# Budget & Appropriations Meeting Agenda



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

Committee Chair: Jewel Williams Johnson

10:00 AM

Committee Room

Monday, May 6, 2024

## CALL TO ORDER

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

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

Legislator Colin Smith will be participating remotely from 1132 Main St. Suite 1, Peekskill, NY 10566.

Legislator David Tubiolo will be participating remotely from Fort Totten, 200 Duane Road, Queens, NY 11359.

Legislator Shanae Williams will be participating remotely from 5 Main Street, Yonkers, NY 10701

#### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

## 1. <u>2024-251</u> ACT-Approval for Payment of Legal Services-Lewis

AN ACT of the Westchester County Board of Legislators approving payment of the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.
Guests: Law Department
County Attorney John Nonna
Chief Deputy County Attorney Stacey Dolgin-Kmetz

## 2. <u>2024-231</u> ACT - Custom Marine Agreement

AN ACT authorizing the County of Westchester to enter into an agreement with Endurance American Insurance Company ("Endurance"), as surety for Custom Marine, Inc., and with Mace Contracting, Inc. ("Mace"), for the County to settle its claim against Endurance regarding DPWT Contract No. 12-517-Rev. (the "Contract"), whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

**Guests: Law Department** 

Associate County Attorney Chris Inzero Ira Schulman, Partner-Sheppard Mullin

## 3. <u>2024-269</u> <u>ACT - Proceeding Settlement - Migi Asset Acquisition, LLC.</u>

AN ACT authorizing the County Attorney to Settle the Proceeding entitled The County of Westchester v. Migi Asset Acquisition, LLC.

Joint with LMC.

Guest: Law Department

Assistant Chief Deputy County Attorney Justin Adin

## 4. <u>2024-222</u> <u>BOND ACT-BPL26-2448-Flood Mitigation</u>

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL26 - Flood Mitigation.

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

Joint with PWT.

Guests: Planning Department Commissioner Blanca Lopez Chief Planner Susan Darling

Program Director of Community Development Len Gruenfeld

### 5. 2024-233 BOND ACT-BPL30-30 Water Street, Ossining

A BOND ACT authorizing the issuance of FOUR MILLION, THREE HUNDRED SIXTY THOUSAND (\$4,360,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL30 - New Homes Land Acquisition II.

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

Joint with HP.

Guests: Planning Department Commissioner Blanca Lopez Chief Planner Susan Darling

Program Director of Community Development Len Gruenfeld

## 6. 2024-234 ACT-Land Acquisition-30 Water Street, Ossining

AN ACT authorizing the County of Westchester to purchase approximately +/- 3.42 acres (34, 848 square feet) of real property located at 30 Water Street in the Village of Ossining and to subsequently convey said property, and to further authorize the County to grant and accept any property rights necessary in furtherance thereof, for the purposed of creating 109 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

Joint with HP.

Guests: Planning Department Commissioner Blanca Lopez Chief Planner Susan Darling

Program Director of Community Development Len Gruenfeld

## 7. <u>2024-248</u> <u>IMA-Financial Empowerment Center Initiative-Mount Vernon</u>

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the City of Mount Vernon for the implementation of the Financial Empowerment Center Initiative at the County's One Stop Employment Center located in Mount Vernon.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HUMAN SERVICES

Joint with HS.

Guest: Westchester-Putnam Workforce Board

**Executive Director Thom Kleiner** 

## 8. <u>2024-243</u> <u>ACT-Mortgage Tax Receipts-10-1-23 through 3-31-24</u>

AN ACT to authorize the Commissioner of the Westchester County Department of Finance to pay Mortgage Tax Receipts to Cities, Towns and Villages.

**COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS** 

B&A Only.

Guests: Finance Department Commissioner Karin Hablow Deputy Commissioner Mario Arena

- **II. OTHER BUSINESS**
- III. RECEIVE & FILE

**ADJOURNMENT** 



# Memorandum

Office of the County Executive Michaelian Office Building

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: ACT - Approval for

Payment of Legal Services.

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 is an ACT for approval of payment for legal services rendered by appointed Special District Attorney Stephen R. Lewis.

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 24, 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:

I respectfully request that your Honorable Board adopt "AN ACT of the Westchester County Board of Legislators approving for payment the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis."

Pursuant to a Special District Attorney Order dated February 9, 2024, the Honorable James McCarty has ordered that Stephen R. Lewis be appointed to act as a Special District Attorney pursuant to New York County Law Sections §§ 701(1)(a) and 701(4), at a rate of \$225 per hour. Under New York County Law § 704(5), your Honorable Board is responsible for authorizing the payment of fees and disbursements to Special District Attorneys, after they have been certified by the Court.

The Honorable James McCarty transmitted to the Westchester County District Attorney's Office on April 10, 2024 a certified invoice from Mr. Lewis in the amount of \$7515. The attached legislation will enable payment to be made to Mr. Lewis.

Further, there will be future invoices presented by Mr. Lewis while he continues his work as a Special District Attorney. In order to expedite payment, the District Attorney has requested that your Honorable Board set a "not-to-exceed" amount, so that payments can be processed upon certification by the Court, without the need to present each invoice individually for action by your Honorable Board. The District Attorney recommends a "not-to-exceed" amount of \$35,000.00, based upon Mr. Lewis' first submission. The District Attorney believes it is of utmost importance to make clear that because the Court has ordered Mr. Lewis to act as a Special District Attorney in the subject matter, neither she, nor any member of her staff is involved with or has knowledge of the prosecutorial decisions being made by Mr. Lewis.

In light of the aforementioned, I respectfully request that this Honorable Board adopt the proposed legislation.

GEORGE LATIMER

County Executive

# TO: HONORABLE BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

The Committee is in receipt of "AN ACT of the Westchester County Board of Legislators approving for payment the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis.

Your Committee is informed that, pursuant to a Special District Attorney Order dated February 9, 2024, the Honorable James McCarty has ordered that Stephen R. Lewis be appointed to act as a Special District Attorney pursuant to New York County Law Sections §§ 701(1)(a) and 701(4). For his work as a Special District Attorney, Mr. Lewis is to be paid the rate of \$225 per hour, plus reasonable and necessary disbursements and costs.

Your Committee is further informed that, to date, Mr. Lewis has submitted a bill in the amount of \$7,515.00, dated March 14, 2024, for legal services rendered from February 7, 2024 through March 13, 2024. This bill was certified by the Court, and transmitted to the District Attorney's Office on April 10, 2024.

Under New York County Law § 704(5), this Honorable Board is responsible for authorizing the payment of fees and disbursements for Special District Attorneys. Having been so certified by the Court, your Committee recommends authorizing the payment of the existing invoice. It is further recognized that there will be future additional invoices for work submitted by Mr. Lewis. In order to expedite the payment process, and so as to not discourage attorneys from accepting the position of Special District Attorney in the future, the District Attorney has requested that this Honorable Board authorize the payment of future invoices by authorizing payments up to a "not-to-exceed" amount. The District Attorney recommends a "not-to-exceed" amount of \$35,000.00, based upon Mr. Lewis' first submission. The District Attorney has informed your Committee that this could be subject to

change depending on how Mr. Lewis's work proceeds. Thus, as written, the Act provides that future

invoices may be paid, upon certification by the Court, so long as the rate of pay does not exceed

\$225.00 per hour, and so long as the amount paid to Mr. Lewis does not exceed \$35,000.00. The

District Attorney believes it is of utmost importance to make clear that because the Court has ordered

Mr. Lewis to act as a Special District Attorney in the subject matter, neither she, nor any member of

her staff is involved with or has knowledge of the prosecutorial decisions being made by Mr. Lewis.

Your Committee is informed that the proposed project does not meet the definition of an

action under New York State Environmental Quality Review Act ("SEQRA") and its implementing

regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning,

dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee

concurs in this conclusion.

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

Dated:

2024

White Plains, New York

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## **FISCAL IMPACT STATEMENT**

SUBJECT:	Legal Services, Special DA S. Lewis	NO FISCAL IMPACT PROJECTED		
OPERATING BUDGET IMPACT  To Be Completed by Submitting Department and Reviewed by Budget				
SECTION A - FUND				
X GENERAL FUND	AIRPORT FUND	SPECIAL DISTRICTS FUND		
SECTION B - EXPENSES AND REVENUES				
<b>Total Current Year Ex</b>	pense \$ 35,000			
<b>Total Current Year Re</b>	evenue \$ -			
Source of Funds (chec	ck one): X Current Appropriations	Transfer of Existing Appropriations		
Additional Appro	priations	Other (explain)		
<b>Identify Accounts:</b>	DA Technical Services			
Fund 101 Dept 37	Unit 0010 Sub-Unit 1000 Object 4420			
Potential Related Operating Budget Expenses: Annual Amount \$35,000.00				
Describe:	1	ct Attorney Stephen R. Lewis ordered by		
*	mes McCarty pursuant to New York Cour	nty Law Sections 701(1)(a) and 701(4)		
to act as a Specia	l District Attorney.			
Potential Related Operating Budget Revenues: Annual Amount				
Describe:		<u> </u>		
		· ·		
Anticipated Savings to County and/or Impact on Department Operations:				
Current Year:	N/A			
Next Four Years:	N/A	, , , , , , , , , , , , , , , , , , ,		
	<u> </u>			
Prepared by:	Roberto Nascimento			
Title:	Sr. Budget Analyst	Reviewed By: Xanana c. las		
Department:	Budget	Budget Director		
Date:	April 26, 2024	Date: 4 24		

#### ACT NO. \_\_\_ - 2024

AN ACT of the Westchester County Board of Legislators approving for payment the bill for legal services rendered by appointed Special District Attorney Stephen R. Lewis

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

- § 1. Pursuant to a Special District Attorney Order dated February 9, 2024, the Honorable James McCarty ordered that Stephen R. Lewis be appointed pursuant to New York County Law Sections 701(1)(a) and 701(4) to act as a Special District Attorney. For those services, Mr. Lewis has and will be providing legal services as a Special District Attorney, at a rate of \$225.00 per hour, plus reasonable and necessary disbursement.
- § 2. To date, Mr. Lewis has submitted a bill for services rendered from February 7, 2024 through March 13, 2024 for such services, in the amount of \$7,515.00.
- § 3. Pursuant to New York County Law Section 701 and the invoice submitted by Mr. Lewis, and certified by the Honorable James McCarty, payment of \$7,515.00 is hereby approved.
- § 4. It is further recognized that there will be future additional invoices for work submitted by Mr. Lewis. Upon certification by the court, in compliance with New York County Law Section 701, future invoices may be submitted to the Commissioner of Finance for payment, so long as the rate of pay does not exceed \$225.00 per hour, and so long as the amount paid to Mr. Lewis does not exceed \$35,000.00.
  - § 5. Effective date. This Act shall take effect immediately.



George Latimer County Executive

Office of the County Attorney

John M. Nonna County Attorney

April 23, 2024

Westchester County Board of Legislators 800 Michaelian Office Building 148 Martine Avenue White Plains, NY 10601

Re: Legislation authorizing the County of Westchester to enter into an agreement with Endurance American Insurance Company ("Endurance"), as surety for Custom Marine, Inc., and with Mace Contracting, Inc., ("Mace"), for the County to settle its claim against Endurance regarding DPWT Contract No. 12-517-Rev. (the "Contract"), whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract.

#### Dear Honorable Members of the Board:

This request, if enacted, would authorize the County of Westchester (the "County"), acting by and through the Commissioner of DPWT, or his designee, to enter into an agreement (the "Proposed Agreement") with Endurance American Insurance Company ("Endurance"), as surety for Custom Marine, Inc. ("Custom"), and with Mace Contracting, Inc. ("Mace"), for the County to settle its claim against Endurance regarding DPWT Contract No. 12-517-Rev. (the "Contract"), whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract (the "Remaining Work").

On or about September 24, 2020, the County entered into the Contract with Custom, for an amount not-to-exceed \$6,628,460.00, regarding work identified as Cellular Bulkhead Rehabilitation, Phase III & IV, at the Yonkers Joint Wastewater Treatment Plant, in the City of Yonkers, NY.

On or about September 29, 2020, Endurance, on behalf of Custom, issued a performance bond to the County, and a labor and materials payment bond to the County, regarding the Contract. Both bonds bear bond no. EAIC4003080, and each has an individual penal sum of \$6,628,460.00.



As part of Custom's obligations under the Contract, it agreed to make a good faith effort to have 20% of the work performed by a combination of Minority Business Enterprises and/or Women Business Enterprises (the "20% Participation Goal").

By letter from the County to Custom dated March 3, 2023, the County declared Mace in default of the Contract, due to its failure to make a good faith effort to attain the 20% Participation Goal. Additionally, the County asserted in said letter, that Mace not only failed to made a good faith effort to attain the 20% Participation Goal, but misrepresented to the County that it had attained said goal. The County then terminated the Contract due to Custom's default.

By ACT No. 73-2023, Your Honorable Board authorized the County Attorney to retain the law firm of Sheppard, Mullin, Richter, and Hampton, LLP ("Sheppard Mullin") to represent the County regarding Custom's default under the Contract.

By letter from Sheppard Mullin to Endurance dated April 27, 2023, the County demanded that Endurance, pursuant to its obligations under its Performance Bond, complete the remaining work under the Contract.

Pursuant to the County's demand upon Endurance to complete the remaining work under the Contract, Endurance now proposes an agreement to tender to the County, the services of Mace, and Mace agrees to complete, the remaining work under the Contract.

The Proposed Agreement shall contain the following terms. The County shall agree to administer the Contract with Mace in the same manner and upon the same terms as set forth therein, except that it shall pay Mace, for completion of the remaining work, the sum of \$2,449,098.70, constituting the remaining balance under the Contract. The remaining balance is subject to increase or decrease in accordance with the terms of the Contract. Mace shall agree to assume all obligations under the Contract in its completion of the remaining work. The County shall also pay Mace, an amount up to \$444,404.00 for any authorized Miscellaneous Additional Work provided for under the Contract. Mace shall deliver to the County, a performance bond, and a payment bond, in the form required by the Contract, with each bond having a separate penal sum of \$2,449.098.70, and each naming the County as obligee.

In exchange for Endurance's tender of Mace to the County, the County shall agree to discharge and release Endurance, together with its representatives, owners, officers, directors, employees, attorneys, successors, and assigns, from any and all performance obligations, claims, causes of action, costs, expenses, losses, damages or other claims or rights concerning the Contract and/or under the Custom Performance Bond.

Should the County enter into the Proposed Agreement, Endurance and Custom shall enter into an agreement, whereby Custom shall pay Mace a supplemental sum of \$733,000.00, in excess of the \$2,449.098.70 remaining contract balance, regarding Mace's completion of the remaining work. The County has no involvement in this proposed agreement, nor shall it have any obligation to pay any portion of the supplemental sum.

Additionally, should the County enter into the Proposed Agreement, Endurance and Mace shall enter into an agreement whereby Endurance shall defend and indemnify Mace regarding its completion of the remaining work.

It is advisable that the County enter into the Proposed Agreement with Endurance and Mace,, as it will allow the remaining work to be completed, and without cost to the County additional to that authorized under the Contract.

To protect the County's legal interests, and upon recommendation of Hugh J. Greechan, Commissioner of the Department of Public Work and Transportation, authority for the County to enter into the Proposed Agreement with Endurance, and Mace, is requested.

Very truly yours

ohn M. Nonna

JMN/cji

### BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if approved by your Board, would authorize the County of Westchester (the "County"), acting by and through the Commissioner of the Department of Public Works and Transportation ("DPWT"), or his designee, to enter into an agreement (the "Proposed Agreement") with Endurance American Insurance Company ("Endurance"), as Surety for Custom Marine, Inc. ("Custom"), and with Mace Contracting, Inc. ("Mace"), for the County to settle its claim against the Surety regarding DPWT Contract No. 12-517-Rev. (the "Contract"), whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract (the "Remaining Work").

On or about September 24, 2020, the County entered into the Contract with Custom, for an amount not-to-exceed \$6,628,460.00, regarding work identified as Cellular Bulkhead Rehabilitation, Phase III & IV, at the Yonkers Joint Wastewater Treatment Plant, in the City of Yonkers, NY.

On or about September 29, 2020, Endurance, on behalf of Custom, issued a performance bond to the County, and a labor and materials payment bond to the County, regarding the Contract. Both bonds bear bond no. EAIC4003080, and each has an individual penal sum of \$6,628,460.00.

As part of Custom's obligations under the Contract, it agreed to make a good faith effort to have 20% of the work performed by a combination of Minority Business Enterprises and/or Women Business Enterprises (the "20% Participation Goal").

By letter from the County to Custom dated March 3, 2023, the County declared Mace in default of the Contract, due to its failure to make a good faith effort to attain the 20% Participation Goal. Additionally, the County asserted in said letter, that Mace not only failed to made a good faith effort to attain the 20% Participation Goal, but misrepresented to the County that it had attained said goal. The County then terminated the Contract due to Custom's default.

By ACT No. 73-2023, Your Honorable Board authorized the County Attorney to retain the law firm of Sheppard, Mullin, Richter, and Hampton, LLP ("Sheppard Mullin") to represent the County regarding Custom's default under the Contract.

By letter from Sheppard Mullin to Endurance dated April 27, 2023, the County demanded that Endurance, pursuant to its obligations under its Performance Bond, complete the remaining work under the Contract.

Pursuant to the County's demand upon Endurance to complete the remaining work under the Contract, Endurance now proposes an agreement to tender to the County, the services of Mace, and Mace agrees to complete, the remaining work under the Contract.

The Proposed Agreement shall contain the following terms. The County shall agree to administer the Contract with Mace in the same manner and upon the same terms as set forth therein, except that it shall pay Mace, for completion of the remaining work, the sum of \$2,449,098.70, constituting the remaining balance under the Contract. The remaining balance is subject to increase or decrease in accordance with the terms of the Contract. Mace shall agree to assume all obligations under the Contract in its completion of the remaining work. The County shall also pay Mace, an amount up to \$444,404.00 for any authorized Miscellaneous Additional Work provided for under the Contract. Mace shall deliver to the County, a performance bond,

and a payment bond, in the form required by the Contract, with each bond having a separate penal sum of \$2,449.098.70, and each naming the County as obligee.

In exchange for Endurance's tender of Mace to the County, the County shall agree to discharge and release Endurance, together with its representatives, owners, officers, directors, employees, attorneys, successors, and assigns, from any and all performance obligations, claims, causes of action, costs, expenses, losses, damages or other claims or rights concerning the Contract and/or under the Custom Performance Bond.

Should the County enter into the Proposed Agreement, Endurance and Custom shall enter into an agreement whereby Custom shall pay Mace a supplemental sum of \$733,000.00, in excess of the \$2,449.098.70 remaining contract balance, regarding Mace's completion of the remaining work. The County has no involvement in this proposed agreement, nor shall it have any obligation to pay any portion of the supplemental sum.

Additionally, should the County enter into the Proposed Agreement, Endurance and Mace shall enter into an agreement whereby Endurance shall defend and indemnify Mace regarding its completion of the remaining work.

It is advisable that the County enter into the Proposed Agreement with Endurance and Mace,, as it will allow the remaining work to be completed, and without cost to the County additional to that authorized under the Contract.

Your Committee has carefully considered the subject matter and the accompanying Act, and recommends authorizing the County, acting by and through the Commissioner of the Department of Public Works and Transportation, or his designee, enter into the Proposed Agreement with Endurance, and with Mace, for the County to settle its claim against Endurance,

whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract.

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

Dated: White Plains, New York April , 2024

1:cji

**COMMITTEE ON** 

ACT NO. - 2024

AN ACT authorizing the County of Westchester to enter into an agreement with Endurance American Insurance Company ("Endurance"), as surety for Custom Marine, Inc., and with Mace Contracting, Inc. ("Mace"), for the County to settle its claim against Endurance regarding DPWT Contract No. 12-517-Rev. (the "Contract"), whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract.

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

Section 1. The County is hereby authorized by and through the Commissioner of Public Works and Transportation, or his designee, to enter into an agreement (the "Proposed Agreement") with Endurance American Insurance Company ("Endurance"), as surety for Custom Marine, Inc., and with Mace Contracting, Inc. ("Mace"), for the County to settle its claim against Endurance regarding DPWT Contract No. 12-517-Rev. (the "Contract"), whereby Endurance shall tender to the County, the services of Mace, and Mace shall agree, to complete the remaining work under the Contract.

Section 2. The County, as part of the Proposed Agreement, is authorized to discharge and release Endurance, together with its representatives, owners, officers, directors, employees, attorneys, successors, and assigns, from any and all performance obligations, claims, causes of action, costs, expenses, losses, damages or other claims or rights concerning the Contract, and/or under its Performance Bond for the Contract, identified as Bond No. EAIC4003080.

Section 3. The County Attorney or his duly designated representative is hereby authorized to prepare and execute all documents necessary or desirable to accomplish the purpose of this Act.

Section 4. This Act shall take effect immediately.

## **FISCAL IMPACT STATEMENT**

SUBJECT: Custom Marine, Inc. 

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:				
identity Accounts.				
Potential Related Operating Budget Expenses: Annual Amount \$				
Describe:				
Detected Detected Development Appropriate C				
Potential Related Revenues: Annual Amount \$				
Describe:				
Anticipated Savings to County and/or Impact on Department Operations:				
Current Year:				
Next Four years:				
1				
Prepared by: Christopher J. Inzero  Reviewed By: Lawrence C. Soule				
Title: Associate County Attorney Budget Department				
Department: <u>Law</u>				
If you need more space, please attach additional sheets.				



George Latimer County Executive

Office of the County Attorney

John M. Nonna County Attorney

May 2, 2024

Westchester County Board of Legislators County of Westchester 800 Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

> Re: Request for Authorization to Settle the Proceeding entitled The County of Westchester v. Migi Asset Acquisition, LLC, pending in the Supreme Court of the State of New York, Westchester

> > County Index No. 60705/2022

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if enacted by your Board, would authorize the settlement of the litigation between the County of Westchester and Migi Asset Acquisition, LLC, over the property located at 98 Washington Avenue, in the Village of Pleasantville ("the Premises"), as set forth below.

As you are aware, by Act 41 of 2022, your Honorable Board authorized the commencement of litigation related to an affordable housing development that was to be constructed at the Premises. The dispute arose due to a failure by Migi Asset Acquisition, LLC ("the Developer") to complete construction of 14 units of affordable housing, as required by two contracts between the County and Developer. Under those contracts, the County had provided approximately \$2.6 million in subsidy funds--\$1.8 million by purchasing the property and reselling to the Developer for \$1, and \$788,533.12 through reimbursement of construction costs. The contracts, as extended by the County, required completion of the units by June 30, 2020; the units remain incomplete as of today.

Following the adoption of Act 41 of 2022, this Office commenced litigation against the Developer. In February 2023, the Developer filed for bankruptcy protection, which stayed further action in the County's lawsuit. In October 2023, the bankruptcy petition was dismissed, and the County's lawsuit recommenced. The parties have since completed most discovery, and engaged in settlement negotiations mediated by the Court.

Additionally, the Developer has recently accepted an offer from Lifting Up Westchester to purchase the property, in the amount of \$2.1 million. This purchase would allow the property to be transferred to an entity that can complete the building and appropriately manage an affordable housing development. This offer—for which the Developer and Lifting Up Westchester have not yet entered into a contract on—is contingent on the Developer working out a deal with its mortgage company, Pride Lending, LLC, which holds a mortgage of at least \$2.9 million on the Premises, and has personal guarantees by principals of the Developer.

Given the financial situation of the Developer, the value of the property (which appraised in 2023 at \$2.1 million), and the offer from Lifting Up Westchester, the parties have negotiated a settlement as follows:

- 1) Developer is required to sell the property to Lifting Up Westchester no later than July 1, 2024. The County has the unilateral right to extend that date, in case Lifting Up Westchester needs additional time to close;
- 2) Developer is required to pay all outstanding property taxes at the closing of the sale; and
- 3) Developer is required to pay the County \$26,000 at the closing of the sale.

If the Developer is unable to close on the sale of the Premises for any reason, including a failure to work out a deal with its lender, the settlement would be voided and the litigation would recommence.

I recommend adoption of the enclosed Act.

JMN/jra

# BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the settlement of the litigation between the County of Westchester and Migi Asset Acquisition, LLC, over the property located at 98 Washington Avenue, in the Village of Pleasantville ("the Premises"), as set forth below.

Your Committee is aware that, by Act 41 of 2022, your Honorable Board authorized the commencement of litigation related to an affordable housing development that was to be constructed at the Premises. The dispute arose due to a failure by Migi Asset Acquisition, LLC ("the Developer") to complete construction of 14 units of affordable housing, as required by two contracts between the County and Developer. Under those contracts, the County had provided approximately \$2.6 million in subsidy funds--\$1.8 million by purchasing the property and reselling to the Developer for \$1, and \$788,533.12 through reimbursement of construction costs. The contracts, as extended by the County, required completion of the units by June 30, 2020; the units remain incomplete as of today.

Your Committee is informed that, following the adoption of Act 41 of 2022, the County Attorney commenced litigation against the Developer. In February 2023, the Developer filed for bankruptcy protection, which stayed further action in the County's lawsuit. In October 2023, the bankruptcy petition was dismissed, and the County's lawsuit recommenced. The parties have since completed most discovery, and engaged in settlement negotiations mediated by the Court.

Your Committee is also informed that the Developer has recently accepted an offer from Lifting Up Westchester to purchase the property, in the amount of \$2.1 million. This purchase would allow the property to be transferred to an entity that can complete the building and appropriately manage an affordable housing development. This offer—for which the Developer and Lifting Up Westchester have not yet entered into a contract on—is contingent on the Developer working out a deal with its mortgage company, Pride Lending, LLC, which holds a mortgage of at least \$2.9 million on the Premises, and has personal guarantees by principals of the Developer.

The County Attorney has told the Committee that, given the financial situation of the Developer, the value of the property (which appraised in 2023 at \$2.1 million), and the offer from Lifting Up Westchester, the parties have negotiated a settlement as follows:

- Developer is required to sell the property to Lifting Up Westchester no later than
   July 1, 2024. The County has the unilateral right to extend that date;
- Developer is required to pay all outstanding property taxes at the closing of the sale;
   and
- 3) Developer is required to pay the County \$26,000 at the closing of the sale.

If the Developer is unable to close on the sale of the property for any reason, including an inability to work out a deal with its lender regarding the outstanding mortgage, the settlement would be void and the litigation would recommence.

The County Attorney has recommended approval of the settlement. Your Committee

concurs with this recommendation and recommends that this Honorable Board adopt the proposed

Act.

Dated: White Plains, New York

, 2024

COMMITTEE ON

24

AN ACT authorizing the County Attorney to Settle the Proceeding entitled *The County of Westchester v. Migi Asset Acquisition, LLC*, pending in the Supreme Court of the State of New York, Westchester County Index No. 60705/2022

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

Section 1. The County Attorney is hereby authorized to settle the Proceeding entitled *The County of Westchester v. Migi Asset Acquisition, LLC*, pending in the Supreme Court of the State of New York, Westchester County Index No. 60705/2022, for the following principal terms:

- A) Defendant Migi Asset Acquisition, LLC is to sell the property located at 98 Washington Avenue in the Village of Pleasantville ("the Premises") to Lifting Up Westchester by July 1, 2024, or such later date as the County Attorney may agree to;
- B) Defendant Migi Asset Acquisition, LLC is to pay all outstanding property taxes on the Premises at the closing; and
- C) Defendant Migi Asset Acquisition, LLC is to pay the County of Westchester the sum of \$26,000 at the closing.

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

Section 3. This Act shall take effect immediately.

## WESTCHESTER COUNTY

## BOARD OF LEGISLATORS

Voice of the People of Westchester County for over 300 years





TO: Hon. Jewel Williams Johnson

Chair, Budget & Appropriations

Hon. David Imamura

Chair, Law & Major Contracts

FROM: Hon. Vedat Gashi

Chairman of the Board

DATE: May 2, 2024

Items 2024-269 - ACT-Proceeding Settlement-Migi Asset Acquisition, LLC RE:

As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Law & Major Contracts.

Thank you.

(ID: 2024-269) ACT-Proceeding Settlement-Migi Asset Acquisition, LLC.

AN ACT authorizing the County Attorney to settle the Proceeding entitled, The County of Westchester v. Migi Asset Acquisition, LLC.

CC: Jill Axelrod

> Marcello Figueroa James Silverberg Dylan Tragni

Sunday Vanderberg



George Latimer County Executive

April 3, 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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$2,000,000 to finance the following capital project:

BPL26 - Flood Mitigation ("BPL26").

The Bond Act, in the amount of \$2,000,000, would finance the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning watershed-based flood mitigation measures and grant application materials, to identify potential projects to reduce flooding and flood damage, as well as a list of prioritized projects and to prepare designs, cost estimates and supporting analyses and other documentation required for common grant applications from state and federal agencies, resulting in a portfolio of draft applications when grant funding becomes available.

The Department of Planning ("Department") has advised that flooding throughout the County continues to impact residents, businesses and infrastructure more frequently and intensely and requires a watershed-wide understanding and approach. While the New York State Department of Environmental Conservation is currently preparing watershed-based flood mitigation plans for portions of the County under its Resilient NY program, other County areas continue to be impacted by flooding. This funding will allow the County to prepare plans that identify projects and strategies to reduce flooding and increase resiliency for the remainder of the County.

Following bonding authorization, preparation of the plans, including conceptual design of proposed projects will be scheduled and is anticipated to take a total of three years to complete for all remaining watersheds. Plans will be prepared individually for each remaining watershed by a qualified consultant.

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 \$2,000,000 to finance capital project BPL26 – Flood Mitigation ("BPL26"). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning watershed-based flood mitigation measures and grant application materials, to identify potential projects to reduce flooding and flood damage, as well as a list of prioritized projects and to prepare designs, cost estimates and supporting analyses and other documentation required for common grant applications from state and federal agencies, resulting in a portfolio of draft applications when grant funding becomes available.

The Department of Planning ("Department") has advised that flooding throughout the County continues to impact residents, businesses and infrastructure more frequently and intensely and requires a watershed-wide understanding and approach. While the New York State Department of Environmental Conservation is currently preparing watershed-based flood mitigation plans for portions of the County under its Resilient NY program, other County areas continue to be impacted by flooding. This funding will allow the County to prepare plans that identify projects and strategies to reduce flooding and increase resiliency for the remainder of the County.

Following bonding authorization, preparation of the plans, including conceptual design of proposed projects will be scheduled and is anticipated to take a total of three years to complete for all remaining watersheds. Plans will be prepared individually for each remaining watershed by a qualified consultant.

The Department has advised your Committee that based on its review, BPL26 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**

c/mg/3-7-24

## **FISCAL IMPACT STATEMENT**

CAPITAL PROJECT	#: <u>BPL26</u>	NO FISCAL IMPACT PROJECTED			
SECTION A - CAPITAL BUDGET IMPACT					
	To Be Completed by	Budget			
X GENERAL FUN	ND AIRPORT FUND	SPECIAL DISTRICTS FUND			
	Source of County Funds (check one):	X Current Appropriations			
		Capital Budget Amendment			
County share plans, etc. flood mitigation measures; grant application materials					
	SECTION B - BONDING AU	THORIZATIONS			
To Be Completed by Finance					
Total Principa	al \$ 2,000,000 PPU	5 Anticipated Interest Rate 2.72%			
Anticipated A	Annual Cost (Principal and Interest):	\$ 438,140			
Total Debt Se	ervice (Annual Cost x Term):	\$ 2,190,700			
Finance Depa	Finance Department: Maab Rates 3-27				
	SECTION C - IMPACT ON OPERATING BUD	•			
To Be Completed by Submitting Department and Reviewed by Budget					
Potential Rela	ated Expenses (Annual): \$	-			
Potential Rela	ated Revenues (Annual): \$	×			
Anticipated savings to County and/or impact of department operations					
(describe in detail for current and next four years):					
s-					
-					
SECTION D - EMPLOYMENT  As per federal guidelines, each \$92,000 of appropriation funds one FTE Job					
Number of Full Time Equivalent (FTE) Jobs Funded: 22					
A					
Prepared by:	Michael Lipkin				
Title:	Associate Planner	Reviewed By:			
Department:	Planning	Budget Director			
Date:	4/3/24	Date: 4 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:

April 1, 2024

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

**BPL26 FLOOD MITIGATION – WATERSHED PLANS** 

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on

02-05-2024 (Unique ID: 2448)

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)(24): information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- 617.5(c)(27): conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

**COMMENTS:** None.

#### DSK/cnm

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Lawrence Soule, Budget Director

Tami Altschiller, Assistant Chief Deputy County Attorney

Blanca P. Lopez, Commissioner of Planning

Dianne Vanadia, Associate Budget Director

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner

## ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING WATERSHED-BASED FLOOD MITIGATION MEASURES AND GRANT APPLICATION MATERIALS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,000,000 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, to the provisions of other laws applicable thereto, \$2,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning watershed-based flood mitigation measures and grant application materials, to identify potential projects to reduce flooding and flood damage, as well as a list of prioritized

projects and to prepare designs, cost estimates and supporting analyses and other documentation required for common grant applications from state and federal agencies, resulting in a portfolio of draft applications when grant funding becomes available. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,000,000. The plan of financing includes the issuance of \$2,000,000 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.

Section 2. The period of probable usefulness of the object or purpose for which said \$2,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2<sup>nd</sup>) of the Law, is five (5) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$2,000,000. 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 \$2,000,000 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 tha	at I have compared the foregoing Act No20 with
the original on file in my office, and that the	he same is a correct transcript therefrom and of the whole
of the said original Act, which was duly a	dopted by the County Board of Legislators of the County
of Westchester on , 20 and ap	proved by the County Executive on , 20
IN WITNESS WHEREOF	F, 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
(SEAL)	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.						
inspection during normal business hour	ded Bond Act summarized herewith shall be available for public s at the Office of the Clerk of the Board of Legislators of the County of twenty days from the date of publication of this Notice.					
ACT NO20						
WESTCHESTER, OR SO MUCH TO COUNTY'S SHARE OF THE COUNTY'S SHARE OF THE COUNTY'S SHARE OF THE COUNTY'S SHARE OF LANS, SPEPLANNING WATERSHED-BASIS APPLICATION MATERIALS; ST \$2,000,000; STATING THE PLANSOF \$2,000,000 BONDS HEREIN AS	ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF THEREOF AS MAY BE NECESSARY, TO FINANCE THE DST OF PREPARATION OF SURVEYS, PRELIMINARY CIFICATIONS AND ESTIMATES NECESSARY FOR ED FLOOD MITIGATION MEASURES AND GRANT TATING THE ESTIMATED TOTAL COST THEREOF IS OF FINANCING SAID COST INCLUDES THE ISSUANCE AUTHORIZED; AND PROVIDING FOR A TAX TO PAY EST ON SAID BONDS (adopted on, 20)					
preliminary a planning water materials, to damage, as we estimates and common gran	ne County's share of the cost of preparation of surveys, and detailed plans, specifications and estimates necessary for ershed-based flood mitigation measures and grant application identify potential projects to reduce flooding and flood ell as a list of prioritized projects and to prepare designs, cost supporting analyses and other documentation required for at applications from state and federal agencies, resulting in a raft applications when grant funding becomes available.					
amount of obligations to be issued: and period of probable usefulness:	\$2,000,000; five (5) years					
Dated:, 20 White Plains, New York						
- 201	Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York					

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## **CAPITAL PROJECT FACT SHEET**

·	2222							
Project ID:* BPL26	□CI	ВА		-	act Sheet 1-11-2024		0 S	
Fact Sheet Year:*	Proje	ect Title:*		Legislative District ID:				
2024	500000000000	OD MITIGATION		1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6			00076	
2024	FLOOD MITIGATION				, 4, 3, 2,	J, 14, 13,	12, 11, 10	, 7, 0, 7, 0,
Category*	Depa	rtment:*		C	CP Unique	e ID:		
BUILDINGS, LAND & MISCELLANEOUS	PLA	NNING		2	448			
Overall Project Description								
This project is intended to provide municipalities and approved by the prepared by the County or in participalities. Capital Budget Amendment.	e County, as w	ell as provide fundir	ng for wat	ershed ana	lyses and	project de	velonmen	nt plans object to a
■ Best Management Practices	□ En	ergy Efficiencies		×	] Infrastru	cture		
x Life Safety	□ Pro	oject Labor Agreem	ent		Revenue			
☐ Security	× Oti	her(COMMUNITY	RESILIE	NCY/FLO	OD MITI	GATION)	)	
FIVE-YEAR CAPITAL PROG	RAM (in thous	sands)			0			
	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	116,500	49,250	27,250	5,000	5,000	5,000	5,000	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	116,500	49,250	27,250	5,000	5,000	5,000	5,000	20,000
Current Bond Description: Fur projects to reduce flooding and flo prepare designs, cost estimates an state and federal agencies, resulting	nding is request ood damage. Th d supporting an	ed to prepare waters te plans will include alyses and other doo	a list of p	rioritized pon required	projects. F	unding wi	ill also be application	used to
Financing Plan for Current Req	uest:							
Non-County Shares:		\$ 0						
Bonds/Notes:		2,000,000						
Cash:		0						ń
Total:	70	\$ 2,000,000						
SEQR Classification: TYPE II Amount Requested: 2,000,000								
Expected Design Work Provider	<u>:</u>							
☐ County Staff	ĭ Cor	nsultant			Not Appl	icable		
County will use either on-call con-	sultants or follo	w RFP procurement	process.					
Energy Efficiencies:								

39

## Appropriation History:

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS
2023	17,500,000	\$10,300,000 CONTINUATION OF THIS PROJECT; \$7,000,000 FOR MAMARONECK/SHELDRAKE RIVERS, AND \$200,000 FOR CITY OF YONKERS SCOTTI FIELD FLOOD PROJECT
2024		1) PELHAM FLOOD MITIGATION (\$16,000,000); 2) PELHAM MANOR FLOOD MITIGATION (\$6,000,000); 3) BRONXVILLE STORMWATER CONVEYANCE SYSTEM (\$200,000); 4) CITY OF RYE STORMWATER SYSTEM IMPROVEMENTS FOR FLOOD MITIGATION (\$250,000); 5) COUNTY SHARE OF ACE PRO

Total Appropriation History:

76,500,000

## Financing History:

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,874	2,502,238	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	0	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	107	300,000	123,507	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	0	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	0	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	0	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)
22	85	130,000	0	FLOOD MITIGATION-DOBBS FERRY (UNIQUES ID# 1948)
22	54	1,200,000	0	FLOOD MITIGATION-PEEKSKILL (UNIQUES ID# 1999)
22	95	220,000	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953)
22	92	2,200,000	0	FLOOD MITIGATION- MAMARONECK (UNIQUE ID# 1857)
23	23	2,500,000	0	RECONSTRUCT HILLSIDE AVENUE BRIDGE, VILLAGE OF MAMARONECK (UNIQUE ID#2001)
23	206	121,250	0	FLOOD MITIGATION - HARRISON AVE YONKERS (ID 2324)
23	198	3,870,000		FLOODING IN RYE BROOK, AVON CIRCLE AREA - (ID 2236)
23	196	150,000	0	FLOOD MITIGATION (ID 2235)
23	208	128,750	0	FLOOD MITIGATION - CLUNIE AVE YONKERS (ID 2326)

## **Total Financing History:**

17,756,499

## Recommended By:

Department of PlanningDateMLLL02-05-2024

Department of Public WorksDateRJB402-06-2024

Budget Department Date

DEV9 02-13-2024

Requesting Department Date
MLLL 03-12-2024

**User Department:** 

Planning

Managing Department(s):

Planning;

**Estimated Completion Date:** 

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

Total	116,500	49,250	12,826	27,250	5,000	5,000	5,000	5,000	20,000
Gross Non County Share	116,500	49,250	12,826	27,250	5,000	5,000	5,000	5,000	20,000
	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
FIVE YEAR CAPITAL I	PROGRAM (in	thousands)	100 +150 AUSAMA						

#### **Project Description**

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

#### **Current Year Description**

The current year request funds a continuation of the project.

<b>Current Yea</b>	r Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2024	27,250,000		5,10,0	27,250,000

### **Impact on Operating Budget**

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

ban.	History		
Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	\$2,256,500 COMPLETE; \$2,743,500 DESIGN/CONSTRUCTION
2013	5,000,000	Flood related projects	\$1,500,000 COMPLETE; \$1,436,500 CONSTRUCTION; \$2,063,500 AWAITING BOND AUTHORIZATION
2015	150,000	Design of a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
2022		The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers	AWAITING BOND AUTHORIZATION
2023	17,500,000	\$10,300,000 continuation of this project; \$7,000,000 for Mamaroneck/Sheldrake Rivers, and \$200,000 for City of Yonkers Scotti Field flood project	AWAITING BOND AUTHORIZATION
Total	49,250,000	n 8 F	

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	49,250,000	6,891,825	42,358,175
Total	49,250,000	6,891,825	42,358,175

Date Sold	Amount		<b>Bond A</b>
40/00/40	000 000	09	79
12/02/10	900,000	US	/3
N 40 900 9			
20 (a) 100 KM			
18			
5 5 8			
0.0000000000000000000000000000000000000		122	
= = =	2,441,625	09	140
10/24/12			
10/24/12			
12/10/13			
12/10/13			
12/10/13			
11/19/15			
11/19/15			
11/19/15			
12/15/16			
12/15/17	2,974,875	17	11
12/15/17			
12/15/17			
12/15/17			
12/15/17			
12/15/17			
12/10/18			
12/10/19			
1250 12 A.S.			
5(2) 5(3) 5(4) 5(3) 5(4) 5(4)			
<del></del> -		18	171
12/01/21	300.008	19	107
,,		19	247
	350.000	-0.550 600000	171
	Ft (0) 36		175
12/02/10 11/30/11 11/30/11 11/19/15 11/19/15 11/19/15 10/24/12 10/24/12 10/24/12 12/10/13 12/10/13 12/10/13 11/19/15 11/19/15 11/19/15 11/19/15 12/15/17 12/15/17 12/15/17 12/15/17		2,441,625 2,974,875 300,000 350,000 270,000	18 19 300,000 19 21 350,000

To	tal	17,756,500	5,966,873	11,789,627
208	23	128,750		128,750
206	23	121,250		121,250
198	23	3,870,000		3,870,000
196	23	150,000		150,000
23	23	2,500,000		2,500,000
54	22	1,200,000		1,200,000
95	22	220,000		220,000
92	22	2,200,000		2,200,000
85	22	130,000		130,000



George Latimer County Executive

April 29, 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 +/- 3.42 acres (148,975 square feet) of real property located at 30 Water Street, (the "Property") in the Village of Ossining (the "Village") to WBP Development 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 "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 \$4,360,000 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 \$4,360,000 to purchase the Property from the current owner to create one hundred-nine (109) Affordable AFFH Units for rent including one superintendent's unit and approximately one hundred fifty-four (154) parking spaces for use by the residents (the "Development".

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 eligible households earning at or below 30% and up to 80% of the Westchester County area median income. 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.

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 Affordable AFFH Units. The Development will also include uses that will not benefit from the NHLA funding and these include

Office of the County Executive Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Telephone: (914)995-2900 Website: westchestercountyny.gov

3,750 square feet of community facility space, 3,170 square feet of retail space, 45 municipal parking spaces and a new park with a connection to the Sing Sing Kill Greenway.

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 Low Income Housing Tax Credits allocated by New York State, Subsidy provided by New York State Homes and Community Renewal ("HCR"), Westchester County Housing Flex Fund Subsidy, NYSERDA funding, Consolidated Edison Capital Contribution, Investment Tax Credits and Brownfield Tax Credits, for an estimated total development cost of approximately \$89.2 Million.

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 Westchester County Planning Board ("Planning Board") with respect to the physical planning aspects of the project. On January 3, 2024, the Planning Board adopted Resolution No. 24-01 that recommends funding for the purchase and conveyance of the Property which is annexed hereto. 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/LAC 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 +/- 3.42 acres (148,975 square feet) of real property located at 30 Water Street (the "Property") in the Village of Ossining (the "Village") to WBP Development 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 "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 \$4,360,000 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 \$4,360,000 to purchase the Property from the current owner to create one hundred-nine (109) Affordable AFFH Units for rent including one superintendent's unit and approximately one hundred fifty-four (154) parking spaces for use by the residents (the "Development").

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 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 Affordable AFFH Units. The Development will also include uses that will not benefit from the NHLA funding and these include 3,750 square feet of community facility space, 3,170 square feet of retail space, 45 municipal parking spaces and a new park with a connection to the Sing Sing Kill Greenway.

Your Committee has been 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 Low Income Housing Tax Credits allocated by New York State, Subsidy provided by New York State Homes and Community Renewal ("HCR"), Westchester County Housing Flex Fund Subsidy, NYSERDA funding, Consolidated Edison Capital Contribution, Investment Tax Credits and Brownfield Tax Credits, for an estimated total Development cost of approximately \$89.2 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 Village classified the proposed Development as an Unlisted 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 July 26, 2022. Your Committee has been advised that because the Village 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 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 Westchester County Planning Board ("Planning Board") with respect to the physical planning aspects of the project. On January 3, 2024, the Planning Board adopted Resolution No. 24-that recommends funding for the purchase and conveyance of the Property which is annexed hereto.

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/lac 04-29-24

50

# **FISCAL IMPACT STATEMENT**

CAPITAL PROJECT #	t:BPL30	NO FISCAL IMPACT PROJECTED			
	SECTION A - CAPITAL BU	DGET IMPACT			
	To Be Completed by	Budget			
X GENERAL FUN	D AIRPORT FUND	SPECIAL DISTRICTS FUND			
	Source of County Funds (check one):	X Current Appropriations			
Ę.		X Capital Budget Amendment			
30 WATER STREET	OSSINING NY (2429)				
	SECTION B - BONDING AU	THORIZATIONS			
	To Be Completed by	Finance			
Total Principal	\$ 4,360,000 <b>PPU</b>	30 Anticipated Interest Rate 3.60%			
Anticipated Ar	nnual Cost (Principal and Interest):	\$ 230,154			
Total Debt Ser	vice (Annual Cost x Term):	\$ 6,904,620			
Finance Depar	tment: Intrest rates from April 17, 20	24 Bond Buyer - ASBA			
S	ECTION C - IMPACT ON OPERATING BUD	GET (exclusive of debt service)			
	To Be Completed by Submitting Departme	ENDINGS OF THE CONTRACTOR CONTRACTOR OF A STATE OF A STATE OF THE CONTRACTOR OF THE			
Potential Relat	ted Expenses (Annual): \$				
Potential Relat	ted Revenues (Annual): \$				
Anticinated sa	vings to County and/or impact of departi	ment operations			
W.	etail for current and next four years):	nent operations			
, 4000	non for surferied the field for 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:		Reviewed By:			
Department:	Planning	Reviewed By:  Budget Director			
Date:	4/19/24	Date: 4 15 4			



TO:

Leonard Gruenfeld, Program Director

Division of Housing & Community Development

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

February 29, 2024

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR

BPL30, NEW HOMES LAND ACQUISITION II 30 WATER STREET, VILLAGE OF OSSINING

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 2429) - to facilitate the development of affordable housing at 30 Water Street in the Village of Ossining. County funds will be applied towards the purchase of approximately 3.42 acres of property, which will be transferred to a developer, who will create approximately 109 units of affordable rental housing that will affirmatively further fair housing. The project will include the construction of a new 8-story building, which will include community space and retail space, and a multi-level parking garage that will provide a total of approximately 199 parking spaces (45 of which will be allocated for municipal/public parking). The developer will also construct a public park on the premises, with benches, landscaping, lighting and walkways that will connect Water Street with the Sing Sing Kill Greenway.

In accordance with SEQR, the Village of Ossining Planning Board classified this project as an Unlisted action. On July 1, 2021, the Village Planning Board sent out a notice of intent to serve as lead agency, along with Part 1 of a Full Environmental Assessment Form. On July 26, 2022 the Village Planning Board issued a Negative Declaration for the project. Since the Village 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.

### DSK/cnm

cc: Blanca Lopez, Commissioner
David Vutera, Associate 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: April 29, 2024

SUBJECT: Acquisition of Real Property – 30 Water Street – Village of Ossining

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 +/- 3.42 acres of real property located at 30 Water Street in the Village of Ossining, identified on the Village tax maps as Section 89.19: Block 6; Lots: 22, 26, 27, 28 & 29 (the "Property") for the purpose of creating 109 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 154 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$4,360,000 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 WBP Development LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct one new eight-story building on the Property that will include a mix of affordable 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"). The Development will also include uses that will not benefit from the NHLA funding and these include 3,750 square feet of community facility space, 3,170 square feet of retail space, 45 municipal parking spaces and a new park with a connection to the Sing Sing Kill Greenway.

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 and photovoltaic solar panels will be installed on the remainder of the roof. The Development is designed to meet the requirements of NYSERDA New Construction-Housing Program and/or the New Construction-Commercial Program as well as LEED for Homes v4.1;
- 4. The Development is consistent with the land use policies and regulations of the Village of Ossining; and
- 5. On January 3, 2024, the County Planning Board adopted a resolution to recommend County financing towards the purchase of 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 24-

#### WESTCHESTER COUNTY PLANNING BOARD

New Homes Land Acquisition II Capital Project Funding Request 30 Water Street, Village of Ossining

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, WBP Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 30 Water Street in the Village of Ossining (the "Village"), identified on the tax maps as Section 89.19 Block 6; Lots: 22, 26, 27, 28 & 29 (the "Property") to create 109 affordable residential units that will affirmatively further fair housing including one employee unit ("AFFH"; collectively the "Affordable AFFH Units") and approximately 199 parking spaces (collectively the "Development"). and

WHEREAS, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$4,360,000 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 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, 30 Water Street; Village of Ossining, and authorize bonding in a not to exceed amount of \$4,360,000 to develop the Property; and

WHEREAS, the Development is subject to approvals by the Village of Ossining; 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 \$4,360,000 from BPL30 NHLA II for property acquisition; and be it further

RESOLVED, that the Westchester County Planning Board amends its report on the 2024 Capital Project requests to include 30 Water Street in the Village of Ossining, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous.

Adopted this 3rd day of January 2024.

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ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,360,000 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 30 WATER STREET, IN THE VILLAGE OF OSSINING, 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 \$4,360,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,360,000 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 \$4,360,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 3.42 acres of real property located on 30 Water Street, in the Village of Ossining (the "AFFH Property") from the current owner(s) of record at a cost of \$4,360,000, including acquisition and settlement costs, in order to support the construction of 109 affordable housing units, including

154 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 109 affordable AFFH rental units, including 154 parking spaces, at the aggregate estimated maximum cost of \$4,360,000 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 WBP Development LLC (the "Developer"), its successors or assigns. The Developer will construct a project which will include 109 affordable AFFH rental units, including 154 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 \$4,360,000. The plan of financing includes the issuance of \$4,360,000 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 \$4,360,000 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 \$4,360,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$4,360,000 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
  - (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.

the date of such publication, or

\* \* \*

: ss.:	
COUNTY OF WESTCHESTER)	
I HEREBY CERTIFY that	I have compared the foregoing Act No20 with the
original on file in my office, and that the s	ame is a correct transcript therefrom and of the whole of
the said original Act, which was duly adop	oted by the County Board of Legislators of the County of
Westchester on , 20 and approv	ed 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 \$4,360,000 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 30 WATER STREET, IN THE VILLAGE OF OSSINING, 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 \$4,360,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,360,000 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 3.42 acres of real property located on 30 Water Street, in the Village of Ossining (the "AFFH Property") from the current owner(s) of record at a cost of \$4,360,000, including acquisition and settlement costs, in order to support the construction of 109 affordable housing units, including 154 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 109 affordable AFFH rental units. including 154 parking spaces, at the aggregate estimated maximum cost of \$4,360,000 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 WBP Development LLC (the "Developer"), its successors or assigns. The Developer will construct a project which will include 109 affordable AFFH rental units, including 154 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:	\$4,360,000 - 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 Fact Sheet Ye 2024	ar*		II	ES LAND AC	QUISITION	9	District ID:	
Category * BUILDINGS, MISCELLANI			Department PLANNING			Unique Ide 2429	entifier	
acquire prop the inventor acquisition of considered e are not limit	ntinuation of perty for the cy of available cost of propeligible cost ded to, closi ports and do an areas we nits. Funds	f project BPI construction for construct	n of fair and s for fair and costs associated through praisals, pro existing structures d in all mun	d affordable d affordable ciated with, the NHLA property surve uctures. Designed to be	housing. The housing development often recogram. Such ys, environne molition maremoved to	ne purpose velopment. quired for, she associate nental asset y be particuallow const	of the Fund In addition site acquisit d costs may ssments, ha alarly critica	ion may be / include, but nzardous I in the air and
Best Mana	gement		☐ Energy Ef	ficiencies	J	Infrastruc	ture	
☐ Life Safety	,		Project Labor Agreement			Revenue		
Security			<b>✓</b> Other		Other Details			
Five Yea	r Capital	Program	(in Thou	ısands)				
	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 3.42 acres of real property located at 30 Water Street in the Village of Ossining and identified on the tax maps as Section 89.19: Block 6: Lots: 22, 26, 27, 28 & 29 (the "Property") in order to construct 109 units of rental housing (includes one employee unit) that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 199 parking spaces, 3,750 square feet of community space, 3,170 square feet of retail space and a park. A condominium ownership structure will be created by the Developer for the retail space, community space, 45 parking spaces and the park 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 community space, retail space, 45 parking spaces and the park.

Bond/Notes:	4,360,000	
Cash:	0	
Non-county Shares:	0	
Total:	4,360,000	
SEQR Classification YPE I Amount Requeste 1,360,000		
PPU	And Andrew Walker	- 11 (A. 1901 11 (

# 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 \$4,360,000 to support the construction of one residential building of eight stories with 109 Affordable AFFH rental units (including one employee unit) and 154 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 WBP Development 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, SOLAR PANELS AND A GREEN ROOF. THE DEVELOPMENT IS DESIGNED TO MEET THE STANDARDS OF NYSERDA NEW CONSTRUCTION AND LEED FOR HOMES

Appropria	tion Histor	·Y
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

Fina	ancin	g History	William	
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

Fina	ancin	g History		
Year	Bond Act #	Amount	Issued Amount	Description
18	155	0	0	PURCHASE PROPERTY TO SUPPORT DEVLOPMENT 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 DEVLOPMENT 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

Financing History Total 57,261,350

Recommended By: Department of Planning Date **LNGA** 01/16/2024 **Department of Public Works** Date RJB4 01/16/2024 **Budget Department** Date DEV9 01/18/2024 Requesting Department Date MLLL 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.

Gross	104,500	104,500	54,851						
Gross	104,500	104,500	54,851						Review
	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under

#### **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.

ppropriation	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 \$5,000,000continuation 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		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	54,938,308	49,561,692
Others		688,010	(688,010)
Total	104,500,000	55,626,319	48,873,681

			sd	thorize	Bonds Aul
Balance	Amount Sold	<b>Date Sold</b>	Amount	ct	Bond A
(609)	388,647	12/15/17	460,000	15	204
	71,360	12/15/17			
	603	12/15/17			
10,000	1,830,000	12/15/16	1,840,000	15	235
				15	240
(376)	239,947	12/15/17	284,000	15	267
	44,057	12/15/17			
	372	12/15/17			
385,000			385,000	16	18
5,341	191,659	12/15/16	197,000	16	21
62,268	290,732	12/15/16	353,000	16	24
11,679	327,838	12/15/17	400,220	16	56
	60,194	12/15/17			
	509	12/15/17			
(279)	178,102	12/15/17	210,800	16	59
***************************************	32,701	12/15/17			
	276	12/15/17			
21,513	174,902	12/15/17	228,800	16	50
3879	32,114	12/15/17			
	271	12/15/17			
219,050			219,050	16	53
10,000	1,999,980	12/15/16	2,009,980	16	231
287,500	2,312,500	12/01/21	2,600,000	17	142
19 20x0299900 at 💆 \$4,00000595.0508	1,250,000	12/10/18	1,250,000	17	172
				17	209
	1,205,036	12/10/19	2,100,000	18	77
	237,964	12/10/19			
	657,000	12/01/21			
(8)	690,728	10/28/20	787,500	18	123
	96,780	10/28/20			
	26,688	10/28/20			
	(26,688)	10/28/20			
				18	155

# NEW HOMES LAND ACQUISITION II (BPL30)

19 19 20 21 21 21 21 21 21	306,000 1,375,000 5,000,000 5,000,000 3,825,000 1,400,000 5,000,000 5,000,000	10/28/20 10/28/20 12/01/21 12/01/21 12/01/21 12/01/22 12/01/22 12/01/22 12/01/22 12/01/22 12/01/22	287,575 79,302 305,325 5,000,000 5,000,000 1,273,444 126,556 4,548,013 451,987 4,548,013 451,987	675 1,375,000 3,825,000 1,800,000
19 20 21 21 21 21	1,375,000 5,000,000 5,000,000 3,825,000 1,400,000 1,800,000 5,000,000	10/28/20 12/01/21 12/01/21 12/01/21 12/01/22 12/01/22 12/01/22 12/01/22 12/01/22	79,302 305,325 5,000,000 5,000,000 1,273,444 126,556 4,548,013 451,987 4,548,013	1,375,000 3,825,000
19 20 21 21 21 21	1,375,000 5,000,000 5,000,000 3,825,000 1,400,000 1,800,000 5,000,000	10/28/20 12/01/21 12/01/21 12/01/21 12/01/22 12/01/22 12/01/22 12/01/22	79,302 305,325 5,000,000 5,000,000 1,273,444 126,556 4,548,013 451,987	1,375,000 3,825,000
19 20 21 21 21 21	1,375,000 5,000,000 5,000,000 3,825,000 1,400,000	10/28/20 12/01/21 12/01/21 12/01/21 12/01/22 12/01/22 12/01/22	79,302 305,325 5,000,000 5,000,000 1,273,444 126,556 4,548,013	1,375,000 3,825,000
19 20 21 21 21 21	1,375,000 5,000,000 5,000,000 3,825,000 1,400,000	10/28/20 12/01/21 12/01/21 12/01/21 12/01/22 12/01/22	79,302 305,325 5,000,000 5,000,000 1,273,444 126,556	1,375,000 3,825,000
19 20 21 21 21	1,375,000 5,000,000 5,000,000 3,825,000 1,400,000	10/28/20 12/01/21 12/01/21 12/01/21 12/01/22	79,302 305,325 5,000,000 5,000,000	1,375,000 3,825,000
19 20 21 21	1,375,000 5,000,000 5,000,000 3,825,000	10/28/20 12/01/21 12/01/21 12/01/21 12/01/22	79,302 305,325 5,000,000 5,000,000	1,375,000
19 20 21 21	1,375,000 5,000,000 5,000,000 3,825,000	10/28/20 12/01/21 12/01/21 12/01/21	79,302 305,325 5,000,000 5,000,000	1,375,000
19 20 21	1,375,000 5,000,000 5,000,000	10/28/20 12/01/21 12/01/21	79,302 305,325 5,000,000	1,375,000
19 20	1,375,000 5,000,000	10/28/20 12/01/21 12/01/21	79,302 305,325 5,000,000	
19	1,375,000	10/28/20 12/01/21	79,302 305,325	
20000000	SESSION PROPERTY OF THE	10/28/20	79,302	
19	306,000	10/28/20	79,302	675
		18 28		
		10/28/20	287,575	
19	2,340,000	10/28/20	2,052,449	(79,325
		12/10/19	861,652	
19	5,225,000	12/10/19	4,363,348	
	-,,	12/10/19	291,065	
19	1.765.000	and the latest the lat	and the same of th	
	0,000,000			
18	3.000.000	ANGERS TRANSPORT TOTAL	500 F 100 F	
10	1,000,000	(ā. (ā.	# 25 Verille 255	
	18 18 19	18 3,000,000	12/10/19 18 3,000,000 12/10/19 12/10/19	12/10/19 164,910 18 3,000,000 12/10/19 2,505,271 12/10/19 494,729

ACT NO. \_\_\_\_ - 2024

AN ACT authorizing the County of Westchester to purchase approximately +/-3.42 acres (34,848 square feet) of real property located at 30 Water Street in the Village of Ossining and to subsequently convey said property, and to further authorize the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 109 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 +/- 3.42 acres (148,975 square feet) of real property located at 30 Water Street in the Village of Ossining, (the "Property") to construct 109 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).

- **§2.** The County is hereby authorized to purchase the Property for an amount not to exceed FOUR MILLION THREE HUNDRED SIXTY THOUSAND (\$4,360,000) DOLLARS.
- §3. The County is hereby authorized to convey the Property to WBP 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.



# Memorandum

Office of the County Executive Michaelian Office Building

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: IMA - Mount Vernon -

Financial Empowerment Center Initiative.

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 is legislation that, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Social Services, to enter into an inter-municipal agreement ("IMA") with the City of Mount Vernon.

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, NY 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration is legislation that, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Social Services, to enter into an inter-municipal agreement ("IMA") with the City of Mount Vernon ("City"), pursuant to which the City will operate a newly created Financial Empowerment Center Initiative ("FEC Initiative" or "FECI") in order to provide professional financial counseling and coaching services to all County residents.

The FEC Initiative will be conducted at 130 Mount Vernon Avenue, Mount Vernon, New York, where the County leases space located on the first and second floor of a building from 130 Modern Commercial LLC, pursuant to a lease dated December 7, 2017, and amended by First Amendment to Lease Agreement dated January 18, 2018 and by Second Amendment to Lease Agreement dated August 2019 (collectively, the "Lease"). The County leases this space for the purpose, among other things, of housing one of the County's One Stop Employment Centers ("Mount Vernon Career Center"). The Mount Vernon Career Center is primarily staffed by Westchester County, Putnam County and New York State Department of Labor employees but it also includes staff from partner agencies, such as the Westchester-Putnam Workforce Development Board ("WPWDB"), which assists the County with the operation of the Mount Vernon Career Center and other County's One Stop Employment Centers throughout Westchester County, in order to meet the needs for a skilled workforce in Westchester and Putnam counties.

The County, City and WPWDB desire to implement and operate the FEC Initiative at the Mount Vernon Career Center in order to provide professional financial counseling and coaching services to all County residents.

Pursuant to the proposed IMA, the City will be responsible for the implementation and operation of the program at the Mount Vernon Career Center during the term of the IMA, as set forth below, including soliciting and contracting for the financial literacy services and managing

Telephone: (914)995-2900

Office of the County Executive Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Email: CE@westchestercountyny.gov

FECI staff, at its own cost and expense. In addition, the City will reimburse the County for security staff costs in an amount of \$28,651.00 per year, for a total not-to-exceed amount of \$57,302.00 during the term of the IMA. The term of the IMA will be two years, commencing on March 1, 2024 and expiring on February 28, 2026.

In consideration for the financial literacy services to be provided by the City to all County residents, the County will: (i) provide cubicle space ("Designated Space") estimated to cost the County \$24,978.00 per year, for a total not-to-exceed amount of \$49,956.00; (ii) make available County personnel, at the County's discretion, which personnel is estimated to cost the County \$14,112.00 per year, for a total not-to-exceed amount of \$28,224.00, for overtime costs related to the operation of the FEC Initiative; and (iii) make available or provide the following for the City's use (x) County equipment estimated to cost the County up to an aggregate amount of \$5,000.00 per year, for a total not-to-exceed amount of \$10,000.00; and (y) County office supplies, estimated to cost the County up to \$2,500 per year, for a total not-to-exceed amount of \$5,000.00, in order to assist the City with the implementation and operation of the FEC Initiative.

The proposed IMA will also authorize the City to enter into a sub-license agreement with Mercy University for the provision of professional financial literacy services to all County residents within the Designated Space under the FEC Initiative operated by the City.

I believe this proposal is in the best interest of the County, and I urge your Honorable Board's approval of the attached legislation.

Sincerely,

George Latimer

Westchester County Executive

HG/cmc

# 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 authorize the County of Westchester ("County"), acting by and through its Department of Social Services ("Department"), to enter into an inter-municipal agreement ("IMA") with the City of Mount Vernon ("City"), pursuant to which the City will operate a newly created Financial Empowerment Center Initiative ("FEC Initiative" or "FECI") in order to provide professional financial counseling and coaching services to all County residents.

Your Committee is advised that the FEC Initiative will be conducted at 130 Mount Vernon Avenue, Mount Vernon, New York, where the County leases space located on the first and second floor of a building from 130 Modern Commercial LLC, pursuant to a lease dated December 7, 2017, and amended by First Amendment to Lease Agreement dated January 18, 2018 and by Second Amendment to Lease Agreement dated August 2019 (collectively, the "Lease"). The County leases this space for the purpose, among other things, of housing one of the County's One Stop Employment Centers ("Mount Vernon Career Center"). The Mount Vernon Career Center is primarily staffed by Westchester County, Putnam County and New York State Department of Labor employees but it also includes staff from partner agencies, such as the Westchester-Putnam Workforce Development Board ("WPWDB"), which assists the County with the operation of the Mount Vernon Career Center and other County's One Stop Employment Centers throughout Westchester County, in order to meet the needs for a skilled workforce in Westchester and Putnam counties.

Your Committee is further advised that the County, City and WPWDB desire to implement and operate the FEC Initiative at the Mount Vernon Career Center in order to provide professional financial counseling and coaching services to all County residents.

Pursuant to the proposed IMA, the City will be responsible for the implementation and operation of the program at the Mount Vernon Career Center during the term of the IMA,

as set forth below, including soliciting and contracting for the financial literacy services and managing FECI staff at its own cost and expense. In addition, the City will reimburse the County for security staff costs in an amount of \$28,651.00 per year, for a total not-to-exceed amount of \$57,302.00 during the term of the IMA. The term of the IMA will be two years, commencing on March 1, 2024 and expiring on February 28, 2026.

Your Committee is also advised that, in consideration for the financial literacy services to be provided by the City to all County residents, the County will: (i) provide cubicle space ("Designated Space") estimated to cost the County \$24,978.00 per year, for a total not-to-exceed amount of \$49,956.00; (ii) make available County personnel, at the County's discretion, which personnel is estimated to cost the County \$14,112.00 per year, for a total not-to-exceed amount of \$28,224.00, for overtime costs related to the operation of the FEC Initiative; and (iii) make available or provide the following for the City's use (x) County equipment estimated to cost the County up to an aggregate amount of \$5,000.00 per year, for a total not-to-exceed amount of \$10,000.00; and (y) County office supplies, estimated to cost the County up to \$2,500 per year, for a total not-to-exceed amount of \$5,000.00, in order to assist the City with the implementation and operation of the FEC Initiative.

The proposed IMA will also authorize the City to enter into a sub-license agreement with Mercy University for the provision of professional financial literacy services to all County residents within the Designated Space under the FEC Initiative operated by the City.

The Department of Planning has advised your Committee that the proposed IMA does not meet the definition of an "action" under the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR, Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of your Honorable Board. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee has been advised that approval of the attached Act authorizing the County to enter into the IMA requires an affirmative vote of a majority of the members of your Honorable Board.

	Your C	ommittee	believes tl	nat this IMA	s in the best	interest	of the County.	Therefore,	your
Comn	nittee rec	ommends	adoption	of the annex	ed proposed	legislat	ion.		

Dated: , 2024

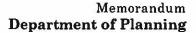
White Plains, New York

# **COMMITTEE ON:**

C/cmc/04.25.2024

# **FISCAL IMPACT STATEMENT**

SUBJECT:	IMA with Mount Vernon for Financial Empowerment Center at the Mount Vernon Career Center	NO FISCAL IMPACT PROJECTED
	OPERATING BUDGE To Be Completed by Submitting Departm	
	SECTION A - FL	5. 0.000
x GENERAL FUND	AIRPORT FUND	SPECIAL DISTRICTS FUND
	SECTION B - EXPENSES A	ND REVENUES
Total Current Year Ex	pense \$ 28,651	_
Total Current Year Re	evenue \$ 28,651	
Source of Funds (chec	ck one): x Current Appropriation	Transfer of Existing Appropriations
Additional Appro	priations	Other (explain)
Identify Accounts:	Revenue Trust- T911, Unit- 9119, Ob	ject- 9856
	Expense- T911, Unit-9119, Object-	4531
<b>Potential Related Ope</b>	erating Budget Expenses:	Annual Amount \$ 28,651
Describe:		space and occupancy costs estimated at \$46,590. 2. not to exceed = \$28,651 per year with a projected years.
Potential Related Ope	erating Budget Revenues:	Annual Amount \$ 28,651
Describe: Anticipated Savings to Current Year:	related to the the operation of the Finan \$28,651 for one (1) year, and an estimat • County and/or Impact on Departme No savings or impact. This Act will autho Mount Vernon to implement and operat	rize the County to enter into an IMA with the City of e the FEC Initiative at the Mount Vernon Career counseling and coaching services to all County
<b>Next Four Years:</b>	No savings or impact.	
Prepared by:	Thom Kleiner	Reviewed By: Budget Director
Title:	Everyting Director	Budget Director
Title:	Executive Director Westchester-Putnam Workforce	1/2/4)
Department:	Development Board	
Date:	April 26, 2024	Date:





TO:

George Latimer, County Executive

Kenneth Jenkins, Deputy County Executive

John Nonna, County Attorney

FROM:

David Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

January 8, 2024

SUBJECT:

ACTIVITIES NOT SUBJECT TO STATE ENVIRONMENTAL QUALITY

**REVIEW** 

As required by the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 ("SEQR"), the Board of Legislators ("BOL") is the body that must assess the environmental significance of all actions that the BOL has discretion to approve, fund or directly undertake. The Planning Department has historically conducted the necessary environmental review for the BOL to undertake its responsibility under SEQR. Additionally, contracts going before the Board of Acquisition and Contracts ("BAC") must be reviewed for conformance with SEQR.

Pursuant to Section 617.2(b) of SEQR, "Actions" are defined as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
  - (i) are directly undertaken by an agency; or
  - (ii) involve funding by an agency; or
  - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

As has been done in prior years, the Planning Department, in an attempt to streamline the process for SEQR review and related document preparation for the BOL and BAC, has created a list of categories of activities that do not meet the definition of an "action" as defined in SEQR. This list (attached) references activities that are routine and which do not change the use, appearance or condition of any natural resource or structure, nor do they involve policies or regulations that may affect the environment. The creation of this list in no way eliminates the BOL's or BAC's responsibilities under SEQR. Rather, it establishes a workflow for items that are routine and do not, under the law, require environmental review.

Activities not Subject to SEQR January 8, 2024 Page 2

Accordingly, the Planning Department advises that no environmental review is required and no SEQR documentation is necessary for submission with BOL legislation or with resolutions or contracts requiring BAC approval regarding activities on the attached list.

County departments and agencies may reference this memorandum in the legislation in order to document compliance with SEQR for actions listed herein. This memorandum should be considered in effect until rescinded or replaced, with replacements typically occurring annually in mid-January. As such, this memorandum should be kept on file with the Clerk of the Board of Legislators. Legislation should include a statement similar to the following: "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."

This memorandum will be distributed to all Commissioners as part of County operations.

Please contact me if you have any questions.

#### Att.

cc: Malika Vanderberg, Clerk and Chief Administrative Officer to the Board of Legislators
Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Steve Bass, Director of Intergovernmental Relations
Paula Friedman, Assistant to the County Executive
Stacey Dolgin-Kmetz, Chief Deputy County Attorney
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner, Department of Planning

# <u>ACTIVITIES THAT DO NOT MEET THE DEFINITION OF AN "ACTION"</u> PURSUANT TO SEQR AND ARE, CONSEQUENTLY, NOT SUBJECT TO SEQR

## 1. BUDGETS AND AMENDMENTS

- Municipal budgets and amendments to them The budgeting process merely sets aside funds without a commitment to their expenditure. Operating expenditures are typically for government-related activities that would also not meet the definition of an action. Even the establishment of the Capital Budget is not subject to SEQR because many of the capital projects are usually not definitive enough with respect to potential impacts to be reviewable at the time the budget is adopted. However, any subsequent authorization, such as bonding, to undertake a particular capital project is an action that requires SEQR compliance before it may be approved.
- The transfer of funds within the County operating and capital budgets for the purpose of balancing accounts It is understood that these actions are purely budgetary, where accounts with excess funds are moved to accounts with existing or anticipated deficits. It is further understood that the activities covered by these accounts have either already occurred or been reviewed in accordance with SEQR, are Type II actions or actions that are not subject to SEQR, or are actions that will require future approval prior to being undertaken, at which time further SEQR review may be appropriate.
- Rescissions or reduction of bond acts to cancel unspent funds.

### 2. SERVICES

- Consultant services Contracts or agreements that provide for administrative services, training, reports for Boards and Commissions, but not including studies or design of physical improvements, which has been listed under SEQR as Type II.
- Social Services Actions or agreements that provide services to persons in need, such as employment assistance, family/domestic intervention and respite care.
- Youth services Actions or agreements that provide for youth services, such as a Resource Allocation Plan, Invest-in-Kids Program, after-school programs, camp programs and head-start programs.
- Senior programs & services Actions or agreements that provide for services to seniors, such as provision of information/education, home care, nutrition & transportation assistance, caregiver support, and acceptance of federal and state grants providing for such services (e.g., OAA Title III grants and NYSOFA grants, including CSE, CSI, CRC, EISEP, NYSTP, WIN & NSIP).
- Public Safety services programs that promote public safety, such as STOP-DWI and Police Night Out; intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies, including E-911; acceptance and administration of grants for law enforcement programs (e.g., JAG).
- Fire services Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services Contracts for outside counsel, litigation or associated monetary settlements and collections.

- Medical Services Contracts with medical providers for medical examinations, testing, vaccinations or medical treatment of County employees or the public.
- Mental Health Services Contracts with agencies to provide treatment, services or education related to mental health.

## 3. PERSONNEL MATTERS

- Actions related to employment or employees.
- Contracts for temporary staff assistance.
- Legislation pertaining to establishment and membership of boards and commissions.

# 4. FINANCES

- Tax Anticipation Notes.
- Bond acts to finance tax certiorari payments.
- Banking contracts/agreements for money management services.
- Mortgage tax receipts disbursements (County Clerk).
- Refinancing of affordable housing mortgages.
- Payment in Lieu of Taxes (PILOT) agreements.

# 5. LAWS

- New laws or amendments of existing laws that regulate the sale or use of products for the protection of public health.
- New laws or amendments of existing laws that regulate businesses for the protection of consumers.
- Pertaining to consumer protection, not including professional licensing, which have been classified as Type II.
- Pertaining to animal welfare, excluding regulations involving habitat management.
- Pertaining to public safety.
- Pertaining to taxation, such as establishment of new taxes or tax exemptions.
- Pertaining to establishment or modification of fees.
- Pertaining to notices, publications and record keeping.
- Pertaining to hiring or contracting procedures.
- Pertaining to the functioning of County government, such as term limits, board appointments, etc. that do not impact the environment.

## 6. MISCELLANEOUS

- Amendments to existing agreements for changes in name or consultants.
- Education/training programs, contracts for clinical instruction.
- Prisoner Transport IMAs.
- Tourism Promotion Agency designation.
- Software licenses.

- IMAs for temporary housing in existing facilities (homeless, inmate, troubled youths, domestic violence victims).
- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP JAN 2024

# ACT NO. 2024 - \_\_\_

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the City of Mount Vernon for the implementation of the Financial Empowerment Center Initiative at the County's One Stop Employment Center located in Mount Vernon.

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

Section 1. The County of Westchester ("County") is hereby authorized to enter into an inter-municipal agreement ("IMA") with the City of Mount Vernon ("City"), pursuant to which the City will operate a newly created Financial Empowerment Center Initiative ("FEC Initiative" or "FECI"), in order to provide professional financial counseling and coaching services to all County residents; and be it further

- §2. The FECI Initiative will be conducted at 130 Mount Vernon Avenue, Mount Vernon, New York ("Mount Vernon Career Center"), where the County leases space located on the first and second floor of a building from 130 Modern Commercial LLC, pursuant to a lease dated December 7, 2017, and amended by First Amendment to Lease Agreement dated January 18, 2018 and by Second Amendment to Lease Agreement dated August 2019 (collectively, the "Lease"); and be it further
- §3. Pursuant to the IMA, the City will be responsible for the implementation and operation of the program at the Mount Vernon Career Center during the term of the IMA, as set forth below, including soliciting and contracting for the financial literacy services and managing FECI staff at its own cost and expense. In addition, the City will reimburse the County for security staff costs in an amount of \$28,651.00 per year, for a total not-to-exceed amount of \$57,302.00 during the term of the IMA.

- §4. The County shall: (i) provide cubicle space ("Designated Space") estimated to cost the County \$24,978.00 per year, for a total not-to-exceed amount of \$49,956.00; (ii) make available County personnel, at the County's discretion, which personnel is estimated to cost the County \$14,112.00 per year, for a total not-to-exceed amount of \$28,224.00, for overtime costs related to the operation of the FEC Initiative; and (iii) make available or provide the following for the City's use (x) County equipment estimated to cost the County up to an aggregate amount of \$5,000.00 per year, for a total not-to-exceed amount of \$10,000.00; and (y) County office supplies, estimated to cost the County up to \$2,500 per year, for a total not-to-exceed amount of \$5,000.00, in order to assist the City with the implementation and operation of the FEC Initiative.
- §5. The proposed IMA shall permit the City to enter into a sub-license agreement with Mercy University for the provision of professional financial literacy services to all County residents within the Designated Space under the FEC Initiative operated by the City.
- §6. The term of the IMA shall be two years, commencing on March 1, 2024 and expiring on February 28, 2026.
- §7. The County Executive or his authorized designee is hereby authorized to execute any instruments and to take any action necessary and appropriate to effectuate the purposes hereof.
  - §8. This Act shall take effect immediately.

## **INTERMUNICIPAL AGREEMENT**

THIS INTERMUNICIPAL AGREEMENT ("Agreement"), made the	day of
, 20 by and between:	

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter referred to as the "County"),

and

CITY OF MOUNT VERNON, a municipal corporation of the State of New York, having an office and place of business at 1 Roosevelt Square N, Mt. Vernon, New York 10550 (hereinafter referred to as the "Municipality" or "Mount Vernon").

### WITNESSETH:

WHEREAS, the County, acting by and through its Department of Public Works ("DPW") and Transportation and its Department of Social Services ("Department"), leases approximately 9,327 square feet of space on the first and second floors of a building ("Leased Premises") located at 130 Mount Vernon Avenue, Mount Vernon, New York ("Property"), pursuant to a lease (No. 18-900) with 130 Modern Commercial LLC ("Property Owner"), dated December 7, 2017, as amended by first amendment dated January 18, 2018 and second amendment dated August, 2019 (collectively, the "Lease"), for the purpose of housing one of the County's One Stop Employment Centers ("Mount Vernon Career Center") and the Department's staff; and

WHEREAS, the Mount Vernon Career Center is primarily staffed by Westchester County, Putnam County and New York State Department of Labor employees but also includes staff from partner agencies, such as Maturity Work, which assists the County with the operation of the Mount Vernon Career Center and other County's One Stop Employment Centers to meet the needs for a skilled workforce in Westchester and Putnam counties; and

WHEREAS, the County, Mount Vernon and Westchester-Putnam Workforce Development Board ("WPWDB") have agreed to implement and operate a newly created Financial Empowerment Center Initiative ("FEC Initiative" or "FECI") at the Mount Vernon Career Center in order to provide professional financial counseling and coaching services to all County residents, upon the terms and conditions set forth herein; and

WHEREAS, the use of the Designated Space by the Municipality and/or Mercy University's staff for the implementation and operation of the FEC Initiative at the Property was approved by the Property Owner.

**NOW, THEREFORE**, in consideration of the promises and the covenants and agreements herein contained, the parties hereto agree as follows:

FIRST: The County shall provide three cubicles occupying approximately 450 square feet of the Leased Premises, as more particularly depicted in Schedule "A" attached hereto and made a part hereof ("Designated Space"), to be use by the Municipality and/or Mercy University's staff for the provision of professional financial counseling and coaching services to all County residents, as more fully described in Schedule "B," which is attached hereto and made a part hereof (the "Work"), and for no other purpose.

The parties acknowledge the Property Owner's consent to this Agreement and the use of the Designated Space by the Municipality and/or Mercy University's staff for the implementation and operation of the FEC Initiative, which consent is set forth in the letter attached hereto as Schedule "C" and made a part hereof.

The Municipality shall be solely responsible for the implementation and operation of the FEC Initiative at the Mount Vernon Career Center during the term of the IMA and managing Municipality and/or Mercy University's staff at its own cost and expense.

SECOND: The term of this Agreement shall be for two years, commencing on March 1, 2024 and terminating on February 28, 2026, unless terminated earlier pursuant to the provisions of this Agreement.

THIRD: In consideration for the financial literacy services to be provided by the Municipality to all County residents, the County shall: (i) make available to the Municipality the Designated Space and three cubicles therein for the operation of the FEC Initiative, which space is estimated to cost the County \$24,978.00 per year, for a total not-to-exceed amount of \$49,956.00; (ii) make available County personnel, at the County's discretion, which personnel is estimated to cost the County \$14,112.00 per year for overtime costs related to the operation of the FEC Initiative, for a total not-to-exceed amount of \$28,224.00; and (iii) make available or provide the following to the municipality (x) provide for the use of County equipment

estimated to cost the County up to an aggregate amount of \$5,000.00 per year, for a total not-to-exceed amount of \$10,000.00; and (y) provide access to and use of County office supplies, estimated to cost the County up to \$2,500 per year, for a total not-to-exceed amount of \$5,000.00, in order to assist the Municipality with the implementation and operation of the FEC Initiative.

Except as otherwise expressly stated in this Agreement, no other payment shall be made by the County to the Municipality for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

Notwithstanding the foregoing to the contrary, the Municipality shall reimburse the County for security staff overtime costs related to the operation of the FEC Initiative, which may be incurred by the County, estimated to be up to \$28,651.00 per year, for a total amount under this Agreement not-to-exceed \$57,302.00.

<u>FOURTH</u>: The Municipality shall report to the County on its progress toward completing the Work, as the DPW's Commissioner or his duly authorized signatory ("Commissioner") may request, and shall immediately inform the Commissioner in writing of any cause for delay in the performance of its obligations under this Agreement.

The Municipality shall also provide the County with a report to be submitted within thirty (30) days of execution of this Agreement and periodically thereafter as requested by the County, which shall set forth in detail the services performed under the Agreement, the activities, progress and accomplishments under the Agreement, the amount of funds expended for each task performed and the extent and manner in which the goals, objectives and standards established for the Agreement have been met by the Municipality. The above report shall be certified by an officer or director of the Municipality.

The County shall have the right, at its option and at its sole cost and expense, to audit such books and records of the Municipality as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County may withhold payment of funds hereunder or take any other reasonable action for cause found in the course of an audit or because of failure of the Municipality to cooperate with an audit. The County shall, in addition, have the right to audit such books and records subsequent to payment, if such audit is commenced within one (1) year following termination of this Agreement, and to perform random audits during the term of this Agreement. In the event an audit performed by the County reflects overpayment by the County or that monies were not fully expended or that monies

were improperly expended, or that the Municipality failed to deliver services or failed to deliver services to all County residents, then the Municipality shall reimburse to the County the cost of such audit (if the audit was done by the County or on the County's behalf) and the amount of such overpayment, underpayment or improper payment or any other costs incurred by the County in connection with this Agreement, within thirty (30) days of notice from the County.

The Municipality further agrees to permit designated employees or agents of the County reasonable on-site inspection of the work being performed by the Municipality under this Agreement, its books, accounts, financial audits and records and agrees to keep records necessary to disclose fully the receipt and disposition of funds received under this agreement. Unless the County shall, in writing, advise the Municipality to the contrary, the Municipality shall retain all financial records related to this Agreement for a period of ten years after the expiration or termination of this Agreement.

In no event shall final payment be made to the Municipality prior to completion of all services, the submission of reports and the approval of same by the Commissioner or his duly authorized designee.

FIFTH: The Municipality understands and acknowledges that the County currently maintains a Vendor Portal at http://www.westchestergov.com/vendorportal that includes a Document Repository (the "Repository") into which the Municipality may upload a scanned image of one or more of the schedules and/or supporting documents that the Municipality is required to provide to the County for this Agreement (the "Required Documents"), including each of the schedules listed above. The Municipality further understands and acknowledges that if the Municipality chooses to use the Repository to provide to the County one or more of the Required Documents (each document so provided, a "Repository Document"), the following terms apply:

- a.) The Municipality is using the Repository voluntarily, as required by New York State Technology Law Sections 305 and 309;
- b.) The Municipality represents and warrants that any and all information in each Repository Document is complete and accurate in all respects;
- c.) In the event that any information in a Repository Document for this Agreement must be changed, the Municipality shall upload an updated version of such document within ten (10) business days of the need for such change arising, and provide notice to the County that the updated version was required and has been uploaded;

- d.) Notwithstanding any other provision of this Agreement, the Municipality must, at a minimum, update each Repository Document annually; and
- e.) In order for a given Repository Document to be used for this Agreement, it must be dated less than one (1) year before the execution of this Agreement.

<u>SIXTH</u>: The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "D," entitled "Standard Insurance Provisions," which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "D," the Municipality agrees:

- (a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and
- (b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and
- (c) in the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with enforcing this provision of the Agreement.
- (d) that, except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the Municipality, the County shall indemnify and hold harmless the Municipality, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising from any damage to any person or property occurring in, on or about the Leased Premises but outside of the Designated Space and caused bythe sole negligent acts or omissions of the County, its officers or employees.

**SEVENTH**: (a) The County reserves the right to cancel this Agreement upon thirty (30) days prior written notice to the Municipality when it deems it to be in its best interests to do so.

In the event of a dispute as to the value of the services rendered by the Municipality prior to the date of termination, it is understood and agreed that the County shall determine the value of such services rendered by the Municipality. Such reasonable and good faith determination shall be accepted by the Municipality as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for ten (10) days after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the services provided for in this Agreement, or contract for their completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Notice hereunder shall be effective on the date of receipt.

**EIGHTH**: The Municipality shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations, including, but not limited to, those applicable to the Municipality as an employer of labor. The Municipality shall further comply, at its own expense, with all applicable rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the Work hereunder.

NINTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the

occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

<u>TENTH</u>: All notices given pursuant to this agreement shall be in writing and effective on mailing. All notices shall be sent by registered or certified mail, return receipt requested or by overnight mail, and mailed to the following addresses:

To the County: C

Commissioner

Department of Social Services

112 E. Post Road

White Plains, New York 10601

with a copy to:

County Attorney

Michaelian Office Building, Room 600

148 Martine Avenue

White Plains, New York 10601

to the Municipality:

City of Mount Vernon 1 Roosevelt Square N Mt. Vernon, NY 10550

or to such other addresses as may be specified by the parties hereto in writing.

**ELEVENTH**: This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments 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.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

<u>TWELFTH</u>: This Agreement is entered into solely between, and may be enforced only by, the County and the Municipality and shall not be deemed to create any rights in third parties, or to create any obligations of a party to any such third parties.

THIRTEENTH: The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Municipality shall not subcontract any part of the Work without the express written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Municipality and the Municipality shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement. All subcontracts for the Work shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a copy of the County's contract, read it and is familiar with the material terms and conditions

thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and conditions of this Agreement.

Notwithstanding the above, the parties hereto acknowledge and agree that, at the time of execution of this Agreement, the following subcontractors have been approved to provide services for the named purpose(s) in connection with this Agreement: Mercy University, with an address at 555 Broadway, Dobbs Ferry, NY 10522, for the purpose of providing financial literacy services to all County residents.

FOURTEENTH: The Municipality expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Municipality acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

**<u>FIFTEENTH</u>**: The Agreement shall not be enforceable unless signed by the parties and approved by the Office of the County Attorney.

[NO FURTHER TEXT/SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the County and the Municipality have caused this Agreement to be executed:

Sternie anderso neuropeas	
	COUNTY OF WESTCHESTER
	By: Hugh J. Greechan Commissioner Department of Public Works and Transportation  THE MUNICIPALITY CITY OF MOUNT VERNON
	By:
Approved by the Westchester County	Board of Legislators of the County of Westchester by Act
No on theday of	
Approved:	
Sr. Assistant County Attorney	
The County of Westchester	

# MUNICIPAL ACKNOWLEDGMENT (Municipal Corporation)

STATE OF NEW Y	ORK )		
COUNTY OF WES	STCHESTER)	SS.:	
On this			, before me personally came
	te	o me known, and kn	own to me to be the
	of		, the corporation described
in and which execu	ted the within ins	trument, who being	by me duly sworn did depose and say that
he/she, the said		resides at	
,	100.431-01.01	and t	that he/she is
	s such corporate s	eal and that it was s	aid corporation; that the seal affixed to the o affixed by order of the Board of Directors eto by like order.
			Notary Public

# CERTIFICATE OF AUTHORITY (Municipality)

I,	, certify that I am the
I,(Officer other than office	er signing contract)
	of the
(Title)	of the(Name of Municipality)
the "Municipality") a corporation du	aly organized in good standing under the
Law under which organized, e.g., the	e New York Village Law, Town Law, General Municipal Law)
named in the foregoing agreement the	at
	at(Person executing agreement)
who signed said agreement on behalf	of the Municipality was, at the time of execution
	of the Municipality,
(Title of such per	son),
that said agreement was duly signed t	for on behalf of said Municipality by authority of its
inac bara agreement was dary signed i	
(T D1 W:11 D1	thereunto duly authorized,
(Town Board, Village Board, C	Suy Councu)
and that such authority is in full force	and effect at the date hereof.
	(Signature)
	(Digitator)
STATE OF NEW YORK	)
	) ss.:
COUNTY OF WESTCHESTER	)
	5000 V D2 W/2
On this day of	, 20, before me personally came se signature appears above, to me known, and know to be the
wnos	
(Title)	of
he municipal corporation described i	n and which executed the above certificate, who being by me e, the said
resides at	
he/she is the	of said municipal corporation.
(Title)	• •
	Notary Public County
	1 total y 1 dollo Coulity

# SCHEDULE "A"

# **DESIGNATED SPACE**

# **SCHEDULE "B"**

# FINANCIAL EMPOWERMENT CENTER INITIATIVE SCOPE OF WORK

# SCHEDULE "C"

# PROPERTY OWNER'S CONSENT LETTER

Please see attached on the following page.

# 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. The 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.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

i.Premises - Operations.

ii.Broad Form Contractual.

iii. Independent Contractor and Sub-Contractor.

iv. Products and Completed Operations.

c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
  - i. Owned automobiles.
  - ii. Hired automobiles.
  - iii. Non-owned automobiles.
- e) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy. (Limits of \$1,000,000.00 per occurrence/3,000,000 aggregate). This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:

#### i. Misconduct

- ii. Abuse (including both physical and sexual)
- iii. Molestation

This insurance shall, if it is a separate policy rather than an endorsement to an above-specified policy, name the "County of Westchester" as additional insured.

- 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.



# Memorandum Office of the County Executive Michaelian Office Building

April 25, 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 - Mortgage Tax

Receipts - 10/1/23 through 3/31/24.

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.

Attached for your consideration is an Act which would authorize and direct the Commissioner of Finance to pay the Mortgage Tax Receipts.

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 17, 2024

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

Members of the Board of Legislators:

Attached for your consideration is an Act which would authorize and direct the Commissioner of Finance to pay the Mortgage Tax Receipts, apportioned according to and as mandated by Section 261(3) of the New York State Tax Law, to the cities, town and villages listed in the attached report. The Mortgage Taxes received by the County Clerk during the period October 1, 2023 through March 31, 2024 totaled \$12,836,017.94.

Very truly yours,

George Latimer

Westchester County Executive

GL/MA/db Attachments



ACT NO. -2024

HONORABLE BOARD OF LEGISLATORS

THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive

recommending the adoption of an Act authorizing and directing the Commissioner of

Finance of the County of Westchester to pay Mortgage Tax receipts to cities, towns and

villages. The Mortgage Taxes to be distributed to the cities, town and villages for the

period from October 1, 2023 through March 31, 2024 totals \$12,836,017.94 and will be

apportioned as prescribed in the attached report of the County Clerk and the

Commissioner of Finance in accordance with the requirements of Section 261(3) of the

New York State Tax Law.

Approval of this Act requires an affirmative vote by a majority of all members of the

Board of Legislators. After due consideration, your Committee recommends the

adoption of the attached Act.

Dated:

2024

White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATION

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# **FISCAL IMPACT STATEMENT**

SUBJECT: Mtge Tax Receipts to Cities, Towns & Villages 

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT (To be completed by operating department and reviewed by Budget Department)	S. Carlotte
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  Current Appropriations Other (cyclein)	
☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)  Identify Accounts:	
identity recounter.	
Potential Related Operating Budget Expenses: Annual Amount \$ none	
Describe: 711-5574	
Potential Related Revenues: Annual Amount \$	
Describe: Pass Through	
Anticipated Savings to County and/or Impact on Department Operations:	
Current Year: None	
Next Four years: None	
<del></del>	
Prepared by: Mario Arena 4-17-24  Reviewed By:	_
Title: Deputy Finance Commissioner Budget Director	
Department: Finance 4 23 24	
If you need more space, please attach additional sheets.	



	RE	PORTED TAXABLE	2				VOLUNTEER	ADJUSTED		
MUNICIPALITY	ASSESSED VALUE		<b>VETERANS</b>		CLERGY	FI	RE COMPANIES	TAXABLE VALUE		
City of Mount Vernon	\$	146,046,963	\$ 197,142	\$	46,500	\$	Δ.,	\$	146,290,605	
City of New Rochelle	\$	266,036,908	\$ 161,036	\$	30,000	\$	24N	\$	266,227,944	
City of Peekskill	\$	64,258,118	\$ 29,660	\$	7,500	\$	<u>.</u>	\$	64,295,278	
City of Rye	\$	145,098,242	\$ 93,692	\$	3,000	\$	* ·	\$	145,194,934	
City of White Plains	\$	280,525,842	\$ 205,917	\$	28,500	\$	<b>=</b> 1	\$	280,760,259	
City of Yonkers	\$	465,411,451	\$ 804,326	\$	18,000	\$		\$	466,233,777	
Town of Bedford	\$	600,783,118	\$ =	\$	1,500	\$		\$	600,784,618	
Town of Cortlandt	\$	110,391,497	\$ 336,286	\$	10,500	\$	-	\$	110,738,283	
Town of Eastchester	\$	101,491,948	\$ 168,448	\$	7,500	\$		\$	101,667,896	
Town of Greenburgh	\$	24,300,843,088	\$ 27,160,585	\$	22,500	\$	=	\$	24,328,026,173	
Town of Harrison	\$	126,035,665	\$ 116,200	\$	1,500	\$	•	\$	126,153,365	
Town of Lewisboro	\$	294,898,631	\$ 21,600	\$	1,500	\$	-	\$	294,921,731	
Town of Mamaroneck	\$	11,680,331,469	\$ 12,098,015	\$	1,500	\$	•	\$	11,692,430,984	
Town of Mount Kisco	\$	289,530,059	\$ 200	\$	1,500	\$		\$	289,531,559	
Town of Mount Pleasant	\$	144,212,512	\$ 271,862	\$	4,500	\$		\$	144,488,874	
Town of New Castle	\$	1,072,229,133	\$ -	\$	1,500	\$	-	\$	1,072,230,633	
Town of North Castle	\$	121,241,456	\$ 34,750	\$	1,500	\$	-,	\$	121,277,706	
Town of North Salem	\$	1,694,438,617	\$ 35,978	\$	1,500	\$	.× ±34.0.	\$	1,694,476,095	
Town of Ossining	\$	6,307,218,945	\$ 1,507,110	\$	7,500	\$	<b>-</b>	\$	6,308,733,555	
Town of Pelham	\$	4,180,977,622	\$ 1,522,364	\$	1,500	\$	-	\$	4,182,501,486	
Town of Pound Ridge	\$	379,286,501	\$	\$		\$	-	\$	379,286,501	
Town of Rye	\$	9,334,213,104	\$ 8,740,210	\$	6,000	\$	-	\$	9,342,959,314	
Town of Scarsdale	\$	9,165,980,480	\$ 9,610,976	\$	-	\$	-	\$	9,175,591,456	
Town of Somers	\$	493,498,793	\$ 23,658	\$	3,000	\$	-	\$	493,525,451	
Town of Yorktown	\$	131,230,208	\$ 387,646	\$	6,000	\$	S-	\$	131,623,854	
TOTALS:	\$	71,896,210,370	\$ 63,527,461	\$	214,500	\$		\$	71,959,952,331	

# NOTE:

Chapter 280 of the Laws of 1985 requires that counties wishing to use equalization rates calculated by the then Office of Real Property Services add certain "fixed-dollar" exemptions back to stated taxable value when apportioning the county tax levy. Individual municipalities will, however, continue to use the stated taxable value to set the tax rate.

#### County of Westchester Mortgage Tax Allocation - Dept of Finance 10-01-23 thru 3-31-24

Town/City	Village	2023 Taxable Assessed <u>Value</u>	2023 Detail taxable Village/town Outside Breakdown	6/15/2024 Tax to be <u>Distributed</u>	% of Distribution		6/15/2024 Distribution	
Bedford		600,783,118		295,275.38	1.000000	s	295,275 38	
Cortlandt		110,391,497	82,129,767	635,558,46	0.871993	S	554,202.64	
	Buchanan	80A87705 87685770	6,921,329	976957#GC74769 G	0.031349	S	19,924.13	
	Croton		21,340,401		0.096658	\$	61,431.69	
Eastchester		101,491,948	54,758,707	418,784.68	0.769769	5	322,367.35	
	Bronxville		33,481,471		0.164948	S	69,077.04	
	Tuckahoe		13,251,770		0.065285	S	27,340.29	
Greenburgh		24,300,843,088	12,231,485,071	1,408,140.86	0.751668	S	1,058,454,31	
W. 3.253.091.001   1.000.001	Ardsley		1,325,991,682		0.027283	S	38,418.07	
	Dobbs Ferry		2,486,649,955		0.051164	Š	72,045.92	
	Elmsford		1,236,346,507		0.025438	5	35,820.77	
	Hastings		2,305,811,210		0.047443	s	66,806.47	
	Irvington		2,156,358,085		0.044368	Š	62,476.35	
	Tarrytown		2,558,200,578		0.052636	S	74,118.97	
Harrison	•	126,035,665		485,158.82	0.500000	\$	242,579.41	
	Harrison	A.T. (2. 10. 10. 10. 10. 10. 10. 10. 10. 10. 10			0.500000	5	242,579.41	
Lewisboro		294,698,631		192,440.08	1.000000	5	192,440.08	
Mamaroneck		11,680,331,469	5,102,855,641	705,158.94	0.718438	\$	506,612.95	
	Larchmont		3,519,619,436		0.150664	\$	106,242,32	
	Mamaroneck		3,057,856,392		0.130898	S	92,303.66	(1
Mt. Kisco		289,530,059		117,798.23	0.500000	S	58.899.12	
	Mt. Kisco				0.500000	\$	58,899.12	
Mt. Pleasant		144,212,512	103,032,677	488,856.31	0.857225	\$	419,059.93	
	Briarcliff Manor		2,449,552		0.008493	\$	4,151.79	(2
	Pleasantville		20,448,592		0.070897	\$	34,658.65	
	Sleepy Hollow		18,281,691		0.063385	\$	30,985.94	
Mt. Vernon		146,046,963		792,791.18	1.000000	\$	792,791.18	
New Castle		1,072,229,133		393,453.77	1.000000	\$	393,453.77	
New Rochelle		266,036,908		728,167.71	1.000000	\$	728,167.71	
No. Castle		121,241,456		330,385.81	1.000000	\$	330,385.81	
No Salem		1,694,438,617		65,225.13	1.000000	\$	65,225.13	
Ossining		6,307,218,945	1,201,657,393	383,528.92	0.595260	\$	228,299.61	
	Briarcliff Manor		2,280,283,415		0.180768	\$	69,329.66	(2
	Ossining		2,825,278,137		0.223972	5	85,899.66	
Peekskill		64,258,118		178,935.03	1.000000	\$	178,935.03	
Pelham		4,180,977,622		297,300.30	0.500000	\$	148,650.15	
	Pelham		1,871,546,274		0.223817	S	66,540.81	
	Pelham Manor		2,309,431,348		0.276183	\$	82,109.34	
Pound Ridge		379,286,501		131,060.99	1.000000	\$	131,060.99	
Rye City		145,098,242		591,868.40	1.000000	\$	591,868.40	
Rye Town		9,334,213,104		486,616.69	0.500000	\$	243,308.35	
	Mamaroneck		3,840,442,562		0.205719	\$	100,106.11	(1
	Port Chester		2,021,207,051		0.108269	\$	52,685.38	
S=1: 80 30	Rye Brook		3,472.563,491		0.186013	\$	90,516.86	Š.
Scarsdale		9,165,980,480		531,385.69	0.500000	\$	265,692.85	ř.
	Scarsdale				0.500000	\$	265,692.85	i .
Somers		493,498,793		374,685.57	1.000000	\$	374,685.57	6
White Plains		280,525,842		658,637,76	1.000000	8	658,637.76	
Yonkers		465,411,451		1,715,023.54	1.000000	\$	1,715,023.54	
Yorktown		131,230,208		429,779.69	1.000000	\$	429,779.69	l .

71,896,210,370.00 56,159,680,185.00 12,836,017.94 71,896,210,370.00 12,836,017.94

(1) (2) combined payments

\$ 12,838,017.94



# 2023 VILLAGE/TOWN-OUTSIDE BREAKDOWN OF COUNTY TAXABLE ASSESSED VALUE

M	TAXABLE					
TOWN	VILLAGE	ASSESSED VALUE (\$)				
Cortlandt	Buchanan	6,921,329				
	Croton	21,340,401				
	Unincorporated Area	82,129,767				
Eastchester	Bronxville	33,481,471				
	Tuckahoe	13,251,770				
	Unincorporated Area	54,758,707				
Greenburgh	Ardsley	1,325,991,682				
	Dobbs Ferry	2,486,649,955				
	Elmsford	1,236,346,507				
	Hastings	2,305,811,210				
	Irvington	2,156,358,085				
	Tarrytown*	2,558,200,578				
	Unincorporated Area	12,231,485,071				
Mamaroneck	Larchmont	3,519,619,436				
	Mamaroneck	3,057,856,392				
	Unincorporated Area	5,102,855,641				
Mt. Pleasant	Briarcliff Manor	2,449,552				
	Pleasantville	20,448,592				
	Sleepy Hollow	18,281,691				
	Unincorporated Area	103,032,677				
Ossining	Briarcliff Manor	2,280,283,415				
	Ossining	2,825,278,137				
	Unincorporated Area	1,201,657,393				
Pelham	Pelham	1,871,546,274				
	Pelham Manor	2,309,431,348				
Rye Town	Mamaroneck	3,840,442,562				
	Port Chester	2,021,207,051				
	Rye Brook	3,472,563,491				

## NOTE:

<sup>(1)</sup> Harrison, Mt. Kisco and Scarsdale are coterminous town/villages; therefore, there is no village/town outside breakdown for these municipalities.

<sup>(2)</sup> Unincorporated area represents area outside villages. Pelham and Rye Town do not have unincorporated areas.

#### DISTRIBUTION STATEMENT

(Columns & through 5)

CREDIT STATEMENT

(Critumps 6)

Tax districts	Taxes collected	*Additions *Deductions		Amount of Taxes Collected es adjusted and corrected	Net Amount due each tex district	
BEDFORD	298,948 48			298,948 48	295,275 38	
CORTLANDT	643,464 55			643,464 55	635,558 46	
EASTCHESTER	423,994.19		3. 2.0	423,994 19	418,784.68	
GREENBURGH	1,425,657.55			1,425,657 55	1,408,140.86	
HARRISON	463,694 00	27,500.00		491,194 00	485,158 82	
LEWISBORO	194,833.96			194,833 96	192,440 08	
MAMARONECK	713,930 83		9.5	713,930 83	705,158 94	
MT. KISCO	119,263.59			119,263 59	117,798 23	
MT. PLEASANT	494,937.48			494,937 48	488,856 31	
MT. VERNON	802,653 18			802,653 18	792,791 18	
NEW CASTLE	398,348.17			398,348.17	393,453 77	
NEW ROCHELLE	737,225 82			737,225 82	728,167 71	
NORTH CASTLE	334,495.67		***	334,495 67	330,385 81	
NORTH SALEM	66,036.50			66,036.50	65,225.13	
OSSINING	388,299.86			388,299.86	383,528.92	
PEEKSKILL	181,160.91		Ĭ	181,160.91	178,935.03	
PELHAM	300,998.59			300,998.59	297,300.30	
POUND RIDGE	132,691.33			132,691.33	131,060.99	
RYE CITY	599,231.00			599,231.00	591,868.40	
RYE TOWN	492,670.00			492,670.00	486,616.69	
SCARSDALE	538,495.91		500,00	537,995.91	531,385.69	
SOMERS	379,346.50			379,346.50	374,685,57	
WHITE PLAINS	666,830,94			666,830.94	658,637.76	
YONKERS	1,736,357.73			1,736,357.73	1,715,023.54	
YORKTOWN	435,125.97			435,125.97	429,779.69	
Total tax districts			···			
Totals	12,968,692,71	\$27,500,00	500.00	12,995,692.71	12,836,017.94	

<sup>&</sup>quot;see refund, adjustment and special adjustment orders of Commissioner of Taxation and Finance, case numbers,

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#### MEW YORK STATE MORTGAGE TAX SEMI-ANNUAL REPORT COUNTY OF WESTCHESTER FOR THE PERIOD CASH STATEMENT FOR TAXES COLLECTED PURSUANT TO ARTICLE 11

10-01-2023 THROUGH 03-31-2024

Months	BASIC TAX DISTRIBUTED					TREASURER			ALL OTHER TAXES DISTRIBUTED				
	1 Basic tas collected	2 Interest received by recording efficer	3 Recording officers caponee	4 Returnin er edjuntments	5 Amount paid transurer (Cal 1 = Car 2 - Cal 3 - Cal 4)	6 Interest received by treasurer	7 Traditionar's expense	8 Tex dericts share (Gal 5 • Cal 6 Gal 7)	S Lecal fax	10 Additional bax	11 Special epsistance fund	12 Special additional tass	13 County The
Oct-23	\$2,901,770.50	\$5,[6].24	\$29,828.04	\$0.00	\$2,877,103.70			I	\$532,628.60	\$1,733,244.55	\$1,077,376.49	\$310,519.75	\$1,438,551.
Nov-23	\$1,889,791,24	\$3,467,13	\$30,263.65	\$0.00	\$1,862,994.72		ĺ	<u> </u>	\$283,157.04	\$1,098,416.08	\$699,421.51	\$177,378.52	\$962,923
Dec-23	\$2,679,010.00	\$4,252.67	\$30,903.02	\$27,500.00	\$2,679,859.65			<u> </u>	\$277,225.00	\$1,575,675.36	\$907,324.59	\$366,315.58	\$1,339,929
Jan-24	\$1,977,974.50	\$4,287.40	\$29,717.91	\$0.00	\$1,952,543.99				\$239,588.31	\$1,340,288.41	\$759,002.57	\$160,792.05	\$976,272
Feb-24	\$1,828,333,50	\$2,730.25	\$30,818.13	\$0.00	\$1,800,245.62		I		\$206,499.58	\$1,064,764.22	\$743,234.17	\$111,515.18	\$900,122
Mar-24	\$1,691,812.97	\$2,901.42	\$30,944.13	(\$500.00)	\$1,663,270.26		<u> </u>		\$193,417.93	\$981,619.41	\$639,397.34	\$131,724.82	\$831,635
Totals	\$12,968,692.71	\$22,800,11	\$182,474.88	\$27,000.00	\$12,836,017.94	\$0.00	\$0.00	\$0.00	\$1,732,516.46	\$7,794,008.03	\$4,825,756.67	\$1,258,245.90	\$6,449,434
								da	Tayo	la			ng Officer Treasurer

County of Westchester Mortgage Tax 5 year comparison

Town/City	Village	June	June	June	June	June	June	June	December	December	December	December	December	December	December
		6 Mth	6 Mth	6 Mth	6 Mth	6 Mth	6 Mth	6 Atth	6 Mth	6 Mth	6 Mth	6 Mth	6 Mth	6 Mth	6 Mth
223 525 5		2024 vs 2023	2024 vs 2023	2024	2023	2022	2021	2020	2023 vs 2022	2023 vs 2022	Dec-23	Dec-22	Dec-21	Dec-20	Dec-19
Bedford		-31%	(132,852.41)	295,275.38	428,127,79		\$ 924,258.68	\$ 483,450.79	-55% \$	(497,227.18) \$	405,937.45	\$ 903,164.63	\$ 946,264.34	\$ 664,593.75	363,604.81
Cortlandt	141 VANDOSTO	12%	59,241.89	554,202.64			4 1110110000000	\$ 766,973.41	-37% \$			\$ 974,902.42	\$ 1,179,926.55	\$ 717,194.48	762,668.79
	Buchanan	11%	1,923.58	19,924,13	18,000,56			\$ 27,777.64			22,276.04	\$ 35,329.29		\$ 25,974.79	27,570.33
	Croton	12%	6,790.94	61,431.69			,	\$ 83,124.99			0.10.0.0	\$ 106,409.28	\$ 128,317.93	\$ 77,729.92	82,703.07
Eastchester		-22%	(91,664.89)	322,367.35	A L Alle Comments			\$ 898,659.79			512,652.31	\$ 919,402.38	\$ 1,054,178.05	\$ 760,861.99	724,450.75
	Bronxville	-23%	(20,205.46)	69,077.04	89,282.50			\$ 193,457.48	-44% \$			\$ 197,504.00		\$ 163,793.29	155,916.78
	Tuckahoe	-22%	(7,872.45)	27,340.29				\$ 76,082.35		( , ,, , , , , , , ,		\$ 78,173.52		\$ 64,416.11	61,539.95
Greenburgh		-22%	(293,112.78)	1,058,454.31	.,00.,0000			\$ 1,424,652.49				\$ 3,319,292.31		\$ 1,551,503.78	2,306,114.21
	Ardsley	-23%	(11,234.88)	38,418.07	401000.00	\$ 84,488.34		\$ 51,388.55				\$ 120,555.85	4 0.1000100	\$ 55,964.20	83,794.04
	Dobbs Ferry	-21%	(19,556.34)	72,045.92				\$ 95,371.84			97,213.73	\$ 228,845.80	\$ 170,235.78	\$ 103,863.76	151,009.68
	Elmsford	-20%	(8,738.70)	35,820.77	44,559.47		\$ 74,066,67	\$ 44,017.21	-56% \$			\$ 108,397.09	\$ 80,958.35	\$ 47,936.51	69,715.23
	Hastings	-20%	(16,699.42)	66,806.47	83,505.88		\$ 142,535.03	\$ 87,886.01	-57% \$			\$ 204,554.13		\$ 95,711.40	140,944.72
	Irvington	-21%	(16,493.95)	62,476.35	78,970.30			\$ 88,193.60				\$ 194,781.71		\$ 96,046.38	142,446.08
0.000	Tarrytown	-22%	(20,313.86)	74,118.97	0 11 100.00		\$ 159,157.69	\$ 98,979.17	-57% \$			\$ 232,452.23	\$ 173,966.83	\$ 107,792.29	160,272.64
Harrison	122 27	-21%	(65,843.70)	242,579.41	000,750.11			\$ 387,435.52		(233,002.57) \$	429,882.26	\$ 662,884.83	\$ 660,634.80	\$ 411,998.85	411,875.09
	Harrison	-21%	(65,843.70)	242,579.41	308,423.11			\$ 387,435.52		(233,002.57) \$	429,882.26	\$ 662,884.83	\$ 660,634.80	\$ 411,998.85	411,875.09
Lewisboro		-26%	(68,593.24)	192,440.08				\$ 290,385.35				\$ 423,577.17	\$ 679,365.66	\$ 441,262.61	269,343.91
Mamaroneci		-4%	(21,391.26)	506,612.95	528,004.21	A COST (4.500 marrors)		\$ 499,190.53		(613,345.54) \$	630,775.85	\$ 1,244,121.39	\$ 1,416,421,85	\$ 946,981.68	829,664.51
	Larchmont	-3%	(3,011.96)	106,242.32	109,254.28		,	\$ 100,826.75		(122,740.70) \$	130,519.72	\$ 253,260.43	\$ 286,775.14	\$ 191,271.83	168,057.62
50000000000000000000000000000000000000	Mamaroneck	-6%	(5,768.72)	92,303.66	001018100		\$ 164,840.15	\$ 93,090.70	-50% \$	(116,643.20) \$	117,161.36	\$ 233,804.55	\$ 264,088.16	\$ 176,596.28	153,945.75
Mt. Kisco	1212 88989	-44%	(45,647,76)	58,899.12	.01,010.0.		d LANDSON	\$ 57,927.41	12% \$	10,473.36 \$	95,567,07	\$ 85,093.72	\$ 115,246.00	\$ 87,334,14	69,358.43
	Mt. Kisco	-44%	(45,647.76)	58,899.12	10 10 10 10		A	\$ 57.927.41	12% \$	10,473.36 \$	95,567.07	\$ 85,093,72	\$ 115,246.00	\$ 87,334.14	69,358.43
Mt. Pleasant		-37%	(246,059.41)	419,059,93	665,119.34		\$ 1,450,583.37	\$ 662,444.31	-19% \$	(203,489.26) \$	864,234.28	\$ 1,067,723.54	\$ 1,294,467.33	\$ 966,621,90	1,439,326 36
	Briarcliff	-37%	(2.389.32)	4,151.79	0,0 7 11 1 10		\$ 14,952.86	\$ 6,751.18	-23% \$	(2,566.22) \$	8,499.30	\$ 11,065.52	\$ 13,343.59	\$ 9,851.15	14,660.90
	Pleasantville	-36%	(19,820.84)	34,658.65				\$ 53,063.57	-18% \$	(15,719.72) \$	70,788.87	\$ 86,508.59	\$ 105,176.33	\$ 77,429.01	113,173.29
	Sleepy Hollow	-35%	(16,437.66)	30,985.94		\$ 127,292.35		\$ 41,516.52	-12% \$	(8,657.64) \$	61,620.67	\$ 70,278.31	\$ 82,972.81	\$ 60,579.85	89,102.24
Mt. Vemon		19%	127,351.52	792,791.18	665,439.66	\$ 1,538,484.38	\$ 829,898.66	\$ 1,024,180.04	-30% \$	(294,824.54) \$	685,364.70	\$ 980,189.24	\$ 1,008,261.23	\$ 643,995.13	723,703.36
New Castle		-14%	(65,428.62)	393,453.77	458,882.39	\$ 1,076,092.68	\$ 883,929.63	\$ 467,368.54	-39% \$	(447,633.73) \$	701,687.48	\$ 1,149,321.21	\$ 1,232,397.38	\$ 831,430,00	622,097.65
New Rochel	le	-19%	(173,205.07)	728,167.71	901,372.78	\$ 1,721,141.67	\$ 2,010,465.97	\$ 1,159,169.46	-37% \$	(506,549.67) \$	871,325.80	\$ 1,377,875.47	\$ 1,718,628.58	\$ 1,242,438,38	1,504,308.75
No. Castle		-37%	(191,301.30)	330,385.81			\$ 653,564.10	\$ 453,739.84	-44% \$	(351,517.86) \$	441,134.41	\$ 792,652.27	\$ 1,009,961.25	\$ 657.934.27	527,463.26
No. Salem		0%	4.23	65,225.13			\$ 232,458.71	\$ 170,212.85	-49% \$	(77.841.76) \$	80,995.51	\$ 158,837.27	\$ 209,113.01	\$ 146,661.63	104,590.04
Ossining		-19%	(52,351.34)	228,299.61	280,650.94	\$ 594,101.22	\$ 525,073.26	\$ 339,827,83	-55% \$	(327,582.56) \$	270,859.47	\$ 598,442.03	\$ 520,575.30	\$ 408,718,61	354,521.68
	Briarcliff	-19%	(16,089.12)	69,329.66	85,418.78		\$ 168,614.63	\$ 110,263.75	-56% \$	(104,821.97) \$	82,438.65	\$ 187,260.62	\$ 167,170.22	\$ 132,616.71	113,162.66
	Ossining	-18%	(19,275.32)	85,899.66			\$ 188,187.27	\$ 120,220.47	-53% \$	(115,520.71) \$	101,505.59	\$ 217,026.30	\$ 186,575.19	\$ 144,591.88	126,934.28
Peekskill		-17%	(35,628.54)	178,935.03	etooo.o.		\$ 425,865.24	\$ 327,668.44	-61% \$	(266,701.65) \$	170,114.17	\$ 436,815.82	\$ 405,091.06	\$ 238,377,26	272,853.67
Pelham	923/701	6%	8,204.79	148,650,15	140,445.37	\$ 306,781.54	\$ 304,822.24	\$ 140,245.90	-39% \$	(106,444.02) \$	168,604.90	\$ 275,048.91	\$ 410,597.38	\$ 249,793.45	277,986.21
	Pelham	6%	3,645.64	66,540.81	62,895.17		\$ 136,691.70	\$ 62,739.04	-39% \$	(47,900.66) \$	75,505.75	\$ 123,406.41	\$ 184,124.53	\$ 111,745.17	124,311.97
	Pelham Manor	6%	4,559.14	82,109.34			\$ 168,130.54	\$ 77,506.85	-39% \$	(58,543.35) \$	93,099.14	\$ 151,642.50	\$ 226,472.84	\$ 138,048,27	153,674.23
Pound Ridge	В	-23%	(38,141.83)	131,060.99		\$ 348,740.67	4 4.41.4444	\$ 158,918.55		(174,879.41) \$	204,620.18	\$ 379,499.59	\$ 362,456.76	\$ 284,094.21	170,758.12
Rye City		-10%	(66,395.54)	591,868.40		\$ 1,114,245.95	4 0.01000.00	\$ 650,624.48	-47% \$	(657,394.04) \$	748,700.96	\$ 1,406,095.00	\$ 1,490,742.72	\$ 1,088,605.81	1,034,032.35
Rye Town	ESS COMMON SOCIAL SOCIA	-59%	(351,883.89)	243,308.35	000,100.00	\$ 533,913.61		\$ 354,250,31	-47% \$	(286,569.88) \$	325,427.60	\$ 611,997.47	\$ 673,462.95	\$ 483,302.54	399,504.26
	Mamaroneck	-22%	(28,366.89)	100,106.11		\$ 114,754.03		\$ 78,458.88	-47% \$	(61,292.63) \$	70,243.96	\$ 131,536.59	\$ 145,184.50	\$ 107,041.20	88,944.27
	Port Chester	-79%	(196,581.18)	52,685.38				\$ 136,961.05	-47% \$	(118,939.82) \$	136,289.10	\$ 255,228.92	\$ 278,182.09	\$ 186,855.52	152,942.80
_	Rye Brook	-58%	(126,935.82)	90,516.86	E 11110E100	\$ 196,494.95		\$ 138,830.37	-47% \$			\$ 225,231.96	\$ 250,096.35	\$ 189,405.83	157,617.19
Scarsdale	920 2000	-39%	(167,913.29)	265,692.85	400,000.14	\$ 527,268.87	\$ 704,615.84	\$ 429,710.82	-39% \$	(361,685.59) \$	560,668.22	\$ 922,353.80	\$ 915,981.17	\$ 584,610.54	470,066.97
	Scarsdale	-39%	(167,913,29)	265,692.85	1001000.11			\$ 429,710.82	-39% \$	(361,685.59) \$	560,668.22	\$ 922,353.80	\$ 915,981.17	\$ 584,610.54	470,066.97
Somers		9%	32,121.02	374,685.57				\$ 417,686.14	-40% \$	(231,365.88) \$	345,241.12	\$ 576,607.00	\$ 748,462.88		377,642.03
White Plains	3	-16%	(125,895.05)	658,637.76			\$ 1,201,960.15	\$ 1,791,602.58	-22% \$	(285,065.82) \$	1,029,383.67	\$ 1,314,449.49	\$ 1,245,079.85	\$ 832,206.78	1,531,521.44
Yonkers		-14%	(267,847.18)	1,715,023.54			\$ 2,898,193.55	\$ 2,176,941.99	-39% \$	(1,208,326.39) \$	1,853,745.66	\$ 3,062,072.05	\$ 3,209,000.34	\$ 2,059,751.87	2,578,158.75
Yorktown		-16%	(83,283.85)	429,779.69	513,063.54	\$ 1,032,980.70	\$ 1,325,658.36	\$ 775,801.29	-31% \$			\$ 848,375.50	\$ 1,266,108.43	\$ 751,856.61	674,627.61
									00/4356 15						
		19		- Approx											
		-20%	(3,175,794.81)	12,836,017.94	16,011,812.75	30,243,069.05	27.969,562.47	19,050,650.39	-42% \$	(12,465,575.32) \$	17.148.805.11	\$ 29,614,380.43	\$31,499,449.20	\$ 21,000,131.79	\$ 22,283,983.22
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## ACT NO. - 2024

An act to authorize the Commissioner of the Westchester County Department of Finance to pay Mortgage Tax Receipts to Cities, Towns and Villages

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

Section 1. The County of Westchester is hereby authorized and directed to pay, pursuant to Section 261(3) of the New York State Tax Law, as amended, from money on hand applicable for distribution to the Cities, Towns and Villages, an amount totaling \$12,836,017.94 in accordance with the attached report of the County Clerk and Commissioner of Finance representing the statement of mortgage taxes received and expenses incurred by the County Clerk for the period of October 1, 2023 through March 31, 2024.

- §2. The Commissioner of Finance, or her duly authorized designee is hereby authorized and directed to pay the amount set forth in Section 1 of this Act to the Cities, Towns and Villages, as set forth in the attached report.
  - §3. This Act shall take effect immediately.