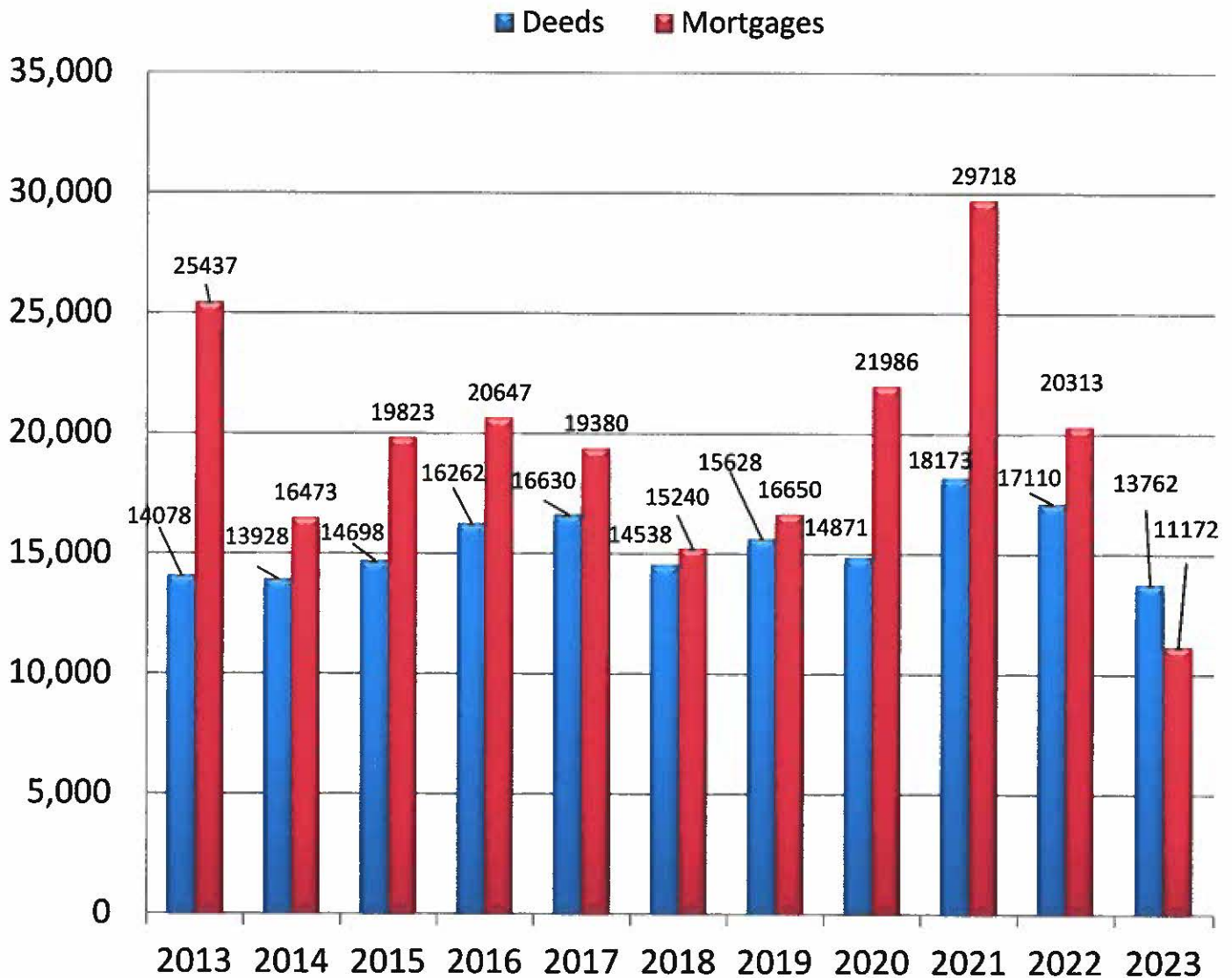
Mobile Community Outreach Vehicle: The County Clerk's Community Outreach program featuring a custom built truck stops in every County town and city from April through November. The mobile office staff is authorized to accept passport applications, answer questions about passport applications and renewals, and take passport photos. Notary, veterans, and business licensing services are also available. Plans are underway to expand the Community Outreach Program to include the issuance of County Personal ID cards.

Pistol Licensing: Pursuant to a 1997 amendment to the NYS Penal Law, Westchester County licenses were required to be certified by April 1, 2000, and recertified every 5 years thereafter. In 2022, the US Supreme Court struck down that portion of the NYS firearm licensing law requiring the showing of a special need to carry a concealed handgun outside of the home. Thereafter, NYS enacted revisions to the firearm licensing laws, expanding background checks and shortening the recertification period of full carry concealed licenses to 3 years. As a result of the decision and revisions to the licensing laws, there has been a significant increase in applications to amend and delete restrictions on licenses and timely recertify current licenses. The number of amendment applications rose from 3,177 in 2021 (before the issuance of the US Supreme Court decision and the NYS firearm licensing law amendments) to 5,872 in 2023 and recertifications rose from 2,207 in 2021 to 5,094 in 2023.

STATISTICS OF INTEREST

Indicators from our Land Records Division

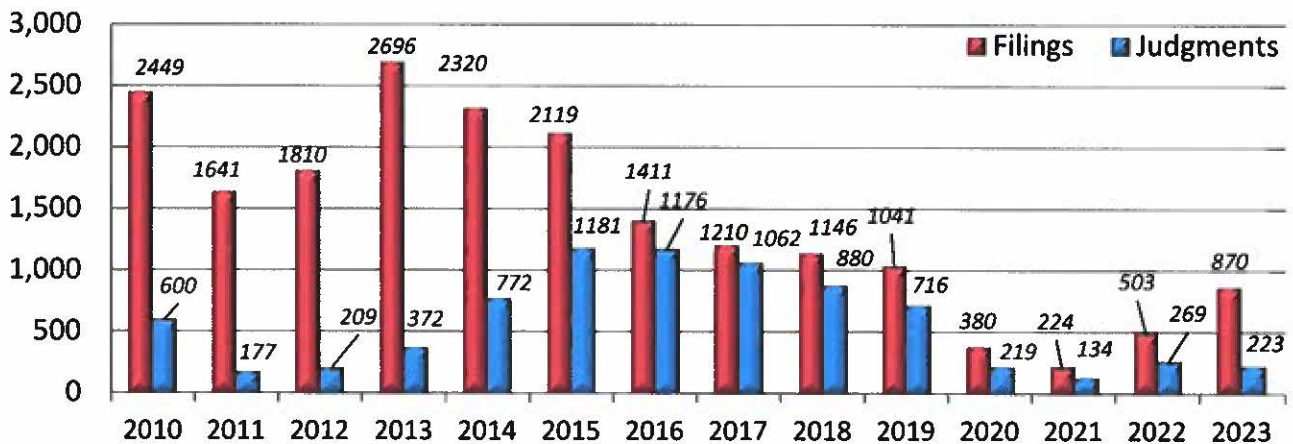
Deeds and Mortgages Recorded



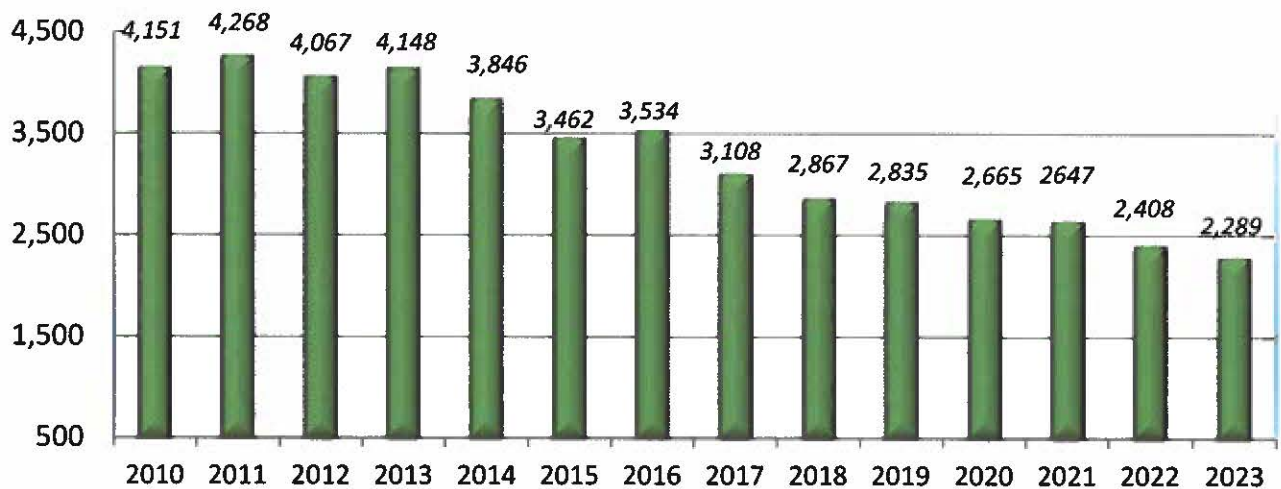
Statistics of Interest

Indicators from our Legal Division

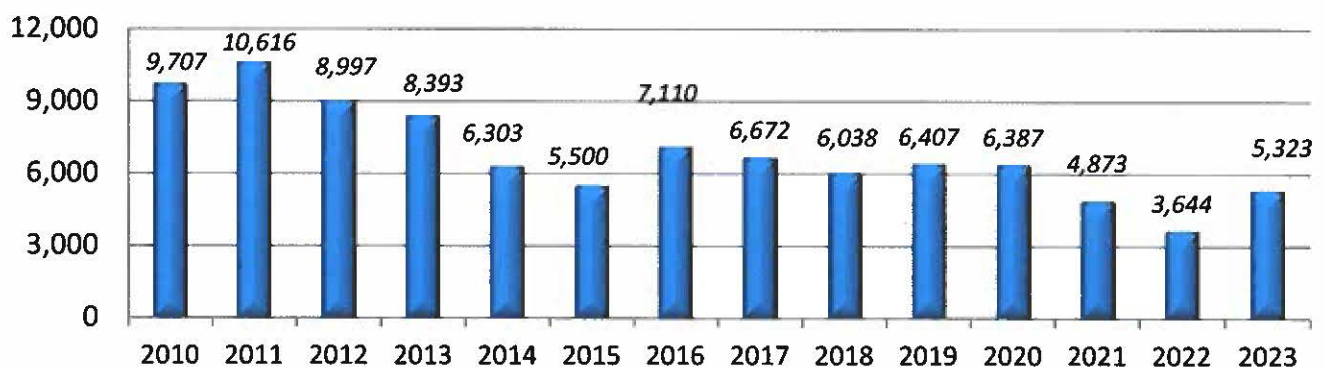
Foreclosure Filings and Judgments



Tax Certiorari Proceedings Commenced

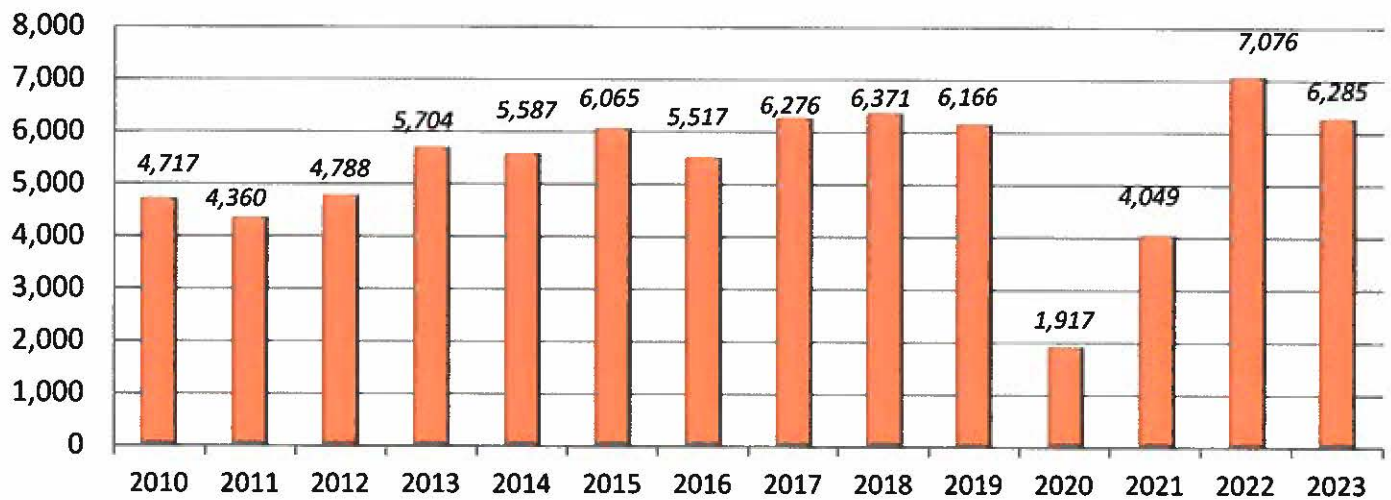


Small Claims Assessment Review Petitions Filed

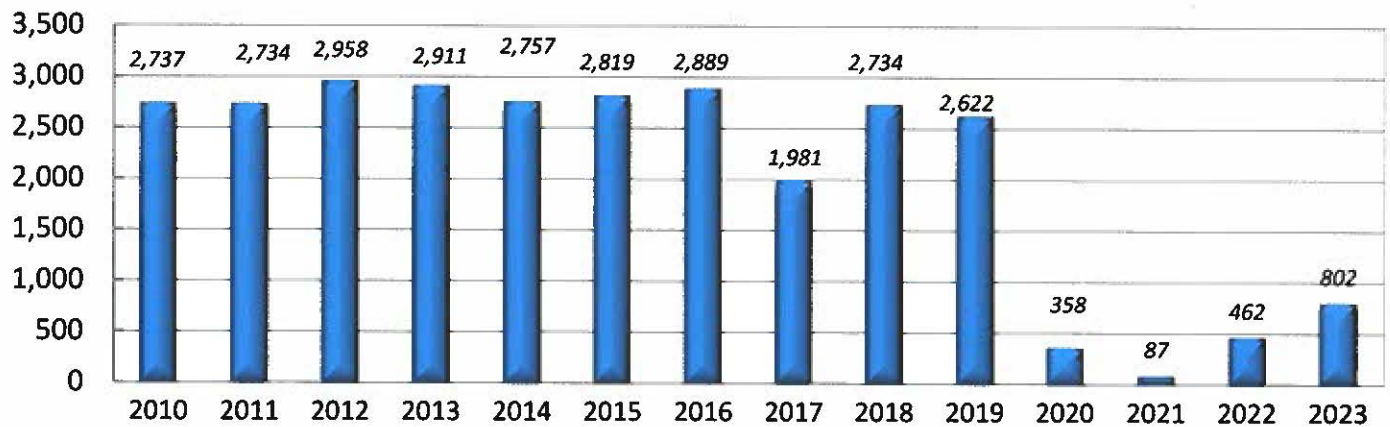


Statistics of Interest *Indicators from our Licensing Division*

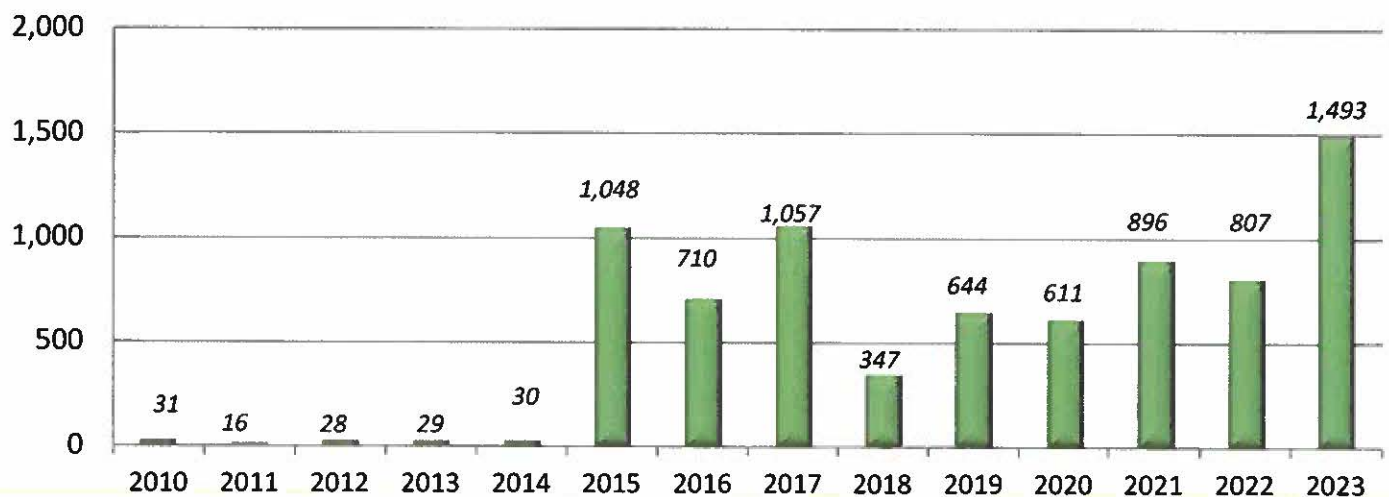
Passport Applications



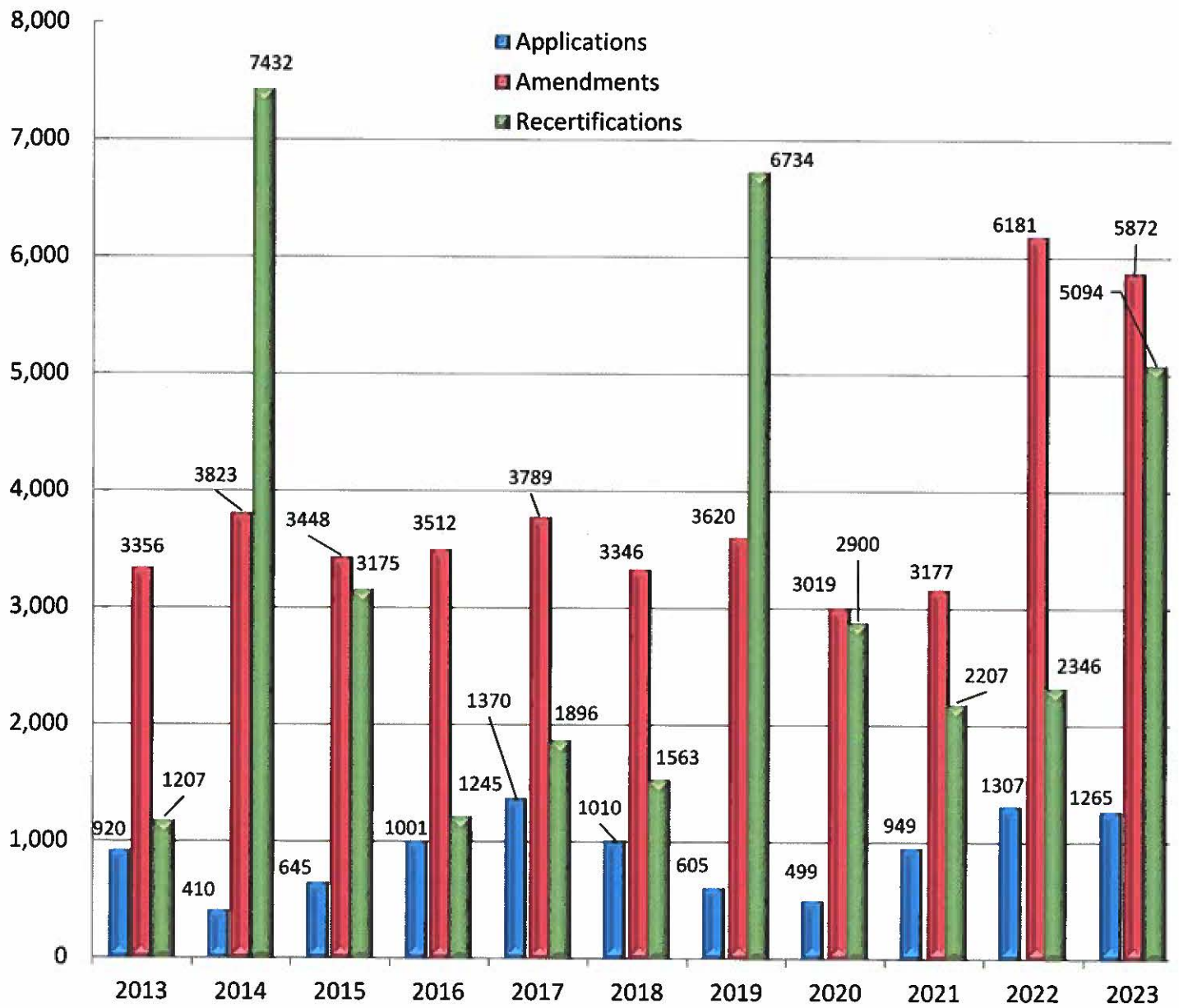
Naturalizations



County Residence Personal IDs



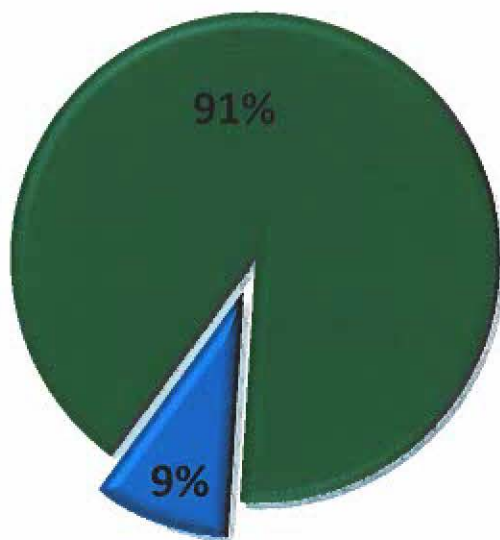
PISTOL LICENSE APPLICATIONS, AMENDMENTS AND RECERTIFICATIONS



Electronic Filing and Recording

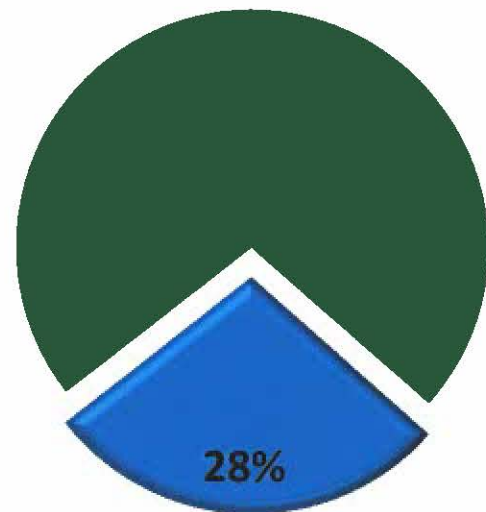
Civil Actions

Approximately **91%** of our civil actions are commenced electronically through the NYS Courts electronic filing system.



Land Records

Approximately **72%** of the documents submitted to the Land Records Division are submitted electronically as part of a **voluntary** eRecording program.



County Clerk's Westchester Records Online Program ("WRO").

For the period of January 1, 2023 through December 31, 2023, **3,165,562** searches were conducted in WRO. Local municipalities and federal and state agencies are granted free remote access to WRO through "no cost" agreements. Free access to local municipalities has been expanded to include access to WRO reports of foreclosure filings and judgments as a "shared service" to assist in preventing zombie homes.



Westchester Joint Water Works

1625 Mamaroneck Avenue
Mamaroneck, New York 10543
www.wjww.com

Telephone: (914) 698-3500
Fax: (914) 381-4241
Fax: (914) 381-0349

February 1, 2024

Hon. Vedat Gashi, Chairman and Honorable Members
Westchester County Board of Legislators
148 Martine Avenue, 8th Floor
White Plains, NY 10601

Re: Westchester Joint Water Works ("WJWW") Request for County Approval of the Exchange Transaction for Construction of a Filtration Plant in the Town of Harrison

Dear Chairman Gashi and Members of the County Board of Legislators:

In my previous letter to the County Board of Legislators, dated June 15, 2023 (copy attached), WJWW formally requested the County to approve the proposed real estate transaction (the "**Exchange Transaction**") by which the County would deed title of the 13.4-acre County-owned parcel adjoining the County airport (the "**County Parcel**") to WJWW for construction of the Filtration Plant in exchange for a WJWW-owned 13.4-acre parcel, also adjoining the County airport, that WJWW would deed to the County (the "**WJWW Parcel**"). In a subsequent letter to the County Board of Legislators, dated June 28, 2023 (copy attached), I wrote to inform the County that on June 27, 2023, the New York State Supreme Court for Westchester County dismissed the only lawsuit that was filed to challenge the proposal to locate the Filtration Plant on the County Parcel.

WJWW is a not-for-profit public benefit corporation formed in 1927 by the State Legislature at the request of the Town/Village of Harrison, Town of Mamaroneck and Village of Mamaroneck to operate a public water system.

I am writing again to update the County on enforcement actions brought against WJWW and its three constituent municipalities, by the U.S. Department of Justice (USDOJ) on behalf of the U.S. Environmental Protection Agency (USEPA), and the New York State Attorney General's office (NYSAG) on behalf of the New York State Department of Health (NYSDOH). In my previous letter to the County Board of Legislators dated June 15, 2023, I indicated that the USDOJ provided notice, in letters dated April 29, 2021 (copy attached) and May 26, 2021 (copy attached), to WJWW and its constituent municipalities, the Town/Village of Harrison, the Town of Mamaroneck, and the Village of Mamaroneck, to comply with the Safe Drinking Water Act (SDWA) and an Administrative Order (AO) issued by the USEPA, dated November 26, 2019.

Federal Enforcement History and Potential Liability without Settlement

In 2019, monitoring data collected by WJWW for the first, second and third quarters of the year established a violation of the Haloacetic Acids (HAA5) maximum contaminant level (MCL). On November 26, 2019, the USEPA issued an Administrative Order (AO) to WJWW under the federal Safe Drinking Water Act (SDWA). The USEPA AO required WJWW to: (i) take certain interim measures (such as water flushing) to reduce the likelihood of a recurrence of the MCL violation and (ii) construct a Filtration Plant to reduce the organic content of the Rye Lake water in the WJWW system, providing a permanent means of reducing HAA5 concentrations. The USEPA AO contained a deadline of October 1, 2020 for completion of the State Environmental Quality Review Act (SEQRA) process for the Filtration Plant, and January 1, 2022 to obtain all permits and commence construction of the Filtration Plant.

Since receiving the USEPA AO, WJWW has complied with the interim measures specified therein, but WJWW could not meet the USEPA AO's schedule for construction of the Filtration Plant due to delays attendant to the SEQRA process, the elapse of time in the County's consideration of the land swap, and delays in local land use permitting dependent upon entering into the contract for the land swap.

WJWW faces significant federal enforcement liability for the violation of the SDWA MCL during the nine-month period in 2019. Civil penalties under this law are assessed in federal court. The maximum civil penalty for statutory violations in 2019 was \$57,317 per day of violation (approximately \$15.7 million for the 9-month violation period). In addition, the violation of the USEPA AO requiring that WJWW build and operate a filtration plant for its Rye Lake water source as a means of reducing the likelihood of future violations of the MCL. As set forth above, the USEPA AO required WJWW to complete the SEQRA process for the filtration plant by October 1, 2020 and begin construction by January 1, 2022. The current maximum statutory penalty under the SDWA is now \$67,544 per day (approximately \$24.7 million per year). Under the current schedule, construction of the filtration plant is scheduled to commence in approximately June 2025 – 3½ years after the deadline in the USEPA AO. The maximum statutory penalties for violating the USEPA AO (at \$24.7 million per year) are approximately \$86.5 million. Thus, the maximum civil penalty is approximately \$102.2 million (\$15.7 million for the 9-month MCL violation and \$86.5 million for violation of the USEPA AO).

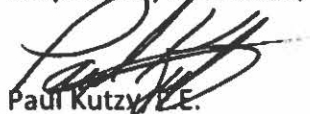
On April 29, 2021, USDOJ, representing the USEPA, sent WJWW a letter stating that the USEPA has referred the matter to USDOJ for civil litigation enforcement in federal court under the SDWA. The USDOJ letter alleged violations of the SDWA by failing to comply with the HAA5 MCL in the first three quarters of 2019 and failing to meet the Filtration Plant milestone dates in the USEPA AO. On May 26, 2021, USDOJ sent a second letter with the same substantive allegations directed to WJWW's three member municipalities (the Town/Village of Harrison, the Town of Mamaroneck and the Village of Mamaroneck). The terms of the proposed consent decree, when approved by the federal court, will supersede the terms of the USEPA AO as to the schedule for completing the Filtration Plant. The settlement injunctive milestones will become enforceable by the federal court.

New York State Enforcement History and Potential Liability
Without Settlement

On June 9, 2004, in a lawsuit brought by the NYS Attorney General on behalf of the New York State Department of Health, the NY State Supreme Court issued a permanent injunction requiring WJWW to build the Filtration Plant to comply with the State Sanitary Code. The injunction was affirmed on appeal and remains in effect today. Due to WJWW's inability to meet the terms of the injunction, approximately \$74.8 million of penalties have accrued under the terms of the State Court judgment and a further penalty of \$13,750 continues to accrue each day (approximately \$5 million per year). Under the terms of the state court judgment, penalties will continue to accrue in the amount of \$13,750 per day until the filtration plant is constructed and begins operation on or about December 31, 2028. Accordingly, in addition to the \$74.8 million in past penalties, WJWW is facing the prospect of an additional \$25 million in penalties over the next five years. These penalties are mandatory (non-discretionary) pursuant to the terms of the state court judgment.

In closing, it should be emphasized that by March 31, 2024, WJWW to obtain County authorization of the real estate transaction by which WJWW is seeking to acquire ownership of the land for the site of the Filtration Plant, is the first critical milestone in the settlement negotiated with the USDOJ and NYSAG.

Respectfully submitted,



Paul Kutzy, P.E.
Manager, WJWW

cc: Hon. George Latimer, County Executive
Hon. Kenneth Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Sunday Vanderberg, Clerk of the County Board of Legislators
Hon. Jaine Elkind Eney, Supervisor, Town of Mamaroneck
Hon. Sharon Torres, Mayor, Village of Mamaroneck
Hon. Richard Dionisio, Supervisor/Mayor, Town/Village of Harrison
Lori Lee Dickson, Esq., WJWW General Counsel



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

April 29, 2021

Via E-mail and Federal Express

Lori Lee Dickson, Esq.
McCarthy Fingar LLP
711 Westchester Avenue, Suite 405
White Plains, New York 10604
ldickson@mccarthyfingar.com

Re: Violations of the Safe Drinking Water Act and EPA Administrative Order by
Westchester Joint Water Works and its Constituent Municipalities

Dear Ms. Dickson:

The U.S. Environmental Protection Agency ("EPA") has referred certain violations of the Safe Drinking Water Act ("SDWA") to the U.S. Attorney's Office for the Southern District of New York for litigation in the U.S. District Court for the Southern District of New York.

These violations relate to the failure of Westchester Joint Water Works and its constituent municipalities, the Town of Harrison, the Town of Mamaroneck, and the Village of Mamaroneck (collectively, "WJWW"), to comply with the SDWA and an administrative order ("AO") issued by EPA dated November 26, 2019. WJWW failed to comply with the maximum contaminant level ("MCL") for five regulated haloacetic acids ("HAA5") and, in particular, exceeded the MCL for HAA5 during the first, second, and third quarters of 2019. While WJWW has implemented interim measures to prevent HAA5 MCL exceedances in the short term, it is presently in violation of the SDWA and the AO, including the requirement that it construct a filtration plant at Rye Lake.

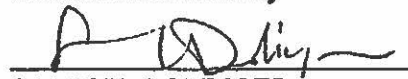
Under the SDWA, the United States may bring a civil action in federal district court to require compliance with any applicable requirement of the statute or to enforce compliance with an AO. 42 U.S.C. § 300g-3(b). The court is empowered to issue such judgment as is necessary to protect the public health, and may also impose on the violator a civil penalty for each day of violation.

We understand that you have represented WJWW for certain purposes in related matters in the past and would appreciate if you can confirm whether you will do so for purposes of the United States' anticipated enforcement action. If so, we would like to arrange a meeting to discuss these violations, and to discuss the terms of a potential judicial consent decree resolving the matter simultaneously with the commencement of litigation. Please contact me at your earliest convenience so that we can set up a meeting to discuss these issues. I can be reached using the contact information below.

Thank you for your cooperation.

Sincerely,

AUDREY STRAUSS
United States Attorney

By: 

SAMUEL DOLINGER
Assistant United States Attorney
Tel.: (212) 637-2677
E-mail: samuel.dolinger@usdoj.gov



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

May 26, 2021

Via Federal Express

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Harrison, New York 10528

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Village Hall at the Regatta
123 Mamaroneck Avenue
Mamaroneck, New York 10543

Re: Violations of the Safe Drinking Water Act and EPA Administrative Order by
Westchester Joint Water Works and its Constituent Municipalities

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These violations relate to the failure of Westchester Joint Water Works ("WJWW") and its constituent municipalities, the Town/Village of Harrison, the Town of Mamaroneck, and the Village of Mamaroneck, to comply with the SDWA and an administrative order ("AO") issued by EPA dated November 26, 2019. WJWW failed to comply with the maximum contaminant level ("MCL") for five regulated haloacetic acids ("HAA5") and, in particular, exceeded the MCL for HAA5 during the first, second, and third quarters of 2019. While WJWW has implemented interim measures to prevent HAA5 MCL exceedances in the short term, it is presently in violation of the SDWA and the AO, including the requirement that it construct a filtration plant at Rye Lake.

Under the SDWA, the United States may bring a civil action in federal district court to require compliance with any applicable requirement of the statute or to enforce compliance with

an AO. 42 U.S.C. § 300g-3(b). The court is empowered to issue such judgment as is necessary to protect the public health, and may also impose on the violator a civil penalty for each day of violation.


We have been in contact with counsel for WJWW and have begun discussions regarding the United States' anticipated enforcement action. Because the Town/Village of Harrison, the Town of Mamaroneck, and the Village of Mamaroneck are also owners and/or operators of the public water system, the United States anticipates that a judicial resolution of this matter will involve the municipalities as parties.

We would like to arrange a meeting to discuss these violations, and to discuss the terms of a potential judicial consent decree resolving the matter simultaneously with the commencement of litigation. Please contact us at your earliest convenience so that we can set up a meeting to discuss these issues. We can be reached using the contact information below.

Thank you for your cooperation.

Sincerely,

AUDREY STRAUSS
United States Attorney

By: 
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cc: Lori Lee Dickson, Esq.
Philip Karmel, Esq.
Attorneys for Westchester Joint Water Works
(via e-mail)



Westchester Joint Water Works

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Mamaroneck, New York 10543
www.wjww.com

Telephone: (914) 698-3500
Fax: (914) 381-4241
Fax: (914) 381-0349

June 15, 2023

Hon. George Latimer
Westchester County Executive
148 Martine Avenue, 9th Floor
White Plains, NY 10601

Hon. Vedat Gashi, Chairman and Honorable Members
Westchester County Board of Legislators
148 Martine Avenue, 8th Floor
White Plains, NY 10601

**Re: Westchester Joint Water Works ("WJWW") Request for County
Approval of the Exchange Transaction for Construction of a Filtration
Plant in the Town of Harrison**

Dear County Executive Latimer, Chairman Gashi and Members of the County Board of Legislators:

WJWW is a not-for-profit public benefit corporation formed in 1927 by the State Legislature at the request of the Town/Village of Harrison, Town of Mamaroneck and Village of Mamaroneck to operate a public water system. WJWW supplies water to its three member municipalities for their retail sale to their water consumers and to portions of the cities of Rye and New Rochelle. WJWW also supplies water on a wholesale basis to the Village of Larchmont and Veolia, which sells water to the City of Rye, Village of Rye Brook and Village of Port Chester. In all, up to 100,000 County residents depend on WJWW to provide clean, safe drinking water.

To comply with federal and state drinking water regulations, and to maintain the safety of the water delivered to County residents, WJWW is required to construct a Filtration Plant to treat the water that WJWW withdraws from the Kensico Reservoir. The Filtration Plant is a substantial engineering and construction project with a capital cost of approximately \$138 million. The construction of the Filtration Plant is an urgent matter of public health: the U.S. Environmental Protection Agency ("EPA"), in an administrative order issued to WJWW in 2019, determined that the Filtration Plant is required to address WJWW's recent violations of EPA's maximum contaminant level ("MCL") for haloacetic acids ("HAAs"), as discussed in further detail below.

Since 2019, WJWW has been working with the County to undertake the evaluations and legal processes required to construct the Filtration Plant on a vacant 13.4-acre parcel of County-owned land at the periphery of the County airport (the "**County Parcel**"). This

effort has included the execution of a 2021 Memorandum of Understanding between the County and WJWW, public hearings, and the preparation of all required SEQRA documents, the Storm Water Pollution Prevention Plan for the County Parcel (the "**SWPPP**"), and the final engineering documents for the construction of the Filtration Plant at the County Parcel. With the County's consent, WJWW has also submitted permit applications to state and local agencies.

On May 26, 2023, the New York City Department of Environmental Protection ("**NYCDEP**") approved the SWPPP, confirming that the construction of the Filtration Plant at the County Parcel will not harm the Kensico Reservoir, will have no stormwater impact on downstream properties, and will comply with the stringent NYCDEP standards for the protection of Kensico Reservoir and its watershed.

In light of the NYCDEP approval, WJWW is now formally requesting the County to approve the proposed real estate transaction (the "**Exchange Transaction**") by which the County would deed title of the 13.4-acre County Parcel to WJWW for construction of the Filtration Plant in exchange for a WJWW-owned 13.4-acre parcel, also adjoining the County airport, that WJWW would deed to the County (the "**WJWW Parcel**").

To assist the County in evaluating the request to approve the Exchange Transaction, this letter:

- provides the required background information, including the location of the County Parcel and WJWW Parcel;
- describes the history of WJWW's effort to construct the Filtration Plant;
- summarizes the terms of the contemplated Exchange Transaction;
- summarizes the Filtration Plant's environmental impacts;
- explains why the County Parcel is the best location for the Filtration Plant; and
- explains why it is critically important that the County consider WJWW's request soon, so as not to further delay construction of the Filtration Plant.

As requested, attached are:

- A draft of the real estate contract to effectuate the Exchange Transaction (Tab A);
- A Federal Aviation Administration ("**FAA**") letter regarding the Exchange Transaction (Tab B);
- Environmental review materials – the Draft Environmental Impact Statement ("**DEIS**") (Tab C), the Final Environmental Impact Statement ("**FEIS**") (Tab D),

SEQRA Findings (Tab E), and a resolution regarding minor post-FEIS site plan changes (Tab F);

- The SWPPP (Tab G) and NYCDEP's approval of the SWPPP (Tab H);
- Final design documents (Tab I).
- Basis of estimate cost report (Tab J)

Public comments on the Filtration Plant are included in FEIS Appendix A (Tab D).

Background

The map below shows the location of: (i) Rye Lake (a component of the Kensico Reservoir); (ii) the location of the existing Rye Lake Pump Station; (iii) the existing raw water transmission main that conveys water from the Pump Station to the Purchase Street Storage Tanks; (iv) the County Parcel on Purchase Street, adjacent to this transmission main; and (v) the WJWW Parcel:



The areas bounded by the dashed orange lines depict the two 13.4-acre tracts that would be subject to the proposed Exchange Transaction. The Filtration Plant must be

located in this general area because the Filtration Plant will filter the raw water from the Rye Lake Pump Station before the water is conveyed to the Purchase Street Storage Tanks.

History of WJWW's Effort to Build the Filtration Plant

In 1994, an engineering firm retained by WJWW prepared a site evaluation report to identify possible locations for the Filtration Plant. The report ranked the County Parcel as the overall best location for the facility. See FEIS, Appendix C, p. at 7 (discussing "Site 3"). The report deemed the County Parcel superior to all other locations because: (i) the site fronts Purchase Street (a State Highway also known as Route 120); (ii) the Filtration Plant would therefore be in close proximity to the existing WJWW water transmission main beneath Purchase Street, thereby minimizing cost and construction impacts; (iii) the County Parcel has easy access, via Purchase Street, to Interstate 684, facilitating truck traffic; (iv) the County Parcel is zoned for business use (rather than residential use); and (v) the existing trees at the County Parcel would screen views of the Filtration Plant from vantage points in the surrounding area. *Id.* at 4, 8 & Table 8.

The same report deemed the current WJWW Parcel (which had yet to be purchased by WJWW) as the second most suitable location for the Filtration Plant. *Id.* at 8 & Table 10 (discussing "Site 5"). The report noted, however, that unlike the County Parcel, the WJWW Parcel is zoned for residential use and that there would be greater visual and construction noise impacts to the surrounding neighbors. *Id.*

At that time, however, Westchester County declined to make the County Parcel available to WJWW for construction of the Filtration Plant. As a result, in 1998, in anticipation of the potential need to build a Filtration Plant for its Rye Lake water source, WJWW acquired the WJWW Parcel and adjoining land that collectively comprised a 39-acre parcel with frontage on Purchase Street.

In 2000, WJWW sold approximately two-thirds of the 39-acre parcel to Sylvan Development, retaining the WJWW Parcel and an easement running from Purchase Street to the WJWW Parcel. See DEIS Figure 5-2.

On June 9, 2004, the Supreme Court for Westchester County issued a permanent injunction requiring WJWW to build the Filtration Plant in order to bring its system into compliance with the New York State Sanitary Code, which regulates public drinking water systems. That injunction remains in effect today.

After the Court's ruling, WJWW pursued an unsuccessful appeal and an unsuccessful petition to the New York State Department of Health ("NYSDOH") to forgo construction of a costly filtration plant in favor of a less costly ultraviolet treatment facility.

Thereafter, WJWW prepared to proceed with construction of the Filtration Plant on the WJWW Parcel. The project was identified as exempt from SEQRA pursuant to the Type II category that is today codified at 6 N.Y.C.R.R. § 617.5(c)(35) ("a particular course of action specifically required to be undertaken pursuant to a judgment or order"). WJWW submitted applications for site plan approval and a special exception use permit to the Harrison Planning Board, which issued a negative declaration under SEQRA and granted certain approvals on June 21, 2005. A local property owner (Sylvan Development), however, thereafter brought a raft of lawsuits challenging different permits and approvals for the proposed facility at the WJWW Parcel.

As a result, the Planning Board rescinded its prior negative declaration and approvals, determined that it would serve as the lead agency for the SEQRA review, and issued a positive declaration under SEQRA on June 11, 2007, thereby requiring preparation of an environmental impact statement ("**EIS**") prior to the Planning Board's decision-making on WJWW's applications to build the facility at the WJWW Parcel.

In accordance with a scope determined by the Planning Board, WJWW proceeded to prepare a draft EIS, which the Planning Board certified as complete on September 25, 2007. The public hearing on the draft EIS was conducted on November 15, 2007. Subsequently, the Town Planner, on behalf of the Planning Board, prepared a six-page memorandum providing review comments on the draft EIS. His review comments requested further discussion of the potential for adverse impacts on adjoining residential land and a further analysis of alternatives, including an evaluation of whether the County had changed its prior position as to the availability of airport land for the Filtration Plant and an evaluation of a regional water treatment facility instead of a WJWW-owned treatment facility.

WJWW had completed its obligations as the applicant for full compliance with the SEQRA review process by submitting a proposed Final Environmental Impact Statement to the Planning Board in July 2008. Yet the Planning Board never completed the SEQRA process for WJWW's proposal to build the Filtration Plant on the WJWW Parcel. Without completion of the SEQRA review process, no further action could be taken to construct the Filtration Plant at that location.

As a result of the stalled Planning Board process, WJWW explored partnering on a County-lead regional water treatment and conveyance alternative. This option was further evaluated by WJWW, but ultimately, the other regional water utilities involved pursued options that did not provide treated water to WJWW's system.

With the regional water treatment and conveyance option no longer available, WJWW then investigated the viability of constructing a pipeline for the conveyance of treated water from New York City's Shaft 20 in Yonkers, which would eliminate WJWW's use of untreated Rye Lake water. In 2016, the alternative was rejected due to its exorbitant cost and the identified adverse environmental impacts.

Thereafter, in 2019, as a result of further discussions between WJWW and the County, WJWW learned that the County – subject to compliance with SEQRA and other conditions – would consider the parcel exchange transaction by which WJWW would acquire the 13.4-acre County Parcel in exchange for the 13.4-acre WJWW Parcel.

As a result, WJWW's planning efforts reverted to the original preferred alternative of locating the Filtration Plant on the County Parcel. In a letter to the County dated September 30, 2022, the FAA determined that the proposed land swap "would have no material impact on aircraft operations, at, to, or from the airport; would not affect the safety of people and property on the ground adjacent to the airport as a result of aircraft operations; and would not have an adverse effect on the value of prior Federal investment ... [and therefore] the FAA does not have the authority to ... disapprove ... the proposed project." FAA Letter, p. 2 (Tab B).

The Terms of the Proposed Exchange Transaction

The proposed exchange contract between the County and WJWW is attached as Tab A. It provides for the County to deed title to the County Parcel to WJWW in exchange for WJWW deeding title to the WJWW Parcel to the County. WJWW provided the draft exchange contract to the County Attorney on March 7, 2023 and has not received any comments on the form of the document.

The two parcels are of the same acreage, and both are unimproved land adjoining the airport. A licensed appraiser, in reports dated March 27, 2023 and provided to the County Attorney at that time, has determined each parcel to be of the same value. Accordingly, the proposed exchange contract provides for the exchange of the parcels without additional cash consideration paid by either party.

The proposed exchange contract further provides that the transaction would "close" (*i.e.*, the titles would be exchanged by the parties pursuant to the contract) only after WJWW receives the remaining discretionary permits and approvals required for WJWW to construct the Filtration Plant at the County Parcel.

The proposed contract further provides for a process by which the County would allow the Filtration Plant to connect to the airport's sanitary sewer system, with WJWW to bear the costs of the connection.

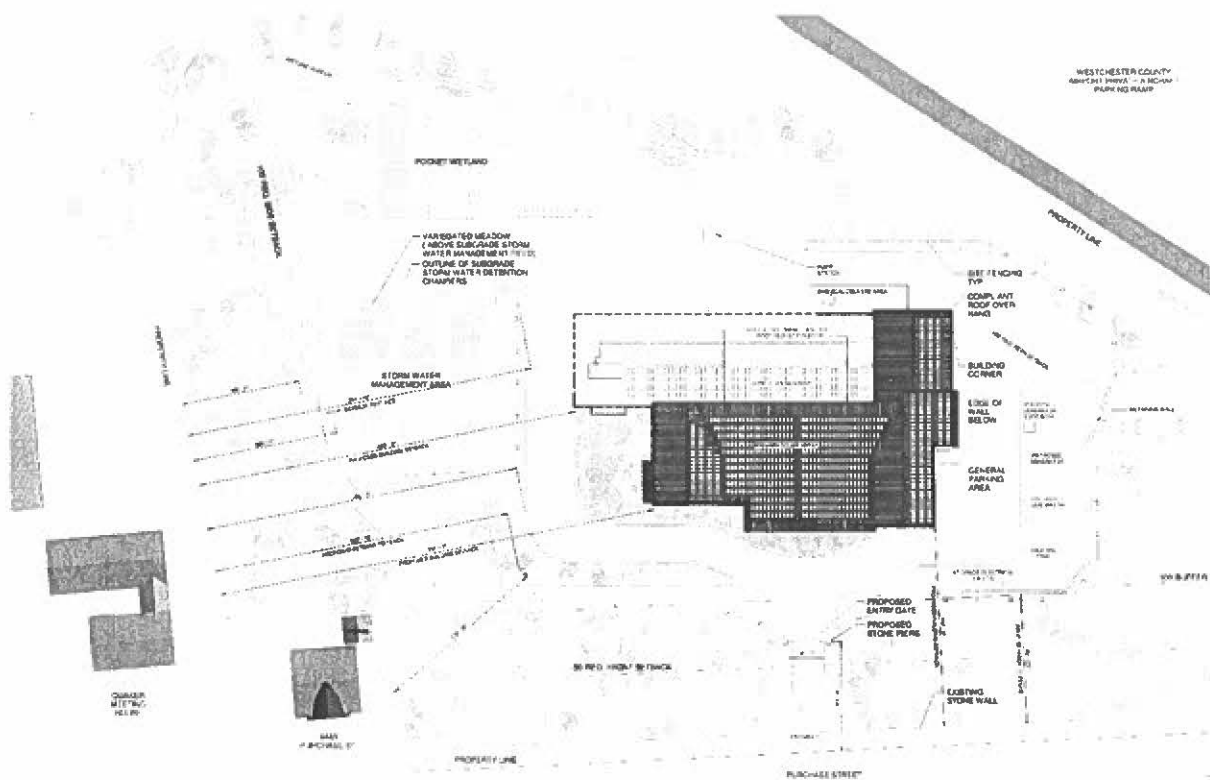
The SEQRA Process and Environmental Impacts

WJWW, as lead agency, has completed the SEQRA process for constructing and operating the Filtration Parcel on the County Parcel, as follows:

- On March 10, 2021, the Commissioner of the New York State Department of Environmental Conservation ("**NYSDEC**") determined that WJWW would serve as the lead agency for the SEQRA review.
- On March 23, 2021, WJWW adopted a draft scope for the EIS.
- On April 13, 2021, WJWW held a duly noticed public session on the draft scope.
- On May 10, 2021, WJWW closed the public comment period on the draft scope, and thereafter considered all comments received on the draft scope and prepared a response to comment document.
- On October 26, 2021, WJWW published the final scope for the EIS.
- On April 12, 2022, WJWW accepted the DEIS as adequate and complete for public review.
- On May 25, 2022, WJWW held a duly noticed public hearing on the DEIS.
- On June 6, 2022, WJWW closed the public comment period on the DEIS.
- On September 28, 2022, WJWW published the FEIS.
- On October 12, 2022, the WJWW board enacted a resolution approving the issuance of WJWW's SEQRA Findings Statement.

The County Board of Legislators and relevant County departments were identified as "involved agencies" and were provided with all SEQRA notices and documents throughout the process.

To assess the potential environmental impacts of the Filtration Plant, the DEIS and FEIS examined the site plan that WJWW has proposed for the facility. The site plan depicted below is similar to the one assessed in the DEIS and FEIS but reflects minor changes made after publication of the FEIS to reduce construction in the buffer area to the wetlands on the County Parcel:



The site plan locates the Filtration Plant roughly in the center of the County Parcel. The plant would be set back approximately 155 feet from Purchase Street and 288 feet from its northern neighboring property. The plant would be setback at a minimum of 100 feet from the airport property, meeting the Town of Harrison's rear and side yard setback zoning requirements. As depicted in the site plan, the many existing trees (light green) and newly planted trees (darker green) would partially screen views of the plant from Purchase Street to the west and the neighbors (a residence and house of worship) to the north.

The DEIS and FEIS assessed the environmental impacts of the Filtration Plant at the County Parcel with respect to all relevant area of potential concern, including Land Use, Zoning, and Public Policy, Community Character and Visual Impacts, Fiscal and Economic Impacts, Community Service, Utilities, Stormwater, Geology- Soils and Topography, Vegetation and Wetlands, Archaeological and Historical Resources, Traffic and Transportation, Noise, Air, Public Health, and Construction. The documents also identify numerous mitigation measures to reduce the potential for environmental impacts in these areas. The mitigation measures include:

- Restricting the area of clearing to only what is necessary to provide the space needed for essential equipment, project infrastructure, and workspaces that ensure a safe and fully functional facility.

- Implementation of a landscaping plan, including the installation of approximately 300 trees, to replace some of the invasive vegetation to be cleared, enhancing the visual quality of the development with diverse indigenous species, screening man-made structures from the street and other public vantage points, and retaining natural vegetation along the street as a buffer.
- Designing the building to comply with the dimensional zoning standards of the County Parcel's business district zoning including yard setbacks, building height, and building lot coverage, so that the building is contained within the requisite zoning envelope.
- Exterior lighting to be energy efficient and shielded and directed downward so as not to illuminate off-site areas or parts of the site that do not need to be lit.
- The façade of the building will include a partial stone veneer that resembles the stone used in walls along the street and the building will be of muted colors to blend into its surroundings. A gabled roof will make the building look less commercial. The front façade will include windows and translucent panels to provide visual interest.
- The Filtration Plant will connect to an existing sanitary main on the airport property via a four-inch force main to the Westchester County Airport Sewer Collection System to eliminate the need for onsite sewage discharge. Treatment of the wastewater will occur at the Blind Brook Wastewater Treatment Plant, which is outside of the Kensico Watershed.
- Photovoltaic arrays (solar panels) will be installed on the roof of the building to reduce demand for nonrenewable energy resources and partially offset energy and climate-related impacts.
- Preparation and implementation of a SWPPP that meets the standards and requirements of NYSDEC, NYCDEP, and the Town/Village of Harrison code.
- Utilization of dust control practices during construction, including providing a temporary truck wash off station onsite to remove dust from construction vehicles and equipment before exiting the site, applying water or calcium chloride to bare soil periodically as necessary, maintaining low onsite construction vehicle speeds, and covering stockpiles if they are to remain for more than a few days.
- Construction dump trucks will be covered when exporting from the site.
- Delineate by temporary fencing areas of clearing prior to disturbance to prevent accidental encroachment into wetlands or areas that are not to be disturbed.

- The required two emergency generators will be installed on the south side of the building, which is as far as possible from the residence and Purchase Friends Meeting House properties to the north.
- Sound barriers consisting of sound attenuated enclosures and exhaust silencers will mitigate noise from the generators and 100-foot front and side setback buffers will further reduce impacts from noise on the surrounding neighborhood.
- All construction equipment will be turned off when not in use, as New York State law requires no idling of unused equipment in excess of five minutes.
- Use of ambient sensitive self-adjusting back up alarms.
- Mufflers will be required on all equipment.
- The Project will adhere to the Town/Village of Harrison Noise Ordinance limits. No construction will take place on Sundays.
- The above ground propane storage tank and backup diesel generator tanks will be equipped with overflow fill protections and meet all applicable requirements of Federal, State, and local agencies, including secondary containment.
- Truck drivers will be directed to use major roads and highways where possible to avoid the use of residential roads and back streets. All construction truck traffic will be required to approach and depart the Site from and to the north.
- Retain reusable soil on-site to the extent practical to reduce off-site shipments/truck trips.

Based on these mitigation measures and the results of a thorough environmental review, the DEIS and FEIS concluded that locating the Filtration Plant at the County Parcel would not result in any significant impacts to the environment.

Because the County Parcel is located in the watershed of the Kensico Reservoir, the Filtration Plant and its sewer line require approvals from the NYCDEP, including its approval of the SWPPP. *See* Public Health Law § 1100; 10 N.Y.C.R.R. § 128-3.9; 15 Rules of the City of New York (“**RCNY**”) Chapter 18. To approve the SWPPP, NYCDEP must determine that the Filtration Plant will comply with rigorous standards to protect the reservoir from contamination, degradation and pollution. *See* 15 RCNY § 18-39. As noted above, on May 26, 2023, NYCDEP approved the SWPPP, confirming that the construction and operation of the Filtration Plant at the County Parcel will not harm the Kensico Reservoir and will comply with the stringent performance standards required for new construction in its watershed. Similarly, the NYC Watershed Inspector General, an office within the Environmental Protection Bureau of the New York Attorney General’s office, reviewed drafts of the SWPPP and determined that the final SWPPP had addressed each of its earlier comments.

Reasons for Locating the Filtration Plant on the County Parcel

The SEQRA Findings Statement approved by the WJWW board of trustees on October 12, 2022, selected the County Parcel as the best location for the Filtration Plant, as compared to the WJWW Parcel and the other alternatives studied in the DEIS and FEIS. All three members of the WJWW board – the Town Supervisor/Mayor of the Town/Village of Harrison, the Town Supervisor of the Town of Mamaroneck, and the Mayor of the Village of Mamaroneck – approved the resolution to issue the SEQRA Findings Statement selecting the County Parcel as the location for the Filtration Plant.

The SEQRA Findings Statement acknowledges that the WJWW Parcel has two environmental characteristics that weigh in its favor: (a) unlike the County Parcel, it is not within the Kensico Reservoir watershed; and (b) construction of the Filtration Plant at the WJWW Parcel would require the removal of approximately 366 trees with a diameter of 8" or greater, which is fewer than the approximately 408 trees of this size that would be removed to construct the Filtration Plant on the County Parcel. In considering the first issue, WJWW concluded that the Filtration Plant, as designed, will not result in adverse impacts to the Kensico Reservoir because of the Filtration Plant's comprehensive stormwater management facilities and the requirement that the facility's design, operations, construction and SWPPP comply with the stringent regulations that the NYCDEP has put into place to protect the reservoir. WJWW also noted that water treatment facilities are commonly located within the New York City watershed. As to the issue of tree removal, WJWW noted that the removal of trees at the WJWW Parcel would impact an ecologically valuable native Oak-Tulip Tree Forest as compared to the trees at the County Parcel, most of which are less ecologically valuable invasive species and Successional Southern Hardwood Forest.

Against the two considerations favoring the WJWW Parcel, the SEQRA Findings Statement weighed the following considerations favoring the County Parcel:

- The County Parcel is in a business (non-residence) zoning district, while the WJWW Parcel is in an R-2, One-Family Residence zoning district. As noted above, a key impediment to the Planning Board's completion of action on the prior SEQRA review to build the Filtration Plant on the WJWW Parcel was the perceived conflict and concerns regarding project consistency with surrounding residential land uses given that the WJWW Parcel is situated in the R-2 One-Family Residence district.
- The County Parcel is bordered to the northeast, east, southeast and south by airport-related uses. Within a ½-mile from the County Parcel there are several water supply facilities, including the Rye Lake Pump Station and ultraviolet (UV) treatment facility, and the Purchase Street Water Storage Tanks, all owned and managed by WJWW. The Rye Lake water source is also within a ½ mile from the County Parcel. Interstate 684 is approximately 500 feet from the County Parcel,

and Westchester County Airport is contiguous to the County Parcel. Development of the Filtration Plant on the County Parcel would be consistent with the surrounding utility and transportation facilities.

- By contrast, the WJWW Parcel is adjacent to the airport only on its narrow eastern lot line; it is otherwise surrounded by land zoned for residential use. *See* DEIS Figure 5-3. The WJWW Parcel is adjacent to existing residential uses to the north and a golf course to the south and adjoins the presently undeveloped but approved Sylvan Development residential subdivision to the west, with access to Purchase Street only through this subdivision via a residential side street. The WJWW Parcel is surrounded by fewer utility and transportation land uses and more residential land uses than the County Parcel.
- The construction of the facility on the WJWW Parcel would require disturbance of regulated freshwater wetlands. By contrast, the construction of the Filtration Plant on the County Parcel avoids any disturbance of wetlands.
- The construction of the facility on the WJWW Parcel would involve more extensive construction to provide the requisite utility connections, because the WJWW Parcel is not situated proximate to existing utility lines. All utilities – and a new water main – would have to run along the proposed 2,700-foot long access road within the easement from Purchase Street. DEIS Figure 5-2. The County Parcel has more convenient connections to existing utilities and the existing water main beneath Purchase Street due to its location with frontage on Purchase Street.
- The WJWW Parcel – unlike the County Parcel – has no direct street frontage on Purchase Street, requiring a long driveway and associated increase in tree clearing and construction disturbance. *See* DEIS Figure 5-2. The 12.77 acres of disturbance on the WJWW Parcel is more than double the 6.16 acres of disturbance required for construction of the Filtration Plant on the County Parcel. The construction of the facility on the WJWW Parcel would result in approximately double the extent of impervious surfaces (4.6 acres), as compared to the 2.4 acres of impervious surfaces to be constructed at the County Parcel.

The Need for Prompt Approval of the Exchange Transaction

In consultation with the County, WJWW has proposed the land swap to expedite construction of the Filtration Plant. Since the County expressed its receptivity to the land swap in 2019, WJWW has spent almost four years and \$7 million to date preparing engineering plans, the SWPPP and the required SEQRA documents to move the project forward. At this point, the planning process can go no further unless and until the County approves the Exchange Transaction, because the Town of Harrison Planning Board has stated that it will not schedule a public hearing on WJWW's pending land use applications unless and until the County approves the transaction.

WJWW is under substantial pressure to construct the Filtration Plant as soon as possible. This pressure comes from different sources.

First and foremost is that the Filtration Plant is required to bring the WJWW system into compliance with safe drinking water regulations and ensure the safety of the drinking water that WJWW supplies to up to 100,000 County residents. The federal Safe Drinking Water Act regulations establish a MCL for HAA5 at 0.060 milligrams per liter. 40 C.F.R. § 141.64(b). The EPA has determined that organic materials in surface water interact with required treatment chemicals to form HAA5 in drinking water. *See* National Primary Drinking Water Regulations; Stage 2 Disinfectants and Disinfection Byproducts Rule, 71 Fed. Reg. 388, 393 (Jan. 4, 2006). The EPA has determined that the MCL for HAA5 provides for increased public health protection against the increased risks for cancer and reproductive and developmental health effects (*i.e.*, birth defects) from exposure to HAA5. *Id.* at pp. 394-400. Monitoring data collected by WJWW in the first, second and third quarters of 2019 established a violation of the HAA5 MCL in the WJWW system. In immediate response to these MCL violations, WJWW began an aggressive water distribution system flushing program that wastes approximately 80 million gallons of water per year at a cost of close to \$500,000 per year to water consumers. These measures remain in place and are expected to continue until the Filtration Plant is constructed and operational. As a result of the MCL violation, on November 26, 2019, the EPA ordered WJWW to construct the Filtration Plant to reduce the organic content of the Rye Lake water in the WJWW system, thereby reducing the likelihood of future violations of the HAA5 MCL. And as noted above, WJWW was, many years ago, subject to a state court injunction requiring it to construct the Filtration Plant in order to comply with State law.

The second source of pressure is that U.S. Department of Justice on behalf of EPA and the New York Attorney General's office on behalf of NYSDOH have provided notice to WJWW and its three member municipalities that they will bring enforcement actions against WJWW and the municipalities seeking massive civil penalties of many millions of dollars if a consent decree is not signed committing WJWW and the municipalities to construct the Filtration Plant on an expedited schedule that can only be met by continuing on the path we have been on for the last four years of building the Filtration Plant on the County Parcel. These are not idle threats: statutory penalties under the Safe Drinking Water Act are up to \$32,500 per day per violation, and penalties for violating State law are also substantial. It is the WJWW system water customers or the municipalities who would ultimately bear the cost of paying these civil penalties if the Filtration Plant is further delayed. These enforcement actions can only be resolved by proceeding with the proposed consent decree that is currently being negotiated by the parties – a settlement of the enforcement actions that assumes that WJWW can proceed with its plan to construct the Filtration Plant on the current schedule that takes advantage of the work we have done to design and obtain approval of the Filtration Plant's construction on the County Parcel.

County disapproval of the proposed Exchange Transaction – or prolonged inaction on WJWW’s request for approval – would delay construction of the Filtration Plant thereby putting the health of up to 100,000 County residents at risk. Given the enormous amount of effort required to construct the facility, attempting to move the proposal back to the WJWW Parcel – as the County Parcel neighbors have suggested – would delay its construction by years and add millions of dollars to the project cost and consequently result in even higher water rates for consumers. This delay would have grave consequences for public health by deferring the mitigation of an already existing public health threat that will only be made worse by the progression of climate change. For all these reasons, WJWW respectfully requests that the County approve the proposed Exchange Transaction as soon as possible.

WJWW would be pleased to provide any further information that the County may request to consider the request for approval of the Exchange Transaction.

Respectfully submitted,



Paul Kutzy, P.E.
Manager, WJWW

cc: Hon. Kenneth Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Hon. Thomas A. Murphy, Mayor, Village of Mamaroneck
Hon. Rich Dionisio, Supervisor/Mayor, Town/Village of Harrison
Hon. Jaine Elkind Eney, Supervisor, Town of Mamaroneck

Attachments:

Tab A	Draft Exchange Transaction Contract
Tab B	FAA Letter dated September 30, 2022 regarding Exchange Transaction
Tab C	DEIS for Filtration Plant on County Parcel (without appendices)
Tab D	FEIS for Filtration Plant on County Parcel (without appendix B)
Tab E	WJWW SEQRA Findings Statement for Filtration Plant on County Parcel
Tab F	Post-FEIS site plan change resolution and technical memorandum
Tab G	Storm Water Pollution Prevention Plan for Filtration Plant on County Parcel
Tab H	NYCDEP Approval dated May 26, 2023 for Filtration Plant on County Parcel
Tab I	Final Engineering Documents for Filtration Plant on County Parcel
Tab J	Basis of Estimate Cost Report for Filtration Plant on County Parcel



Westchester Joint Water Works

1625 Mamaroneck Avenue
Mamaroneck, New York 10543
www.wjww.com

Telephone: (914) 698-3500
Fax: (914) 381-4241
Fax: (914) 381-0349

June 28, 2023

Hon. George Latimer
Westchester County Executive
148 Martine Avenue, 9th Floor
White Plains, NY 10601

Hon. Vedat Gashi, Chairman and Honorable Members
Westchester County Board of Legislators
148 Martine Avenue, 8th Floor
White Plains, NY 10601

**Re: Westchester Joint Water Works ("WJWW") Request for County
Approval of the Exchange Transaction for Construction of a Filtration
Plant in the Town of Harrison**

Dear County Executive Latimer, Chairman Gashi and Members of the County Board of Legislators:

In my letter dated June 15, 2023 (copy attached), WJWW formally requested the County to approve the proposed real estate transaction (the "**Exchange Transaction**") by which the County would deed title of the 13.4-acre County-owned parcel adjoining the County airport (the "**County Parcel**") to WJWW for construction of the Filtration Plant in exchange for a WJWW-owned 13.4-acre parcel, also adjoining the County airport, that WJWW would deed to the County (the "**WJWW Parcel**"). I am writing again to inform the County that on June 27, 2023, the New York State Supreme Court for Westchester County dismissed the only lawsuit that was filed to challenge the proposal to locate the Filtration Plant on the County Parcel. A copy of the Court's decision is attached.

The WJWW Board of Trustees is comprised of the Supervisor/Mayor of the Town/Village of Harrison, the Supervisor of the Town of Mamaroneck, and the Mayor of the Village of Mamaroneck. The litigation challenge that has now been rejected by the Court had sought to nullify the unanimous resolution of the WJWW Board, made on October 12, 2022, to approve a resolution selecting the County Parcel as the best location for the Filtration Plant pursuant to the State Environmental Quality Review Act ("SEQRA"). The Court upheld WJWW's determination that, from an environmental perspective, the County Parcel is the best location for the Filtration Plant. *See* Decision, pp. 14-18.

The Court also rejected petitioner's contention that the Filtration Plant would result in significant noise impacts (Decision, pp. 9-10), rejected petitioner's contention that the Filtration Plant would result in significant historic and archaeological resource impacts (*id.*, pp. 10-12), rejected petitioner's contention that the Filtration Plant would result in significant adverse visual impacts (*id.*, p. 11); rejected petitioner's contentions that the Filtration Plant would result in significant growth-inducing impacts (*id.*, pp. 12-13), and rejected petitioner's challenge to the assessment of the Filtration Plant's effect on water rates. *Id.*, pp. 13-14.

The Court also held that WJWW complied with all of the required SEQRA procedures in preparing the DEIS, FEIS and SEQRA Findings Statement for the Filtration Plant. *See* Decision, pp. 3-5.

More specifically, with regard to the selection of the County Parcel as the preferred location for Filtration Plant, the Court stated that:

[T]he record reflects that [WJWW] ... considered the [County Parcel] ... location preferable due to the lesser impact that it would present to the significant existing and progressing residential use of the areas lying in close proximity to the [WJWW Parcel].... [T]he Court finds that the record amply demonstrates that [WJWW] ... undertook the requisite hard look at feasible alternatives to the [County Parcel] ... for the location of the [Filtration] Plant, and further provided a reasoned elaboration for its conclusion that the development and operation of the Plant upon the [County Parcel] ... would be a superior choice when compared against the ... alternative [the WJWW Parcel].... [T]his Court's review of the respondent WJWW's determination to deem the DEIS and FEIS complete ... reveals that the respondent [WJWW] identified the pertinent areas of environmental concern, took a hard look at those areas and made a reasoned elaboration of the basis for its determination.....

Decision, pp. 16-18.

Regarding the issue of airport growth, the Court stated that:

[T]he primary concern raised by the petitioner relates to its speculative concern that the development of the [Filtration] Plant upon the ... [County Parcel] might impact the County's potential plan for growth of the airport in the future , [but] Westchester County's representation that it has no intention of making any use of that land parcel for the expansion of the ... [airport], nor any other development or use aside from serving as an undeveloped buffer between the ... [airport] and surrounding properties is referenced within the DEIS and the Findings Statement.... [T]he record is devoid of any indication that the development and

operation of the Plant to filter and treat water from the nearby Rye Lake could in some manner spur or otherwise induce commercial, residential or any other form of increased development upon any parcel of land associated therewith, which leaves the petitioner's contrary suggestion to be lacking a fact-based foundation.... Accordingly, the Court finds that the record amply demonstrates that [WJWW] ... undertook the requisite hard look at the potential growth inducing impact of the proposed [Filtration] Plant....

Decision, pp. 12-13.

Regarding the issue of noise buffering, the Court stated that:

[T]he primary concern which the petitioner raises is related to the proposed removal of trees incident to the diminishment of noise buffering that is anticipated by the petitioner as a result ... As detailed in the DEIS and FEIS, and summarized in [WJWW's] ... Findings Statement, the proposed construction of the Plant could require the removal of approximately 408 trees, whereas the landscaping plan associated with the development of the Plant site provides for the installation/planting of approximately 300 new trees, in addition to the existing unspecified number of trees which will remain undisturbed within the area lying between the Plant and the Meeting House. In addition, the DEIS, FEIS and Findings Statement reveal that although the Meeting House is currently impacted by significant levels of noise generated by the routine operation of the ... Airport due to its location beneath the flight path used by planes accessing one of the airport runways, the proposed location of the Plant upon the undeveloped land lying between the Meeting House and the airport-related facilities would serve as an additional noise buffer inuring to the benefit of the petitioner.... Furthermore, the record demonstrates that the only anticipated exterior noise emanating from the Plant's operations would be generated by the Plant's own air-conditioning units and [emergency] generators, which would be mitigated by sound-attenuated enclosures and exhaust silencers.... [T]his Court finds that the record reveals that [WJWW] ... made a reasoned elaboration of the basis for its challenged determination as required by SEQRA.

Decision, pp. 9-10.

Regarding the issue of visual impacts, the Court stated that:

In relation to [the potential for visual] impacts upon the petitioner's members, the record reveals that the ... DEIS, as well as ...


[WJWW's] Finding Statement, reflect its consideration and recognition of the mitigating effects anticipated from the existing trees and the additional trees to be planted in the buffer area of concern to the petitioner, as well as the several hundreds of feet of distance between all points of the proposed Plant and the petitioner's property, the design of the proposed Plant's dimensions and appearance in compliance with all applicable zoning codes, [and] the design of exterior lighting to minimize its exposure to the Meeting House and its surrounding environs....

Decision, p. 11.

* * * *

WJWW would be pleased to provide any further information that the County may request to consider the request for approval of the Exchange Transaction.

Respectfully submitted,



Paul Kurzy, P.E.
Manager, WJWW

cc: Hon. Kenneth Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Hon. Thomas A. Murphy, Mayor, Village of Mamaroneck
Hon. Rich Dionisio, Supervisor/Mayor, Town/Village of Harrison
Hon. Jaine Elkind Eney, Supervisor, Town of Mamaroneck

Attachments:

Tab A WJWW Letter dated June 15, 2023
Tab B Court Decision dated June 27, 2023

EXECUTIVE ORDER NO. 1 OF 2024

WHEREAS, parliamentary procedures are the accepted rules, ethics, and customs governing meetings of an assembly or organization. Their object is to allow orderly deliberation upon questions of interest to the organization and thus to arrive at the sense or the will of the majority of the assembly upon these questions; and

WHEREAS, Robert's Rules of Order is the standard manual of codes and rules of ethics that govern discussions and decision-making in non-legislative organizations with boards of directors and committees. This framework helps Chairpersons have systematic, orderly, and goal-oriented meetings; and

WHEREAS, Robert's Rules of order is the most widely used manual of parliamentary procedure in the United States. It governs the meetings of a diverse range of organizations—including religious groups, county boards and commissions, homeowners associations, nonprofit associations, professional societies, school boards, and trade unions—that have adopted it as their parliamentary authority; and

WHEREAS, the information and tips included in Robert's Rules of Order can help board leaders use the rules as they were intended—to drive meaningful, efficient, and productive meetings, regardless of whether they are in-person, virtual, or hybrid; and

WHEREAS, among all the forms of parliamentary procedures, as of 2022, Robert's Rules of Order was the most popular, adopted and used by about 80% of organizations in the United States; and

WHEREAS, the latest edition of Robert's Rules of Order is the September 2020 release of Robert's Rules of Order Newly Revised 12th Edition; and

WHEREAS, the County has approximately 25 boards and commissions, excluding the County Board of Legislators and its committees and subcommittees, whose members are appointed by the County Executive and perform various functions on behalf of the County of Westchester; and

WHEREAS, in order to ensure that all County Boards and Commissions hold meetings in compliance with parliamentary procedure to enable meaningful, efficient, and productive meetings;

NOW, THEREFORE, I, George Latimer, County Executive of the County of Westchester, in accordance with my statutory duties, do hereby order that all County boards and commissions, their committees, and subcommittees, and excluding the County Board of Legislators and its committees and subcommittees, shall follow Robert's Rules of Order as their parliamentary or procedural authority; and it is further

RESOLVED, that all County boards and commissions, their committees, and subcommittees and excluding the County Board of Legislators and its committees and subcommittees, adhere to the procedures contained in the September 2020 release of Robert's Rules of Order Newly Revised 12th Edition, the latest edition of Robert's Rules of Order, and any new editions that are published in the future; and it is further

RESOLVED, that this Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.



GEORGE LATIMER
County Executive

Dated: February 1, 2024
White Plains, New York

**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 which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an inter-municipal agreement (“IMA”) with Putnam Northern Westchester BOCES (“BOCES”), pursuant to which BOCES will coordinate a portion of the Bureau of Justice Assistance’s STOP School Violence Program by implementing Project Schools Transforming Real Interventions to Violence (“Project STRIV”) at various public, private, parochial and charter schools throughout Westchester County, for a term commencing retroactively on October 1, 2023 and continuing through September 30, 2024.

Your Committee is advised that Project STRIV, funded through a grant from the U.S. Department of Justice (“DOJ”), will expand and build upon existing school violence prevention initiatives and implement trainings to provide students, parents and school personnel with tools to recognize, respond quickly to, and prevent acts of violence. Training will be directed at the safety of the school communities to ensure the development of a positive school community climate and culture where students feel safe, accepted and respected regardless of their gender, race culture or sexual orientation.

Under the proposed IMA, BOCES will offer additional Comprehensive School Threat Assessment Guidelines (“CSTAG”) and Digital Threat Assessment trainings. The focused trainings will offer coordinated strategies to increase the levels of security and safety within the school environment. The digital training will help attendees get a better understanding of the social media world and online activity and what tools and methods are available to identify online threat related behavior to prevent tragedy and intervene when worrisome behavior is observed.

In consideration for providing these services, the County will pay BOCES a total amount not-to-exceed Two Hundred Thirty-Five Thousand (\$235,000.00) Dollars, payable in four (4) installments of \$58,750.00 each, in accordance with an approved payment schedule.

Your Committee is advised that because the definition of “municipal corporation” under New York General Municipal Law § 119-n includes “boards of cooperative education services,” the proposed agreement constitutes an IMA requiring your Honorable Board’s approval.

Your Committee is further advised that the proposed IMA is exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a)xviii thereof, which exempts any procurement for the creation and support of youth service projects. In addition, these services are funded with Federal grant monies and are, pursuant to Section 11 of the County Procurement Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320) require that contracts in amounts equal to or less than \$250,000, be procured competitively, unless such contracts are deemed to be “non-competitive” procurements. In accordance with 2 CFR§ 200.320(c)(4), the County’s STOP DWI Office contacted the DOJ requesting that it authorize a non-competitive proposal in this case. The DOJ subsequently approved BOCES as one of the sub awardees under the grant.

In addition, the proposed IMA 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 carefully considered this matter and has concluded that it is in the best interest of the County to adopt an Act to authorize the County to enter into this IMA. It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends approval of the annexed proposed Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

s: JG/12-12-23

Dated: January 29th, 2024

White Plains, New York

James Z. John
John
Colin
Walter
John
Nancy
John
John

January 30th, 2024

Benjamin
John
John
John

COMMITTEE ON

Budget & Appropriations

Public Safety

Dated: January 29, 2024
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:

Budget & Appropriations

A handwritten signature in black ink, reading "David Q. Iulio". The signature is written in a cursive style with a large, stylized 'D' and 'I'.

Dated: January 30th, 2024
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.

Public Safety

Colin J. Amato

Margaret A. Cunzio

FISCAL IMPACT STATEMENT

SUBJECT: STOP-DWI Contract with PNW BOCES to help present and coordinate CSTAG (Comprehensive School Threat Assessment Guidelines) and Digital Threat Assessment trainings portion of the Project STRIV (Schools Transforming Real Interventions to Violence)
☒ **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: Fund: 711; Dept. 71; Trust Account: T1016; Object: 9852
(October 1, 2023-September 30, 2024)

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: No impact to the Operating Budget

Potential Related Revenues: Annual Amount \$ 0

Describe: No impact to the Operating Budget. Funding received from Department of Justice BJA (Bureau of Justice Assistance) STOP School Violence Prevention Program Grant. The total amount of the 3 year grant (10/1/2023-9/30/2026) is \$1,000,000 which will be accounted for in Department 71, Fund 711. This contract with PNW BOCES is for \$235,000 for 12 months (October 1, 2023-September 30, 2024)

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

Current Year: \$ 0

No impact to the Operating Budget

Next Four years: \$0

Prepared by: Patricia McCarthy Tomassi

Title: Program Administrator

Department: Public Safety
Office of Drug Abuse Prevention & STOP DWI

Reviewed By: 

Budget Director

1/4/2024

If you need more space, please attach additional sheets.

ACT NO. 2024 - _____

AN ACT authorizing the County of Westchester to enter into an inter-municipal Agreement with Putnam Northern Westchester BOCES pursuant to which BOCES will coordinate and present a portion of the Bureau of Justice Assistance's STOP School Violence Program by implementing Project Schools Transforming Real Interventions to Violence

NOW, THEREFORE, BE IT ENACTED, by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal agreement (the "IMA") with Putnam Northern Westchester BOCES ("BOCES"), in substantially the form attached hereto, pursuant to which BOCES will coordinate and present a portion of the Bureau of Justice Assistance's STOP School Violence Program, by implementing Project Schools Transforming Real Interventions to Violence ("Project STRIV") at various public, private, parochial and charter schools throughout Westchester County, for a term commencing retroactively on October 1, 2023 and continuing through September 30, 2024.

§2. In consideration for services rendered, the County shall pay BOCES a total amount not-to-exceed Two Hundred Thirty-Five Thousand (\$235,000.00) Dollars, payable in four (4) installments of \$58,750.00 each, in accordance with an approved payment schedule.

§3. The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate 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 (hereinafter referred to as the "County")

PNW BOCES (Putnam Northern Westchester Boards of Cooperative Educational Services), a public organization that provides shared educational programs and services to school districts, having an office and principal place of business at 200 Boces Dr, Yorktown Heights, NY 10598 (hereinafter referred to as the “Agency” or “Contractor”)

WHEREAS, the Agency helps to create, present and implement curriculum-based school violence prevention and early intervention programming, and training in schools, throughout Westchester County; and

WHEREAS, the Agency desires to provide such services for the compensation and on the terms herein provided.

FIRST: The Agency shall coordinate and present the threat assessment trainings portion of the Project STRIV program, as more particularly described in the Agency's Scope of Services which is attached hereto and made a part hereof as Schedule "A" (hereinafter the "Services").

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(\$235,000.00), payable in accordance with the attached Budget and payment schedule set forth in Schedule "B."

Payment under this Agreement shall be made after submission by the Agency of an invoice, which shall be uniquely numbered and paid only after approval of the invoice by the Westchester County Commissioner of Public Safety or his duly authorized designee (the "Commissioner"). In no event shall *final* payment be made to the Agency prior to completion of all Services, the submission of reports and the approval of same by the Commissioner.

No payment shall be made by the County to the Agency for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

The Agency shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Services, unless specific additional charges are expressly permitted under this Agreement. It is recognized and understood that even if specific additional charges are expressly permitted under this Agreement, in no event shall total payment to the Contractor exceed the not-to-exceed amount set forth above.

Prior to the making of any payments hereunder, the County may, at its option, audit such books and records of the Agency as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County will not withhold payment pursuant to this paragraph for more than thirty (30) days after payment would otherwise be due pursuant to the provisions of this paragraph "SECOND," but the County shall not be restricted from withholding payment for cause found in the course of such audit or because of failure of the Agency to cooperate with such audit. The County shall, in addition, have the right to audit such books and records subsequent to payment.

THIRD: All Services rendered and work performed by the Agency shall be under the direction and subject to the complete approval of the Commissioner.

The Services to be performed pursuant to the terms of this Agreement shall commence promptly on October 1, 2023 and shall be completed no later than September 30, 2024, except as may be terminated sooner as hereinafter provided, or as may be extended by the Commissioner in writing, subject to all necessary legal approvals.

FOURTH: The Agency shall issue progress reports to the County as the Commissioner may direct and shall immediately inform the Commissioner in writing of any cause for delay in the performance of its obligations under this Agreement. The Commissioner shall receive a copy of all such progress reports and shall use said reports in determining the progress of this contract and in such evaluation in deciding to award future contracts. In addition, the County shall have the right to periodically monitor and record the Agency's performance during the term of the contract.

FIFTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County's receipt of funding from the U.S. Department of Justice. The Agency agrees that the County shall not be liable for any of the payments hereunder unless and until the County Commissioner of Finance has received said funds.

If, for any reason, the full amount of said funds is not paid over or made available to the County by the U.S. Department of Justice, the County may terminate this Agreement immediately or reduce the amount payable to the Agency, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Agency. If the County subsequently offers to pay a reduced amount to the Agency, then the Agency shall have the right to terminate this Agreement upon reasonable prior written notice.

In addition, 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 Agency, then the Agency shall have the right to terminate this Agreement upon reasonable prior written notice.

Notwithstanding anything herein to the contrary, the parties hereto agree that should funding levels change or services not be performed by the Agency hereunder, the County's payment obligation will cease and any unexpended money owed the County shall be repaid by the Agency within thirty (30) days of notification by the County.

SIXTH: (a) The County, upon ten (10) days notice to the Agency, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Agency 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 in accordance with the payment schedule specified in Schedule "B," which payments shall be prorated to the actual date of termination. Upon receipt of notice that the County is terminating this Agreement in its best interests, the Agency shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Commissioner, and the Agency shall direct any approved subcontractors to do the same.

In the event of a dispute as to the value of the Services rendered by the Agency prior to the date of termination, it is understood and agreed that the Commissioner shall determine the value of such Services rendered by the Agency. The Agency 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 Agency of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Agency 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 Services 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 Agency. Without limiting the foregoing, upon written notice to the Agency, repeated breaches by the Agency 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: All records or recorded data of any kind compiled by the Contractor in completing the Services described in this Agreement, including but not limited to written reports, studies, drawings, blueprints, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Contractor may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Commissioner. The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

Notwithstanding the foregoing, all deliverables created under this Agreement by the Contractor are to be considered "works made for hire." If any of the deliverables do not qualify as "works made for hire," the Contractor hereby assigns to the County all right, title and interest (including ownership of copyright) in such deliverables and such assignment allows the County to obtain in its name copyrights, registrations and similar protections which may be available. The Contractor agrees to assist the County, if required, in perfecting these rights. The Contractor shall provide the County with at least one copy of each deliverable.

The Contractor agrees to defend, indemnify and hold harmless the County for all damages, liabilities, losses and expenses arising out of any claim that a deliverable infringes upon an intellectual property right of a third party. If such a claim is made, or appears likely to be made, the Contractor agrees to enable the County's continued use of the deliverable, or to modify or replace it. If the County determines that none of these alternatives is reasonably available, the deliverable may be returned.

EIGHTH: Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The Agency shall not subcontract any part of the Services without the prior written consent of the County. All such subcontracts that have received said prior written approval shall provide that subcontractors are subject to all terms and conditions set forth in the contract documents. All Services performed by a County-approved subcontractor shall be deemed Services performed by the Agency.

NINTH: The Agency represents and warrants that it has not employed or retained any person, other than a bona fide full-time salaried employee working solely for the Agency to solicit or secure this agreement, and that it has not paid or agreed to pay any person (other than payments of fixed salary to a bona fide full-time salaried employee working solely for the Agency) any fee,

commission, percentage, gift or other consideration, contingent upon or resulting from the award or making of this agreement. For the breach or violation of this provision, without limiting any other rights or remedies to which the County may be entitled or any civil or criminal penalty to which any violator may be liable, the County shall have the right, in its discretion, to terminate this agreement without liability, and to deduct from the contract price, or otherwise to recover, the full amount of such fee, commission percentage, gift or consideration.

TENTH: The Agency shall comply, at its own expense, with the provisions of all applicable federal, state and municipal laws, statutes and requirements and with all state and federal laws applicable to the Agency as an employer of labor or otherwise. The Agency shall further comply with all rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the services hereunder.

ELEVENTH: The Agency expressly agrees that neither it nor any Agency, 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 Agency 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.

TWELFTH: In addition to, and not in limitation of the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions," attached hereto and made a part hereof, the Agency 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 Agency shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Agency or third parties under the direction or control of the Agency; 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 Agency 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 Agency 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.

THIRTEENTH: All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail postage pre-paid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the County:

Director,
Office of Drug Abuse Prevention & STOP-DWI Program
112 E. Post Road – 3rd Floor
White Plains, New York 10601

With a copy to:

Commissioner-Sheriff
Department of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

And to:

Westchester County Attorney
Westchester County
148 Martine Avenue, Rm 600
White Plains, New York 10605

To the Agency:

PNW BOCES
200 Boces Drive
Yorktown Heights, New York 10598

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.

FIFTEENTH: In the event of a conflict between the terms of this Agreement and the provisions of any schedule attached hereto, the terms of this Agreement shall control with respect to any interpretation of the meaning and intent of the parties.

SIXTEENTH: This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

SEVENTEENTH: Attached hereto and forming parts hereof are the schedules listed below. Simultaneous with its execution of this Agreement, the Contractor shall provide the County with a completed copy of each schedule. The Contractor agrees that the terms of each of these schedules has been accepted and agreed-to by the Contractor by virtue of its execution of this Agreement, and the Contractor represents and warrants that it has completed each of these schedules accurately and completely.

- 1.) Schedule "D" — "Business Enterprises Owned and Controlled by Women or Persons of Color"

Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by women or persons of color in contracts and projects funded by all departments of the County.

- 2.) Schedule "E" — "Required Disclosure of Relationships to County"

In the event that any information provided in Schedule "E" must be changed during the term of this Agreement, the Contractor agrees to notify the County in writing within ten (10) business days and provide an updated version of the schedule. The Contractor shall also have each approved subcontractor complete a separate Schedule "E" and shall advise the subcontractor of the duty to report any changes to the information contained therein to the Contractor within ten (10) business days of such event and such information shall be forwarded by the Contractor to the County in the manner described above.

3.) Schedule "F" — "Criminal Background Disclosure"

This schedule is required pursuant to Executive Order No. 1-2008.

4.) Schedule "G" — "Certification Regarding Business Dealings with Northern Ireland"

Pursuant to Section 310.01 of the Laws of Westchester County, no County procuring officer may award or recommend for award any contract not subject to competitive bidding to a party that does not execute a certification in substantially the form contained in Schedule "G".

5.) Schedule "H" — "Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans"

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. This schedule is required as part of the County's program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 17-B of the New York State Executive Law.

6.) Schedule "I" — "Vendor Direct Program - Electronic Funds Transfer"

All payments made by the County to the Contractor will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct Program. If the Contractor is not already enrolled in the Vendor Direct Program, the Contractor shall fill out and submit an EFT Authorization Form as part of this Agreement. (In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, the Contractor understands that it must contact the County's Finance Department.)

If the Contractor is already enrolled in the Vendor Direct Program, the Contractor hereby agrees to immediately notify the County's Finance Department in writing if the EFT Authorization Form on file must be changed, and provide an updated version of the document.

EIGHTEENTH: The Contractor agrees to complete and comply with all attached the schedules to this Agreement, including without limitation the following which are attached hereto and made a part hereof: "Certification Regarding Lobbying" (Schedule "J"); the "Certification Regarding Drug Free Workplace Requirements" (Schedule "K"); and "Certification Regarding Debarment and Suspension" (Schedule "L").

NINETEENTH: The Contractor hereby represents that, if operating under an assumed name, it has filed the necessary certificate pursuant to New York State General Business Law Section 130.

IN WITNESS WHEREOF, The County of Westchester and the Agency have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By _____
Terrance Raynor
Acting Commissioner-Sheriff,
Department of Public Safety

**PNW BOCES (Putnam Northern Westchester
Boards of Cooperative Educational Services)**

By _____
Name:
Title:

Approved by the Westchester County Board of Legislators by Act No. 2024- ____ at a meeting duly held on the ____ day of _____, 2024.

Approved:

Sr. Assistant County Attorney
The County of Westchester
k/jpg/DPS/Project STRIV/Project STRIV-BOCES Contract (WC Clean 10224)

ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 2024 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

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of
the _____
(Name of Corporation)
a corporation duly organized and in good standing under the _____
(Law under which organized, e.g., the New York Business Corporation Law) named in the
foregoing agreement; that

(Person executing agreement)
who signed said agreement on behalf of the _____
(Name of Corporation)
was, at the time of execution _____
(Title of such person)
of the Corporation and that said agreement was duly signed for and on behalf of said Corporation
by authority of its Board of Directors, thereunto duly authorized and that such authority is in full
force and effect at the date hereof.

(Signature)

STATE OF NEW YORK }
COUNTY OF } ss.:

On the _____ day of _____ in the year 2024 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 officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to such authority.

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PUTNAM NORTHERN WESTCHESTER (PNW) BOCES

PROJECT STRIV

(Schools Transforming Real Intervention to Violence)

SCHEDULE A

Schools Transforming Real Intervention to Violence (aka Project STRIV) will expand and build upon existing school violence prevention initiatives and implement trainings to provide students, parents and school personnel with tools to recognize, respond quickly to, and prevent acts of violence. Training will be directed at the safety of the school communities to ensure the development of a positive school community climate and culture where students feel safe, accepted and respected regardless of their gender, race culture or sexual orientation.

PNW BOCES (Boards of Cooperative Educational Services) will offer additional CSTAG (Comprehensive School Threat Assessment Guidelines) and Digital Threat Assessment trainings. The focused trainings will offer coordinated strategies to increase the levels of security and safety within the school environment. The digital training will help attendees get a better understanding of the social media world and online activity and what tools and methods are available to identify online threat related behavior to prevent tragedy and intervene when worrisome behavior is observed.

A. Continue with CSTAG (Comprehensive School Threat Assessment Guidelines) trainings and implement Digital Threat Assessment Training

- Schedule and facilitate up to 5 trainings
- Provide additional focused school violence prevention trainings for school personnel – administration and support staff, law enforcement personnel and parents

B. Work with the County RTC (Real Time Crime) Center to create a dedicated School Desk

C. Technical Assistance and Reporting

- i. Collect baseline data for school violence
- ii. Create and analyze evaluation forms for the terms of the Program
- iii. Assist the County and Technical Assistance Coordinator and Evaluator in preparing all reports for the federal agency, Department of Justice, Bureau of Justice Assistance pertaining to the project, including the quarterly progress reports
- iv. Ensure that all required data are collected, tracked and submitted for reporting purposes on a timely basis

D. Work with the Project Coordinator and Evaluator

- i. Work with Student Assistance Services' Coordinator to ensure the CSTAG, Digital Threat Assessment and School Prevention Program trainings are coordinated and work in conjunction with each other to meet the standards and goals of the BJA Grant

SCHEDULE B

PROGRAM BUDGET, 2023-2024

The payment made to Putnam Northern Westchester BOCES for the Department of Public Safety through the Westchester County Alcohol and Drug Free Community's Department of Justice BJA STOP School Violence Program "Project Schools Transforming Real Interventions (STRIV) Program" Contract shall not exceed \$235,000.00 for the period October 1, 2023 through September 30, 2024.

Payments shall be made on Westchester County payment vouchers with a detailed invoice to the Office of Drug Abuse Prevention & STOP-DWI, 112 E. Post Road, White Plains, New York 10601.

Payments for services rendered hereunder shall be made according to the following schedule/and it is herein agreed by all parties that should funding levels change or that services are not performed payment will cease and any money owed the Office of Drug Abuse Prevention & STOP-DWI will be repaid within thirty (30) days of notification to the Office of Drug Abuse Prevention & STOP-DWI.

Payment not to exceed the following amounts upon execution and approval of this agreement.

January 2, 2024	<i>\$58,750</i>
April 1, 2024	<i>\$58,750</i>
July 1, 2024	<i>\$58,750</i>
September 30, 2024	<i>\$58,750</i>

SCHEDULE "C"

STANDARD INSURANCE PROVISIONS **(Contractor)**

1. Prior to commencing work, and throughout the term of the Agreement, the Contractor 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. Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Contractor from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Contractor 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 Contractor'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 Contractor until such time as the Contractor shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Contractor 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 Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Contractor 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.l) 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 for both on-going and completed operations.

All Contracts involving the use of explosives, demolition and/or underground work shall provide proof that XCU is covered.

- 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 Contractor 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 Contractor.

DRAFT

SCHEDULE "D"

QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR

As part of the County's program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, and in furtherance of Section 308.01 of the Laws of Westchester County, completion of this form is required.

A "business enterprise owned and controlled by women or persons of color" means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability company, or corporation, that either:

- 1.) meets the following requirements:
 - a. is at least 51% owned by one or more persons of color or women;
 - b. is an enterprise in which such ownership by persons of color or women is real, substantial and continuing;
 - c. is an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
 - d. is an enterprise authorized to do business in this state which is independently owned and operated.
- 2.) is a business enterprise certified as a minority business enterprise ("MBE") or women business enterprise ("WBE") pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code of Rules and Regulations subtitle N Part 540 et seq., **OR**
- 3.) is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term "persons of color", as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

- (a) Black persons having origins in any of the Black African racial groups;
- (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
- (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

_____ No
_____ Yes

Please note: If you answered "yes" based upon certification by New York State and/or the Federal government, official documentation of the certification must be attached.

2. If you answered "Yes" above, please check off below whether your business enterprise is owned and controlled by women, persons of color, or both.

_____ Women

_____ Persons of Color (*please check off below all that apply*)

_____ Black persons having origins in any of the Black African racial groups

_____ Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
Central or South American descent of either Indian or Hispanic origin
regardless of race

_____ Native American or Alaskan native persons having origins in any of the
original peoples of North America

_____ Asian or Pacific Islander persons having origins in any of the Far East
countries, South East Asia, the Indian sub-continent or the Pacific
Islands

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "E"

REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY

- 1.) Are any of the employees that the Contractor will use to carry out this contract also a County officer or employee, or the spouse, child, or dependent of a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

- 2.) Are any of the owners of the Contractor or their spouses a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

- 3.) Do any County officers or employees have an interest¹ in the Contractor or in any approved subcontractor that will be used for this contract?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

[NO FURTHER TEXT ON THIS PAGE]

¹ "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer or employee, his/her spouse, child or dependent, whether as the result of a contract with the County or otherwise. For the purpose of this form, a County officer or employee shall be deemed to have an "interest" in the contract of:

- 1.) His/her spouse, children and dependents, except a contract of employment with the County;
- 2.) A firm, partnership or association of which such officer or employee is a member or employee;
- 3.) A corporation of which such officer or employee is an officer, director or employee; and
- 4.) A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

SCHEDULE "F"

CRIMINAL BACKGROUND DISCLOSURE

INSTRUCTIONS

Pursuant to Executive Order 1-2008, the County is required to maintain a record of criminal background disclosure from all persons providing work or services in connection with any County contract, including leases of County-owned real property and licenses:

- a.) If any of the persons providing work or services to the County in relation to a County contract are not subject to constant monitoring by County staff while performing tasks and/or while such persons are present on County property pursuant to the County contract; and
- b.) If any of the persons providing work or services to the County in relation to a County contract may, in the course of providing those services, have access to sensitive data (for example SSNs and other personal/secure data); facilities (secure facilities and/or communication equipment); and/or vulnerable populations (for example, children, seniors, and the infirm).

In those situations, the persons who must provide a criminal background disclosure ("Persons Subject to Disclosure") include the following:

- a.) Consultants, Contractors, Licensees, Lessees of County-owned real property, their principals, agents, employees, volunteers or any other person acting on behalf of said Contractor, Consultant, Licensee, or Lessee who is at least sixteen (16) years old, including but not limited to Subconsultants, Subcontractors, Sublessees, or Sublicensees who are providing services to the County, and
- b.) Any family member or other person, who is at least sixteen (16) years old, residing in the household of a County employee who lives in housing provided by the County located on County property.

Under Executive Order 1-2008, it is the duty of every County Consultant, Contractor, Licensee, or Lessee to inquire of each and every Person Subject to Disclosure and disclose whether they have been convicted of a crime or whether they are subject to pending criminal charges, and to submit this form with that information.¹ Accordingly, the attached Criminal Background Disclosure Form and Certification must be completed and agreed-to as part of this Agreement.

Please note that under no circumstances shall the existence of a language barrier serve as a basis for the waiver of or an exception from the disclosure requirements of Executive Order 1-2008. If translation services are required by the Consultant, Contractor, Licensee, or Lessee to fulfill this obligation, it shall be at the sole cost and expense of the Consultant, Contractor, Licensee, or Lessee.

Please also note that the conviction of a crime(s) and/or being subject to a pending criminal charge(s) will not automatically result in a denial of a person's right to work on a County contract, right to be on County property, or license, but may, if the County determines that the prior conviction(s) or

¹ For these disclosures, a "crime" or "pending criminal charge" includes all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State.

pending criminal charge(s) create an unacceptable risk. However, if a person fails to list or falsifies any part of his/her conviction history or any pending criminal charge(s) for any reason, he/she may be prohibited from working or being on County property without any risk assessment. If it is later determined that a Person Subject to Disclosure failed to disclose a criminal conviction or pending criminal charge for any reason, his/her right to work on a County contract, be on County property, or license may be terminated at any time.

Please further note that, pursuant to Executive Order 1-2008, and subject to the applicable provisions of New York Correction Law §§ 752 and 753, the County has the right to bar a Person Subject to Disclosure from providing work or services to the County or from being on County property if any such person has:

- a.) A conviction of a crime(s);
- b.) A pending criminal proceeding for a crime(s); or
- c.) Refused to answer questions concerning his/her criminal background

Please finally note that any failure by a County Consultant, Contractor, Licensee, or Lessee to comply with the disclosure requirements of Executive Order 1-2008 may be considered by the County to be a material breach and shall be grounds for immediate termination by the County of the related County contract.

Exemptions

Executive Order 1-2008 exempts from the aforementioned disclosure requirements Persons Subject to Disclosure:

- a.) for whom the County has already conducted a background check and issued a security clearance that is in full force and effect; and
- b.) for whom another state or federal agency having appropriate jurisdiction has conducted a security and/or background clearance or has implemented other protocols or criteria for this purpose that apply to the subject matter of a County contract that is in full force and effect.

If you are claiming an exemption for one or more Persons Subject to Disclosure, you must notify the Procuring Officer². The Procuring Officer will then determine whether the Person(s) Subject to Disclosure are actually exempt, and provide written notification of his/her determination. If the Procuring Officer determines that a Person Subject to Disclosure is not exempt, the Procuring Officer will notify you of that determination, and you will have to include disclosures for that person on your Criminal Background Disclosure Form and Certification.

² Procuring Officer" shall mean the head of the department or the individual or individuals authorized by the head(s) of the department(s) undertaking the procurement and with respect to those matters delegated to the Bureau of Purchase and Supply pursuant to Section 161.11(1)(a) of the Laws of Westchester County, the Purchasing Agent.

Subconsultants, Subcontractors, Sublessees, or Sublicensees

Under Executive Order 1-2008, it is your duty to ensure that any and all approved subconsultants, subcontractors, sublessees, or sublicensees complete and submit the attached Criminal Background Disclosure Form and Certification for all of their respective Persons Subject to Disclosure. This must be done before such a subconsultant, subcontractor, sublessees, or sublicensees can be approved to perform work on a contract.

New Persons Subject to Disclosure

Under Executive Order 1-2008, you have a **CONTINUING OBLIGATION** to maintain the accuracy of the Criminal Background Disclosure Form and Certification (and any accompanying documentation) for the duration of this contract, including any amendments or extensions thereto. Accordingly, it is your duty to complete and submit an updated Criminal Background Disclosure Form and Certification whenever there is a new Person Subject to Disclosure for this contract. **NO NEW PERSON SUBJECT TO DISCLOSURE SHALL PERFORM WORK OR SERVICES OR ENTER ONTO COUNTY PREMISES UNTIL THE UPDATED CRIMINAL BACKGROUND DISCLOSURE FORM AND CERTIFICATION IS FILED WITH THE PROCURING OFFICER.** You shall also provide the County with any other updates that may be necessary to comply with the disclosures required by Executive Order 1-2008.

*PLEASE CONTINUE TO THE
Criminal Background Disclosure Form and Certification
BEGINNING ON THE NEXT PAGE*

CRIMINAL BACKGROUND DISCLOSURE

FORM AND CERTIFICATION

If this form is being completed by a subconsultant, subcontractor, sublessee, or sublicensee, please consider all references in this form to "consultant, contractor, lessee, or licensee" to mean "subconsultant, subcontractor, sublessee, or sublicensee" and check here: _____

By executing this Agreement, I, as the signatory for the Contractor, certify that I am a principal or a representative of the Consultant, Contractor, Lessee, or Licensee and I am authorized to agree to and provide this completed Criminal Background Disclosure Form and Certification. I certify that each Person Subject to Disclosure has been asked the following questions:

- **Have you or your company ever been convicted of a crime (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State) including, but not limited to, conviction for commission of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property?**
- **Are you or your company subject to any pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State)?**

I certify that the names and titles of Persons Subject to Disclosure who refused to answer **either** of the questions above are as follows:

If none, check this box: ☐

1. _____
2. _____
3. _____

(If more space is needed, please attach separate pages labeled "REFUSED to Answer - Continued.")

I certify that the names and titles of Persons Subject to Disclosure who answered "Yes" to **either** of the questions above are as follows:

If none, check this box: ☐

1. _____
2. _____
3. _____

(If more space is needed, please attach separate pages labeled "YES Answers - Continued")

Each Person Subject to Disclosure listed above who has either **been convicted of a crime(s)** and/or **is subject to a pending criminal charge(s)** must answer additional questions. Those questions are

below.

A Person Subject to Disclosure who has been convicted of a crime(s) must respond to the following (please attach separate pages with responses for each person, with their name and title):

- 1.) Describe the reason for being on County property if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please list all criminal convictions along with a brief description of the crime(s) (including all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please provide the date and place of each conviction.
- 4.) Please provide your age at the time of each crime for which you were convicted.
- 5.) Please provide the legal disposition of each case.
- 6.) Please provide any information either produced by yourself or someone on your behalf in regards to your rehabilitation and good conduct.

A Person Subject to Disclosure who is subject to a pending criminal charge(s) must respond to the following (please attach separate pages with responses for each person, with their name and title):

- 1.) Describe the reason for being on County property and if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please identify all pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please briefly describe the nature of the pending charges and the date upon which it is alleged that a crime was committed.

I hereby certify that all of the information provided herein (and in any and all attachments) is true and accurate and that all disclosures required by Executive Order 1-2008 and this Criminal Background Disclosure Form and Certification have been completed. By executing this Agreement, I hereby affirm that all of the facts, statements and answers contained herein (and in any and all attachments) are true and correct. I understand that providing false or incomplete information or withholding by omission or intention pertinent information will be cause for refusing further consideration of my being utilized under this contract.

It is understood and agreed that no Person Subject to Disclosure shall perform work or services or enter onto County property until this required Criminal Background Disclosure Form and Certification is filed with the Procuring Officer.

It is understood and agreed that to the extent that new Persons Subject to Disclosure are proposed to perform work or provide services under this contract after filing of this Criminal Background Disclosure Form and Certification with the Procuring Officer, such new Persons Subject to Disclosure shall not perform work or provide services or enter into County property until an updated Criminal Background Disclosure Form and Certification has been filed with the Procuring Officer.

It is further understood and agreed that the consultant, contractor, lessee, or licensee has a continuing obligation to maintain the accuracy of the Criminal Background Disclosure Form and Certification for the duration of this contract, including any amendments or extensions thereto, and shall provide any updates to the information to the County as necessary to comply with the requirements of Executive Order 1-2008.

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "G"

CERTIFICATION REGARDING BUSINESS DEALINGS WITH NORTHERN IRELAND

A. The Contractor and any individual or legal entity in which the Contractor holds a ten percent (10%) or greater ownership interest and any individual or legal entity that holds a ten percent (10%) or greater ownership interest in the Contractor (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles.

B. For purposes of this Certification, "MacBride Principles" shall mean those principles relating to nondiscrimination in employment and freedom of workplace opportunity which require employers doing business in Northern Ireland to:

- (1) increase the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs;
- (2) take steps to promote adequate security for the protection of employees from underrepresented religious groups both at the workplace and while traveling to and from work;
- (3) ban provocative religious or political emblems from the workplace;
- (4) publicly advertise all job openings and make special recruitment efforts to attract applicants from underrepresented religious groups;
- (5) establish layoff, recall and termination procedures which do not in practice favor a particular religious group;
- (6) abolish all job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion;
- (7) develop training programs that will prepare substantial numbers of current employees from underrepresented religious groups for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of workers from underrepresented religious groups;
- (8) establish procedures to assess, identify and actively recruit employees from underrepresented religious groups with potential for further advancement; and
- (9) appoint a senior management staff member to oversee affirmative action efforts and develop a timetable to ensure their full implementation.

C. For purposes of this Certification, "Northern Ireland" shall be understood to be the six counties partitioned from the Irish Province of Ulster, and administered from London and/or from Stormont.

D. The Contractor agrees that the warranties and representation in paragraph "A" are material conditions of this Agreement. If the County receives information that the Contractor is in violation of paragraph "A", the County shall review such information and give the Contractor opportunity to respond. If the County finds that such a violation has occurred, the County may declare the Contractor in default, and/or terminate this Agreement. In the event of any such termination, the County may procure the supplies, services or work from another source in accordance with applicable law. The Contractor shall pay to the County the difference between the contract price for the uncompleted portion of this Agreement and the cost to the County of completing performance of this Agreement either by itself or by engaging another contractor. If this

is a contract other than a construction contract, the Contractor shall be liable for the difference in price if the cost of procurement from another source is greater than what the County would have paid the Contractor plus any reasonable costs the County incurs in any new procurement and if this is a construction contract, the County shall also have the right to hold the Contractor in partial or total default in accordance with the default provisions of this Agreement. In addition, the Contractor may be declared not to be a responsible bidder or proposer for up to three (3) years, following written notice to the Contractor, giving the Contractor the opportunity for a hearing at which the Contractor may be represented by counsel. The rights and remedies of the County hereunder shall be in addition to, and not in lieu of, any rights and remedies the County has pursuant to this Agreement or by operation of law or in equity.

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "H"

For Informational Purposes Only

QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. As part of the County's program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 17-B of the New York State Executive Law, we request that you answer the questions listed below.

The term "Certified Service-Disabled Veteran-Owned Business" shall mean a business that is a certified service-disabled veteran-owned business enterprise under the New York State Service-Disabled Veteran-Owned Business Act (Article 17-B of the Executive Law).

1. Are you a business enterprise that is owned and controlled by a service-disabled veteran in accordance with the standards listed above?

☐ No
☐ Yes

2. Are you certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business?

☐ No
☐ Yes

If you are certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business, please attach a copy of the certification.

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "I"

Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?

Yes.

3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?

This is to ensure the authenticity of the account being set up to receive your payments.

Electronic Funds Transfer (EFT)

Westchester County • Department of Finance • Treasury Division

**Electronic Funds Transfer (EFT)
Vendor Direct Payment Authorization Form****GENERAL INSTRUCTIONS**

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.

Schedule "J"
Certification Regarding Lobbying

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief,

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- 2) If any funds other than the Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(Name of Organization)

(Signature of Responsible Official)

(Date)

(Grant Number)

“Schedule “K”

Certification Regarding Drug Free Workplace Requirements

GRANTEES OTHER THAN INDIVIDUALS

This certification is required by regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017, Subpart F, Section 3017.699 and 45 CFR Part 76, Subpart F. The January 31, 1989 regulations were amended and published as Part II of the May 25, 1990 Federal Register (Pages 21681-21691).

The grantee certifies that it will provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition:
- b) Establishing a drug-free awareness program to inform employees about:
 - 1) The dangers of drug abuse in the workplace;
 - 2) The grantee's policy of maintaining a drug-free workplace;
 - 3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - 1) Abide by the terms of the statement; and
 - 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- e) Notifying the agency within ten days of receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2) with respect to any employee who is so convicted:
 - 1) Taking appropriate personnel action against such an employee, up to and including termination; or

- 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency;
- g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(Organization)

(Authorized Signature)

DRAFT

Schedule "L"

Certification Regarding Debarment and Suspension

1) As required by Federal Executive Order 12549, and prescribed by federal regulations, including 40 CRF Part 32, the contractor certifies that it, and its principals:

- (a) Are not presently disbarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency;
- (b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, including any violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) above; and
- (d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the Contractor is unable to certify to any of the statements in this paragraph, the Contractor shall attach an explanation to this certification.

Date: _____

Signature

Title

Organization

**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 \$380,000, to finance capital project B0126 – Generator Systems Replacement, Grasslands Campus. 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 emergency generators, fuel tanks and associated equipment at various locations on the Grasslands Campus, including the Laboratories and Research Facility (425 kW generator), the Department of Corrections (“DOC”) F Unit (300 kW generator), the DOC H Block (500 kW generator), and the Jail Annex (250 kW generator).

The Department of Public Works and Transportation (the “Department”) has advised that the existing emergency generators and fuel tanks have reached the end of their useful lives and are in need of replacement.

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. 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.

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: January 29th, 2024

White Plains, New York

James Z. Johnson

John D.

Manuel Bar

John D.

David F. M.

William

Calvin O. M.

Sefer

James Z. Johnson

John D.

Manuel Bar

David F. M.

William

Sefer

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: January 29, 2024
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:

Budget & Appropriations

David Q. Tubio

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0126

☐ 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 \$ 380,000 PPU 5 Anticipated Interest Rate 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 82,401

Total Debt Service (Annual Cost x Term): \$ 412,005

Finance Department: Interest rates from January 9, 2024 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: 4

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 

Budget Director

Date: 11/10/24

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 3, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B0126 GENERATOR SYSTEMS REPLACEMENT, GRASSLANDS CAMPUS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-22-2023 (Unique ID: 2292)

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
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$380,000 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 EMERGENCY GENERATORS, FUEL TANKS AND ASSOCIATED EQUIPMENT AT THE GRASSLANDS CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$380,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$380,000 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, \$380,000 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 existing emergency generators, fuel tanks and associated equipment at the Laboratories and Research Facility (425 kW generator), DOC F Unit (300 kW generator), DOC

H Block (500 kW generator) and the Jail Annex (250 kW generator) located on the Grasslands 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 \$380,000. The plan of financing includes the issuance of \$380,000 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 \$380,000 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 \$380,000. 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 \$380,000 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 \$380,000 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 EMERGENCY GENERATORS, FUEL TANKS AND ASSOCIATED EQUIPMENT AT THE GRASSLANDS CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$380,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$380,000 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 existing emergency generators, fuel tanks and associated equipment at the Laboratories and Research Facility (425 kW generator), DOC F Unit (300 kW generator), DOC H Block (500 kW generator) and the Jail Annex (250 kW generator) located on the Grasslands Campus; 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: \$380,000; 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:*

B0126

☐ CBA

Fact Sheet Date:*

01-02-2024

Fact Sheet Year:*

2024

Project Title:*

GENERATOR SYSTEMS
REPLACEMENT, GRASSLANDS
CAMPUS

Legislative District ID:

3,

Category*

BUILDINGS, LAND &
MISCELLANEOUS

Department:*

PUBLIC WORKS

CP Unique ID:

2292

Overall Project Description

This project funds the replacement of existing emergency generators, fuel tanks and associated equipment at the Grasslands Campus.

☒ Best Management Practices

☐ Energy Efficiencies

☒ Infrastructure

☒ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	13,550	0	3,900	2,800	2,350	4,500	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	13,550	0	3,900	2,800	2,350	4,500	0	0

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

Current Bond Description: Funding is requested for design associated with the replacement of existing emergency generators, fuel tanks and associated equipment at the Laboratories and Research Facility (425 kW generator), DOC F Unit (300 kW generator), DOC H Block (500 kW generator) and the Jail Annex (250 kW generator) located on the Grasslands Campus.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	380,000
Cash:	0
Total:	\$ 380,000

SEQR Classification:

TYPE II

Amount Requested:

380,000

Expected Design Work Provider:

☒ County Staff

☐ Consultant

☐ Not Applicable

Comments:

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-22-2023

Department of Public Works

RJB4

Date

08-22-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

RJB4

Date

09-13-2023

GENERATOR SYSTEMS REPLACEMENT, GRASSLANDS CAMPUS (B0126)

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	13,550			3,900	2,800	2,350	4,500		
Non County Share									
Total	13,550			3,900	2,800	2,350	4,500		

Project Description

This project funds the replacement of existing emergency generators, fuel tanks and associated equipment at the Grasslands Campus.

Current Year Description

The current year request funds Phase 1 work at the Department of Laboratories and Research facility, as well as the Department of Correction facility.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	3,900,000			3,900,000

Impact on Operating Budget

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

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total aggregate amount of \$1,004,000 to authorize the County of Westchester (the "County") to finance the following two (2) capital projects:

BPS37 - New Stop DWI Simulator
BPS39 - Helicopter Airborne Camera

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 \$1,004,000 to finance the cost of acquisition of the below equipment required by the Department of Public Safety ("Department"), including:

- (iii) DWI Driving Simulator Cab, including a 3 DOF Motion System, SkillTrak Reaction Time Software, 30' Tag Trainer and storage facility.
- (iv) FLIR 380 HDc Airborne camera system for Public Safety's Aviation Helicopter.

Your Committee is advised that the anticipated cost estimates and anticipated project timeline for each capital project is set forth below:

BOND ACT – DPS EQUIPMENT REPLACEMENT PROJECTS

Cap ID	Project	Anticipated Amount	Time Frame (Months)
BPS37	New Stop DWI Simulator	\$414,000	12-18 Months
BPS39	Helicopter Airborne Camera System	\$590,000	6 Months
Total:		\$1,004,000	

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.

The Planning Department has advised your Committee that based on its review, each of 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: January 29th, 2024
White Plains, New York

January 30th, 2024


Vedat Fashin
cmc/01.09.2024



Budget & Appropriations

Public Safety

Dated: January 29, 2024
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:

Budget & Appropriations

A handwritten signature in black ink, reading "David Q. Tabak". The signature is written in a cursive style with a large, stylized "D" and "T".

Dated: January 30th, 2024
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.

Public Safety

Colin J. Amato

Margaret A. Cunzio

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

BPS37 & BPS39

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,004,000 PPU 5 Anticipated Interest Rate 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 217,711

Total Debt Service (Annual Cost x Term): \$ 1,088,555

Finance Department: Interest rates from January 9, 2024 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: 11

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By:

01/11/24

Budget Director


Date:

1/11/24



Memorandum
Department of Planning

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

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

DATE: September 29, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR 2024 CAPITAL
PROJECTS BOND ACT -- PUBLIC SAFETY**

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
BPS37	New Stop DWI Simulator	2309	08/21/2023
BPS39	Helicopter Airborne Camera System	2308	08/21/2023

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)(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.

As such, no environmental review is required.

DSK/jg

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

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,004,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EQUIPMENT UPGRADES FOR THE DEPARTMENT OF PUBLIC SAFETY; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$1,004,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,004,000 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, \$1,004,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of equipment upgrades for the Department of Public Safety comprised of the following capital projects: BPS37 and BPS39, 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 \$1,004,000. The plan of financing includes the issuance of \$1,004,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 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 \$1,004,000. 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 \$1,004,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EQUIPMENT UPGRADES FOR THE DEPARTMENT OF PUBLIC SAFETY; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$1,004,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,004,000 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 acquisition of equipment upgrades for the Department of Public Safety comprised of the following capital projects: BPS37 and BPS39; 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: \$1,004,000, five 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:* BPS37	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* NEW STOP DWI SIMULATOR	Legislative District ID:
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC SAFETY	CP Unique ID: 2309

Overall Project Description

This project funds the replacement of the Department of Public Safety's Stop DWI Driving Simulator Cab, The simulator replacement includes a 3 DOF Motion System, SkillTrak Reaction Time Software, 30' Tag Trainer and a storage facility. The purpose of the Simulator is also to teach good skills: check your mirrors, be aware of other drivers and look out for any hazards that might be forthcoming.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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	2024	2025	2026	2027	2028	Under Review
Gross	414	0	414	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	414	0	414	0	0	0	0	0

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

Current Bond Description: Bonding is requested to fund the replacement of the Department of Public Safety's Stop DWI Driving Simulator Cab, The simulator replacement includes a 3 DOF Motion System, SkillTrak Reaction Time Software, 30' Tag Trainer and a storage facility.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	414,000
Cash:	0
Total:	\$ 414,000

SEQR Classification:

TYPE II

Amount Requested:

414,000

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

SQGQ

Date

08-23-2023

NEW STOP DWI SIMULATOR (BPS37)

User Department : Public Safety

Managing Department(s) : Public Safety ;

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	414			414					
Non County Share									
Total	414			414					

Project Description

This project funds the replacement of the Department of Public Safety's Stop DWI Driving Simulator Cab, The simulator replacement includes a 3 DOF Motion System, SkillTrak Reaction Time Software, 30' Tag Trainer and a storage facility.

Current Year Description

The current year amount funds the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	414,000			414,000

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:* BPS39	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* HELICOPTER AIRBORNE CAMERA SYSTEM	Legislative District ID:
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC SAFETY	CP Unique ID: 2308

Overall Project Description

This project funds replacement of one FLIR 380 HDc airborne camera system for Public Safety's Aviation Helicopter.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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	2024	2025	2026	2027	2028	Under Review
Gross	590	0	590	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	590	0	590	0	0	0	0	0

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

Current Bond Description: Bonding is requested to fund replacement and installation of one FLIR 380 HDc airborne camera system for Public Safety's Aviation Helicopter.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	590,000
Cash:	0
Total:	\$ 590,000

SEQR Classification:

TYPE II

Amount Requested:

590,000

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

SQGQ

Date

08-23-2023

HELICOPTER AIRBORNE CAMERA SYSTEM (BPS39)

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	590			590					
Non County Share									
Total	590			590					

Project Description

This project funds the replacement of one FLIR 380 HDc airborne camera system for Public Safety's Aviation Helicopter Air 3.

Current Year Description

The current year request funds the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	590,000			590,000

Impact on Operating Budget

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

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total aggregate amount of \$3,200,000 to authorize the County of Westchester (the "County") to finance the following two (2) capital projects:

- BES25 - Replacement of Fire Engine Pumper Truck
BES26 - Mobile Emergency Communications Unit

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 \$3,200,000 to finance the cost of acquisition of the below equipment required by the Department of Emergency Services ("Department"), including:

- (iii) Fire Engine Pumper Truck.
- (iv) Mobile Emergency Communications Unit to replace a 2007 Mobile Emergency Communications Vehicle.

Your Committee is advised that the anticipated cost estimates and anticipated project timeline for each capital project is set forth below:

BOND ACT – DES VEHICLE AND EQUIPMENT REPLACEMENT PROJECTS

Cap ID	Project	Anticipated Amount	Time Frame (Months)
BES25	Replacement of Fire Engine Pumper Truck	\$900,000	20 months
BES26	Mobile Emergency Communications Unit	\$2,300,000	15 months
Total:		\$3,200,000	

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.

The Planning Department has advised your Committee that based on its review, each of 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: January 29th, 2024
White Plains, New York

January 30th, 2024







cmc/01.09.2024







Budget & Appropriations

Public Safety

Dated: January 29, 2024
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:

Budget & Appropriations

A handwritten signature in black ink, reading "David A. Iabrie". The signature is written in a cursive style with a large, stylized "D" and "I".

Dated: January 30th, 2024
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.

Public Safety

Colin J. Amato

Margaret A. Cunzio

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

BES25 & BES26

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,200,000 PPU 20 Anticipated Interest Rate 2.81%

Anticipated Annual Cost (Principal and Interest): \$ 209,755

Total Debt Service (Annual Cost x Term): \$ 4,195,100

Finance Department: Interest rates from January 9, 2024 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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 
10/10/24


Budget Director

Date: 11/6/24



Memorandum
Department of Planning

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

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

DATE: September 29, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR 2024 CAPITAL
PROJECTS BOND ACT -- EMERGENCY SERVICES**

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
BES25	Replacement of Fire Engine Pumper Truck	2319	08/21/2023
BES26	Mobile Emergency Communications Unit	2320	08/21/2023

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)(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.

As such, no environmental review is required.

DSK/jg

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

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EMERGENCY EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,200,000 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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said objects or purposes, including preliminary costs and

costs incidental thereto and the financing thereof is \$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.

A	B
\$2,300,000	the purchase of a Mobile Emergency Communications Unit
900,000	the purchase of a Fire Engine Pumper Truck

Section 2. The period of probable usefulness ("PPU") of the objects or purposes for which said \$3,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 .a 27 of the Law, is twenty (20) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total 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. The estimate of \$3,200,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in

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

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

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

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

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

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

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

Section 8. This Act shall take effect not earlier than January 1, 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 \$3,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EMERGENCY EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on _____, 20____)

object or purpose: the purchase of a Mobile Emergency Communications Unit and the purchase of a Fire Engine Pumper Truck; all as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued
and periods of probable usefulness: \$3,200,000; twenty (20) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* BES25	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* REPLACEMENT OF FIRE ENGINE PUMPER TRUCK	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* EMERGENCY SERVICES	CP Unique ID: 2319

Overall Project Description

This project will provide funding for the acquisition of a Fire Engine Pumper Truck to replace a year 2000 E-One International Fire Pumper Truck.

- | | | |
|--|--|---|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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	900	0	900	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	900	0	900	0	0	0	0	0

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

Current Bond Description: Bonding is requested for the purchase of a Fire Engine Pumper Truck.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	900,000
Cash:	0
Total:	\$ 900,000

SEQR Classification:

TYPE II

Amount Requested:

900,000

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

KAN1

Date

08-23-2023

REPLACEMENT OF FIRE ENGINE PUMPER TRUCK (BES25)

User Department : Emergency Services

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

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	900			900					
Non County Share									
Total	900			900					

Project Description

This project will provide funding for the acquisition of a Fire Engine Pumper Truck to replace a year 2000 E-One International Fire Pumper Truck.

Current Year Description

The current year request funds the acquisition of a replacement Fire Engine Pumper Truck.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	900,000			900,000

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:* BES26	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* MOBILE EMERGENCY COMMUNICATIONS UNIT	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* EMERGENCY SERVICES	CP Unique ID: 2320

Overall Project Description

This project will provide funding for the acquisition of a Mobile Emergency Communications Unit to replace a year 2007 Mobile Emergency Communications Vehicle.

- | | | |
|--|--|---|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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: Bonding is requested for the purchase of a Mobile Emergency Communications Unit.

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 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

KAN1

Date

08-23-2023

MOBILE EMERGENCY COMMUNICATIONS UNIT (BES26)

User Department : Emergency Services

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

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	2,300			2,300					
Non County Share									
Total	2,300			2,300					

Project Description

This project will provide funding for the acquisition of a Mobile Emergency Communications Unit to replace a year 2007 Mobile Emergency Communications Vehicle.

Current Year Description

The current year request funds the acquisition of a replacement Mobile Emergency Communications Unit.

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.

**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 \$350,000, to finance capital project B0125 – Infrastructure Rehabilitation, Record Center, Elmsford. 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 30-ton HVAC rooftop unit at the County Record Center in Elmsford.

The Department of Public Works and Transportation (the “Department”) has advised that the existing HVAC unit is 33+ years old and is at the end of its useful life. The new unit will be a heat pump type unit with variable air volume, demand ventilation, and heat recovery, and will utilize the latest control strategies.

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

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: January 29th, 2024

White Plains, New York

Henry Zellerbach
J. B. B.
Murray & Ben
J. B. B.
Vedat J. B. B.
Murray & Ben
Cohil B. B.
S. B.

Henry Zellerbach
J. B. B.
Murray & Ben
Vedat J. B. B.
Murray & Ben
S. B.

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: January 29, 2024
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:

Budget & Appropriations

A handwritten signature in black ink, appearing to read "David A. Tubish". The signature is written in a cursive, flowing style.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0125

☐ 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 \$ 350,000 PPU 5 Anticipated Interest Rate 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 75,895

Total Debt Service (Annual Cost x Term): \$ 379,475

Finance Department: Interest rates from January 9, 2024 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: 4

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/17/24

Reviewed By: 

Date: 1/17/24

Budget Director

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 3, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B0125 Infrastructure Rehabilitation, Record Center, Elmsford**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
08-22-2023 (Unique ID: 2291)

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
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$350,000 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 EXISTING 30-TON HVAC ROOFTOP UNIT AT THE RECORDS CENTER IN ELMSFORD; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$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, to the provisions of other laws applicable thereto, \$350,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the existing 30-ton HVAC rooftop unit and associated work at the County Records Center in Elmsford; 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 \$350,000. The plan of financing includes the issuance of \$350,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$350,000 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 \$350,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$350,000 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 \$350,000 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 EXISTING 30-TON HVAC ROOFTOP UNIT AT THE RECORDS CENTER IN ELMSFORD; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$350,000 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 30-ton HVAC rooftop unit and associated work at the County Records Center in Elmsford; 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: \$350,000; 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:* B0125	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* INFRASTRUCTURE REHABILITATION, RECORD CENTER, ELMSFORD	Legislative District ID: 12,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2291

Overall Project Description

This project funds the rehabilitation and upgrades of exterior, interior or site infrastructure which is at the end of its useful life. Infrastructure rehabilitation can include but is not limited to façade repairs, replacement of doors, windows, storefronts, interior renovations, upgrades and replacement of mechanical systems, upgrades of security systems, rehabilitation of pavements and sidewalks.

- | | | |
|---|---|--|
| <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	3,225	0	725	2,500	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,225	0	725	2,500	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 30-ton HVAC rooftop unit and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	350,000
Cash:	0
Total:	\$ 350,000

SEQR Classification:

TYPE II

Amount Requested:

350,000

Expected Design Work Provider:

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

Comments:

The existing system is 33+ years old and at the end of its useful life.

Energy Efficiencies:

THE NEW UNIT WILL BE A HEAT PUMP TYPE UNIT, VARIABLE AIR VOLUME (VAV) SYSTEM, DEMAND VENTILATION, HEAT RECOVERY AND UTILIZE LATEST CONTROL STRATEGIES.

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
09-13-2023

INFRASTRUCTURE REHABILITATION, RECORD CENTER, ELMSFORD (B0125)

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	3,225			725	2,500				
Non County Share									
Total	3,225			725	2,500				

Project Description

This project funds the rehabilitation and upgrades of exterior, interior or site infrastructure which is at the end of its useful life. Infrastructure rehabilitation can include but is not limited to façade repairs, replacement of doors, windows, storefronts, interior renovations, upgrades and replacement of mechanical systems, upgrades of security systems, rehabilitation of pavements and sidewalks.

Current Year Description

The current year request funds design of replacement of the existing 30-ton HVAC rooftop unit and associated work and perimeter roof parapet railings.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	725,000			725,000

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 \$850,000, to authorize the County of Westchester ("County") to finance capital project A0139 – Fuel Farm Improvements ("A0139").

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 a consultant. Construction is estimated to take twelve (12) months and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above referenced capital project 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: February 5th, 2024

White Plains, New York

Anthony B. John

For VP
David J. Iulio

Manuscript

Redat Post

Jul Sp
Smith
Sage

For VP
Manuscript
Smith
Redat Post
Sage

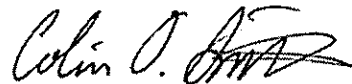
COMMITTEE ON

Budget & Appropriations

Public Works &
Transportation

Dated: February 5, 2024
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.

A handwritten signature in black ink, appearing to read "Colin J. Antkowiak". The signature is written in a cursive, flowing style.

COMMITTEE ON

Budget & Appropriations

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 2.35%

Anticipated Annual Cost (Principal and Interest): \$ 96,979

Total Debt Service (Annual Cost x Term): \$ 969,790

Finance Department: Interest rates from January 9, 2024 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: 

10/10/24 Budget Director

Date: 1/10/24

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	2024	2025	2026	2027	2028	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

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2023	850,000	Design	AWAITING BOND AUTHORIZATION
Total	850,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	850,000		850,000
Total	850,000		850,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") in the amount of \$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").

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 regulations 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 international screening 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.

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.

k/jpg/12-22-23

Dated: February 5th, 2024

White Plains, New York

Lucy Zulu John

Yr VP
Gangy Ban

Debat John

Jul W
Smith

high

Derri A. Zulu

Yr VP
Gangy Ban

Debat John

Smith
high

COMMITTEE ON

Budget & Appropriations

Public Works &
Transportation

Dated: February 5, 2024
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.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

COMMITTEE ON

Budget & Appropriations

FISCAL IMPACT STATEMENT

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 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 455,372

Total Debt Service (Annual Cost x Term): \$ 2,276,860

Finance Department: Interest rates from January 9, 2024 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 Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/4/23


Reviewed By: 

Budget Director

Date: 10/11/24

1/16/24

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

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 REGULATIONS 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 regulations 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 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 REGULATIONS 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 regulations 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	<input type="checkbox"/> 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.

- | | | |
|---|---|--|
| <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 checked="" 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	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").

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 engineering firm and operator. The emergency generator design will be performed by a consultant. Construction for both projects is estimated to take up to two (2) years and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above referenced capital project 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.

k/jpg/12-22-23

Dated: February 5th, 2024

White Plains, New York

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Dorinda Lubin
Nancy Bar
Tedat John
Jul
Mulle
Sofa

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Nancy Bar
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COMMITTEE ON

Budget & Appropriations

Public Works &
Transportation

Dated: February 5, 2024
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.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

COMMITTEE ON

Budget & Appropriations

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>A0147</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input checked="" 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	\$ 5,300,000	PPU 10	Anticipated Interest Rate 2.35%
Anticipated Annual Cost (Principal and Interest):		\$ 604,696	
Total Debt Service (Annual Cost x Term):		\$ 6,046,960	
Finance Department: Interest rates from January 9, 2024 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:	<u>Dianne Vanadia</u>	<div style="display: flex; align-items: center; justify-content: center;"><div style="text-align: left; margin-right: 10px;">Reviewed By: Budget Director Date: <u>1/18/24</u></div></div>	
Title:	<u>Associate Budget Director</u>		
Department:	<u>Budget</u>		
Date:	<u>10/4/23</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: 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 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:	<u>\$ 5,300,000</u>

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.

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

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by this Honorable Board, would authorize the County of Westchester (the "County") to further amend an outside counsel agreement (the "Agreement") with the Wicks Group, PLLC (the "Firm") for the provision of various legal services in connection with the Westchester County Airport (the "Airport"), by increasing the not-to-exceed cap by an additional \$75,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm to provide outside counsel services related to the Airport, as needed, concerning matters in which the Firm has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Thereafter, on March 6, 2023 by Act No. 2023-52, your Honorable Board authorized the County to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.

Thereafter, on June 20, 2023 by Act No. 2023-120, your Honorable Board authorized the County to further amend the Agreement with the Firm to extend the term thereof from July 1, 2023 until a final disposition and/or order of the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases (the "Charter Cases"), or until the County determines, in its sole discretion, to terminate the Agreement. Act No. 2023-120 further authorized the County to amend the Agreement to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount

not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars, to an amount not-to-exceed Two Hundred Thousand (\$200,000.00) Dollars.

The County Attorney has advised your Committee that the County continues to require the services of the Firm in connection with the Charter Cases. However, all of the \$200,000.00 currently authorized under the Agreement has been expended. In order to be able to compensate the Firm going forward, it will be necessary to further amend the Agreement in order to increase the not-to-exceed amount by an additional \$75,000.00, from an amount not-to-exceed \$200,000.00, to a new total amount not-to-exceed \$275,000.00. Your Committee is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

The Planning Department has advised that the proposed outside counsel agreement 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 is informed that this contract will be funded through the Airport Special Revenue Fund. As such, no tax levy funds will be involved.

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

Accordingly, your Committee concurs with the County Attorney's recommendation and requests approval of the attached Act.

Dated: February 5th, 2024

White Plains, New York

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COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: February 5, 2024
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.

	
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COMMITTEES ON

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Wicks Group, PLLC

☐ 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 \$ 75,000

Total Current Year Revenue

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

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 161- 44- 4110- 4420

Potential Related Operating Budget Expenses: Annual Amount \$75,000

Describe: An Act authorizing the County of Westchester to further amend an outside
counsel agreement with the Wicks Group, PLLC for the provision of various legal
services related to the Westchester County Airport, by increasing the NTE by \$75,000.

Potential Related Operating Budget Revenues: Annual Amount

Describe: n/a

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

Current Year: n/a

Next Four Years: n/a

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: June 1, 2023

Reviewed By: 

Budget Director

Date: 6/1/2024

ACT NO. 2024 - _____

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional \$75,000.00.

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 further amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”), pursuant to which the Firm agreed to provide various legal services to the County relating to the Westchester County Airport (the “Airport”), for a term commencing on January 1, 2022 and continuing until a final disposition and/or order in the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases, or until the County determines, in its sole discretion, to terminate the Agreement, for a total amount not-to-exceed of Two Hundred Thousand (\$200,000.00) dollars, payable at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, in order to increase the not-to-exceed cap by an additional Seventy-Five Thousand (\$75,000.00) dollars, from an amount not-to-exceed Two Hundred Thousand (\$200,000.00) dollars, to a new total amount not-to-exceed of Two Hundred Seventy-Five Thousand (\$275,000.00) dollars.

§2. All other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

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

§4. This Act shall take effect immediately.

**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. 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.

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: February 5th, 2024

White Plains, New York

James Z. John
Z. V. O.
Nancy Pan
Dedat Jadin
J. W.
M. W.
J. W.
Dedat Jadin
Nancy Pan

Z. V. O.
Nancy Pan
Dedat Jadin
M. W.
J. W.
Nancy Pan

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: February 5, 2024
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.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is fluid and cursive, with the first name "Colin" and last name "Smith" clearly legible, and a middle initial "J." in between.

COMMITTEE ON

Budget & Appropriations

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 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 650,532

Total Debt Service (Annual Cost x Term): \$ 3,252,660

Finance Department: Interest rates from January 9, 2024 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: 1/17/24


Reviewed By: [Signature]

01/17/24

Budget Director

Date: 1/17/24

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 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.

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
--------------------	---

period of probable usefulness:	five years
--------------------------------	------------

amount of obligations to be issued:	\$3,000,000
-------------------------------------	-------------

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:* 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 bonding legislation (the “Bond Act”) in the amount of \$800,000 to finance capital project SW034 – Heavy Equipment and Vehicle Replacement. 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.

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: February 5th, 2024

White Plains, New York

James J. Zeller Jr.

Jim Walsh

Doreen J. Lubisto

Hanry Bar

Robert Jadin

Pat A

Michelle

Ally

Jim Walsh

Hanry Bar

Robert Jadin

Michelle

Ally

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: February 5, 2024
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.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

COMMITTEE ON

Budget & Appropriations

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 2.35%

Anticipated Annual Cost (Principal and Interest): \$ 91,275

Total Debt Service (Annual Cost x Term): \$ 912,750

Finance Department: Interest rates from January 9, 2024 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: 1/17/24

Reviewed By: Lawrence C. Jones

1/17/24


OV

Date:

Budget Director

1/17/24

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 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.

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 manor. 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**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to:

- (i) consent to the release of certain restrictions contained in an indenture dated March 16, 1978 ("1978 Indenture") and recorded March 24, 1978 in Liber 7458 at page 171 in the Office of the Clerk of the County of Westchester, from the County, as the party of the first part, to the City of Peekskill ("City"), as the party of the second part, for approximately 2.3 acres of land located at 701 Washington Street in the City, identified as Parcels 17, 18, 19, 20, 21 and 22 in said indenture ("Parcel"), and
- (ii) execute a release of the right of reverter for the Parcel to the City.

The 1978 Indenture contains a reverter clause ("Reverter Clause") as follows:

"This deed is delivered upon the condition that, in the event said premises cease to be used for municipal purposes at any time, said premises shall revert free and clear from said condition to the party of the first part."

Your Committee is advised that the Parcel was originally acquired in 1927 by the County, acting through the Westchester County Park Commission ("Park Commission"), in connection with the construction of the Briarcliff-Peekskill Parkway ("Parkway"). The Parcel is the site of the former Centennial Hose Fire Station. The City has requested that the County release its rights under the Reverter Clause so the City may convey title to the Parcel to the Peekskill Facilities Development Corporation ("PFDC"). The PFDC, a not for profit local development corporation, plans to transform the Parcel into a commercial kitchen food incubator to assist local caterers and restaurant entrepreneurs to launch their businesses. The PFDC has been awarded a grant of \$2,400,000 from the U.S. Department of Commerce Economic

Development Administration to further this project. The City will provide \$600,000 in local funds and additional grants are anticipated.

The Planning Department has advised your Committee that based on its review, the above-referenced action does not meet the definition of an 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 this matter and recommends that your Honorable Board adopt the proposed annexed Act.

Dated: February 5, 2024
White Plains, New York

Margaret A. Cio
David J. Tubio
Benjamin Bayraktar

Legislation

David Cio
Celia M.
J. H.

Housing & Planning

COMMITTEE ON

Dated: February 5, 2024
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:

LEGISLATION

Emiliana May

FISCAL IMPACT STATEMENT

SUBJECT: 701 Washington Ave deed release

☒ 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: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: January 22, 2024

Reviewed By: Christine Rasmussen

Budget Director

Date: 1/22/24

TO: David Vutera, Associate County Attorney
Department of Law

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



DATE: November 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REVERTER
RELEASE – 701 WASHINGTON STREET, PEEKSKILL**

PROJECT/ACTION: Authorization by the Board of the Legislators for (i) the release of certain restrictions contained in a 1978 deed to the City of Peekskill for approximately 2.3 acres of land located at 701 Washington Street in the City, identified as Parcels 17 through 22 in said deed, and (ii) the execution of a release of the right of reverter for the parcel to the City. The parcel was originally acquired in 1927 by the County in connection with the construction of the Briarcliff-Peekskill Parkway, but was never used for the parkway. It was subsequently conveyed to the City and is the site of the former Centennial Hose Fire Station. The 1978 indenture contained the condition that the property would revert back to the County if not used for municipal purposes. The City has requested that the County release its rights under the Reverter Clause so the City may convey title to the parcel to the Peekskill Facilities Development Corporation, a not-for-profit local development corporation, in order to transform the property into a commercial kitchen food incubator to assist local caterers and restaurant entrepreneurs to launch their businesses.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

☒ **DOES NOT MEET THE DEFINITION OF AN “ACTION” AS DEFINED UNDER SECTION 617.2(b)**

☐ **MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**

COMMENTS: The proposed action involves only the release of a reverter clause contained in a 1978 indenture on property that was conveyed to another municipality. The release of the reverter clause will allow the City of Peekskill to convey the property to a not-for-profit organization that will facilitate the development of a local business incubator, which will benefit the local economy and the public. Any future use or development of the property would be subject to further environmental review as may be required by SEQR.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner
Claudia Maxwell, Associate Environmental Planner

AN ACT authorizing the County of Westchester to (i) consent to the release of a reverter clause contained in a deed from the County of Westchester to the City of Peekskill dated March 16, 1978, with respect to approximately 2.3 acres of land located at 701 Washington Street in the City of Peekskill, and (ii) to execute a release of the right of reverter for the parcel.

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

Section 1. The County of Westchester (“County”) is authorized to consent to the release of certain restrictions contained in an indenture dated March 16, 1978 (“1978 Indenture”) and recorded March 24, 1978 in Liber 7458 at page 171 in the Office of the Clerk of the County of Westchester, from the County, as the party of the first part, to the City of Peekskill (“City”), as the party of the second part, for approximately 2.3 acres of land located at 701 Washington Street in the City, identified as Parcels 17, 18, 19, 20, 21 and 22 in said indenture (“Parcel”).

The 1978 Indenture contains a reverter clause (“Reverter Clause”) as follows:

“This deed is delivered upon the condition that, in the event said premises cease to be used for municipal purposes at any time, said premises shall revert free and clear from said condition to the party of the first part.”

§2. The consent and release of the above restriction is only for the Parcel and is granted for the sole purpose of permitting the City to transfer the said Parcel to the Peekskill Facilities Development Corporation, a not for profit local development corporation, for the purpose of establishing a commercial kitchen food incubator to assist local caterers and restaurant entrepreneurs to launch their businesses.

§3. The County Executive or his authorized designee is hereby empowered to execute all instruments, including a Release of Right of Reverter, in order to release the aforementioned condition, and take such action as may be reasonably necessary to effectuate the purposes hereof.

§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 County Attorney recommending the enactment of an Act which, if adopted by this Honorable Board, would authorize the County of Westchester (the "County") to further amend an outside counsel agreement (the "Agreement") with the Wicks Group, PLLC (the "Firm") for the provision of various legal services in connection with the Westchester County Airport (the "Airport"), by increasing the not-to-exceed cap by an additional \$75,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm to provide outside counsel services related to the Airport, as needed, concerning matters in which the Firm has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Thereafter, on March 6, 2023 by Act No. 2023-52, your Honorable Board authorized the County to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.

Thereafter, on June 20, 2023 by Act No. 2023-120, your Honorable Board authorized the County to further amend the Agreement with the Firm to extend the term thereof from July 1, 2023 until a final disposition and/or order of the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases (the "Charter Cases"), or until the County determines, in its sole discretion, to terminate the Agreement. Act No. 2023-120 further authorized the County to amend the Agreement to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount

not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars, to an amount not-to-exceed Two Hundred Thousand (\$200,000.00) Dollars.

The County Attorney has advised your Committee that the County continues to require the services of the Firm in connection with the Charter Cases. However, all of the \$200,000.00 currently authorized under the Agreement has been expended. In order to be able to compensate the Firm going forward, it will be necessary to further amend the Agreement in order to increase the not-to-exceed amount by an additional \$75,000.00, from an amount not-to-exceed \$200,000.00, to a new total amount not-to-exceed \$275,000.00. Your Committee is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

The Planning Department has advised that the proposed outside counsel agreement 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 is informed that this contract will be funded through the Airport Special Revenue Fund. As such, no tax levy funds will be involved.

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

Accordingly, your Committee concurs with the County Attorney's recommendation and requests approval of the attached Act.

Dated: February 5th, 2024

White Plains, New York

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COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: February 5, 2024
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

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Wicks Group, PLLC

☐ 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 \$ 75,000

Total Current Year Revenue

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 161- 44- 4110- 4420

Potential Related Operating Budget Expenses:

Annual Amount \$75,000

Describe: An Act authorizing the County of Westchester to further amend an outside
counsel agreement with the Wicks Group, PLLC for the provision of various legal
services related to the Westchester County Airport, by increasing the NTE by \$75,000.

Potential Related Operating Budget Revenues:

Annual Amount

Describe: n/a

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

Current Year: n/a

Next Four Years: n/a

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: June 1, 2023

Reviewed By: 

Budget Director

Date: 1/4/2024

ACT NO. 2024 - _____

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional \$75,000.00.

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 further amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”), pursuant to which the Firm agreed to provide various legal services to the County relating to the Westchester County Airport (the “Airport”), for a term commencing on January 1, 2022 and continuing until a final disposition and/or order in the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases, or until the County determines, in its sole discretion, to terminate the Agreement, for a total amount not-to-exceed of Two Hundred Thousand (\$200,000.00) dollars, payable at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, in order to increase the not-to-exceed cap by an additional Seventy-Five Thousand (\$75,000.00) dollars, from an amount not-to-exceed Two Hundred Thousand (\$200,000.00) dollars, to a new total amount not-to-exceed of Two Hundred Seventy-Five Thousand (\$275,000.00) dollars.

§2. All other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

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

§4. This Act shall take effect immediately.

Resolution No. - 2024

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

WHEREAS, the Committee on Legislation has reviewed the following items for the 2024 Westchester County Joint State Legislative Package; Now Therefore Be It

RESOLVED, that after considerable deliberation, it is recommended that this Honorable Board approve these legislative initiatives, and that they be presented to and considered by the New York State Legislature and Governor during the current state legislative session.

Dated: February 5, 2024
White Plains, New York

Margaret A. Cio

deputy
Colin

David J. Lubio

Bryan Boylan

COMMITTEE ON
Legislation

Dated: February 5, 2024
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.

A handwritten signature in black ink, reading "Emiliana Ulag". The signature is written in a cursive, flowing style.

COMMITTEE ON

Legislation

2024 STATE LEGISLATIVE PACKAGE SUBMISSIONS			
			<i>FINANCE</i>
Pkg #	State Bill #	Short Description	Notes/Justification
1	N/A	Authorize Design Build for Westchester County	<p>In 2019, 7 agencies in New York City received authorization to utilize Design-Build project delivery (as opposed to Design-Bid-Build) through the Public Works Investment Act (PWIA). Design-Build consolidates projects into one point of responsibility on the basis of which the design and construction team can deliver the best project at the best value. Under the current Design-Bid-Build model, the ‘Design’ and ‘Build’ components of a project are barred from collaboration, slowing project schedules, increasing cost, and resulting in lower quality completed projects. New York City is required to provide annual reports on design-build projects, including short lists and proposals, cost savings, time savings and MWBE utilization within the project. Westchester County would be willing to provide this information as well. Westchester therefore requests authorization to utilize Design-Build.</p>
2	N/A	Continue the 18B Assigned Counsel Reimbursement	<p>New York State provided a pay raise to 18B Assigned Counsel attorneys through the SFY 2024 State Budget, and provided a \$92 million fund to support State Reimbursement to counties and New York City for 50% of eligible expenses related to the rate increase. With new costs generated by the 18B pay raise, the end of New York State’s sharing of Federal eFMAP revenue, and additional burdens placed on County level social services by the ongoing housing crisis, Westchester asks that this reimbursement be continued to ensure that the County has the resources to respond to the needs of its residents. Westchester saw over \$11 million in new costs as a result of the rate increase. The Assigned Counsel Reimbursement is providing Westchester with reimbursement equal to 50% of the new cost attributable to the rate increase. Westchester has budgeted a total program cost of \$25.2 million for 2024, of which New York State will reimburse \$7.6 million – or half of the \$15.2 million attributable to the rate increase.</p> <ul style="list-style-type: none"> • Set 18B Pay by a Sliding Scale: When the State raised the pay of 18B Assigned Counsel Attorneys, pay became the same for attorneys representing clients in violations, misdemeanors, and felony cases. Attorneys are now less willing to represent felony cases, as they would be paid the same to cover violations or misdemeanors. Westchester asks that the sliding scale pay scale, which was in place before the recent pay raise, be re-implemented with the new, increased pay rate applying to felony representation. • Westchester saw over \$11 million in new costs as a result of the rate increase. The Assigned Counsel Reimbursement is providing Westchester with reimbursement equal to 50% of the new cost. (NOT 50% of the total program – 50% of the new costs from specifically the rate increase) Westchester has budgeted a total program cost of \$25.2 million for 2024, of which New York State will reimburse \$7.6 million – or half of the \$15.2 million attributable to the rate increase.

3	N/A	Restore Westchester County's eFMAP State Reimbursement	<p>New York State ended the longstanding Federal eFMAP share with counties and New York City through the SFY 2024 State Budget. These costs force the County to rely on revenue derived from more volatile sales tax. As such, Westchester County asks that action be taken to renew the Federal eFMAP share with counties and New York City. FY23 impact was ~\$1.8 million; FY24 impact is estimated to be \$20 million; FY25 impact is estimated to be \$23 million.</p> <p>• Prevent Breach of the Medicaid Cap: Westchester has been able to meet new costs due to healthy sales tax revenues. These revenues are likely to decline over time. A breach of the Medicaid cap would result in a \$4 to \$7 million annual cost, or \$12-21 million over 3 years, growing each year thereafter, placing pressure on property taxes.</p>
4	N/A	Extend the Electric Generation Facility Cessation Mitigation Program	<p>Indian Point's 2021 closure resulted in the loss of over 1,000 jobs and created budget problems for local municipalities. New York State created the Electric Generation Facility Cessation Mitigation Program (Mitigation Fund) to offset the impact of lost property tax. Westchester County requests that the funding for this program be extended so that the County and surrounding impacted local governments and school districts may continue providing services to those impacted by the plant's closure.</p>
5	N/A	Amend the STOA Formula	<p>Westchester County's Bee Line Bus Service has a larger ridership than Nassau County, but receives less in State Transportation Operating Assistance (STOA). The STOA formula currently prioritizes the distance of a transportation system rather than its ridership. This favors counties like Nassau and provides Westchester with a more limited allocation despite its higher ridership and significant transportation issues. 51% of Westchester's riders are transit-dependent, meaning they rely on the Bee Line and do not have a car for their use. Westchester's Bee Line needs more investment over the next decade, and the structural disadvantage of the STOA formula actively denies funding which Westchester would use to improve its routes, to provide a variety of climate friendly transportation routes, and to improve the conditions of its drivers. As such, Westchester requests that the STOA formula be amended to prioritize the ridership of a system, not the distance which it travels.</p> <p>• Westchester applauds its delegation for success in securing additional STOA funding last year. We continue to advocate for a structural change to the STOA formula.</p> <p>As of the enacted FY24 budget, Westchester receives \$92.7 million in STOA aid, while Nassau County receives roughly \$112.2 million in STOA aid. There is a discrepancy of \$19.4 million between Westchester and Nassau. This is up from a discrepancy of \$17.9 million in 2023 because the State has put more money into STOA.</p>

6	N/A	Hold the Line on Key Revenue Streams	<ul style="list-style-type: none"> • Raise the Age Funding: Westchester receives \$14.6 million to support local diversion programs, and comprehensive programming for youthful offenders, reducing the risk of recidivism. Westchester asks that this funding be continued. • Article 6 State Aid Calculation: The calculation of Article 6 state aid for public health work was revised on 4/1/22, providing the Health Department with an additional \$3 Million in aid compared to 2021. Westchester asks that this change be maintained. • Foster Care Block Grant: Westchester currently receives \$15.1 million to support foster care through this program. Westchester has worked to maximize the impact of this funding, safely reducing costs by emphasizing kinship and family care, resulting in savings of over \$20 million since 2011. OCFS's actions to reduce its contribution or equalize its share will increase the County's costs, despite our success on this front. • Safety Net Assistance Reimbursement: In SFY 2011, OTDA reduced its share of Safety Net funding from 50% to 29%. This reduction of 21% in NYS funding of Safety Net when applied to our 2023 budget results in a budgeted loss of \$12.9 million. Further cuts to this program would require additional cuts to county programs. • Supervision and Treatment Services for Juveniles Program (STSPJ): This program diverts youth from detention to residential care, resulting in better outcomes for these populations. Westchester asks that this funding be continued. Please maintain the 62% matching funds allocated through OCFS (\$601,400) and the allocation of Raise the Age funding designated for STSPJ (\$874,000). • Child Welfare Preventative Funding: OCFS reduced its share of Child Welfare Preventive Funding from 65% to 62% in 2008 in what was anticipated to be a temporary action. Funding was never restored, resulting in an annual additional cost to Westchester of \$500,000. Westchester asks that this funding be restored. • Fund Eviction Prevention Legal Services: New York State has provided funding for eviction prevention legal services to represent clients in eviction cases. Courts still face a backlog of eviction cases, due to the pandemic eviction moratorium, despite recent movement. If funding is cut or reduced, enormous demand for legal support will be generated in Westchester, forcing additional costs onto the County. As such, Westchester asks that this funding be continued.
7	N/A	Continue to Support Empire City Casino's Full License	Westchester supports MGM's work to acquire a full commercial gaming license at Empire City Casino in Yonkers. The provision of this license will bring new jobs, new tourism revenue, new opportunities for MWBEs and local businesses, and will bring additional funding for education. As such, Westchester County requests that members of its delegation continue their strong support of this item.
8	N/A	Extend School Bus Stop Arm Authorization	New York State provided counties with the authority to implement a school bus stop arm pilot program. This authorization expires on 12/1/2024. Westchester County has passed legislation to develop a school bus stop arm program for school districts in Westchester County, and has been working to implement this program. Parents and school districts have stressed the urgency of this program, for its capacity to enhance safety for schoolchildren County-wide. In order to continue supporting the safety of Westchester's school-age population, Westchester asks that this authorization be extended.

2024 STATE LEGISLATIVE PACKAGE SUBMISSIONS			
			LEGISLATIVE INITIATIVES
Pkg #	State Bill #	Short Description	Notes/Justification
9	S8307 Part AA (Budget) A8807 Part AA (Budget)	Commercial Insurance Minimum Reimbursement Rates for Behavioral (Mental) Health Services	Require Minimum Commercial Insurance Reimbursement Rates for Behavioral Health Services Purpose: This bill would require New York State-regulated insurers to reimburse providers licensed by Office of Mental Health (OMH) and Office of Addiction Services and Supports (OASAS) at or above the Medicaid rate for outpatient behavioral health services.
10	S1099 (Bailey) A1963 (Hevesi)	Youth Interrogation Bill	Amend the Family Court Act and the criminal procedure law, in relation to the custodial interrogation of juveniles by law enforcement. Safeguard the rights and well-being of youth during interrogations by law enforcement by implementing tailored guidelines and protocols that guarantee equitable treatment throughout interrogation procedures. Ensures that parents and guardians of youth up to age 18 are notified when their child is arrested or issued an appearance ticket.

11	S4020B (Mayer) A3392B (Otis)	Relates to emergency medical services	<p>Emergency Medical Service (EMS) systems throughout our nation have been facing a crisis in recent years. The problems leading to this situation have been building, and have now been pushed to the point of crisis by the Coronavirus pandemic. This situation exists here in Westchester County, where staffing shortages have led to dramatic increases in mutual aid calls and increases in wait times for a responding ambulance. In 2021, over 7,000 requests for EMS mutual aid were received, a 58% increase from the previous year. When someone is having a critical health emergency and calls for an ambulance, time matters, and a delayed response to a critical patient can make the difference between life and death.</p> <p>EMS is often thought of as an essential service that everyone in the state expects to be available at all times and in all locations. Many people are surprised to learn that EMS is not designated as an "essential service" by state or federal law, as police and fire service are, resulting in fewer revenue opportunities. As a result, EMS providers, including those in Westchester, are struggling to find and retain staff. EMS personnel report feeling that they are undervalued and underrespected, exacerbating an already serious problem.</p> <p>Legislation proposed by Senator Shelley Mayer takes steps to recognize EMS as an essential service that must be provided in every area of the state. Requiring at least a minimum level of uniform EMS service ensures that all residents receive these public health and safety protections, especially during emergencies, and have access to early intervention health care which will help provide better care for patients, assist medical providers at the hospital, and lower overall medical costs. Additionally, to incentivize retention among EMS personnel, this bill expands access to health insurance and retirement benefits available to EMS providers.</p>
12	S.4040(Mayer) / A.7532 (Solages)	Relates to the organization of Industrial Development Agencies	<p>New York State law authorizes industrial development agencies to grant incentives, including tax abatements and PILOTs, to businesses and projects to promote job growth and the vitality of our local economies. The actions they take have substantial impacts on community members, workers, and taxpayers. Yet, many of these actions are veiled from those that are affected. For instance, school districts are required to deal with the budget impacts without knowing of upcoming meeting or having a say in the process. Local workers, who have much at stake in this process and the projects, have been excluded from the discussion and decision making concerning the projects and the incentives, and concerned citizens can be blindsided by agendas released hours before the meetings, leaving little time for public input. This bill requires that all Industrial Development Agencies have at least one representative from a local labor union and at least one representative from a school board.</p>

13	S286 (Stewart-Cousins) A308 (Burdick)	Prohibit termination of tenancy	Amends the real property law, in relation to prohibiting the termination of tenancy in certain housing occupied by senior citizens and/or persons with disabilities.
14	S4785 (Rivera) A6019 (Paulin)	Collective negotiations by health care providers and health insurance companies	Amends the public health law, in relation to requirements for collective negotiations by health care providers with certain health benefit plans. This bill would amend the public health law to permit some collective negotiations between health care providers and health insurance plans under close state supervision. This bill would allow physicians to communicate with each other and jointly negotiate with health insurance companies in certain circumstances.
15	S1728 (Sanders) A4428 (Steck)	Remove discriminatory language in restrictive covenants	Amends the real property law, in relation to requiring the modification of restrictive covenants prior to the sale of real property. A lot of deeds have decades-old language restricting future sales in ways that are in violation of fair housing laws which discriminate on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income or ancestry. This bill will remove this discriminatory language.
16	S3335A (Mayer) A132 (Cruz)	Establishes the Office of Flood Prevention and Mitigation	Amends the Executive Law in relation to establishing the Office of Flood Prevention and Mitigation.
17	S7764 (Harckham) A # Pending (Otis)	Water Resiliency Project Fund	Amends the State Finance Law in relation to establishing the Water Resiliency Projects Fund; and making an appropriation therefor.

2024 STATE LEGISLATIVE PACKAGE SUBMISSIONS			
			<i>STATE DELEGATION SUPPORT LIST</i>
Pkg #	State Bill #	Short Description	Notes/Justification
18	S1179 (Harckham) A7269 (Levenberg)	Provides an exemption from requirements for the alienation of parkland for certain renewable energy generating projects	Under current law, municipalities must request an act from the legislature to alienate parklands which includes airspace directly above real property being used for vehicle parking. As New York State looks for ways to implement the Climate Leadership and Community Protection Act (CLCPA), interest in solar projects in the airspace above vehicle parking has increased. Solar panels are known as a source of clean, renewable energy, which provides cost savings and generates revenue. This bill will allow solar energy projects under 2 megawatts, located directly above real property which are currently being used for vehicle parking to bypass the procedure of requesting an act from the Legislature. Resulting in certain solar projects being replicated more effi, saving time, and reducing carbon footprint.
19	S4246 (Harckham) A5322A (Glick)	Packaging reduction and recycling infrastructure act	The average New Yorker creates nearly 5 pounds of trash every day, which means our state produces approximately 15 million tons of waste each year(1). 14 million tons of waste is produced by New York City alone(2). This waste primarily goes to landfills and incinerators, but can often end up in our water, natural habitats, and municipal spaces. The 2021 recycling rate for the United States has been estimated to be between 5-6963. While New Yorkers understand the importance of reducing our waste, reusing what we can, and recycling our current system is not meeting our environmental demands. Local governments continue to struggle with recycling costs and infrastructure, which is seen through increased taxes or significantly limited materials that can be collected. The Packaging Reduction and Recycling Infrastructure Act would require companies with net income over \$1 million who sell or distribute certain materials and products to reduce packaging, improve recycling and recycling infrastructure, financially support municipal recycling programs, and reduce toxins in packaging. This legislation shifts the onus of recycling from municipalities and ensures that producers of products are serving our interests by establishing solutions to sustainable packaging. Thus far, four states have implemented similar programs including Maine, Oregon, Colorado and California. New York State must follow suit to meet the moment for environmental accountability.

Pkg #	State Bill #	Short Description	Notes/Justification
29	S311B (Salazar) A4927 (Paulin)	Duty to inform maternity patients about reasons and risks for cesarean section	Amends the public health law, in relation to the duty to inform maternity patients about the risks associated with cesarean section for patients undergoing a primary cesarean section and to inform maternity patients about the reason for performing primary cesarean section delivery.
30	S 4905 (Mayer) A 5846 (Burdick)	Part-time Police	To enable police departments in certain municipalities reliant on the employment of retired police officers to retain a sufficient number of part-time police officers to adequately staff their departments, by permitting retired part-time officers to work up to five hundred twenty hours in any consecutive six-month period in a calendar year without suspension or diminution of retirement allowance.