

Public Works & Transportation Meeting Agenda



Committee Chair: Erika Pierce

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

Monday, May 13, 2024

10:00 AM

Committee Room

CALL TO ORDER

Joint with the Committees on Budget & Appropriations

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.

MINUTES APPROVAL

1. Thursday, February 29, 2024 at 11:00am
2. Monday, March 4, 2024 at 1:00pm
3. Monday, April 8, 2024 at 1:00pm
4. Monday, April 29, 2024 at 10:00am
5. Monday, May 6, 2024 at 10:00am

I. ITEMS FOR DISCUSSION

1. [2024-246](#) **BOND ACT-BCR64-Correctional Facility Replace Fire Alarm System**

A BOND ACT authorizing the issuance of SIX HUNDRED SIXTY-FIVE THOUSAND (\$665,000) DOLLARS in bonds of Westchester County to finance Capital Project BCR64 - Correctional Facility Replace Fire Alarm System.

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

Guests: Department of Correction
Deputy Commissioner Michael Gerald
Warden Karl Vollmer

2. [2024-249](#) **PH-Amend Lease Agreement with Brooks Shopping Centers, LLC**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester, acting by and through the Westchester Community College, to amend the lease agreement with Brooks Shopping Centers, LLC, for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase to the total amount payable under the lease by an amount of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS for work required by WCC to be able to operate as a 21st century facility. [Public Hearing set for _____, 2024 at _____ .m.]. LOCAL LAW INTRO: 2024-250.

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

Guests: Westchester Community College
Vice-President Brian Murphy
Director Robert Cirillo
Director Stewart Glass
Vice President Teresita Wisell
Dean Caryn Helfer

3. [2024-250](#) **LOCAL LAW-Amend Lease Agreement with Brooks Shopping Centers, LLC**

A LOCAL LAW authorizing the County of Westchester, acting by and through the Westchester Community College, to amend the lease agreement with Brooks Shopping Centers, LLC, for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase to the total amount payable under the lease by an amount of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS for work required by WCC to be able to operate as a 21st century facility.

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

Guests: Westchester Community College
Vice-President Brian Murphy
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Director Stewart Glass
Vice President Teresita Wisell
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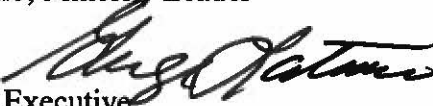
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

April 26, 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 – BCR64 –
Correctional Facility Replace Fire Alarm System.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 29, 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 \$665,000 to finance the following capital project: BCR64.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 29, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

April 26, 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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$665,000 to finance the following capital project:

BCR64 – Correctional Facility Replace Fire Alarm System ("BCR64").

The Bond Act, in the amount of \$665,000, would finance the cost of design associated with the replacement of the existing fire alarm system at the Westchester County Jail in Valhalla.

The Department of Correction ("Department") has advised that the existing fire alarm system has reached the end of its useful life and is in need of replacement. The new system will replace existing devices, and use existing wiring with a fiber network between panels to a Fireworks graphic work station. It will also include the installation of a Vesda/Xtralis Veia system for Blocks 1-3.

Following bonding authorization, design will be scheduled and is estimated to take eight (8) months to complete and will be performed by in house staff. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of construction contracts, subject to your Honorable Board's further approval of construction funding.

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

Sincerely,



George Latimer
Westchester County Executive

GL/JKS/jpg/nn
Attachment

**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 \$665,000 to finance capital project BCR64 – Correctional Facility Replace Fire Alarm System (“BCR64”). 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 fire alarm system at the Westchester County Jail in Valhalla.

The Department of Correction (“Department”) has advised that the existing fire alarm system has reached the end of its useful life and is in need of replacement. The new system will replace existing devices, and use existing wiring with a fiber network between panels to a Fireworks graphic work station. It will also include the installation of a Vesda/Xtralis Veia system for Blocks 1-3.

Following bonding authorization, design will be scheduled and is estimated to take eight (8) months to complete and will be performed by in house staff. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of construction contracts, subject to your Honorable Board’s further approval of construction funding.

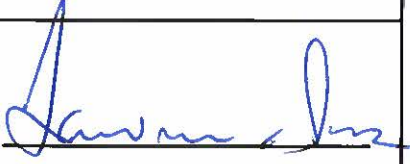
The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review 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: _____, 2024
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BCR64</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	<input type="checkbox"/> Capital Budget Amendment
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 665,000	PPU	5
		Anticipated Interest Rate	2.98%
Anticipated Annual Cost (Principal and Interest):		\$	146,876
Total Debt Service (Annual Cost x Term):		\$	734,380
Finance Department: Interest rates from April 24, 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):		None	
Potential Related Revenues (Annual):		None	
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):			
<u>Departmental operations will be improved in that the replacement of the current fire alarm system will ensure the safety of residents and staff.</u>			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:		7	
Prepared by:	<u>William Fallon</u>	Reviewed By:	
Title:	<u>Director of Admin. Services</u>		Budget Director
Department:	<u>Correction</u>	Date:	<u>4/25/24</u>
Date:	<u>4/25/24</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: April 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR64 CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-03-2024 (Unique ID: 2530)

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

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

COMMENTS: The current request is for design only.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
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 AUTHORIZING THE ISSUANCE OF \$665,000 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 FIRE ALARM SYSTEM AT THE CORRECTIONAL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$665,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$665,000 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, \$665,000 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 fire alarm system at the Correctional Facility; 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 \$665,000. The plan of financing includes the issuance of \$665,000 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 \$665,000 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 \$665,000. 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 \$665,000 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__.

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

(SEAL)

LEGAL NOTICE

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

Complete copies of the 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 \$665,000 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 FIRE ALARM SYSTEM AT THE CORRECTIONAL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$665,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$665,000 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 fire alarm system at the Correctional Facility; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued: \$665,000; five (5) years
and period of probable usefulness:

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* BCR64	<input type="checkbox"/> CBA	Fact Sheet Date:* 03-27-2024
Fact Sheet Year:* 2024	Project Title:* CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* CORRECTION	CP Unique ID: 2530

Overall Project Description

This project will replace the existing fire alarm system at the Westchester County Correctional Facility.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	9,625	0	665	8,960	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,625	0	665	8,960	0	0	0	0

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

Current Bond Description: Bonding is requested for design in order to replace the existing fire alarm system, necessary for the health and safety of staff and residents.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	665,000
Cash:	0
Total:	\$ 665,000

SEQR Classification:

TYPE II

Amount Requested:

665,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	665,000	DESIGN

Total Appropriation History:

665,000

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
04-03-2024

Department of Public Works
RJB4

Date
04-03-2024

Budget Department
DEV9

Date
04-04-2024

Requesting Department
WPF4

Date
04-04-2024

CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM (BCR64)

User Department : Correction
Managing Department(s) : Correction ; 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	9,625			665	8,960				
Non County Share									
Total	9,625			665	8,960				

Project Description

This project funds the replacement of the existing Fire alarm system throughout the entire Correctional Facility complex.

Current Year Description

The current year request funds design.

Current Year Financing Plan

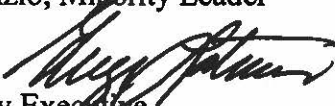
Year	Bonds	Cash	Non County Shares	Total
2024	665,000			665,000

Impact on Operating Budget

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

April 26, 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 – Amend
Lease Agreement with Brooks Shopping Centers, LLC.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 29, 2024 Agenda.

Transmitted herewith for your consideration and approval is a proposed Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”), acting by and through the Westchester Community College (“WCC”), to amend the lease agreement (“Lease”) with Brooks Shopping Centers, LLC.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 29, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 25, 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 consideration and approval is a proposed Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through the Westchester Community College ("WCC"), to amend the lease agreement ("Lease") with Brooks Shopping Centers, LLC ("Landlord"), for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase to the total amount payable under the Lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility.

The Lease, as previously amended, provides terms for the relocation of WCC's Yonkers Extension Center (the "Extension Center") from the 12,165 square feet of space located at the Cross County Shopping Center ("CCSC") in Yonkers (the "Original Premises") to a new, 39,093 square foot premises (the "New Premises") at the Cross County Shopping Center once the work necessary for WCC's occupancy (the "Landlord's Work") is complete and WCC is able to relocate the Extension Center to the New Premises (the "Adjustment Date").

The original term of the Lease commenced on May 1, 2010 and expired on April 30, 2020 (the "Original Term") and, pursuant to your Honorable Board's Local Law enacted on May 4, 2020, the Lease was extended by eight months from May 1, 2020 to December 31, 2020. Pursuant to your Honorable Board's Local Law enacted on December 8, 2020, the Lease was further extended for one year from January 1, 2021 to December 31, 2021. By Local Law 11-2021 enacted on October 18, 2021, your Honorable Board authorized the County to further amend the Lease in order to provide terms for relocation of the Extension Center to the New Premises on the Adjustment Date, and to extend the term of the Lease for ten (10) years from the Adjustment Date.

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



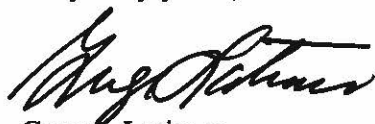
Pursuant to Local Law 11-2021, and the amendment to the Lease that it authorized, the Landlord, using its architect and contractors, performed the Landlord's Work, in accordance with plans that had been reviewed and approved by WCC, at a cost to the Landlord not to exceed \$5,918,768.53 (the "Landlord's Work Allowance"), and WCC was responsible for any additional cost of said work or any change orders requested by WCC. Local Law 11-2021 further provided that change orders that, in the aggregate, result in an increase to the total amount payable under the Lease in excess of ten percent (10%) of the total principal amount of the Landlord's Work Allowance will require an amendment to the Lease and will be subject to approval of the Board of Legislators and the Board of Acquisition and Contract.

Pursuant to Local Law 15-2022, the County was authorized to amend the Lease in order to increase the total amount payable under the Lease by an amount of \$900,000.00 for work required by WCC to be able to operate as a 21st century facility. The work that WCC requested the Landlord to undertake included, but was not limited to: High-Flex classrooms that enable students to be taught in person and remotely at the same time; and additional wiring and related infrastructure work required to enhance security and wireless internet access, and to increase audio and visual capability in order to maintain the College's ability to stay competitive with other institutions of higher learning.

WCC requested the Landlord to undertake more work, which includes, but is not limited to, additional security, signage and engineering services. The change order requested by WCC in the amount of \$500,000.00, together with the previously approved change order in the amount of \$900,000.00, exceed the authority your Honorable Board granted to the Board of Acquisition & Contracts in this matter, thus requiring an amendment to the Lease, in a form mutually agreed by the parties, subject to your Honorable Board's approval. Therefore, approval of your Honorable Board for an amendment to the Lease to increase the total amount payable thereunder by \$500,000.00 is necessary. All other terms and conditions of the Lease, as previously amended, will remain in full force and effect.

I believe that the proposed amendment to the Lease is in the County's best interests, and I therefore urge approval of the attached Local Law.

Very truly yours,



George Latimer
County Executive

GL/CS/BSM/sg/dlv/cmc
Attachment

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

Your Committee is in receipt of a communication from the County Executive wherein he requests that your Honorable Board adopt a Local Law which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”), acting by and through the Westchester Community College (“WCC”), to amend the lease agreement (“Lease”) with Brooks Shopping Centers, LLC (“Landlord”), for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase to the total amount payable under the Lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility.

The Lease, as previously amended, provided terms for the relocation of WCC’s Yonkers Extension Center (the “Extension Center”) from the 12,165 square feet of space located at the Cross County Shopping Center (“CCSC”), Yonkers (the “Original Premises”) to a new, 39,093 square foot premises (the “New Premises”) at the Cross County Shopping Center once the work necessary for WCC’s occupancy (the “Landlord’s Work”) was complete and WCC was able to relocate the Extension Center to the New Premises (the “Adjustment Date”).

Your Committee is advised that the original term of the Lease commenced on May 1, 2010 and expired on April 30, 2020 (the “Original Term”) and, pursuant to your Honorable Board’s Local Law enacted on May 4, 2020, the Lease was extended by eight months from May 1, 2020 to December 31, 2020. Pursuant to your Honorable Board’s Local Law enacted on December 8, 2020, the Lease was further extended for one year from January 1, 2021 to December 31, 2021. By Local Law 11-2021 enacted on October 18, 2021, your Honorable Board authorized the County to further amend the Lease in order to provide terms for relocation of the Extension Center to the New Premises on the Adjustment Date, and to extend the term of the Lease for ten (10) years from the Adjustment Date.

Your Committee is advised that, pursuant to Local Law 11-2021, and the amendment to the Lease that it authorized, the Landlord, using its architect and contractors, performed the Landlord’s Work, in accordance with plans that had been reviewed and approved by WCC, at a

cost to the Landlord not to exceed \$5,918,768.53 (the “Landlord’s Work Allowance”) and WCC was responsible for any additional cost of said work or any change orders requested by WCC. Local Law 11-2021 further provided that change orders that, in the aggregate, result in an increase to the total amount payable under the Lease in excess of ten percent (10%) of the total principal amount of the Landlord’s Work Allowance will require an amendment to the Lease and will be subject to approval of the Board of Legislators and the Board of Acquisition and Contract.

Pursuant to Local Law 15 -2022 the County was authorized to amend the Lease in order to increase the total amount payable under the Lease by an amount of \$900,000.00 for work required by WCC to be able to operate as a 21st century facility. The work that WCC requested the Landlord to undertake included, but was not limited to: High-Flex classrooms that enable students to be taught in person and remotely at the same time; and additional wiring and related infrastructure work required to enhance security and wireless internet access, and to increase audio and visual capability in order to maintain the College’s ability to stay competitive with other institutions of higher learning.

Your Committee is advised that WCC requested the Landlord to undertake more work, which includes, but is not limited to, additional security, signage and engineering services. The change order requested by WCC in the amount of \$500,000.00, together with the previously approved change order in the amount of \$900,000.00, exceed the authority your Honorable Board granted to the Board of Acquisition & Contracts in this matter, thus requiring an amendment to the Lease, in a form mutually agreed by the parties, subject to your Honorable Board’s approval. Therefore, approval of your Honorable Board for an amendment to the Lease to increase the total amount payable thereunder by \$500,000.00 is necessary. All other terms and conditions of the Lease, as previously amended, will remain in full force and effect.

The proposed amendment, requires the same approval as the Lease and its prior amendments, namely a Local Law approved by a two-thirds majority of your Honorable Board.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed amendment may be classified as a Type “II” action pursuant to the

State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Upon careful consideration, your Committee finds the proposed amendment to the Lease to be in the County’s best interest as it provides for the necessary enhancements to a new and improved Yonkers Extension Center and therefore your Committee recommends approval of the proposed Local Law.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON:

c/dlv.cmc.04.25.24

FISCAL IMPACT STATEMENT

SUBJECT: Lease-Construction Yonkers Ext. 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 \$ 500,000

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: 5443701

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: Stewart Glass

Title: Director of Contracting & Procurement

Department: Westchester Community College

Date: April 24, 2024

Reviewed By: 

Budget Director

Date: 4/26/24

TO: Carla Chaves, Senior Assistant County Attorney
Department of Law

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



DATE: April 25, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AMENDMENT TO
CROSS COUNTY SHOPPING CENTER LEASE AGREEMENT FOR
WESTCHESTER COMMUNITY COLLEGE**

PROJECT/ACTION: A local law authorizing the County of Westchester, acting by and through the Westchester Community College (WCC), to amend a lease agreement with Brooks Shopping Centers, LLC for space at the Cross County Shopping Center, located in the City of Yonkers, for use by WCC's Yonkers Extension Center. The amendment authorizes additional work needed at the leased premises, including security, signage and engineering services.

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

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner of Planning
Stewart Glass, Westchester Community College
Claudia Maxwell, Principal Environmental Planner

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 authorizing the County of Westchester, acting by and through the Westchester Community College (“WCC”), to amend the lease agreement (“Lease”) with Brooks Shopping Centers, LLC (“Landlord”), for space located at the Cross County Shopping Center (“CCSC”), Yonkers, in order to authorize an increase to the total amount payable under the Lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility. 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.

Dated: , 2024
White Plains, New York

A LOCAL LAW authorizing the County of Westchester, acting by and through the Westchester Community College, to amend the lease agreement with Brooks Shopping Centers, LLC, for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase to the total amount payable under the lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility.

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

Section 1. The County of Westchester, acting by and through Westchester Community College (“WCC”), is hereby authorized to amend the lease agreement (“Lease”) with Brooks Shopping Centers, LLC (“Landlord”), for space located at the Cross County Shopping Center (“CCSC”), Yonkers, in order to authorize an increase to the total amount payable under the Lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility. The work that WCC requested the Landlord to undertake includes, but is not limited to additional security, signage and engineering services.

§2. All other terms and conditions of the Lease, as previously amended, shall remain in full force and effect.

§3. The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments approved as to form and substance by the County Attorney as are necessary and appropriate to effectuate the purposes of this Local Law.

§4. This Local Law shall take effect immediately.