

# Board of Legislators Meeting Agenda



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

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**Monday, January 27, 2025**

**7:00 PM**

**Legislative Chambers**

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## Regular Meeting

### CALENDAR 3 (CONSENT)

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

\* Please note: Legislator Nancy Barr will be participating remotely from 384 Fellsway West, Medford, MA., 02155

### CALL TO ORDER

### MINUTES APPROVAL

January 6, 2025, 7pm, Regular Meeting

### PUBLIC COMMENT

SPEAKERS \_\_\_\_\_

### PUBLIC HEARING

### UNFINISHED BUSINESS

### I. COMMUNICATIONS

#### A. COUNTY EXECUTIVE

##### 1. 2025-12 IMA-Communications and Dispatch Services-Tuckahoe

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Tuckahoe pursuant to which the County Department of Public Safety will provide the Village Police Department with communications and dispatch services during the midnight shift.



**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY****2. [2025-14](#) BOND ACT-BSS21-Infrastructure Improvements to Shelter Facilities-Coachman Family Center '25-'29**

A BOND ACT authorizing the issuance of NINE HUNDRED EIGHTY FIVE THOUSAND (\$985,000) DOLLARS in bonds of Westchester County to finance Capital Project BSS21 - Infrastructure Improvements to Shelter Facilities - Coachman Family Center (2025-2029).

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HUMAN SERVICES**

**3. [2025-15](#) BOND ACT-RGP17-Master Plan II**

A BOND ACT authorizing the issuance of ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance Capital Project RGP17 - Master Plan II.

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

**4. [2025-16](#) BOND ACT-RGP15-Gen'l Infrastructure-Fuel Tank Replace. & BOND ACT-RGP16-Gen'l Infrastructure-Roofing Systems**

A BOND ACT authorizing the issuance of ONE MILLION, THREE HUNDRED THOUSAND (\$1,300,000) DOLLARS in bonds of Westchester County to finance Capital Project RGP 15 - General Infrastructure - Fuel Tank Replacement (2024-2028) and Capital Project RGP16- General Infrastructure - Roofing Systems (2024-2028).

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

**5. [2025-17](#) BOND ACT(Amended)-RB03W-Quaker Bridge Road Over Croton River, Cortlandt**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TWO MILLION, FOUR HUNDRED TWENTY-FIVE THOUSAND (\$2,425,000) DOLLARS to finance Capital Project RB03W - Quaker Bridge Road Over Croton River, Cortlandt.

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

**6. [2025-18](#) BOND ACT(Amended)-T0045-Replace Bus Wash At the Cerrato Maintenance Facility**

A BOND ACT (Amended) authorizing the removal of TWO MILLION, SEVEN HUNDRED THOUSAND (\$2,700,000) DOLLARS in bonds allocable to Capital Project T0045 - Replace Bus Wash At the Cerrato Maintenance Facility and decrease the estimated maximum amount of bonds authorized to SEVEN MILLION, SEVEN HUNDRED TWENTY FIVE THOUSAND (\$7,725,000) DOLLARS.

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

**PUBLIC WORKS & TRANSPORTATION****7.     [2025-19](#)           BOND ACT(Consolidated)-T0045-Replace Bus Wash At the Cerrato Maintenance Facility**

A BOND ACT (Consolidated) authorizing the issuance of bonds of Westchester County in the amount of FOUR MILLION, FIVE HUNDRED THOUSAND (\$4,500,000) DOLLARS to finance the cost of purchase and installation of the bus wash system at the Cerrato Maintenance Facility at the County-owned Valhalla Campus in the Town of Mount Pleasant in connection with Capital Project T0045 - Replace Bus Wash At The Cerrato Maintenance Facility.

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

**8.     [2025-20](#)           IMA-Kingsland Point Park-Sleepy Hollow**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Sleepy Hollow whereby the Village shall operate and maintain a portion of Kingsland Point Park on behalf of the County.

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

**9.     [2025-21](#)           PH-Battery Energy Storage Systems**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester. [Public Hearing set for \_\_\_\_\_, 2025 at \_\_\_\_\_ .m.]. LOCAL LAW INTRO: 2025-22.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

**10.    [2025-22](#)           LOCAL LAW-Battery Energy Storage Systems**

A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

**11.    [2025-23](#)           PH-Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members." [Public Hearing set for \_\_\_\_\_, 2025 at \_\_\_\_\_,m.

[LOCAL LAW INTRO 2025-24].

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

**12.    [2025-24](#)           LOCAL LAW-Tax Exemption for Volunteer Firefighters and**

**Volunteer Ambulance Services Members**

A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

**13.   [2025-29](#)           **BOND ACT-BPS42-Firing Range Rehabilitation****

A BOND ACT authorizing the issuance of THREE HUNDRED TWENTY-FIVE THOUSAND (\$325,000) DOLLARS in bonds of Westchester County to finance Capital Project BPS42 - Firing Range Rehabilitation.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY**

**14.   [2025-30](#)           **BOND ACT-B035E-Equipment Acquisition Program & RGP13-Gen'l Infrastructure-Equipment Acquisition****

A BOND ACT authorizing the issuance of THREE MILLION (\$3,000,000) DOLLARS in bonds of Westchester County to finance Capital Project B035E - Equipment Acquisition Program (2021-2025) and Capital Project RGP13 - General Infrastructure - Equipment Acquisition (2021-2025).

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

**15.   [2025-31](#)           **BOND ACT-Info. Tech.-BIT3D, BIT6D, BIT45, BIT52, BIT53, BIT60, BIT62****

A BOND ACT authorizing the issuance of SIX MILLION, ONE HUNDRED FIFTY THOUSAND (\$6,150,000) DOLLARS in bonds of Westchester County to finance the following seven (7) Capital Projects: BIT3D (2728) Desktop Systems 2025-2029, BIT6D (2733) Purchase of Computer Equipment 2021-2025, BIT45 (2740) Building Access Control and Video Surveillance Systems Upgrade, BIT52 ( 2730) Network and Security Infrastructure Upgrades 2025-2029, BIT53 (2731) Business Continuity and Disaster Recovery, BIT60 (2732) Telecommunications Equipment/ Software Replacement and Upgrade and BIT62 (2729) Replace DOH Electronic Health Record and Reporting System.

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

**16.   [2025-32](#)           **ACT-Amend Agreement-East of Hudson Watershed Corporation****

AN ACT authorizing the County of Westchester to enter into a first amendment to an agreement with the East of Hudson Watershed Corporation in order to retroactively extend the term from January 1, 2023 to December 31, 2027, and to authorize the disbursement of the remaining balance of TWO HUNDRED ELEVEN, FIVE HUNDRED SIXTY-TWO (\$211,562) DOLLARS in East of Hudson Watershed Quality Investment Program Fund earnings for operation and maintenance costs for certain approved stormwater retrofit projects.

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

17. [2025-33](#) **BOND ACT-BES19-Westchester Emergency Operations Center Upgrades**

A BOND ACT authorizing the issuance of TWO MILLION, TEN THOUSAND (\$2,010,000) DOLLARS in bonds of Westchester County to finance Capital Project BES19 (2716) Westchester Emergency Operations Center Upgrades.

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

18. [2025-35](#) **BOND ACT-RD021-Haulage Vehicle and Solid Waste Equipment Phase VI**

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI.

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

19. [2025-36](#) **BOND ACT(Amended)-SNY95-Pumping Station Rehab. Prgm.-No. Yonkers SSD**

A BOND ACT (Amended) authorizing the issuance of an additional SEVENTEEN MILLION (\$17,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SNY95 - Pumping Station Rehabilitation Program.

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

20. [2025-37](#) **BOND ACT-SOS08-Ossining WRRF Structural Rehabilitation**

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SOS08 - Ossining Wastewater Resource Recovery Facility (WRRF) Structural Rehabilitation.

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

21. [2025-38](#) **BOND ACT-B0114-Infrastructure Rehabilitation, Valhalla Campus '21-'25**

A BOND ACT authorizing the issuance of FIVE MILLION (\$5,000,000) DOLLARS in bonds of Westchester County to finance Capital Project B0114 - Infrastructure Rehabilitation, Valhalla Campus (2021-2025).

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

SI. 22. [2025-41](#) **PH-Qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel." [Public Hearing set for

\_\_\_\_\_, 2025 at \_\_\_\_\_.m.]. LOCAL LAW INTRO: 2025-42.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS**

**SI. 23.2025-42**      **LOCAL LAW-Qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel**

A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS**

**SI. 24.2025-43**      **BOND ACT-BLR2E-Labs & Research Equipment Acquisition '21-'25**

A BOND ACT authorizing the issuance of FIVE HUNDRED TEN THOUSAND (\$510,000) DOLLARS in bonds of Westchester County to finance Capital Project BLR2E - Labs & Research Equipment Acquisition 2021-2025.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HEALTH**

**SI. 24.2025-44**      **BOND ACT-SPC16-2819-Port Chester WRRF Secondary Clarifier and Sludge Thickener Equipment Replacement**

A BOND ACT authorizing the issuance of THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SPC16 (2819) - Port Chester Water Resource Recovery Facility (WRRF) Secondary Clarifier and Sludge Thickener Equipment Replacement.

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

**B. COUNTY ATTORNEY**

**C. LEGISLATORS**

**1.      2025-34**      **HON. MARGARET A. CUNZIO: Request for Removal from County Saw Mill River Sewer District-2 Charles Ct., Chappaqua**

Forwarding correspondence received from the Town of Mt. Pleasant regarding a request for removal from the Westchester County Saw Mill Sewer District - 2 Charles Court, Chappaqua, NY.

**COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION**

**D. OTHERS**

**II. NOTICES & PETITIONS**

1. [2025-13](#) **CLERK OF THE BOARD - Pelham Green LLC and County of Westchester IDA, 217 Fifth Ave., Pelham**

Forwarded by the Clerk of the Board, an Amended Application for Real Property Tax Exemption for Pelham Green LLC and the County of Westchester IDA for 217 Fifth Avenue, Village of Pelham.

**FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY**

2. [2025-25](#) **CLERK OF THE BOARD - Itemized Listing of WCPW Machinery and Equipment**

Forwarded by the Clerk of the Board, an itemized listing of all machinery and equipment under the jurisdiction of the Commissioner of Public Works purchased by the County of Westchester for the maintenance of the County Road System.

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

3. [2025-26](#) **CLERK OF THE BOARD - Application for Real Property Tax Exemption - 1111 aka 1113 Central Park Ave., Yonkers**

Forwarded by the Clerk of the Board, an Application for Real Property Tax Exemption for 1111 aka 1113 Central Park Avenue, Yonkers.

**FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY**

4. [2025-27](#) **CLERK OF THE BOARD - Application for Real Property Tax Exemption-21-23 Park Ave., Yonkers**

Forwarded by the Clerk of the Board, an application for real property tax exemption for the property located at 21-23 Park Avenue, Yonkers.

**FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY**

### III. STANDING COMMITTEES

1. [2024-489](#) **BOND ACT-WCC97-Virginia Marx Children Center**

A BOND ACT authorizing the issuance of THREE HUNDRED TWENTY-SIX THOUSAND (\$326,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC97 - Virginia Marx Children Center.

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

BOND ACT \_\_\_\_\_ - 2024

VOTE \_\_\_\_\_

2. [2024-504](#) **BOND ACT-WCC82-Site Upgrade Campus Wide**

A BOND ACT authorizing the issuance of TWO MILLION, ONE HUNDRED THOUSAND (\$2,100,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC82 - Site Upgrade Campus Wide.

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



**BOND ACT \_\_\_\_\_ - 2025** **VOTE \_\_\_\_\_**

3. [2024-505](#) **BOND ACT-WCC87-Classroom Building Renovation**

A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC87 - Classroom Building Renovation.

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

**BOND ACT \_\_\_\_\_ - 2025** **VOTE \_\_\_\_\_**

4. [2024-506](#) **BOND ACT-WCC88-Maintenance Building Infrastructure Upgrade**

A BOND ACT authorizing the issuance of EIGHT HUNDRED SIXTY-FOUR THOUSAND (\$864,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC88 - Maintenance Building Infrastructure Upgrade.

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

**BOND ACT \_\_\_\_\_ - 2025** **VOTE \_\_\_\_\_**

5. [2024-507](#) **BOND ACT-WCC89-Administration Building Expansion-Renovation**

A BOND ACT authorizing the issuance of FOUR MILLION, ONE HUNDRED EIGHTY-SIX THOUSAND (\$4,186,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC89 - Administration Building Expansion/Renovation.

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

**BOND ACT \_\_\_\_\_ - 2025** **VOTE \_\_\_\_\_**

6. [2024-560](#) **PH - Prohibiting The Unlawful Use Of Digitally Deceptive Material**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 610 in relation to prohibiting the unlawful use of digitally deceptive material." [Public Hearing set for \_\_\_\_\_, 2024 at \_\_\_\_\_ .m]. LOCAL LAW INTRO: 2024-562.

***SUBMITTED BY: COMMITTEES ON LEGISLATION, INFORMATION TECHNOLOGY & CYBERSECURITY AND PUBLIC SAFETY***

**RESOLUTION \_\_\_\_\_ - 2025** **VOTE \_\_\_\_\_**

7. [2024-586](#) **ACT-Retroactively Amend Grant Agreements-NYSOFA-CSE, etc.**

AN ACT authorizing the County of Westchester to retroactively amend grant agreements with the New York State Office for the Aging to increase funding under the 2023-24 CSE and

EISEP programs, and under the 2022-2024 combined WIN/NSIP programs, and to extend the EISEP Grant Agreement term through December 31, 2024.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH**

ACT \_\_\_\_\_ - 2025

VOTE \_\_\_\_\_

8. [2024-588](#) **BOND ACT-RD017-MRF Transfer Station Rehab.-Amending Bond Act 99-2019**

A BOND ACT (Amended) authorizing a decrease of bonds of Westchester County from SEVEN MILLION, FIVE HUNDRED THOUSAND (\$7,500,000) DOLLARS to FOUR MILLION, SEVEN HUNDRED THOUSAND (\$4,700,000) DOLLARS to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

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

BOND ACT \_\_\_\_\_ - 2025

VOTE \_\_\_\_\_

9. [2024-589](#) **BOND ACT-RD017-MRF Transfer Station Rehab.-Amending Bond Act 85-2020**

A BOND ACT (Amended) reducing the amount of bonds of the County of Westchester from THREE HUNDRED THOUSAND (\$300,000) DOLLARS TO ONE HUNDRED SEVENTY THOUSAND (\$170,000) DOLLARS to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

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

BOND ACT \_\_\_\_\_ - 2025

VOTE \_\_\_\_\_

10. [2024-590](#) **BOND ACT-RD017-MRF Transfer Station Rehab.-Consolidated Bond Act Amending 215-2023**

A BOND ACT (Amended) authorizing an increase in bonds of Westchester County by TWO MILLION, NINE HUNDRED THIRTY THOUSAND (\$2,930,000) DOLLARS to EIGHTEEN MILLION, SEVEN HUNDRED SIXTY THOUSAND (\$18,760,000) DOLLARS to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

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

BOND ACT \_\_\_\_\_ - 2025

VOTE \_\_\_\_\_

11. [2024-604](#) **ACT - IMA with Greenburgh to Provide Educational/Recreational Programs**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Town of Greenburgh ("Greenburgh") pursuant to which Greenburgh will provide various educational and recreational programs for the period from January 1, 2024 through December 31, 2024 for a total amount not to exceed TEN THOUSAND (\$10,000) DOLLARS.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS,**



**SENIORS & YOUTH**

ACT \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**12. [2024-612](#) ENV RES-Granting Permanent Easements to the City of New York Dept. of Environmental Protection**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from an ACT granting permanent easements to the City of New York Department of Environmental Protection.

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

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**13. [2024-613](#) ACT-Granting Permanent Easements to the City of New York Dept. of Environmental Protection**

AN ACT authorizing the County of Westchester to grant permanent easements to the City of New York over, under and through certain real properties in the Town of Mount Pleasant.

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

ACT \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**14. [2024-614](#) ACT-Resource Allocation Plan**

AN ACT authorizing the County of Westchester to execute and submit to the State of New York a Resource Allocation Plan which will provide State reimbursement for certain youth service programs and enter into inter-municipal agreements with various municipalities to implement certain of those programs.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH**

ACT \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**15. [2024-617](#) REAPPT-Fire Advisory Board-Lyman**

A RESOLUTION reappointing Richard Lyman as a member of the Westchester County Fire Advisory Board for the term January 1, 2025 to December 31, 2027.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**16. [2024-618](#) REAPPT-Fire Advisory Board-Sandor**

A RESOLUTION reappointing Chief Andrew J. Sandor as a member of the Westchester County Fire Advisory Board for the term January 1, 2025 to December 31, 2027.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**17. [2024-619](#) REAPPT-Domestic Violence Council-Kanusher**

A RESOLUTION reappointing Cindy Kanusher as a member of the Westchester County Domestic Violence Council for the term January 1, 2025 to December 31, 2027.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**18. [2024-620](#) REAPPT-Hispanic Advisory Board-Duarte**

A RESOLUTION reappointing David Duarte as a member of the Westchester County Hispanic Advisory Board for the term January 1, 2025 to December 31, 2026.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**19. [2025-7](#) IMA-Project STRIV-Putnam Northern Westchester BOCES**

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

**SUBMITTED BY: COMMITTEES ON VETERANS, SENIORS & YOUTH AND PUBLIC SAFETY**

ACT \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**20. [2025-8](#) RES-Westchester County Agricultural District No. 1**

A RESOLUTION authorizing the County of Westchester to commence a review of Westchester County Agricultural District No. 1 pursuant to Section 303-a of the New York Agriculture and Markets Law.

**SUBMITTED BY: COMMITTEES ON PARKS & ENVIRONMENT AND HOUSING & PLANNING**

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**21. [2025-10](#) APPT-Commissioner, Westchester County Dept. of Emergency Services-Spear**

A RESOLUTION appointing Susan Spear as the Commissioner of the Westchester County Department of Emergency Services effective January 7, 2025.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

RESOLUTION \_\_\_\_\_ - 2025 VOTE \_\_\_\_\_

**22. [2025-11](#) APPT-Deputy County Executive-Wishnie**

A RESOLUTION appointing Richard Wishnie as the Deputy County Executive of Westchester County effective January 7, 2025.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

RESOLUTION \_\_\_\_\_ - 2025

VOTE \_\_\_\_\_

[SI. 23.2025-40](#)**ACT - WC PARKS PASSES FREE FOR VETERANS**

AN ACT providing Westchester County Parks Passes for Veterans free of charge.

***SUBMITTED BY: COMMITTEES ON LEGISLATION, PARKS & ENVIRONMENT AND  
VETERANS, SENIORS & YOUTH***

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

ACT \_\_\_\_\_ - 2024

VOTE \_\_\_\_\_

**IV. SPECIAL ORDERS****MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS****1. [2025-28](#) MEMORIAL RESOLUTIONS 2025-2**

LEGISLATORS BOYKIN AND WILLIAMS JOHNSON: Paul Angelo Bello, Sr.

HON. ERIKA PIERCE: Arthur "Art" Klamka, Joan Silbersher

LEGISLATORS TUBIOLO, ALVARADO, NOLAN AND WILLIAMS: Carmine Rubbo, Dr. Nayel "Neil" Sayegh

HON. EMILJANA ULAJ: George Leonard, Carl Van Dyke

LEGISLATORS WILLIAMS, ALVARADO, NOLAN AND TUBIOLO: Bishop Dr. Rupert Clarke

LEGISLATORS WILLIAMS JOHNSON AND CUNZIO: Sister Susan Gardella

**ADJOURNMENT**

Next Meeting: February 10, 2025 at 7pm.

# Westchester County

Kenneth W. Jenkins  
County Executive

January 7, 2025

Westchester County Board of Legislators  
148 Martine Avenue, Room 800  
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your consideration and approval is legislation, which if adopted, would authorize the County of Westchester ("County") to renew into an intermunicipal agreement ("IMA") with the Village of Tuckahoe (the "Village"), pursuant to which the County, through its Department of Public Safety Services ("Department") would continue to provide the Village Police Department with communications and dispatch services during the midnight shift.

By Act No. 111-2014, your Honorable Board authorized the County to enter into a five (5) year IMA with the Village for the above services for the period from December 3, 2013 through December 2, 2018.

Thereafter, by Act No. 209-2018, your Honorable Board authorized the County to renew the IMA with the Village for an additional five (5) year term commencing on December 3, 2018. This IMA expired on December 2, 2023, and, due to the overwhelming success of this program, the parties desire to retroactively renew the IMA for an additional five (5) year term.

Pursuant to the terms of the IMA, all 911 calls or other telephone calls from the public to the Village Police Department from midnight to 7:40 a.m., seven days a week, will be automatically forwarded to the Department, which will then dispatch Village Police officers as needed. In addition, any person who comes to the Village Police headquarters during the overnight hours will be able to contact the County police through a telephone mounted at the front door. A Village Police officer would then be dispatched to return to headquarters. The proposed IMA will eliminate the need for a desk officer at Village Police headquarters during the overnight shift and allow the Village Police to continue focusing on street patrols.

The IMA will be for a term of five (5) years commencing retroactive to December 3, 2023. Either party may cancel the IMA on thirty (30) days written notice to the other.

Although these services were previously provided to the Village at no cost, the parties have agreed that going forward, the County should receive some remuneration for its efforts. Accordingly, the Village will pay the County the following fees for each year of service, payable on or before December 1<sup>st</sup> for services already rendered during that contract year:

December 3, 2023 – December 2, 2024: \$3,772.00  
December 3, 2024 – December 2, 2025: \$3,876.00

December 3, 2025 – December 2, 2026: \$3,992.00

December 3, 2026 – December 2, 2027: \$4,112.00

December 3, 2027 – December 2, 2028: \$4,235.00

Approval of this legislation will continue to benefit both the County and the Village by allowing a more efficient use of their respective resources, thereby saving taxpayer dollars. Accordingly, I most respectfully urge your Honorable Board's approval of the enclosed Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'KWJ', with a large, sweeping flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/TR/jpg

**HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending adoption of an Act which, if adopted, would authorize the County of Westchester (the “County”) to renew an intermunicipal agreement (“IMA”) with the Village of Tuckahoe (the “Village”), pursuant to which the County, through its Department of Public Safety Services (the “Department”), would continue to provide the Village Police Department with communications and dispatch services during the midnight shift.

By Act No. 111-2014, your Honorable Board authorized the County to enter into a five (5) year IMA with the Village for the above services for the period from December 3, 2013 through December 2, 2018.

Thereafter, by Act No. 209-2018, your Honorable Board authorized the County to renew the IMA with the Village for an additional five (5) year term commencing on December 3, 2018. This IMA expired on December 2, 2023, and, due to the overwhelming success of this program, the parties now desire to retroactively renew the IMA for an additional five (5) year term.

Your Committee is advised that pursuant to the terms of the IMA, all 911 calls or other telephone calls from the public to the Village Police Department from midnight to 7:40 a.m., seven days a week, will be automatically forwarded to the Department, which will then dispatch Village Police officers as needed. In addition, any person who comes to the Village Police headquarters during the overnight hours will be able to contact the County police through a telephone mounted at the front door. A Village police officer would then be dispatched to return to headquarters. The proposed IMA will eliminate the need for a desk officer at Village Police headquarters during the overnight shift and allow Village Police officers to continue focusing on street patrols.

The term of the IMA will commence retroactive to December 2, 2023 and continue for a period of five (5) years thereafter. Either party may cancel the IMA on thirty (30) days written notice to the other.

Your Committee is advised that although these services were previously provided to the Village at no cost, the parties have agreed that going forward, the County should receive some remuneration for its efforts. Accordingly, the Village will pay the County the following fees for each year of service, payable on or before December 1<sup>st</sup> for services already rendered during that contract year:

December 3, 2023 – December 2, 2024: \$3,772.00  
December 3, 2024 – December 2, 2025: \$3,876.00  
December 3, 2025 – December 2, 2026: \$3,992.00  
December 3, 2026 – December 2, 2027: \$4,112.00  
December 3, 2027 – December 2, 2028: \$4,235.00

The Planning Department has advised that based on its review, the proposed IMA does not meet the definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. 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

Your Committee has been advised that passage of the attached Act requires an affirmative vote of a majority of the voting strength of your Honorable Board.

Your Committee believes that approval of this legislation will continue to benefit both the County and the Village by allowing a more efficient use of their respective resources, thereby saving taxpayer dollars. Accordingly, your Committee recommends that your Honorable Board adopt the attached Act authorizing the renewal of an IMA with the Village for communications and dispatch services.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

**COMMITTEE ON**

c:jpg

# FISCAL IMPACT STATEMENT

SUBJECT: Village of Tuckahoe

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 3,772

Total Current Year Revenue \$ 3,772

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: To provide communications and dispatch services to the Village of Tuckahoe  
on midnight tours for a 5-year term. 38-2000-1010/9230

Potential Related Operating Budget Expenses: Annual Amount \$0

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

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: \$0

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

Current Year: \$0

Next Four Years: 2025 Expenses \$3,876 and Revenue \$3,876

2026 Expenses \$3,992 and Revenue \$3,992

2027 Expenses \$4,112 and Revenue \$4,112

2028 Expenses \$4,235 and Revenue \$4,235

Prepared by: Siva Gopalkrishna

Title: Director of Administrative services

Department: Public Safety

Date: August 16, 2024

Reviewed By:   
Budget Director

Date: 1/7/25



**AN ACT** authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Tuckahoe pursuant to which the County Department of Public Safety will provide the Village Police Department with communications and dispatch services during the midnight shift.

**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 intermunicipal agreement ("IMA") with the Village of Tuckahoe (the "Village"), in substantially the form attached hereto, pursuant to which the County, through its Department of Public Safety Services (the "Department"), would provide the Village Police Department with communications and dispatch services from midnight to 7:40 a.m., seven days a week (the "Services").

**§2.** The IMA shall commence retroactive to December 2, 2023 and continue for a period of five (5) years thereafter. Either party may cancel the IMA on thirty (30) days written notice to the other.

**§3.** In consideration for Services rendered, the Village shall pay the County the following fees, payable on or before December 1<sup>st</sup> for Services already rendered during that contract year:

December 3, 2023 – December 2, 2024: \$3,772.00  
December 3, 2024 – December 2, 2025: \$3,876.00  
December 3, 2025 – December 2, 2026: \$3,992.00  
December 3, 2026 – December 2, 2027: \$4,112.00  
December 3, 2027 – December 2, 2028: \$4,235.00

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

**§5.** This Act shall take effect immediately.

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

and

**THE VILLAGE OF TUCKAHOE**, a municipal corporation of the State of New York, having an office and place of business located at 65 Main Street Tuckahoe, NY 10707 (hereafter the "Village")

**WITNESSETH:**

**WHEREAS**, the Village, through its Police Department (the "Village Police"), desires to obtain communications and dispatch services during the midnight shift to eliminate the need for a desk officer at police headquarters and allow the Village Police to continue focusing on street patrols; and

**WHEREAS**, the County's Department of Public Safety (the "Department"), acting through the Westchester County Police (the "County Police"), provides communications and dispatch services 24 hours per day, seven days per week and has sufficient personnel on staff to handle communications and dispatch duties for the Village Police during the midnight shift; and

**WHEREAS**, the parties have successfully concluded negotiations and have agreed on the relevant terms and conditions pursuant to which such communications and dispatch services will be provided; and

**WHEREAS**, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

**WHEREAS**, the Village's Board of Trustees has duly authorized the Village's Mayor to execute an agreement with the County whereby the County Police will provide communications and dispatch services on the terms described below; and

**WHEREAS**, by Act No. \_\_\_\_\_ - 2025, approved by the Westchester County Board of Legislators on \_\_\_\_\_, 2025, the County was authorized to enter into an agreement to provide such communications and dispatch services to the Village upon the terms described below.

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties agree as follows:

**FIRST**: The County, through the County Police, shall provide communications and dispatch duties for the Village Police during the period from midnight to 7:40a.m., seven days per week, as more particularly described in Schedule "A", attached hereto and made a part hereof (the "Services").

**SECOND**: The term of this Agreement shall commence retroactive to December 3, 2023 and shall expire five (5) years thereafter, unless sooner terminated in accordance with the provisions of this Agreement.

**THIRD**: In consideration for Services rendered, the Village shall pay the County the following fees for each year, payable on or before December 1<sup>st</sup> for Services already rendered during that contract year:

December 3, 2023 – December 2, 2024: \$3,772.00  
December 3, 2024 – December 2, 2025: \$3,876.00  
December 3, 2025 – December 2, 2026: \$3,992.00  
December 3, 2026 – December 2, 2027: \$4,112.00  
December 3, 2027 – December 2, 2028: \$4,235.00

**FOURTH**: (a) Either party, upon thirty (30) days prior written notice to the other party, may terminate this Agreement when the terminating party deems it to be in its best interest.

(b) In the event that there has been a material breach by either party of any of the terms of the Agreement and such breach remains uncured for thirty (30) days after service on the breaching party of written notice thereof, or in the event that such breach is not susceptible of being cured within such thirty (30) day period, such cure has not been commenced within such period and diligently pursued and completed within a reasonable time thereafter, the non-

breaching party, in addition to any other right or remedy it might have under this Agreement or at law or in equity, may terminate this Agreement. Notice hereunder shall be effective on the date of receipt.

**FIFTH:** the Village 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 Village shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Village or third parties under the direction or control of the Village; 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 the acts or omissions hereunder by the Village or third parties under the direction or control of the Village and to bear all other costs and expenses related thereto; and

(c) In the event the Village 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 Village shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

**SIXTH:** All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail, return receipt requested, postage pre-paid, or sent by hand or overnight delivery, or sent by facsimile (with acknowledgement received and a copy of the notice sent by overnight courier) to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the County:

Commissioner of Public Safety  
1 Saw Mill River Parkway  
Hawthorne, New York 10532

with a copy to:

County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue  
White Plains, New York 10601

To the Village:

Mayor  
Village of Tuckahoe  
65 Main Street  
Tuckahoe, New York 10707

with a copy to:

Village Attorney  
Village of Tuckahoe  
65 Main Street  
Tuckahoe, New York 10707

**SEVENTH:** This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties. In the event of any conflict between this Agreement and any of its attachments, the terms of this Agreement shall control.

In the event that 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.

**EIGHTH:** Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and

projects funded by all departments of the County. Under this IMA it is recognized and understood that the County encourages the Village to do similarly.

**NINTH:** Any purported delegation of duties or assignment of rights under this Agreement by one party without the prior express written consent of the other is void.

**TENTH:** This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

**ELEVENTH:** This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement in triplicate.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Terrance Raynor  
Commissioner/Sheriff  
Department of Public Safety

**VILLAGE OF TUCKAHOE**

By: \_\_\_\_\_  
Name:  
Title:

Authorized and approved by the Westchester County Board of Legislators, at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, 2025 by Act No. \_\_\_\_\_ - 2025.

Authorized and approved by the Village Board of the Village of Tuckahoe at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, 202\_.

Approved:

\_\_\_\_\_  
Sr. Assistant County Attorney  
The County of Westchester

**MUNICIPALITY'S ACKNOWLEDGEMENT**

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2025,  
\_\_\_\_\_, known to me, or proven on the basis of satisfactory evidence,  
to be the individual who has subscribed to the within instrument, personally appeared before me  
and acknowledged to me that she/he executed the same in his/her duly authorized capacity, and  
that by his/her signature on the instrument, the individual, or the person on whose behalf the  
individual acted, executed the instrument and acknowledged, if operating under a trade name,  
that the certificate required by the New York State General Business Law, Section 130 has been  
filed as required therein.

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF AUTHORITY**  
(Municipality)

I, \_\_\_\_\_, certify that I am the  
(Officer other than officer signing contract)

\_\_\_\_\_ of the \_\_\_\_\_  
(Title) (Name of Municipality)

(the "Municipality"), a corporation duly organized in good standing under the \_\_\_\_\_

\_\_\_\_\_  
(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that \_\_\_\_\_ who signed said  
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution \_\_\_\_\_ of  
(Title of such person),

the Municipality, that said agreement was duly signed for on behalf of said Municipality by  
authority of its \_\_\_\_\_ thereunto duly authorized,  
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

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

On this \_\_\_\_ day of \_\_\_\_\_ 2025, before me personally came \_\_\_\_\_  
\_\_\_\_\_, whose signature appears above, known to me to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
(Title)

the municipal corporation described in and which executed the above certificate, who being by  
me duly sworn did depose and say that he, the said \_\_\_\_\_  
resides at \_\_\_\_\_, and that  
he/she is the \_\_\_\_\_ of said municipal corporation.  
(Title)

\_\_\_\_\_  
Notary Public        County



## SCHEDULE "A"

### SCOPE OF WORK

All 911 calls or other telephone calls from the public to the Village Police Department from midnight to 7:40 a.m., seven days a week, will be automatically forwarded to the Westchester County Department of Public Safety, which will then dispatch Village Police officers as needed. In addition, any person who comes to the Village Police headquarters during the overnight hours will be able to contact the County police through a telephone mounted at the front door. A Village Police officer would then be dispatched to return to headquarters. The proposed IMA will eliminate the need for a desk officer at Village Police headquarters during the overnight shift and allow the Village Police to continue focusing on street patrols.



**Kenneth W. Jenkins**  
County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$985,000 to finance the following capital project:

**BSS21 – Infrastructure Improvements to Shelter Facilities – Coachman Family Center (2025 – 2029)**

The Bond Act, in the amount of \$985,000, would finance the cost of replacement of the water service trunk line at the Coachman Family Center in White Plains. The Bond Act will also finance the cost of modifications, and in some instances, relocation and replacement of the fire suppression system in the building.

The Department of Social Services ("Department") has advised that this project funds a multi-year cycle of infrastructure improvements at the Coachman facility. The current request will be limited to the replacement of water service to the building, including the 100-year old trunk line, as well as modifications to the fire suppression system.

Following bonding authorization, design will be scheduled and is estimated to take six (6) months to complete and will be performed by outside consultants and in house staff. Construction is estimated to take six (6) months to complete and will begin after award and execution of construction contracts.

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

Sincerely,

 A handwritten signature in black ink, appearing to read "KWJ", followed by a horizontal line.
 

Kenneth W. Jenkins  
Westchester County Executive

KWJ/RT/jpg/nn  
Attachment

Reference BSS21

**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 \$985,000 to finance capital project BSS21 – Infrastructure Improvements to Shelter Facilities – Coachman Family Center (2025 – 2029). The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of replacement of the water service trunk line at the Coachman Family Center in White Plains. The Bond Act will also finance the cost of modifications, and in some instances, relocation and replacement of the fire suppression system in the building.

The Department of Social Services (“Department”) has advised that this project funds a multi-year cycle of infrastructure improvements at the Coachman facility. The current request will be limited to the replacement of water service to the building, including the 100-year old trunk line, as well as modifications to the fire suppression system.

Following bonding authorization, design will be scheduled and is estimated to take six (6) months to complete and will be performed by outside consultants and in house staff. Construction is estimated to take six (6) months to complete and will begin after award and execution of construction contracts.

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

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

Dated: \_\_\_\_\_, 2025  
White Plains, New York

**COMMITTEE ON**

c/jpg/12-05-2024

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BSS21

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$                    985,000                    PPU    15                    Anticipated Interest Rate    3.49%

Anticipated Annual Cost (Principal and Interest):                    \$        84,457

Total Debt Service (Annual Cost x Term):                    \$    1,266,851

Finance Department:        maab 1-14-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):                    \$                    -

Potential Related Revenues (Annual):                    \$                    -

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

\_\_\_\_\_

\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded:                    11

Prepared by: Thomas M. Rooney Jr.

Title: Reimbursement Manager

Department: Department of Social Services

Date: 1/14/25

Reviewed By:

*DR*  
1/15/25

Budget Director

Date:

1/15/25



Memorandum  
Department of Planning

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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BSS21 INFRASTRUCTURE IMPROVEMENTS TO SHELTER FACILITIES,  
COACHMAN FAMILY CENTER (2025-2029)**

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 11-22-2024 (Unique ID: 2742)

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

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

**COMMENTS:** None.

DSK/mvc

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

REFERENCE: BSS21

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$985,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE WATER SERVICE TRUNK LINE AT THE COACHMAN FAMILY CENTER IN WHITE PLAINS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$985,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$985,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$985,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the replacement of the water service trunk line at the County-owned Coachman Family Center in White Plains, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of

said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$985,000. The plan of financing includes the issuance of \$985,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$985,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 1 of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$985,000. 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 \$985,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to

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

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

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

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



Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK )

: ss.:

COUNTY OF NEW YORK )

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

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

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_\_\_ and approved 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 \$985,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE WATER SERVICE TRUNK LINE AT THE COACHMAN FAMILY CENTER IN WHITE PLAINS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$985,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$985,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the replacement of the water service trunk line at the County-owned Coachman Family Center in White Plains, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$985,000; fifteen (15) years

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

---

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BSS21	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> INFRASTRUCTURE IMPROVEMENTS 8, TO SHELTER FACILITIES - COACHMAN FAMILY CENTER (2025- 2029)	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> SOCIAL SERVICES	<b>CP Unique ID:</b> 2742

**Overall Project Description**

This project funds a multi-year cycle of infrastructure improvements at the Coachman Facility. The work will include replacement of water service to the building including the 100-year old trunk line replacement, replacement of two boilers and all associated work including temporary boilers. The project will fund a building rehabilitation including interior renovations, bathroom replacements, HVAC and electrical system replacements.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	30,680	0	5,560	2,680	22,440	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	30,680	0	5,560	2,680	22,440	0	0	0

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

**Current Bond Description:** The water service trunk line to the building is approximately 100 years old and in need of full replacement. The fire suppression system inside the building requires modifications and some instances relocation and replacement.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	985,000
Cash:	0
<b>Total:</b>	<b>\$ 985,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

985,000

**Expected Design Work Provider:**

☒ County Staff      ☒ Consultant      ☐ Not Applicable

**Comments:****Energy Efficiencies:**

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2025	5,560,000	REPLACEMENT OF WATER SERVICE TO THE BUILDING INCLUDING TRUNK LINE REPLACEMENT AND TO BRING THE

**Total Appropriation History:**

5,560,000

**Total Financing History:**

0

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

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

12-02-2024

**Budget Department**

DEV9

**Date**

12-04-2024

**Requesting Department**

TTR1

**Date**

12-05-2024

# **INFRASTRUCTURE IMPROVEMENTS TO SHELTER FACILITIES - COACHMAN FAMILY CENTER** **(2025-2029)** **( BSS21 )**

**User Department :** Social Services

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	30,680			5,560	2,680	22,440			
Non County Share									
<b>Total</b>	<b>30,680</b>			<b>5,560</b>	<b>2,680</b>	<b>22,440</b>			

## **Project Description**

This project funds a multi-year cycle of infrastructure improvements at the Coachman Facility. The works will include replacement of water service to the building including trunk line replacement, replacement of two boilers and all associated work including temporary boilers. The project will fund a building rehabilitation including interior renovations, bathroom replacements, HVAC and electrical system replacements.

## **Current Year Description**

The current year request funds design all phases and water facilities work.

## **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	5,560,000			5,560,000

## **Impact on Operating Budget**

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



**Kenneth W. Jenkins**  
County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,000,000 to finance the following capital project:

RGP17 – Master Plan II ("RGP17").

The Bond Act, in the amount of \$1,000,000, will fund a study to update the County's Parks and Recreation System Master Plan (the "Plan").

The Department of Parks, Recreation and Conservation (the "Department") has advised that the Plan will include a comprehensive inventory and analysis of existing parks and recreation areas, community outreach and needs assessment, level of service analysis, recreation and leisure trends analysis. The Plan will also establish goals and objectives and provide recommendations for individual park facilities, programs and services, parkland acquisition and development, environmental conservation, maintenance and operations, administration and management. The findings of the study and the recommendations will culminate in the preparation of a Strategic Plan that will guide the development, management and preservation of County parks and recreation facilities.

Following bonding authorization, the Department will hire a consultant to perform the study. The study is expected to be completed in eighteen (18) months.

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

Sincerely,

A handwritten signature in black ink, appearing to be "KWJ", written over a large, stylized, light-colored circular mark that resembles a heart or a large "O".

Kenneth W. Jenkins  
Westchester County Executive

KWJ/KOC/RL/jpg/nn  
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,000,000 to finance capital project RGP17 – Master Plan II (“RGP17”). The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will fund a study to update the County’s Parks and Recreation System Master Plan (the “Plan”).

The Department of Parks, Recreation and Conservation (the “Department”) has advised that the Plan will include a comprehensive inventory and analysis of existing parks and recreation areas, community outreach and needs assessment, level of service analysis, recreation and leisure trends analysis. The Plan will also establish goals and objectives and provide recommendations for individual park facilities, programs and services, parkland acquisition and development, environmental conservation, maintenance and operations, administration and management. The findings of the study and the recommendations will culminate in the preparation of a Strategic Plan that will guide the development, management and preservation of County parks and recreation facilities.

Following bonding authorization, the Department will hire a consultant to perform the study. The study is expected to be completed eighteen (18) months.

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

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



For the reasons set forth above, your Committee recommends the adoption of the proposed Bond Act.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

**COMMITTEE ON**

c/jpg/12-16-2024

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGP17

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,000,000 PPU 5 Anticipated Interest Rate 2.98%

Anticipated Annual Cost (Principal and Interest): \$ 220,847

Total Debt Service (Annual Cost x Term): \$ 1,104,236

Finance Department: maab 1-14-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 11

Prepared by: Robert C. Lopane, RLA

Title: Director of Program Development II - P

Department: Parks, Recreation & Conservation


Date: 1/15/25

Reviewed By: 

Budget Director

Date: 1/15/25

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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RGP17 MASTER PLAN II**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 12-04-2024 (Unique ID: 2778)

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

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

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**COMMENTS:** None.

DSK/mvc

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation  
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation  
Dianne Vanadia, Associate Budget Director  
Robert Lopane, Director of Program Development II – Park Planning (PRC)  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR UPDATING THE MASTER PLAN OF THE COUNTY'S PARKS AND RECREATION SYSTEM; STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for updating the master plan for the County's Parks and recreation system; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are

inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,000,000. The plan of financing includes the issuance of \$1,000,000 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 \$1,000,000 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 \$1,000,000. 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 \$1,000,000 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 that I have compared the foregoing Act No. -20\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_.

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

(SEAL)

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR UPDATING THE MASTER PLAN OF THE COUNTY'S PARKS AND RECREATION SYSTEM; STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for updating the master plan for the County's Parks and recreation system; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$1,000,000; five (5) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RGP17  <b>Fact Sheet Year:*</b> 2025  <b>Category*</b> RECREATION FACILITIES	<input type="checkbox"/> CBA  <b>Project Title:*</b> MASTER PLAN II  <b>Department:*</b> PARKS, RECREATION & CONSERVATION	<b>Fact Sheet Date:*</b> 01-02-2025  <b>Legislative District ID:</b>  <b>CP Unique ID:</b> 2778
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### Overall Project Description

This project will fund an update to the County's Parks and Recreation System Master Plan. The Plan shall include a comprehensive inventory and analysis of existing parks and recreation areas, community outreach and needs assessment, level of service analysis, recreation and leisure trends analysis. The Plan will establish goals and objectives and provide recommendations for individual park facilities, programs and services, parkland acquisition and development, environmental conservation, maintenance and operations, administration and management.

The findings and recommendations will culminate in the preparation of a Strategic Plan that will guide the development, management and preservation of County parks and recreation facilities.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	1,000	0	1,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,000	0	1,000	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for a study to update the County's Parks and Recreation System Master Plan.

#### Financing Plan for Current Request:

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

#### SEQR Classification:

TYPE II

#### Amount Requested:

1,000,000

#### Expected Design Work Provider:

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

#### Comments:

#### Energy Efficiencies:

#### Appropriation History:

Year	Amount	Description
2025	1,000,000	MASTER PLAN STUDY

#### Total Appropriation History:

1,000,000

**Total Financing History:**

0

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

MLLL

**Date**

12-04-2024

**Department of Public Works**

RJB4

**Date**

12-04-2024

**Budget Department**

DEV9

**Date**

12-06-2024

**Requesting Department**

RCL3

**Date**

12-09-2024

## MASTER PLAN II ( RGP17 )

**User Department :** Parks, Recreation & Conservation

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	1,000			1,000					
Non County Share									
Total	1,000			1,000					

### **Project Description**

This project will fund an update to the County's Parks and Recreation System Master Plan. The Plan shall include a comprehensive inventory and analysis of existing parks and recreation areas, community outreach and needs assessment, level of service analysis, recreation and leisure trends analysis. The Plan will establish goals and objectives and provide recommendations for individual park facilities, programs and services, parkland acquisition and development, environmental conservation, maintenance and operations, administration and management.

The findings and recommendations will culminate in the preparation of a Strategic Plan that will guide the development, management and preservation of County parks and recreation facilities.

### **Current Year Description**

The current year request funds the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	1,000,000			1,000,000

### **Impact on Operating Budget**

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



Kenneth W. Jenkins  
Westchester County Executive

January 17, 2025

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 bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total amount of \$1,300,000 to finance the following capital projects for 2025:

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

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

The Bond Act would authorize the County to issue bonds in the total amount of \$1,300,000 to finance the cost of general infrastructure improvements for the Department of Parks, Recreation & Conservation, including:

(a) design, construction and construction management associated with the removal, and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at the County's Glen Island Park, Ward Pound Ridge Reservation, Sprain Lake Golf Course and other County Parks (RGP15), at the estimated maximum cost of \$800,000, and

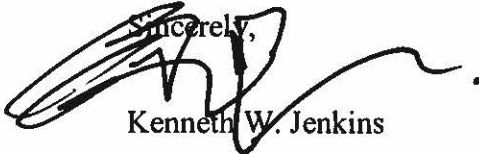
(b) the design, construction, and construction management associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Bronx River Reservation (Salt Shed), Merestead (Pump house) and Croton Point Park (Dining Hall) and other building roofs in the County Park System (RGP16), at the estimated maximum cost of \$500,000.

The Department of Parks, Recreation and Conservation has advised that cost estimates, anticipated project timelines, and whether the design is anticipated to be undertaken in-house or by consultants for each capital project is set forth below:

Cap ID	Project	Design Assignment	Time Frame (Months)	
			Design	Const
RGP15	Fuel Tank Replacement (2024-2028)	Staff and Consultant	8 months	12 months
RGP16	Roofing Systems (2024-2028)	Staff and Consultant	8 months	12 months

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

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

Sincerely,  
  
Kenneth W. Jenkins

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”) in the total aggregate amount of \$1,300,000 to authorize the County of Westchester (the “County”) to finance the following two capital projects:

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

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

Your Committee is advised that the Bond Act, prepared by the law firm of Harris Beach, would authorize the County to issue bonds in the total amount of \$1,300,000 to finance the cost of general infrastructure improvements for the Department of Parks, Recreation & Conservation, including:

(a) design, construction and construction management associated with the removal, and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at the County’s Glen Island Park, Ward Pound Ridge Reservation, Sprain Lake Golf Course and other County Parks (RGP15), at the estimated maximum cost of \$800,000, and

(b) the design, construction, and construction management associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Bronx River Reservation (Salt Shed), Merestead (Pump house) and Croton Point Park (Dining Hall) and other building roofs in the County Park System (RGP16), at the estimated maximum cost of \$500,000.

The Department of Parks, Recreation and Conservation has advised your Committee is advised that the anticipated cost estimates, anticipated project timelines, and whether the design is anticipated to be undertaken in-house or by consultants for each capital



project is set forth below:

Cap ID	Project	Design Assignment	Time Frame (Months)	
			Design	Const
RGP15	Fuel Tank Replacement (2024-2028)	Staff and Consultant	8 months	12 months
RGP16	Roofing Systems (2024-2028)	Staff and Consultant	8 months	12 months

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

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

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

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

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGP15

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 800,000 PPU 30 Anticipated Interest Rate 3.89%

Anticipated Annual Cost (Principal and Interest): \$ 43,459

Total Debt Service (Annual Cost x Term): \$ 1,303,770

Finance Department: Interest rates from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 9

Prepared by: Robert C. Lopane

Title: Director of Development II - Park Plann

Department: Parks, Recreation & Conservation

Date: 1/17/25

Reviewed By: 

Budget Director

Date: 1/17/25

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGP16

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 500,000 PPU 15 Anticipated Interest Rate 3.34%

Anticipated Annual Cost (Principal and Interest): \$ 42,828

Total Debt Service (Annual Cost x Term): \$ 642,420

Finance Department: Interest rates from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 6

Prepared by: Robert C. Lopane

Title: Director of Development II - Park Plann

Department: Parks, Recreation & Conservation

Date: 1/17/25

Reviewed By: 

Date: 1/17/25

Budget Director

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

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



DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECTS  
BOND ACT – PARKS GENERAL INFRASTRUCTURE**

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

Capital Project	Project Title	Fact Sheet ID	Approved by Planning
RGP15	General Infrastructure – Fuel Tank Replacement (2024-2028)	2768	12-02-2024
RGP16	General Infrastructure – Roofing Systems (2024-2028)	2769	12-02-2024

The Planning Department advises that these projects for which funding is being requested may be classified as **TYPE II actions** pursuant to section:

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

As such, no environmental review is required.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation  
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation  
Robert Lopane, Director of Program Development II – Park Planning (PRC)  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF GENERAL INFRASTRUCTURE IMPROVEMENTS FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$1,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,300,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,300,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of general infrastructure improvements for the Department of Parks, Recreation & Conservation, including (a) the design, construction and construction management associated with the removal, and/or replacement of

fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glen Island Park, Ward Pound Ridge Reservation, Sprain Lake Golf Course and other County Parks (Project ID RGP15), at the estimated maximum cost of \$800,000 and (b) the design, construction, and construction management associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Bronx River Reservation (Salt Shed), Merestead (Pump house) and Croton Point Park (Dining Hall) and other building roofs in the County Park System (Project ID RGP16), at the estimated maximum cost of \$500,000, all as set forth in the County's current year Capital Budget, as amended. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,300,000. The plan of financing includes the issuance of \$1,300,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness applicable to the specific objects or purposes for which \$800,000 bonds authorized by Section 1(a) in this resolution are to be issued, within the limitations of Section 11.00 a. 5 of the Local Finance Law, is thirty (30) years.

(b) The period of probable usefulness applicable to the specific objects or purposes for which \$500,000 bonds authorized by Section 1(b) in this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Local Finance Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$1,300,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said



bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

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

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

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

(SEAL)

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

## LEGAL NOTICE

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

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

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

**BOND ACT AUTHORIZING THE ISSUANCE OF \$1,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF GENERAL INFRASTRUCTURE IMPROVEMENTS FOR THE DEPARTMENT OF PARKS, RECREATION & CONSERVATION; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$1,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,300,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)**

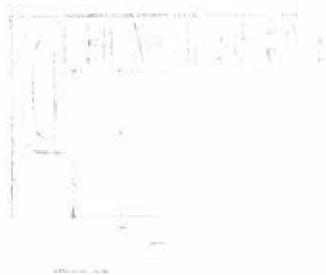
**object or purpose:** to finance the cost of general infrastructure improvements for the Department of Parks, Recreation & Conservation, including (a) the design, construction and construction management associated with the removal, and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glen Island Park, Ward Pound Ridge Reservation, Sprain Lake Golf Course and other County Parks (Project ID RGP15), at the estimated maximum cost of \$800,000 and (b) the design, construction, and construction management associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Bronx River Reservation (Salt Shed), Merestead (Pump house) and Croton Point Park (Dining Hall) and other building roofs in the County Park System (Project ID RGP16), at the estimated maximum cost of \$500,000; all as set forth in the County's current year Capital Budget, as amended.

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

(a) \$800,000 for thirty (30) years and (b) \$500,000 for fifteen (15) years

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

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RGP15	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> GENERAL INFRASTRUCTURE-FUEL TANK REPLACEMENT (2024-2028)	<b>Legislative District ID:</b>
<b>Category*</b> RECREATION FACILITIES	<b>Department:*</b> PARKS, RECREATION & CONSERVATION	<b>CP Unique ID:</b> 2768

### Overall Project Description

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

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	3,800	600	800	800	800	800	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	3,800	600	800	800	800	800	0	0

**Expended/Obligated Amount (in thousands) as of :** 369

**Current Bond Description:** This project will fund the design, construction and construction management associated with the removal, and/or replacement of fuel storage tanks and related distribution system piping, equipment, remediation and related infrastructure and site work for fuel tank systems located at Glen Island Park, Ward Pound Ridge Reservation, Sprain Lake Golf Course and other County Parks.

#### Financing Plan for Current Request:

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

#### SEQR Classification:

TYPE II

#### Amount Requested:

800,000

#### Expected Design Work Provider:

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

#### Comments:

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2024	600,000	FUNDS STUDY OF THE EXISTING FUEL STORAGE SYSTEM, AND ADDRESSING FUEL STORAGE TANKS AT MUSCOOT FARM AND PLAYLAND AMUSEMENT PARK
2025	800,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

1,400,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	247	600,000	0	GENERAL INFRASTRUCTURE-FUEL TANK REPLACEMENT

**Total Financing History:**

600,000

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

MLLL

**Date**

12-02-2024

**Department of Public Works**

RJB4

**Date**

12-03-2024

**Budget Department**

DEV9

**Date**

12-04-2024

**Requesting Department**

RCL3

**Date**

12-04-2024

## GENERAL INFRASTRUCTURE-FUEL TANK REPLACEMENT (2024-2028) ( RGP15 )

**User Department :** Parks, Recreation & Conservation

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

**Estimated Completion Date:** TBD

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

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	3,800	600	136	800	800	800	800		
Non County Share									
Total	3,800	600	136	800	800	800	800		

### Project Description

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

### Current Year Description

The current year request funds the continuation of this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	800,000			800,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2024	600,000	Funds study of the existing fuel storage system, and addressing fuel storage tanks at Muscoot Farm and Playland Amusement Park	\$100,000 STUDY - DESIGN, \$500,000 - CONSTRUCTION
Total	600,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	600,000		600,000
Total	600,000		600,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
247 23	600,000			600,000
Total	600,000			600,000



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RGP16</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> GENERAL INFRASTRUCTURE - ROOFING SYSTEMS (2024-2028)	<b>Legislative District ID:</b>
<b>Category*</b> RECREATION FACILITIES	<b>Department:*</b> PARKS, RECREATION & CONSERVATION	<b>CP Unique ID:</b> 2769

### Overall Project Description

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

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	2,500	500	500	500	500	500	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	2,500	500	500	500	500	500	0	0

**Expended/Obligated Amount (in thousands) as of :** 51

**Current Bond Description:** Funding is requested for design, construction, and construction management associated with the repair and/or replacement of existing roofs and associated building renovations and site work at the Bronx River Reservation (Salt Shed), Merestead (Pump house) and Croton Point Park (Dining Hall) and other building roofs in the County Park System.

#### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

500,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2024	500,000	DESIGN AND CONSTRUCTION OF ROOFS AT LENOIR PRESERVE, GLEN ISLAND PARK, V.E. MACY PARK AND OTHER BUILDING ROOFS.
2025	500,000	CONTINUATION OF THIS PROJECT

### Total Appropriation History:

1,000,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	247	500,000	0	GENERAL INFRASTRUCTURE - ROOFING SYSTEMS

**Total Financing History:**

500,000

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

MLLL

**Date**

12-02-2024

**Department of Public Works**

RJB4

**Date**

12-02-2024

**Budget Department**

DEV9

**Date**

12-04-2024

**Requesting Department**

RCL3

**Date**

12-04-2024

## GENERAL INFRASTRUCTURE - ROOFING SYSTEMS (2024-2028) ( RGP16 )

**User Department :** Parks, Recreation & Conservation

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

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	2,500	500	38	500	500	500	500		
Non County Share									
Total	2,500	500	38	500	500	500	500		

### Project Description

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

### Current Year Description

The current year request funds the continuation of this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	500,000			500,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2024	500,000	Design and construction of roofs at Lenoir Preserve, Glen Island park, V.E. Macy park and other building roofs.	CONSTRUCTION
Total	500,000		

### Prior Appropriations

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

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
247 23	500,000			500,000
Total	500,000			500,000



Kenneth W. Jenkins  
Westchester County Executive

January 17, 2025

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$2,425,000 to finance the following capital project:

RB03W – Quaker Bridge Road Over Croton River, Cortlandt (BIN3348560) ("RB03W").

The proposed Bond Act in the total amount of \$2,725,000 dollars, which includes \$300,000 in previously authorized bonds of the County, is necessary to finance the cost of design necessary for planning the replacement of the Quaker Bridge Road bridge in the Town of Cortlandt, with a proposed new, two-lane bridge, without the current clearance restrictions, and related work.

The Department of Public Works and Transportation ("Department") has advised that the current bridge, which was built in 1894 and has an annual daily traffic count ("AADT") of 925, is in need of replacement to maintain a safe roadway for the traveling public. In 2023 the New York State Department of Transportation gave the bridge a condition rating of 3.79. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. The bridge has continued to deteriorate and was closed in November 2024 due to its current condition.

Following bond authorization, design is anticipated to take eight months to complete and will be performed by a consultant. It is anticipated that construction will take approximately ten months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for RB03W as follows: Bond Act No. 41-2015 in the amount of \$300,000, which authorized bonds to finance the cost of a study to determine viable options and associated costs for the replacement of the Quaker Bridge. No bonds have been issued under Bond Act No. 41-2015. Accordingly, it is now requested that Bond Act No. 41-2015 be amended to increase the amount authorized by \$2,425,000 for a total authorized amount, as amended, of \$2,725,000.

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

Sincerely,

A handwritten signature in dark ink, appearing to be 'KW Jenkins', with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins  
Westchester 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 amended bond act (“Bond Act”) in the total amount of \$2,725,000, which includes \$300,000 in previously authorized bonds of the County, to finance capital project RB03W – Quaker Bridge Road Over Croton River, Cortlandt (BIN3348560) (“RB03W”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, is required to finance the cost of design necessary for planning the replacement of the Quaker Bridge Road bridge in the Town of Cortlandt, with a proposed new, two-lane bridge, without the current clearance restrictions, and related work.

The Department of Public Works and Transportation (“Department”) has advised that the current bridge, which was built in 1894 and has an annual daily traffic count (“AADT”) of 925, is in need of replacement to maintain a safe roadway for the traveling public. In 2023 the New York State Department of Transportation gave the bridge a condition rating of 3.79. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. The bridge has continued to deteriorate and was closed in November 2024 due to its current condition.

Following bond authorization, design is anticipated to take eight months to complete and will be performed by a consultant. It is anticipated that construction will take approximately ten months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for RB03W as follows: Bond Act No. 41-2015 in the amount of \$300,000, which authorized bonds to finance the cost of a study to determine viable options and associated costs for the replacement of the Quaker Bridge. No bonds have been issued under Bond Act No. 41-2015. Accordingly, it is now requested that Bond Act No. 41-2015 be amended to increase the amount authorized by \$2,425,000 for a total authorized amount, as amended, of \$2,725,000.

The Department of Planning has advised your Committee that based on its review, RB03W may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

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

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB03W

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,725,000 PPU 5 Anticipated Interest Rate 2.98%

Anticipated Annual Cost (Principal and Interest): \$ 601,809

Total Debt Service (Annual Cost x Term): \$ 3,009,043

Finance Department: maab 1-14-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 30

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 1/14/25

Reviewed By: 

 01/14/25


Budget Director

Date:

1/14/25



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

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

DATE: January 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB03W Quaker Bridge Road Over Croton River, Cortlandt (BIN 3348560)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
12-13-2024 (Unique ID: 2744)

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

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

**COMMENTS:** The current request is for design only.

DSK/cnm

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

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

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED MARCH 23, 2015, IN RELATION TO PLANNING OF THE REPLACEMENT OF THE QUAKER BRIDGE ROAD BRIDGE OVER THE CROTON RIVER, AT THE MAXIMUM ESTIMATED COST OF \$2,725,000. (Adopted \_\_\_\_\_, 20\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$300,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the Quaker Road Bridge of the Croton River, pursuant to Act No. 41-2015 duly adopted on March 23, 2015; and

WHEREAS, it has been determined that an additional \$2,425,000 is now required for such planning, and it is necessary to increase the amount of bonds to be issued;

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

**Section (A).** The bond act duly adopted by this Board on March 23, 2015, entitled:

“ACT NO. 41-2015

BOND ACT AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS,

SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING OF THE REPLACEMENT OF THE QUAKER BRIDGE ROAD BRIDGE IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,725,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING OF THE REPLACEMENT OF THE QUAKER BRIDGE ROAD BRIDGE IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,725,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,725,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester

County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$2,725,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the Quaker Bridge Road bridge in the Town of Cortlandt, with a proposed new, two-lane bridge, without the current clearance restrictions, and related work; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the County's Current Year Capital Budget, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,725,000. The plan of financing includes the issuance of \$2,725,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

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

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of

\$2,725,000. 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 \$2,725,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation

for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

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

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

**Section (B).** The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

**Section (C).** This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

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

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

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on March 23, 2015 and amended on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,725,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING OF THE REPLACEMENT OF THE QUAKER BRIDGE ROAD BRIDGE IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,725,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,725,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on March 23, 2015 and amended on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the Quaker Bridge Road bridge in the Town of Cortlandt, with a proposed new, two-lane bridge, without the current clearance restrictions, and related work; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$2,725,000; five (5) years

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

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



## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on March 23, 2015 and amended on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

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

**BOND ACT AUTHORIZING THE ISSUANCE OF \$2,725,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING OF THE REPLACEMENT OF THE QUAKER BRIDGE ROAD BRIDGE IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,725,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,725,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on March 23, 2015 and amended on \_\_\_\_\_, 20\_\_\_\_\_)**

**object or purpose:** to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the Quaker Bridge Road bridge in the Town of Cortlandt, with a proposed new, two-lane bridge, without the current clearance restrictions, and related work; all as set forth in the County's Current Year Capital Budget, as amended.

**amount of obligations to be issued:**

**and period of probable usefulness:** \$2,725,000; five (5) years

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

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB03W	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> QUAKER BRIDGE ROAD OVER CROTON RIVER, CORTLANDT (BIN 3348560)	<b>Legislative District ID:</b> 9,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2744

### Overall Project Description

This project will fund the replacement of the bridge with a proposed new, two-lane bridge without the current clearance restrictions.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	20,325	300	20,025	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	20,325	300	20,025	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 299

<b>Current Bond Description:</b> Funding is requested for design associated with the replacement of the bridge with a proposed new, two-lane bridge, without the current clearance restrictions, and related work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	2,425,000
Cash:	0
<b>Total:</b>	<b>\$ 2,425,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

2,425,000

### Expected Design Work Provider:

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

### Comments:

BCR: 3.79 (2023); AADT: 925

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2015	300,000	STUDY
2025	20,025,000	DESIGN AND CONSTRUCTION

### Total Appropriation History:

20,325,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
15	41	300,000	0	QUAKER BRIDGE ROAD OVER CROTON RIVER

**Total Financing History:**

300,000

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

MLLL

**Date**

12-13-2024

**Department of Public Works**

RJB4

**Date**

12-13-2024

**Budget Department**

DEV9

**Date**

12-13-2024

**Requesting Department**

RJB4

**Date**

12-13-2024

## QUAKER BRIDGE ROAD OVER CROTON RIVER, CORTLANDT (BIN 3348560) ( RB03W )

**User Department :** Public Works

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

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	20,325	300	299	20,025					
Non County Share									
Total	20,325	300	299	20,025					

### Project Description

This project will fund the replacement of the bridge with a proposed new, two-lane bridge without the current clearance restrictions.

### Current Year Description

The current year request funds the project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	20,025,000			20,025,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2015	300,000	Study	COMPLETE
Total	300,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	300,000		300,000
Total	300,000		300,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
41 15	300,000			300,000
Total	300,000			300,000



Kenneth W. Jenkins  
Westchester County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval are two bond acts ("Bond Acts") of the County of Westchester ("County") as follows:

(1) a bond act amending, in part, prior Bond Act No. 39-2021 to remove a \$2,700,000 authorization allocable to Capital Project T0045 – Replace Bus Wash At The Cerrato Maintenance Facility ("T0045"), and decrease the estimated maximum amount of bonds authorized to \$7,725,000 ("Amending Bond Act"); and

(2) a bond act authorizing the issuance of bonds in the amount of \$4,500,000 to finance the cost of the purchase and installation of the bus wash system at the Cerrato Maintenance Facility ("CMF") at the County-owned Valhalla Campus in the Town of Mount Pleasant. This \$4,500,000 proposed Bond Act represents a \$1,800,000 increase to the amount previously authorized for T0045 and includes the \$2,700,000 previously authorized for T0045 by Bond Act 39-2021 ("Consolidated Bond Act").

The Amending Bond Act is required to remove the equipment and furnishing acquisition bond authorization related to T0045 so that those authorizations may be included in the Consolidated Bond Act for T0045.

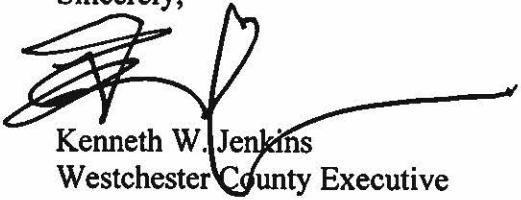
The Department of Public Works and Transportation ("Department") has advised that the current bus wash was constructed as part of the original CMF in Valhalla, which was built in 1994. The bus wash is reaching its useful life and requires frequent maintenance and repair. The CMF houses 78 buses, all of which are washed every day. A new bus wash would be more energy efficient and would use less water.

Design is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2025. It is estimated that construction will take nine months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance T0045 as indicated in the annexed fact sheet.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Jenkins", with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amending Bond Act”) of the County of Westchester (“County”) authorizing amendment to prior Bond Act No. 39-2021 to remove a \$2,700,000 authorization allocable to Capital Project T0045 – Replace Bus Wash At The Cerrato Maintenance Facility (“T0045”), and to decrease the estimated maximum amount of bonds authorized to \$7,725,000. The Amending Bond Act was prepared by the law firm Harris Beach.

The Amending Bond Act is required to remove the equipment and furnishing acquisition bond authorization related to T0045 so that those authorizations may be included in a separate consolidated bond act for T0045.

The Department of Public Works and Transportation (“Department”) has advised that the current bus wash was constructed as part of the original CMF in Valhalla, which was built in 1994. The bus wash is reaching its useful life and requires frequent maintenance and repair. The CMF houses 78 buses all of which are washed every day. A new bus wash would be more energy efficient and would use less water.

Design is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2025. It is estimated that construction will take nine months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance T0045 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, T0045 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 Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

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

**COMMITTEE ON**

C:MG/12-13-24



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0045

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

AMEND BOND ACT 39-2021 FROM \$10,425,000 TO \$7,725,000

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 7,725,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 1,704,666

Total Debt Service (Annual Cost x Term): \$ 8,523,330

Finance Department: Rates from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 84

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/16/25


Reviewed By: 

CP  
DD 1/16/25

Budget Director

Date: 1/16/25

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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
T0045 REPLACE BUS WASH AT THE CERRATO MAINTENANCE  
FACILITY**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 12-11-2024 (Unique ID: 2766)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part; and
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None.

DSK/mvc

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

REFERENCES BDA02, BIT4C, BIT6D, BIT44, BIT47, BIT49, BIT54,  
BIT45, BIT40; BLR2E and B015E

ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND  
RESTATING THE BOND ACT ADOPTED MARCH 22, 2021 IN RELATION TO FINANCING  
THE COST OF ACQUISITION OF EQUIPMENT AND FURNISHINGS FOR VARIOUS  
DEPARTMENTS; AT THE TOTAL ESTIMATED COST OF \$7,725,000. (Adopted ,  
20\_\_).

WHEREAS, this Board of Legislators (the “Board”) has heretofore duly authorized  
the issuance of bonds to finance the acquisition of equipment and furnishings for various  
departments comprised of the following capital projects: BIT4C, BIT6D, BIT44, BIT47, BIT49,  
BIT54, BIT45, BDA02, BIT40; T0045, BLR2E and B015E, at the estimated maximum cost of  
\$10,425,000, pursuant to Act No. 39-2021, duly adopted on March 22, 2021 (the “Original  
Resolution”),

WHEREAS, the Board has requested that the authorization of the financing of the  
costs of project T0045 be removed from the Original Resolution; and

WHEREAS, as such, the Original Resolution shall herein be amended and restated  
to (a) remove said authorization from the Original Resolution, (ii) reduce the maximum cost of  
the Project (as defined in the Original Resolution), and (iii) reduce the amount of the bonds  
authorized therein; and

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

**Section (A).** The bond act duly adopted by this Board on March 22, 2021, entitled:

“(BOND) ACT NO. 39-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ACQUISITION OF EQUIPMENT AND FURNISHINGS FOR VARIOUS DEPARTMENTS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$10,425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,425,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$7,725,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ACQUISITION OF EQUIPMENT AND FURNISHINGS FOR VARIOUS DEPARTMENTS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$7,725,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$7,725,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted           , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$7,725,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of equipment and furnishings for various departments comprised of the following capital projects: BIT4C, BIT6D, BIT44, BIT47, BIT49, BIT54, BIT45, BDA02, BIT40; BLR2E and B015E; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of

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said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,725,000. The plan of financing includes the issuance of \$7,725,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$7,725,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and

Error! Unknown document property name.

contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

**Section (B).** The amendment and restatement of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

**Section (C).** This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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



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

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

(SEAL)

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

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

Your Committee is in receipt of a bond act (“Consolidated Bond Act”) of the County of Westchester (“County”) authorizing the issuance of bonds in the amount of \$4,500,000 to finance the cost of purchase and installation of the bus wash system at the Cerrato Maintenance Facility (“CMF”) at the County-owned Valhalla Campus in the Town of Mount Pleasant in connection with Capital Project T0045 – Replace Bus Wash At The Cerrato Maintenance Facility (“T0045”).

This \$4,500,000 proposed Consolidated Bond Act was prepared by the law firm Harris Beach and represents a \$1,800,000 increase to the amount previously authorized for T0045, and includes the \$2,700,000 previously authorized for T0045 by Bond Act 39-2021.

The Department of Public Works and Transportation (“Department”) has advised that the current bus wash was constructed as part of the original CMF in Valhalla, which was built in 1994. The bus wash is reaching its useful life and requires frequent maintenance and repair. The CMF houses 78 buses, all of which are washed every day. A new bus wash would be more energy efficient and would use less water.

Design is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2025. It is estimated that construction will take nine months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance T0045 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, T0045 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 Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

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

**COMMITTEE ON**

**C:MG/12-13-24**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0045

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,500,000 PPU 5 Anticipated Interest Rate 2.98%

Anticipated Annual Cost (Principal and Interest): \$ 993,812

Total Debt Service (Annual Cost x Term): \$ 4,969,062

Finance Department: maab 1-14-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 48

Prepared by: Michael Swee

Title: Director of Surface Transportation

Department: DPW&T

Date: 1/14/25


Reviewed By: 

01/16/25

Budget Director

Date: 1/16/25

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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
T0045 REPLACE BUS WASH AT THE CERRATO MAINTENANCE  
FACILITY**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
12-11-2024 (Unique ID: 2766)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part; and
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None.

DSK/mvc

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

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PURCHASE AND INSTALLATION OF A BUS WASH SYSTEM AT THE CERRATO MAINTENANCE FACILITY AT THE VALHALLA CAMPUS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$4,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$4,500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase and installation of the bus wash system at the Cerrato Maintenance Facility at the County-owned Valhalla Campus in the Town of Mount Pleasant as set forth in the County's current year Capital

Budget, as amended. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$4,500,000. The plan of financing includes the issuance of \$4,500,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$4,500,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing

for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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



(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This Act shall take effect not earlier than January 1, 2021 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

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

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

(SEAL)

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PURCHASE AND INSTALLATION OF A BUS WASH SYSTEM AT THE CERRATO MAINTENANCE FACILITY AT THE VALHALLA CAMPUS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$4,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of purchase and installation of the bus wash system at the Cerrato Maintenance Facility at the County-owned Valhalla Campus in the Town of Mount Pleasant as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$4,500,000, five years

Dated: \_\_\_\_\_, 20\_\_

White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>T0045</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> REPLACE BUS WASH AT THE CERRATO MAINTENANCE FACILITY	<b>Legislative District ID:</b> 3,
<b>Category*</b> TRANSPORTATION	<b>Department:*</b> AIRPORT/DOT	<b>CP Unique ID:</b> 2766

### Overall Project Description

This project funds the purchase of new bus wash components and equipment. The current components and equipment have reached the end of their useful life.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	5,025	3,225	1,800	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	5,025	3,225	1,800	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 559

**Current Bond Description:** Funding requested in 2025 is for project cost escalation related to the purchase and installation of a new bus wash system at the Valhalla bus garage.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,800,000
Cash:	0
<b>Total:</b>	<b>\$ 1,800,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

1,800,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2016	455,000	PURCHASE AND INSTALLATION
2019	70,000	COST ESCALATION
2021	2,700,000	CHANGE IN SCOPE AND A COST ESCALATION
2025	1,800,000	ESCALATION

### Total Appropriation History:

5,025,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
16	240	455,000	445,589	INSTALLATION OF A BUS WASH SYSTEM AT CERRATO MAINTENANCE FACILITY
21	39	2,700,000	0	REPLACE BUS WASH SYSTEM AT CERRATO MAINTENANCE FACILITY

**Total Financing History:**

3,155,000

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

MLLL

**Date**

12-11-2024

**Department of Public Works**

RJB4

**Date**

12-11-2024

**Budget Department**

DEV9

**Date**

12-12-2024

**Requesting Department**

MAS9

**Date**

12-12-2024

## REPLACE BUS WASH AT THE CERRATO MAINTENANCE FACILITY ( T0045 )

**User Department :** Airport/DOT

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

**Estimated Completion Date:** TBD

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

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>5,025</b>	<b>3,225</b>	<b>559</b>	<b>1,800</b>					
<b>Non County Share</b>									
<b>Total</b>	<b>5,025</b>	<b>3,225</b>	<b>559</b>	<b>1,800</b>					

### Project Description

This project funds the purchase of new bus wash components and equipment. The current components and equipment have reached the end of their useful life.

### Current Year Description

The current year request funds a cost escalation.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	1,800,000			1,800,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2016	455,000	Purchase and installation	DESIGN
2019	70,000	Cost escalation	AWAITING BOND AUTHORIZATION
2021	2,700,000	Change in scope and a cost escalation	DESIGN
<b>Total</b>	<b>3,225,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>3,225,000</b>	<b>445,589</b>	<b>2,779,411</b>
<b>Total</b>	<b>3,225,000</b>	<b>445,589</b>	<b>2,779,411</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
240 16	455,000	12/15/17	375,973	9,411
		12/15/17	69,033	
		12/15/17	583	
39 21	2,700,000			2,700,000
<b>Total</b>	<b>3,155,000</b>		<b>445,589</b>	<b>2,709,411</b>



**Kenneth W. Jenkins**  
County Executive

January 17, 2025

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration is legislation which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an intermunicipal agreement ("IMA") with the Village of Sleepy Hollow (the "Village") whereby the Village will operate and maintain a portion of Kingsland Point Park (the "Park") on behalf of the County.

Since 2003, the Village has been responsible for the operation, maintenance and scheduling of activities at the Park pursuant to a series of IMAs with the County authorized by your Honorable Board. The most recent IMA expired on December 31, 2021, and under the proposed IMA, the Village will be responsible for the operation, maintenance and scheduling of the activities at the Park at its own expense.

The Village will not be responsible for the operation and maintenance of the lighthouse, as this will be the County's responsibility. The Park will continue to be available to all Westchester County residents on an equal basis. Also, any fees charged for the use of any part of the Park will be subject to prior approval by the Commissioner of the County's Department of Parks, Recreation and Conservation. The term of this IMA will be five (5) years commencing retroactively on January 1, 2023 and expiring on December 31, 2027.

The proposed IMA will permit the Village to enter into a sub-license for the use of portions of the Park with Teatown Lake Reservation, Inc. for education classes at the Park's bathhouse. In addition, the IMA will permit the Village to enter into a sub-license for the use of portions of the Park by SEAS Westchester for sailing classes and for the operation of a kayak concession.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
County Executive

KWJ/KOC/jpi



**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 (the “County”) to enter into an intermunicipal agreement (“IMA”) with the Village of Sleepy Hollow (“Village”) whereby the Village will operate and maintain a portion of Kingsland Point Park (the “Park”) on behalf of the County.

Since 2003, the Village has been responsible for the operation, maintenance and scheduling of activities at the Park pursuant to a series of IMAs with the County authorized by your Honorable Board. The most recent IMA expired on December 31, 2021, and under the proposed IMA, the Village will be responsible for the operation, maintenance and scheduling of the Park at its own expense.

The Village will not be responsible for the operation and maintenance of the lighthouse, as this will be the County’s responsibility. The Park will continue to be available to all Westchester County residents on an equal basis. Also, any fees charged for the use of any part of the Park will be subject to prior approval by the Commissioner of the County’s Department of Parks, Recreation and Conservation. The term of this IMA will be five (5) years commencing retroactively on January 1, 2023 and expiring on December 31, 2027.

The proposed IMA will permit the Village to enter into a sub-license for the use of portions of the Park with Teatown Lake Reservation, Inc. for educational classes at the Park’s bathhouse. In addition, the IMA will permit the Village to enter into a sub-license for the use of portions of the Park by SEAS Westchester for sailing classes and for the operation of a kayak concession.

Your Committee has been advised that the proposed IMA does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of your Honorable Board.

It should be noted that approval of the Act authorizing the County to enter into the IMA requires the affirmative vote of a majority of the voting strength of your Honorable Board.

Your Committee believes that this IMA is in the best interest of the County. Therefore, your Committee recommends adoption of the annexed proposed legislation.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

# FISCAL IMPACT STATEMENT

SUBJECT: The Village of Sleepy Hollow - IMA

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

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

☐ Additional Appropriations

☐ Other (explain)

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

Potential Related Operating Budget Expenses:

Annual Amount

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

Potential Related Operating Budget Revenues:

Annual Amount

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

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

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

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

Prepared by:

Kerry Riguzzi

Title:

Manager - Fiscal Operations

Department:

Parks Department

Date:

January 10, 2025

Reviewed By: DAO

Budget Director

Date:

1/14/25

**ACT NO. \_\_\_\_ - 2025**

**AN ACT** authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Sleepy Hollow whereby the Village shall operate and maintain a portion of Kingsland Point Park on behalf of the County.

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

**Section 1.** The County of Westchester (“County”) is hereby authorized to enter into an intermunicipal agreement (“IMA”) with the Village of Sleepy Hollow (“Village”) whereby the Village shall operate and maintain a portion of Kingsland Point Park (the “Park”) on behalf of the County.

**§2.** Pursuant to the IMA, the Village shall be responsible for the operation, maintenance and scheduling of activities at the Park, excluding the lighthouse, at its own expense. The Park shall continue to be available to all Westchester County residents on an equal basis. Any fees charged for the use of any part of the Park shall be subject to prior approval by the Commissioner of the County’s Department of Parks, Recreation and Conservation.

**§3.** The proposed IMA shall permit the Village to enter into a sub-license for the use of portions of the Park with Teatown Lake Reservation, Inc. for educational classes at the Park’s

bathhouse. In addition, the IMA shall permit the Village to enter into a sub-license for the use of portions of the Park by SEAS Westchester for sailing classes and for a kayak concession.

**§4.** The term of the IMA shall be five years commencing retroactively on January 1, 2023 and expiring on December 31, 2027.

**§5.** 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.

**§6.** This Act shall take effect immediately.

**INTERMUNICIPAL LICENSE AGREEMENT**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2025 by and between:

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

and

**THE VILLAGE OF SLEEPY HOLLOW**, a municipal corporation of the State of New York, having an office and place of business at 28 Beekman Avenue, Sleepy Hollow, New York 10591 (hereinafter referred to as the “Village”).

**W I T N E S S E T H :**

**WHEREAS**, the County, acting through the Commissioner of Parks, Recreation and Conservation (the “Commissioner”) desires to grant a license to the Village of Sleepy Hollow to enter into and to operate and maintain the property known as “Kingsland Point Park”; and

**WHEREAS**, the Village desires to enter into the License upon the terms and conditions contained herein.

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties agree as follows:

**ARTICLE I**

**LICENSED PREMISES**

**Section 1.0.** The County hereby grants to the Village and the Village hereby accepts from the County a license to operate and maintain (“Agreement”) approximately eighteen (18) acres of parkland commonly known as Kingsland Point Park, located in the Village of Sleepy Hollow (hereinafter referred to as the “Licensed Premises”). The Licensed Premises, comprising approximately eighteen (18) acres, are more fully described on the map annexed hereto and made

part hereof as Exhibit "A". The Licensed Premises shall be operated and maintained by the Village for use solely and exclusively for municipal recreational purposes and subject to all the terms, conditions and covenants herein.

## **ARTICLE II**

### **RIGHTS AND RESPONSIBILITIES OF THE MUNICIPALITY**

**Section 2.0.** The Village shall not assign this License or sublicense the Licensed Premises or any part thereof without the prior written consent of the County.

**Section 2.1.** The Village shall, at its sole cost and expense, maintain and operate the Licensed Premises as a municipal recreational facility in accordance with all applicable federal, state and local laws, rules, regulations, ordinances and codes (including, without limitation, the State and County Health and Sanitary Code, laws, etc. concerning the prevention and abatement of nuisance and other grievances in or upon or connected with the Licensed Premises) for the benefit of County residents.

**Section 2.2.** The Village shall not sell, offer for sale, nor permit the sale of any food, commodity, ware or merchandise of any kind, nature or description on the Licensed Premises or charge a fee for parking, without the written consent of the Commissioner, such consent will not be unreasonably withheld.

The County authorizes the Village to enter into a sub-license for the use of portions of the Licensed Premises with the Teatown Lake Reservation, Inc. for education classes at the bathhouse under substantially the same terms and conditions that this organization is currently using the Licensed Premises. In addition, the County authorizes the Village to enter into a sub-license for the use of portions of the Licensed Premises by SEAS Westchester for sailing classes and a kayak concession. Nothing in this Agreement shall be construed to convey SEAS Westchester or Teatown Lake Reservation a third-party right or interest in this Agreement. The Village, in its discretion, may seek other vendors to sub-license portions of the Licensed Premises. Prior to entering into any sub-license agreement, the Village shall obtain written

consent from the County to execute the same. The Village shall provide the County with copies of all agreements entered into by the Village with sub-licensees, vendors and/or concessionaires at the Licensed Premises. The Licensed Premises shall remain open and accessible to all County residents.

**Section 2.3.** The Village shall not charge, impose or collect any fees for entrance into or for use of the Licensed Premises without the prior written consent of the Commissioner. In the event that any fees are collected or reservation system implemented, no preference may be granted to residents of the Village of Sleepy Hollow as the Licensed Premises shall be open to all Westchester County residents. The County shall have the right to inspect any of the Village's records concerning such reservations and fees to ensure compliance with this provision of the Agreement during regular business hours and upon reasonable notice to the Village.

**Section 2.4.** (a) The Village accepts all buildings, roads, paths, and other park areas provided under the terms of this License "as is" in their present existing condition. The Village shall, at its sole cost and expense, maintain the property so as to utilize the Licensed Premises.

(b) Any repairs or improvements or construction undertaken on the Licensed Premises shall be undertaken only with the prior written consent of the Commissioner, such consent not to be unreasonably withheld. The Village shall not erect, nor allow the erection of, any advertising signs in or on the Licensed Premises without obtaining the prior written consent of the Commissioner. Title to any approved alterations, improvements or fixtures shall immediately, upon installation, vest in the County. The Village is under no obligation to make major investments in Park infrastructure. If the County determines that major repairs or improvements are required to the Licensed Premises, said major repairs or improvements will be subject to the County's capital project procedures and the Village will be advised at that time.

**Section 2.5.** The Village shall procure and maintain insurance coverage as specified in Exhibit "B" attached hereto and made a part hereof. Notwithstanding the preceding sentence, the Village may provide proof of self-insurance in lieu of insurance policies. In addition to, and not in limitation of the insurance requirements set forth in Exhibit "B", the Village agrees:



(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence or willful misconduct of the County, its elected officials, officers, employees and agents, the Village shall indemnify and hold harmless the County, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the maintenance, operation, security and/or repair of the Licensed Premises and this Agreement and of the acts or omissions hereunder by the Village or third parties under the direction or control of the Village;

(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 maintenance, operation, security and/or repair of the Licensed Premises and this Agreement and to bear all other costs and expenses related thereto, except for any claims, demands or causes of action arising from the negligence or willful misconduct of the County, its elected officials, officers, employees and agents; and

(c) In the event the Village 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 Village shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

**Section 2.6.** The Village shall comply, at its own expense, with the provisions of all applicable federal, state and local laws, rules, regulations or requirements. However, nothing in this Agreement shall be construed as imputing legal or general liability to the Village for conditions that are pre-existing or acts, errors or omissions that are not directly attributable to the Village's own conduct.

**Section 2.7.** The Village 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.

**Section 2.8.** The Village shall continuously throughout the term of this Agreement, provide reasonable and adequate security for the Licensed Premises through the Village's police department or other agency designated to provide police services.

**Section 2.9.** The Village at its sole cost and expense shall maintain and properly supervise the Licensed Premises, it being understood and agreed that such maintenance and supervision shall be performed by the Village to the reasonable satisfaction of, and as directed by the Commissioner, which shall include but not be limited to the maintenance and upkeep of the Licensed Premises.

**Section 2.10.** The County, its officers, employees or agents, shall be entitled to enter the Licensed Premises, or any part thereof for the purpose of inspecting, observing and monitoring the operation of the Park.

**Section 2.11.** The Village shall keep the grass on the Licensed Premises neatly mowed and maintain the grounds in a neat and tidy condition, allowing no papers or refuse to remain thereon, all of which shall be done in a manner to the reasonable satisfaction of the Commissioner. The Village shall, at its own cost and expense, keep any and all refuse in containers and remove and dispose as required. The Village, at its sole cost and expense, shall provide maintenance in accordance with the maintenance schedule attached hereto and made a part hereof as Exhibit "A-1". The Village shall be responsible for the maintenance of all other areas on the Licensed Premises.

**Section 2.13.** The Village shall have the right to remove invasive plant and tree species and to perform routine tree trimmings and maintenance. With the aforementioned exception notes, the Village otherwise agrees to comply with the Westchester County Tree Ordinance, a copy of which is attached hereto and made a part hereof as Exhibit "C." The

Village agrees that any necessary approvals sought from the Commissioner in connection with the Westchester County Tree Ordinance shall be commenced through the submission of a completed County Tree Removal Request Form, a copy of which is attached hereto and made a part hereof as Exhibit "D"

**Section 2.14.** The County may, at its option, audit and examine all relevant books, records, documents or electronic data of the Village that are reasonably pertinent to this Agreement and the Village's use and operation of the Licensed Premises.

**Section 2.15.** At least once annually, during the term of this Agreement, the Village shall provide a written report to the County regarding the Village's use of the Licensed Premises that shall include, at minimum, all reservations and uses of the Licensed Premises over and above the Village's own use.

**Section 2.16.** There shall be no public swimming permitted from the Licensed Premises and the Village agrees that it shall prohibit any swimming in and from the Licensed Premises unless the County grants written approval for swimming in connection with certain charity events, in its sole discretion. Should the Village receive a request for swimming in connection with a charity event, the Village shall request permission from the County at least two (2) weeks prior to said charity event. Should the County approve said swimming use, the County's approval will include the terms, limitations and safety requirements of the use.

### **ARTICLE III**

#### **RESPONSIBILITIES OF THE COUNTY**

**Section 3.0.** The County shall have no responsibility under this Agreement except as set forth in Section 2.14 hereof.

**ARTICLE IV**  
**TERM OF AGREEMENT**

**Section 4.0.** The term of this Agreement shall be January 1, 2023 through December 31, 2027, unless terminated sooner as provided herein.

**Section 4.1.** The Village shall pay to the County for the term of this License, a license fee of One (\$1.00) Dollar on the commencement date of this License.

While the Licensed Premises are presently exempt from real property taxes and other special assessments under the Real Property Tax Law, in the event that such law is changed, or in the event that the Licensed Premises become the subject to taxation under the cited or any other federal, state or local law, the Village, as additional rental, shall pay and discharge (when due and payable) any and all real estate taxes, assessments, water meter (including any expenses incident to the installation, repair or replacement of any water meter) and sewer rents and all other such charges, taxes, assessments, rent, license fees, levies and sums of every kind, nature and description, which may become and payable with respect to the Licensed Premises during the licensed term.

**ARTICLE V**  
**NOTICES**

**Section 5.0.** All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner of Parks, Recreation and Conservation  
County of Westchester  
450 Saw Mill River Road  
Ardsley, New York 10502

with a copy to:

County Attorney  
148 Martine Avenue, Room 600  
White Plains, New York 10601

To the Village:

Mayor  
Village of Sleepy Hollow  
28 Beekman Avenue  
Sleepy Hollow, New York 10591

with a copy to:

Village Administrator  
28 Beekman Avenue  
Sleepy Hollow, New York 10591

Village Attorney  
711 Westchester Ave #405  
White Plains, NY 10604

**ARTICLE VI**  
**MISCELLANEOUS**

**Section 6.0.** Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void.

**Section 6.1.** The failure of the County to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the County may have and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

**Section 6.2.** (a) The County may, upon five (5) days' notice to the Village, terminate this Agreement in whole or in part if the County deems it to be in its best interest.

(b) In the event that the Village materially defaults in the performance of any term, condition or covenant herein contained, the County, at its option and in addition to any other remedy it may have to seek damages, judicial enforcement or any other lawful remedy, may terminate this Agreement upon ten (10) days notice to the Village; provided, however, that the Village may cure the default complained of within such notice period, or, if any such default is not curable within such notice period by promptly commencing to cure the default and diligently pursuing all necessary and appropriate action to effect such cure. Notice shall be effective on the date of receipt.

**Section 6.3.** It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns.

**Section 6.4.** This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

**Section 6.5** It is recognized and understood that the Village is not an agent of the County and in accordance with such status, the Village, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the term of this Agreement neither hold themselves out as, nor claim to be acting in the capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

**Section 6.6.** This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

**Section 6.7.** In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

**Section 6.8.** This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account thereof shall be incurred by the County beyond the amount of such appropriated funds.

**Section 6.9.** All covenants, stipulations, promises, agreements and obligations of the Village and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Village and the County and not of any member, officer or employee of the Village or the County in his individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Village or the County or any natural person executing this Agreement.

**Section 6.10.** The parties each agree to execute and deliver such further instruments and to obtain such additional authority as may be required to carry out the intent and purpose of this Agreement.

**Section 6.11.** In the event of any conflict between the terms of this Agreement and those of its attachments, the terms of the Agreement shall control.

**Section 6.12.** Failure of any party to insist upon strict performance of any term, condition or covenant of this Agreement shall not be deemed to constitute a waiver or relinquishment of such term, condition or covenant for the future right to insist upon and to enforce by injunction or by other legal or appropriate remedy strict compliance by any other party with such term, condition or covenant.

**[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS.]**

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement  
on the day and year first above written.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Kathleen O'Connor  
Commissioner of Parks,  
Recreation & Conservation

**VILLAGE OF SLEEPY HOLLOW**

By: \_\_\_\_\_  
Martin Rutya  
Mayor

Approved:

\_\_\_\_\_  
Sr. Assistant County Attorney  
The County of Westchester  
*S/JPI/PRC/Sleepy.Hollow.License.Kingsland.Pt.Park.1.3.25*



**MUNICIPALITY'S ACKNOWLEDGMENT**

STATE OF NEW YORK        )

) ss.:

COUNTY OF WESTCHESTER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me personally came

\_\_\_\_\_, to me known, and known to me to be the

\_\_\_\_\_ of \_\_\_\_\_,

the municipal corporation described in and which executed the within instrument, who being by me

duly sworn did depose and say that he, the said \_\_\_\_\_ resides at

\_\_\_\_\_

and that he is \_\_\_\_\_ of said municipal corporation.

\_\_\_\_\_  
Notary Public        County



**EXHIBIT “A”**

**MAP**

[Attached on following page.]



## **EXHIBIT "A-1"**

### **MAINTENANCE SCHEDULE**

This license agreement is subject to the Westchester County Parks Pride in Parks (PIP) comprehensive, performance-based measurement system. The program is driven by random and detailed inspections of parks and internal services. It provides management with a broad indicator of the conditions of the parks. Inspections, ratings and performance indicators are reviewed at County Parks management meetings and consist of photos, ratings, summary report, customer comments, and other performance measures. Facilities must receive a minimum grade of 85% to pass. Any facility that receives a score below 85 is reviewed again within a few weeks.

The following tasks are required and shall be performed by the Village, at its sole cost and expense, for the maintenance and operation of a safe and aesthetically pleasing park facility.

#### **Park**

The park will be clear, clean and available to the public from dawn to dusk seven days a week, weather or emergency permitting.

#### **Buildings and Restrooms**

All buildings and restrooms, including fixtures and equipment therein, on the Licensed Premises shall, at all times, be kept in a clean and orderly condition and appearance. Buildings and restrooms shall be maintained, cleaned, repaired, or repainted as necessary to maintain a clean and orderly condition and appearance.

#### **Mowing**

Grass will be cut weekly from April through October. Litter must be picked up prior to cutting grass.

#### **String Trimming**

String trimming of site amenities (benches, fences, goals, etc.) will occur weekly from April through October.

#### **Athletic Field Maintenance**

Playing surfaces will be level and free of ruts, trash and other related debris associated with activities of the park that take place on the field.

#### **Garbage/Litter Control**

An ample amount of garbage cans will be placed throughout the park to reflect need and usage of the facility. Litter will be picked up and garbage cans emptied as often as needed.

#### Leaf Collection/ Removal

Leaves will be removed from all turf areas, walking paths and parking lots in the autumn and removed from the site as needed.

#### Site Amenities

All benches, goal posts, backstops, bridges, fences, etc. will be kept in good order and repair.

#### Vandalism

All acts of vandalism/graffiti will be repaired and removed in a judicious timely manner.

#### Snow Removal

Parking lots and walkways will be plowed and cleared of snow once it accumulates greater than a ½ inch. A sand/salt mixture will be spread to alleviate icing conditions on parking lots and walkways. Under no circumstances shall the dumping or storage of snow be allowed within the Licensed Premises for any reason or at any time.

#### Roads/Parking Lots

Roadway and parking lot surfaces will be maintained to be free of sand, gravel, leaves and potholes. Parking lot striping will be visible at all times in order to provide adequate parking spaces.

#### Trees

All trees in the park will be kept in a safe and aesthetic condition. This includes “limbing up trees” to remove the lower limbs for pedestrian and vehicular clearance as needed.

Hazardous trees shall be removed in a judicious timely manner for public safety. Invasive vines and vegetation will be removed as needed as to not affect the health of the trees.

Healthy (non-invasive) tree removal is subject to regulation under the County of Westchester Tree Ordinance (above) and Westchester County Parks Department through its relevant procedures, which currently require prior approval.



## **EXHIBIT "B"**

### **STANDARD INSURANCE PROVISIONS** **(Licensee)**

1. Prior to commencing work, and throughout the term of the Agreement, the Village 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. Village 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 Village 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 Village 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 Village 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 Village to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Village from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Village 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 Village'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 Village until such time as the Village shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Village 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 Village. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Village shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) **Workers' Compensation and Employer's Liability.** Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) **Commercial General Liability Insurance** with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

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

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

- d) **Automobile Liability Insurance** with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Village 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 Village.

## **EXHIBIT "C"**

### **COUNTY OF WESTCHESTER TREE ORDINANCE**

#### **Sec. 765.351 Preservation of trees, shrubs and grass.**

[Gen. Ord. No. 5, § 36, eff. 1-1-1979; amended by L.L. No. 18-1993]

No person shall destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground, take or remove any plant, flower, flowerbed, shrub, tree, timber growing thing, plant growth, or any branch, stem, fruit or leaf located in any park, including Playland Park; or discard, abandon, pile or maintain any material or debris of any kind against or upon the same; or attach any rope, cable or other contrivance thereto; or set fire or assist another to set fire to any timber, trees, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend onto any park; or hitch any horse or animal to or leave the same standing near enough to injure any tree, shrub, lawn, grass plot or planted area; or go upon the same, except in designated areas and at such times when permission to do so shall have been given by the commissioner. Before granting or denying such permission with respect to the activities and items specified in section 765.354 of this chapter, the commissioner shall refer the matter to the County Parks, Recreation and Conservation Board for its recommendation.

**EXHIBIT "D"**  
**WESTCHESTER COUNTY TREE REMOVAL REQUEST FORM**

[FORM ATTACHED ON FOLLOWING PAGE.]

# TREE REMOVAL REQUEST

Number Admin use

Completed by: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

NUMBER AND TREE SPECIES	DIAMETER	LOCATION (ATTACH MAP)

**Reason for removal:**

- ☐ Subject to the Westchester County Tree Ordinance:
- ☐ A. More than 10 trees of 6" or more in diameter @DBH in a quarter acre (a square 104' x 104').
- ☐ B. Specimen trees of 24" or greater in diameter @DBH.
- ☐ NOT subject to the Westchester County Tree Ordinance.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
*Landscape Architect/Arborist*

Comments:

**I. Action determined to not have a significant impact on the environment and is not subject to NYS SEQRA review (check where applicable):**

- ☐ Routine maintenance or corrective measures involving no substantial changes in the existing facility.
- ☐ Maintenance of existing landscaping or existing natural growth.
- ☐ Best forest management practices are being conducted on less than 10 acres, does not include clearcutting, use of pesticides or involve onsite waste disposal.

**II. Action is subject to SEQRA review**

- ☐ Capital Program Project SEQRA review completed.
- ☐ SEQRA under review.
- ☐ Parks Board must initiate SEQRA review.
- ☐ Approved                      ☐ Disapproved

Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_

- ☐ Action recommended    ☐ Action NOT recommended

Chairman PRC Board: \_\_\_\_\_ Date: \_\_\_\_\_

**SUBMIT**



Kenneth W. Jenkins  
County Executive

January 17, 2025

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

Dear Honorable Members of the Board of Legislators:

Attached hereto for your consideration is "A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester."

This proposed law would require all local municipalities within Westchester County to provide written notification to the Department of Emergency Services ("DES") for all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County. Battery Energy Storage Systems ("BESS") are a type of energy power that uses batteries to store electrical energy. It is a technological solution that can help prevent renewable energy waste, stabilize the electrical power grid in real time, and balance supply and demand needs when the electrical grid fluctuates due to weather, outages, or congestion on the grid. However, most BESS use lithium-ion batteries, which are deemed hazardous materials by the United States Department of Transportation, and can pose significant safety concerns, including risks of fire, thermal runaway, toxic gases, and even explosions in localities where these BESS are placed.

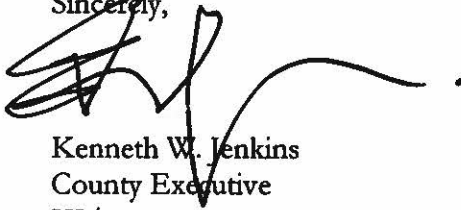
This local law is designed to increase safety and transparency within the County by establishing clear notification requirements for local municipalities regarding new installations, modifications and existing non-residential BESS. This will ensure greater coordination and planning for emergencies, which will enhance safety for residents and first responders in Westchester County. Specifically, this notification requirement will allow DES to properly plan for emergencies that can arise from the installation or modification of a BESS in the County and to properly create contingency plans for dealing with emergencies that could be exacerbated by the presence of a BESS.

DES oversees the County's Emergency Communications Center, commonly referred to as "60 Control," which provides primary dispatch services for 52 fire departments and 32 EMS agencies in Westchester, and handles fire and EMS mutual-aid requests going in and out of the County. Further, DES works with the County Fire Coordinator and Deputy Fire Coordinators, who serve as liaisons between the County and local municipal fire departments, to mitigate potential fire emergencies within the County. Having advanced knowledge of the presence of a BESS at a location will allow DES to better inform the first responders to the risks faced at the location.

As such, this law requires local municipalities to provide written notification to the Commissioner of DES, or their designee, of any existing BESS in the municipality as well as any approval of plans for new BESS in the municipality or modifications to existing BESS. The written notification shall include the: (1) address of the (proposed) location of BESS site; (2) zoning district designation for the parcel(s) of land comprising the project site; (3) size and capacity of the BESS; (4) pertinent contact information for the owner, operator, and contractor responsible for the management and installation of the BESS site; and (5) relevant installation, operation, and inspection dates for the subject BESS.

I recommend the approval of the attached Local Law.

Sincerely,

A handwritten signature in black ink, appearing to read 'KJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
County Executive  
KJ/nn  
Attachments

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of “A LOCAL Law adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.”

Your Committee is informed that the proposed law would require all local municipalities within Westchester County to provide written notification to the Department of Emergency Services (“DES”) for all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County.

Your Committee is advised that, Battery Energy Storage Systems (“BESS”) are a type of energy power that uses batteries to store electrical energy. It is a technological solution that can help prevent renewable energy waste, stabilize the electrical power grid in real time, and balance supply and demand needs when the electrical grid fluctuates due to weather, outages, or congestion on the grid. However, most BESS use lithium-ion batteries, which are deemed hazardous materials by the United States Department of Transportation, and can pose significant safety concerns, including risks of fire, thermal runaway, toxic gases, and even explosions in localities where these BESS are placed.

Your Committee recognizes that this local law is designed to increase safety and transparency within the County by establishing clear notification requirements for local municipalities regarding new installations, modifications and existing non-residential BESS. This will ensure greater coordination and planning for emergencies, which will enhance safety for residents and first responders in Westchester County. Specifically, this notification requirement will allow DES to properly plan for emergencies that can arise from the installation or modification of a BESS in the

County and to properly create contingency plans for dealing with emergencies that could be exacerbated by the presence of a BESS. Your Committee recognizes that DES oversees the County's Emergency Communications Center, commonly referred to as "60 Control," which provides primary dispatch services for 52 fire departments and 32 EMS agencies in Westchester, and handles fire and EMS mutual-aid requests going in and out of the County. Further, DES works with the County Fire Coordinator and Deputy Fire Coordinators, who serve as liaisons between the County and local municipal fire departments, to mitigate potential fire emergencies within the County. Having advanced knowledge of the presence of a BESS at a location will allow DES to better inform the first responders to the risks faced at the location.

As such, this law requires local municipalities to provide written notification to the Commissioner of DES, or their designee, of any existing BESS in the municipality as well as any approval of plans for new BESS in the municipality or modifications to existing BESS. The written notification shall include the: (1) address of the (proposed) location of BESS site; (2) zoning district designation for the parcel(s) of land comprising the project site; (3) size and capacity of the BESS; (4) pertinent contact information for the owner, operator, and contractor responsible for the management and installation of the BESS site; and (5) relevant installation, operation, and inspection dates for the subject BESS.

Moreover, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to



the memorandum from the Department of Planning, dated January 14, 2025, 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 Local Law.

Dated: January \_\_, 2025  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

SUBJECT: Chapter 637- Battery Energy Storage

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses:

Annual Amount N/A

Describe: A Local Law adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

Potential Related Operating Budget Revenues:

Annual Amount N/A

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

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 15, 2025

Reviewed By: 

PH

Budget Director

Date: 1/15/25

**RESOLUTION NO. \_\_\_\_ - 2025**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law No. \_\_\_\_ - 2025, entitled “A LOCAL Law adding Chapter 637 to the Laws of Westchester County to require notification of the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.” The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2025, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. - 2025

A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

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

Section 1. A new Chapter 637 is hereby added to the Laws of Westchester County to read as follows:

**Chapter 637**

**Notification of Battery Energy Storage Systems by Local Municipalities in Westchester County**

**Sec. 637.01. Definitions**

1. Battery Energy Storage Systems – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
2. Commissioner – The Commissioner of the Westchester County Department of Emergency Services
3. Department – The Westchester County Department of Emergency Services.

**Sec. 637.02. Applicability**

1. The requirements of this Local Law shall apply to all local municipalities within Westchester County.
2. The requirements of this Local Law shall apply to:

- A. all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County; and
- B. modifications to, retrofits or replacements of an existing non-residential Battery Energy Storage System that increase the total Battery Energy Storage System's designed discharge duration or power rating.

**Sec. 637.03. Notification Requirements.**

- 1. Municipalities shall provide written notification to the Commissioner, or their designee, of any existing Battery Energy Storage Systems in the municipality within 30 days of being notified of this local law by the Commissioner, or their designee.
- 2. Municipalities shall provide written notification to the Commissioner, or their designee, within 30 days of any approval of plans for new Battery Energy Storage Systems in the municipality or modifications to existing Battery Energy Storage Systems. Approved plans shall include the issuance of a building, electrical, or special use permit for any Battery Energy Storage Systems by a municipality within Westchester County.
- 3. This notification requirement shall not replace any requirement for local municipalities to refer applications for certain planning and zoning actions to the Westchester County Planning Department pursuant to New York General Municipal Law §239-m or Sections 277.61 and 277.71 of the Laws of Westchester County.
- 4. The notification to be provided to the Commissioner pursuant to subdivision 1 and 2 above shall include the following information:
  - A. Address of the (proposed) location of Battery Energy Storage Systems site;

- B. Zoning district designation for the parcel(s) of land comprising the project site;
- C. The size and capacity of the Battery Energy Storage System;
- D. Contact information, when available, for:
  - i. The owner of the Battery Energy Storage System site;
  - ii. The operator of the facility containing the Battery Energy Storage System; and
  - iii. The contractor or other individual responsible for installation of the Battery Energy Storage System.
- E. The following dates for the Battery Energy Storage System:
  - i. The date the Battery Energy Storage System components are expected to be on site, if known;
  - ii. The date the Battery Energy Storage System is expected to be operational and/or the date which the Battery Energy Storage System became operational, if known; and
  - iii. The date of the final inspection of the Battery Energy Storage System by the relevant permitting official of the municipality.

Section 2. Upon the effective date of this local law, the Commissioner, or their designee, shall notify forthwith the following individuals and bodies within each local municipality in Westchester County of the notification requirement established by this Local Law:

- A. Planning Board;
- B. Department of Planning;

C. Clerk; and

D. Chief Executive of.

Section 3. This Local Law shall take effect immediately.

# Westchester County

Kenneth W. Jenkins  
County Executive

January 21, 2025

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

Dear Honorable Members of the Board of Legislators:

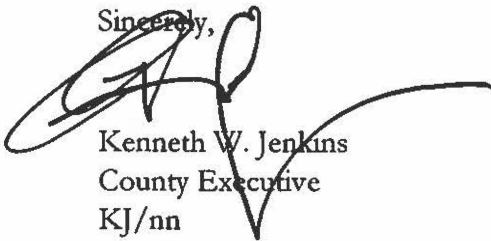
Attached hereto for your consideration is "A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members."

Volunteer firefighters and ambulance workers provide a significant benefit to residents and taxpayers through their countless hours of service protecting our communities. Accordingly, in conformance with New York State Real Property Tax Law ("Real Property Tax Law") Section 466-a, the County enacted Chapter 475 of the Laws of Westchester County ("Chapter 475") authorizing a ten (10) percent tax exemption for volunteer firefighters and volunteer ambulance service members with two (2) or more years of service. In order to qualify for the exemption under Section 466-a/Chapter 475, a volunteer had to serve in an organization that provided services where the volunteer lived.

The Real Property Tax Law was amended to add a new Section 466-l. This Section allows local jurisdictions to expand the tax exemption where the property owner serves in a neighboring municipality. If adopted, the attached Local Law would amend Chapter 475 to expand the County's existing exemption to cover individuals who volunteer anywhere in the County. By expanding the opportunity to provide this critical tax exemption, it will help improve recruitment and retention of our volunteer fire and ambulance services.

I recommend the approval of the attached Local Law.

Sincerely,



Kenneth W. Jenkins  
County Executive  
KJ/nn  
Attachments

2025.01.14 JRA



TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending adoption of “A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.”

Your Committee recognizes that volunteer firefighters and ambulance workers provide a significant benefit to residents and taxpayers through their countless hours of service protecting our communities. Accordingly, in conformance with New York State Real Property Tax Law (“Real Property Tax Law”) Section 466-a, the County enacted Chapter 475 of the Laws of Westchester County (“Chapter 475”) authorizing a ten (10) percent tax exemption for volunteer firefighters and volunteer ambulance service members with two (2) or more years of service. In order to qualify for the exemption under Section 466-a/Chapter 475, a volunteer had to serve in an organization that provided services where the volunteer lived.

Your Committee is informed that, The Real Property Tax Law was amended to add a new Section 466-l. This Section allows local jurisdictions to expand the tax exemption where the property owner serves in a neighboring municipality.

Your Committee has been advised that, if adopted, the attached Local Law would amend Chapter 475 to expand the County’s existing exemption to cover individuals who volunteer anywhere in the County. By expanding the opportunity to provide this critical tax exemption, it will help improve recruitment and retention of our volunteer fire and ambulance services.

Your Committee is advised that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated 2025  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

SUBJECT: Tax Exemption-Volunteer Firefighters ☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: A Local Law amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.

Potential Related Operating Budget Revenues: Annual Amount N/A

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

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 17, 2025

Reviewed By: [Signature]

PH

Budget Director

Date: 1/17/25

**RESOLUTION NO. \_\_\_\_ – 2025**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2025, entitled “A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.” The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW NO. -2025

A LOCAL LAW amending the Laws of Westchester with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Service Members.

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

Section 1. Section 475.01 of the Laws of Westchester County is amended to read as follows:

Sec. 475.01. Purpose

The purpose of this Chapter is to provide volunteer firefighters and volunteer ambulance service members, who are qualified real property owners, with the tax exemption authorized by Section 466-a of the Real Property Tax Law, and to continue this exemption in the case of certain un-remarried spouses of deceased volunteers pursuant to that law. The exemptions authorized by this Chapter are subject to all the qualifications and limitations set forth in Sections 466-a and 466-l of the Real Property Tax Law.

Section 2. Section 475.21 of the Laws of Westchester County is amended to read as follows:

Sec. 475.21. Qualifications and Limitations upon Exemption.

Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the County of Westchester unless:

- (a) the ~~applicant resides in the city, town, or village which is served by such~~ incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service for which the applicant serves is located within the County of Westchester;

- (b) the property is the primary residence of the applicant;
- (c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Chapter;
- (d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for at least two years. It shall be the duty of each incorporated volunteer fire company, fire department, and incorporated voluntary ambulance service to file an affidavit of a responsible officer annually, prior to the applicable taxable status date, with the assessor or other appropriate agency, department, or office of each assessing unit served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service listing its enrolled members with two or more years of service. Each incorporated volunteer fire company, fire department, and incorporated voluntary ambulance service shall also file such an affidavit with any other jurisdiction within the County of Westchester, upon request of an enrolled member or the assessor of that jurisdiction.

Section 3. This Local Law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.



Kenneth W. Jenkins  
Westchester County Executive

January 17, 2025

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 \$325,000 to finance the following capital project:

BPS42 – Firing Range Rehabilitation ("BPS42").

The Bond Act, in the amount of \$325,000, would finance the cost of improvements to the Police Academy firing range, including gunshot backstop structure and deflector plate system.

The Department of Public Safety ("Department") has advised that over time, the deflector plate system which guides fired rounds into a deceleration chamber at the back of the range to be stopped and collected becomes misshapen from the pounding of shots fired at it. The effect of this is that the opening through which the fire rounds pass to narrow in various locations which will eventually cause these rounds to be deflected back toward the firing line from which people are shooting. There is significant narrowing present now and the work should be done as soon as is reasonably possible to maintain safe conditions.

Design has been completed as the project is a refurbishing of an existing structure. It is estimated that construction will take less than one month to complete and will begin after award and execution of the construction contracts.

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

Sincerely,

A handwritten signature in black ink, appearing to be "K. W. Jenkins", written over the printed name and title.

Kenneth W. Jenkins  
Westchester 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 \$325,000 to finance capital project BPS42 – Firing Range Rehabilitation (“BPS42”). The Bond Act, which was prepared by the law firm Harris Beach, will finance the cost of improvements to the Police Academy firing range, including gunshot backstop structure and deflector plate system.

The Department of Public Safety (“Department”) has advised that over time, the deflector plate system which guides fired rounds into a deceleration chamber at the back of the range to be stopped and collected becomes misshapen from the pounding of shots fired at it. The effect of this is that the opening through which the fire rounds pass to narrow in various locations which will eventually this will cause these rounds to be deflected back toward the firing line from which people are shooting. There is significant narrowing present now and the work should be done as soon as is reasonably possible to maintain safe conditions.

Design has been completed as the project is a refurbishing of an existing structure. It is estimated that construction will take less than one month to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, BPS42 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.



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

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

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPS42

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 325,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 71,717

Total Debt Service (Annual Cost x Term): \$ 358,587

Finance Department: maab 1-21-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 4

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 1/21/25

Reviewed By: 

Budget Director

Date: 1/21/25

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

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

DATE: January 15, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPS42 FIRING RANGE REHABILITATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 11-22-2024 (Unique ID: 2727)

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

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

---

**COMMENTS:** None.

DSK/dvw

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

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$325,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE POLICE ACADEMY FIRING RANGE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$325,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$325,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$325,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to the Police Academy firing range, including gunshot backstop structure and deflector plate system; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of

the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$325,000. The plan of financing includes the issuance of \$325,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$325,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing

for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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

\* \* \*

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

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

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

(SEAL)

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



## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$325,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE POLICE ACADEMY FIRING RANGE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$325,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$325,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of improvements to the Police Academy firing range including gunshot backstop structure and deflector plate system; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$325,000; five (5) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BPS42</b>	<input type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> FIRING RANGE REHABILITATION	<b>Legislative District ID:</b> 3
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC SAFETY	<b>CP Unique ID:</b> 2727

### Overall Project Description

This project will rehabilitate the downrange end of the Police Academy firing range, addressing the gunshot backstop structure and deflector plate system.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	325	0	325	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	325	0	325	0	0	0	0	0

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

**Current Bond Description:** Bonding is requested for the rehabilitation of the downrange end of the Police Academy firing range, addressing the gunshot backstop structure and deflector plate system.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	325,000
Cash:	0
<b>Total:</b>	<b>\$ 325,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

325,000

### Expected Design Work Provider:

- ☐ County Staff
 ☐ Consultant
 ☒ Not Applicable

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2025	325,000	REHABILITATE THE DOWNRANGE END OF THE POLICE ACADEMY FIRING RANGE

### Total Appropriation History:

325,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

11-22-2024

**Budget Department**

DEV9

**Date**

11-22-2024

**Requesting Department**

SQGQ

**Date**

11-22-2024

## FIRING RANGE REHABILITATION ( BPS42 )

**User Department :** Public Safety

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	325			325					
Non County Share									
Total	325			325					

### **Project Description**

This project will rehabilitate the downrange end of the Police Academy firing range, addressing the gunshot backstop structure and defector plate system.

### **Current Year Description**

The current year request funds the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	325,000			325,000

### **Impact on Operating Budget**

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



Kenneth W. Jenkins  
Westchester County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total amount of \$3,000,000 to finance the following two (2) capital projects for 2025:

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

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

The Bond Act would authorize the County to issue bonds in the total amount of \$3,000,000 to finance the cost of the acquisition of various equipment for the County Department of Public Works and Transportation ("DPW&T") and the County Department of Parks, Recreation and Conservation ("PRC").

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

- 2008 International (#129146) six-wheel dump truck with a plow, wing and spreader
- 2008 International (#136946) six-wheel dump truck with a plow, wing and spreader
- 2008 International (#122746) six-wheel dump truck with a plow, wing and spreader
- 2009 International (#190046) six-wheel dump truck with a plow, wing and spreader
- 2018 Ram (#742046) service truck

PRC anticipates that the following equipment will be replaced:

- 2015 Chevy cargo van (#658242)
- 2016 Chevy cargo van (#658142)
- 2013 Ford cargo van (#556642)
- 2013 Chevy Silverado pickup truck (#578942)
- 2016 Chevy Colorado pickup truck (#677042)
- 2001 Toro grooming machine (#200542)

Office of the County Executive

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

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

[westchestergov.com](http://westchestergov.com)

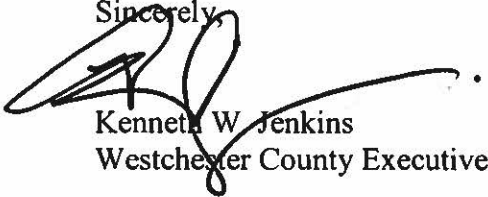
- 2006 Toro topdresser machine (#202142)
- 2007 Air 2 G2 HP aerator machine (#05812)
- 2012 Toro greens mower (#546642).

In addition, PRC anticipates that the following new equipment will be added:

- Dump truck with plow and sander
- Dump truck with plow and sander
- Fairway mower
- Backhoe/loader
- Dump truck.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Jenkins", with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”) in the total amount of \$3,000,000 to authorize the County of Westchester (the “County”) to finance the following two (2) capital projects for 2025:

B035E – Equipment Acquisition Program (2021-2025); and  
RGP13 – General Infrastructure – Equipment Acquisition (2021 -2025).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins, Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$3,000,000 to finance the cost of the acquisition of various equipment for the County Department of Public Works and Transportation (“DPW&T”) and the County Department of Parks, Recreation and Conservation (“PRC”).

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

- 2008 International (#129146) six-wheel dump trucks with a plow, wing and spreader
- 2008 International (#136946) six-wheel dump trucks with a plow, wing and spreader
- 2008 International (#122746) six-wheel dump trucks with a plow, wing and spreader
- 2009 International (#190046) six-wheel dump trucks with a plow, wing and spreader
- 2018 Ram (#742046) service truck

PRC anticipates that the following equipment will be replaced:

- 2015 Chevy cargo van (#658242)
- 2016 Chevy cargo van (#658142)
- 2013 Ford cargo van (#556642)
- 2013 Chevy Silverado pickup truck (#578942)
- 2016 Chevy Colorado pickup truck (#677042)
- 2001 Toro grooming machine (#200542)
- 2006 Toro topdresser machine (#202142)
- 2007 Air 2 G2 HP aerator machine (#05812)
- 2012 Toro greens mower (#546642).

In addition, PRC anticipates that the following new equipment will be added:

- Dump truck with plow and sander
- Dump truck with plow and sander
- Fairway mower
- Backhoe/loader
- Dump truck.

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

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

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

**COMMITTEE ON**

s mg/11-22-24



# FISCAL IMPACT STATEMENT

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

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

B035E; RGP13

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,000,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 662,006

Total Debt Service (Annual Cost x Term): \$ 3,310,032

Finance Department: maab 1-21-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 33

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 1/21/25

Reviewed By:

Dr 1/21/25

Budget Director

Date:

1/21/25

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

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



DATE: January 14, 2025

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

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

Capital Project	Project Title	Fact Sheet ID	Approved by Planning
B035E	Equipment Acquisition Program (2021-2025)	2745	11/22/2024
RGP13	General Infrastructure-Equipment Acquisition (2021-2025)	2771	12/02/2024

The Planning Department advises that these projects for which funding is being requested may be classified as **TYPE II actions** pursuant to section(s):

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

As such, no environmental review is required.

DSK/jnl

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation  
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation  
Robert Abbamont, Director of Operations, Department of Public Works & Transportation  
Robert Lopane, Director of Program Development II – Park Planning (PRC)  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.  
(Adopted \_\_\_\_\_, 20\_\_\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$3,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various equipment for the Department of Public Works and the Department of Parks, Recreation and Conservation, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated

total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$3,000,000. The plan of financing includes the issuance of \$3,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said class of objects or purposes, within the limitations of Section 11.00 a. 32 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 objects or purposes for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$3,000,000. 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 \$3,000,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of

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

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

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

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

(SEAL)

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.  
(Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of the acquisition of various equipment for the Department of Public Works and the Department of Parks, Recreation and Conservation, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued

and period of probable usefulness: \$3,000,000; five (5) years

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

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>B035E</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> EQUIPMENT ACQUISITION PROGRAM (2021-2025)	<b>Legislative District ID:</b> 5,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2745

### Overall Project Description

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

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	5,625	3,625	2,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	5,625	3,625	2,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 3,562

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

#### Financing Plan for Current Request:

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

#### SEQR Classification:

TYPE II

#### Amount Requested:

2,000,000

#### Expected Design Work Provider:

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

#### Comments:

#### Energy Efficiencies:

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

**Appropriation History:**

Year	Amount	Description
2021	1,100,000	REPLACEMENT OF A BUCKET TRUCK, TWO CRASH ATTENUATOR TRUCKS, AND TWO SKID STEERS AND ASSOCIATED ATTACHMENTS
2022	500,000	CONTINUATION OF THIS PROJECT
2023	525,000	CONTINUATION OF THIS PROJECT
2024	1,500,000	CONTINUATION OF THIS PROJECT
2025	2,000,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

5,625,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	13	1,100,000	1,086,621	DPW&T RELACEMENT EQUIPMENT
21	205	500,000	238,368	DPW&T RELACEMENT EQUIPMENT
23	31	525,000	525,009	DPW&T RELACEMENT EQUIPMENT
24	23	1,500,000	0	EQUIPMENT ACQUISITION PROGRAM (2021-2025)

**Total Financing History:**

3,625,000

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

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

11-22-2024

**Budget Department**

DEV9

**Date**

11-22-2024

**Requesting Department**

RJB4

**Date**

11-22-2024

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

**User Department :** Public Works

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	5,625	3,625	3,562	2,000					
Non County Share									
Total	5,625	3,625	3,562	2,000					

### **Project Description**

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

### **Current Year Description**

The current year request funds the continuation of this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	2,000,000			2,000,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2021	1,100,000	Replacement of a bucket truck, two crash attenuator trucks, and two skid steers and associated attachments	COMPLETE
2022	500,000	Continuation of this project	COMPLETE
2023	525,000	Continuation of this project	COMPLETE
2024	1,500,000	Continuation of this project	IN PROGRESS
Total	3,625,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	3,625,000	1,849,998	1,775,002
Total	3,625,000	1,849,998	1,775,002

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

**Bonds Authorized**

Bond Act		Amount	Date Sold	Amount Sold	Balance
13	21	1,100,000	12/01/22	452,086	13,379
			12/01/22	44,929	
			11/30/23	536,738	
			11/30/23	52,869	
205	21	500,000	12/01/22	145,583	261,632
			12/01/22	14,468	
			11/30/23	71,295	
			11/30/23	7,023	
31	23	525,000	11/30/23	477,932	(9)
			11/30/23	47,077	
23	24	1,500,000			1,500,000
Total		3,625,000		1,849,998	1,775,002

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RGP13	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021- 2025)	<b>Legislative District ID:</b>
<b>Category*</b> RECREATION FACILITIES	<b>Department:*</b> PARKS, RECREATION & CONSERVATION	<b>CP Unique ID:</b> 2771

### Overall Project Description

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

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	4,500	3,500	1,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,500	3,500	1,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 2,413

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

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

1,000,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

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

**Appropriation History:**

Year	Amount	Description
2021	1,500,000	CONTINUATION OF THIS PROJECT \$500,000; PURCHASE/INSTALLATION OF SENIOR FITNESS EQUIPMENT \$1,000,000
2022	500,000	CONTINUATION OF THIS PROJECT
2023	500,000	CONTINUATION OF THIS PROJECT
2024	1,000,000	CONTINUATION OF THIS PROJECT
2025	1,000,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

4,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	13	500,000	499,763	PRC EQUIPMENT REPLACEMENT
21	127	1,000,000	0	PRC - OUTDOOR FITNESS EQUIPMENT FOR SENIORS
21	205	500,000	243,752	PRC EQUIPMENT REPLACEMENT
23	31	500,000	323,524	PRC EQUIPMENT REPLACEMENT
24	23	1,000,000	0	GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021- 2025)

**Total Financing History:**

3,500,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
12-02-2024

**Department of Public Works**  
RJB4

**Date**  
12-02-2024

**Budget Department**  
DEV9

**Date**  
12-03-2024

**Requesting Department**  
RCL3

**Date**  
12-04-2024

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

**User Department :** Parks, Recreation & Conservation

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

**Estimated Completion Date:** TBD

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

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	4,500	3,500	2,413	1,000					
Non County Share									
Total	4,500	3,500	2,413	1,000					

### Project Description

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

### Current Year Description

The current year request funds the continuation of this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	1,000,000			1,000,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2021	1,500,000	Continuation of this project \$500,000; Purchase/installation of senior fitness equipment \$1,000,000	\$500,000 - COMPLETE, \$1,000,000 FOR FITNESS EQUIP NOT ORDERED
2022	500,000	Continuation of this project	COMPLETE
2023	500,000	Continuation of this project	COMPLETE
2024	1,000,000	Continuation of this project	IN PROGRESS
Total	3,500,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000	1,067,039	2,432,961
Total	3,500,000	1,067,039	2,432,961

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

**Bonds Authorized**

<b>Bond Act</b>	<b>Amount</b>	<b>Date Sold</b>	<b>Amount Sold</b>	<b>Balance</b>
<b>13 21</b>	<b>500,000</b>	<b>12/01/21</b>	<b>96,417</b>	<b>237</b>
		<b>12/01/22</b>	<b>258,567</b>	
		<b>12/01/22</b>	<b>25,697</b>	
		<b>11/30/23</b>	<b>108,404</b>	
		<b>11/30/23</b>	<b>10,678</b>	
<b>127 21</b>	<b>1,000,000</b>			<b>1,000,000</b>
<b>205 21</b>	<b>500,000</b>	<b>11/30/23</b>	<b>221,895</b>	<b>256,248</b>
		<b>11/30/23</b>	<b>21,857</b>	
<b>31 23</b>	<b>500,000</b>	<b>11/30/23</b>	<b>294,514</b>	<b>176,476</b>
		<b>11/30/23</b>	<b>29,010</b>	
<b>23 24</b>	<b>1,000,000</b>			<b>1,000,000</b>
<b>Total</b>	<b>3,500,000</b>		<b>1,067,039</b>	<b>2,432,961</b>





**Kenneth W. Jenkins**  
County Executive

January 16, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total aggregate amount of \$6,150,000 to finance the following seven (7) capital projects:

BIT3D (2728) Desktop Systems 2025-2029  
BIT6D (2733) Purchase of Computer Equipment 2021-2025  
BIT45 (2740) Building Access Control and Video Surveillance Systems Upgrade  
BIT52 (2730) Network and Security Infrastructure Upgrades 2025-2029  
BIT53 (2731) Business Continuity and Disaster Recovery  
BIT60 (2732) Telecommunications Equipment/Software Replacement and Upgrade  
BIT62 (2729) Replace DOH Electronic Health Record and Reporting System

The Bond Act, in the total amount of \$6,150,000, would authorize the County to issue bonds to finance the cost of various projects for the Department of Information Technology (the "Department"), including:

- (1) Acquisition of new endpoint devices including desktops, laptops, VDI terminals and tablets, software and professional services.
- (2) Acquisition of new servers, storage and related services for internal cloud virtualization and server/storage equipment going end of life.
- (3) Acquisition of analog cameras with IP cameras, proximity card readers, related infrastructure equipment, software and implementing services for security surveillance systems located at Westchester County government sites including DSS District Offices and bus garages located in Yonkers and Grasslands.
- (4) Replacement of obsolete hardware and software platforms and related services, as well as upgrades to the Network and Cyber Security platforms to enhance network connectivity and defend against cyber risks and cybercrime.

Office of the County Executive

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

Telephone: (914)995-2900

(5) Acquisition of software, hardware, and services to improve technology, increase operational efficiency, minimize disruption to users.

(6) Acquisition of hardware, software and services that provide communications to all county departments on a daily basis, while keeping up with current security and version updates, as well as current technology which is constantly changing.

(7) Acquisition of software, equipment and implementing services needed for the new Electronic Health Management Records System.

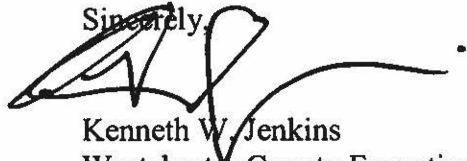
Your Honorable Board is advised that the anticipated cost estimates and anticipated project timeline for each capital project is set forth below:

<b>Cap ID</b>	<b>Anticipated Amount</b>	<b>Time Frame (Months) for Purchase and Implementation</b>
BIT3D (2728) Desktop Systems 2025-2029	\$800,000	11 Months
BIT6D (2733) Purchase of Computer Equipment 2021-2025	\$750,000	6 Months
BIT45 (2740) Building Access Control and Video Surveillance Systems Upgrade	\$2,500,000	12 Months
BIT52 (2730) Network and Security Infrastructure Upgrades 2025-2029	\$850,000	11 Months
BIT53 (2731) Business Continuity and Disaster Recovery	\$250,000	11 Months
BIT60 (2732) Telecommunications Equipment/Software Replacement and Upgrade	\$250,000	12 Months
BIT62 (2729) Replace DOH Electronic Health Record and Reporting System	\$750,000	12 Months
<b>Total</b>	<b>\$6,150,000</b>	

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/MB/jpg/nn

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), prepared by the law firm Harris Beach, in the total aggregate amount of \$6,150,000, to authorize the County of Westchester (the “County”) to finance the following seven (7) capital projects:

BIT3D (2728) Desktop Systems 2025-2029  
BIT6D (2733) Purchase of Computer Equipment 2021-2025  
BIT45 (2740) Building Access Control and Video Surveillance Systems Upgrade  
BIT52 (2730) Network and Security Infrastructure Upgrades 2025-2029  
BIT53 (2731) Business Continuity and Disaster Recovery  
BIT60 (2732) Telecommunications Equipment/Software Replacement and Upgrade  
BIT62 (2729) Replace DOH Electronic Health Record and Reporting System

The Bond Act, in the total amount of \$6,150,000, would authorize the County to issue bonds to finance the cost various projects for the Department of Information Technology (“Department”), including:

- (1) Acquisition of new endpoint devices including desktops, laptops, VDI terminals and tablets, software and professional services.
- (2) Acquisition of new servers, storage and related services for internal cloud virtualization and server/storage equipment going end of life.
- (3) Acquisition of analog cameras with IP cameras, proximity card readers, related infrastructure equipment, software and implementing services for security surveillance systems located at Westchester County government sites including DSS District Offices and bus garages located in Yonkers and Grasslands.
- (4) Replacement of obsolete hardware and software platforms and related services, as well as upgrades to the Network and Cyber Security platforms to enhance network connectivity and defend against cyber risks and cybercrime.
- (5) Acquisition of software, hardware, and services to improve technology, increase operational efficiency, minimize disruption to users.

(6) Acquisition of hardware, software and services that provide communications to all county departments on a daily basis, while keeping up with current security and version updates, as well as current technology which is constantly changing.

(7) Acquisition of software, equipment and implementing services needed for the new Electronic Health Management Records System.

Your Honorable Board is advised that the anticipated cost estimates and anticipated project timeline for each capital project is set forth below:

<b>Cap ID</b>	<b>Anticipated Amount</b>	<b>Time Frame (Months) for Purchase and Implementation</b>
BIT3D (2728) Desktop Systems 2025-2029	\$800,000	11 Months
BIT6D (2733) Purchase of Computer Equipment 2021-2025	\$750,000	6 Months
BIT45 (2740) Building Access Control and Video Surveillance Systems Upgrade	\$2,500,000	12 Months
BIT52 (2730) Network and Security Infrastructure Upgrades 2025-2029	\$850,000	11 Months
BIT53 (2731) Business Continuity and Disaster Recovery	\$250,000	11 Months
BIT60 (2732) Telecommunications Equipment/Software Replacement and Upgrade	\$250,000	12 Months
BIT62 (2729) Replace DOH Electronic Health Record and Reporting System	\$750,000	12 Months
Total	\$6,150,000	

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

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

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

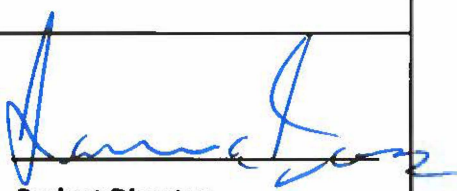
Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

jpg/11-26-24




# FISCAL IMPACT STATEMENT

<b>CAPITAL PROJECT #:</b> _____		<input type="checkbox"/> <b>NO FISCAL IMPACT PROJECTED</b>	
<b>SECTION A - CAPITAL BUDGET IMPACT</b> To Be Completed by Budget			
<input checked="" type="checkbox"/> <b>GENERAL FUND</b>	<input type="checkbox"/> <b>AIRPORT FUND</b>	<input type="checkbox"/> <b>SPECIAL DISTRICTS FUND</b>	
<b>Source of County Funds (check one):</b>		<input checked="" type="checkbox"/> <b>Current Appropriations</b>	
		<input type="checkbox"/> <b>Capital Budget Amendment</b>	
<b>BIT3D, BIT6D, BIT45, BIT52, BIT53, BIT60, BIT62</b>			
<b>SECTION B - BONDING AUTHORIZATIONS</b> To Be Completed by Finance			
<b>Total Principal</b>	\$ 6,150,000	<b>PPU</b>	10 <b>Anticipated Interest Rate</b> 3.12%
<b>Anticipated Annual Cost (Principal and Interest):</b>	\$ 730,434		
<b>Total Debt Service (Annual Cost x Term):</b>	\$ 7,304,340		
<b>Finance Department:</b>	Interest rates from January 16, 2025 Bond Buyer - ASBA		
<b>SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)</b> To Be Completed by Submitting Department and Reviewed by Budget			
<b>Potential Related Expenses (Annual):</b>	\$ -		
<b>Potential Related Revenues (Annual):</b>	\$ -		
<b>Anticipated savings to County and/or impact of department operations</b> (describe in detail for current and next four years):			
<b>SECTION D - EMPLOYMENT</b> As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
<b>Number of Full Time Equivalent (FTE) Jobs Funded:</b>	67		
<b>Prepared by:</b>	<u>Donna Montera</u>	<b>Reviewed By:</b>	<u></u>
<b>Title:</b>	<u>Dir of Admin Services</u>	<b>Date:</b>	<u>1/21/25</u>
<b>Department:</b>	<u>Information Technology</u>	<b>Budget Director</b>	
<b>Date:</b>	<u>1/17/25</u>		



Memorandum  
Department of Planning

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

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

DATE: January 15, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECTS  
BOND ACT – INFORMATION TECHNOLOGY EQUIPMENT**

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

Capital Project	Project Title	Fact Sheet ID	Approved by Planning
BIT3D	Desktop Systems 2025-2029	2728	11/22/2024
BIT6D	Purchase of Computer Equipment 2021-2025	2733	11/20/2024
BIT45	Building Access Control and Video Surveillance Systems Upgrade	2740	11/22/2024
BIT52	Network and Security Infrastructure Upgrades 2025-2029	2730	11/22/2024
BIT53	Business Continuity and Disaster Recovery	2731	11/22/2024
BIT60	Telecommunications Equipment/Software Replacement and Upgrade	2732	11/20/2024
BIT62	Replace DOH Electronic Health Record and Reporting System	2729	11/22/2024

The Planning Department advises that these projects for which funding is being requested may be classified as **TYPE II actions** pursuant to section(s):

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

As such, no environmental review is required.

DSK/jnl



cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

REFERENCES BIT3D, BIT6D, BIT45, BIT52, BIT53,  
BIT60 and BIT62

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,150,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS TECHNOLOGY UPGRADES FOR COUNTY DEPARTMENTS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$6,150,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,150,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$6,150,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various technology upgrades for County departments comprised of the following capital projects: BIT3D, BIT6D, BIT45, BIT52, BIT53, BIT60 and BIT62, all as set forth in the County's current year Capital Budget, as amended. The total estimated maximum cost of said objects or purposes,

including preliminary costs and costs incidental thereto and the financing thereof is \$6,150,000. The plan of financing includes the issuance of \$6,150,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 25 of the Law, is ten (10) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$6,150,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds

herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,150,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS TECHNOLOGY UPGRADES FOR COUNTY DEPARTMENTS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$6,150,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,150,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of acquisition of the acquisition of various technology upgrades for County departments comprised of the following capital projects: BIT3D, BIT6D, BIT45, BIT52, BIT53, BIT60 and BIT62; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$6,150,000, ten (10) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BIT3D	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> DESKTOP SYSTEMS 2025-2029	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> INFORMATION TECHNOLOGY	<b>CP Unique ID:</b> 2728

### Overall Project Description

This project is the continuation of BIT 3C (2017-2021) for 2025 - 2029 New Endpoint Computers that include Desktop Systems, Laptops, VDI, Tablets, Software and professional services. This will fund replacement of aging Endpoint Computer equipment and Software in order to increase and improve operating efficiency, reduce cybersecurity risks and reduce maintenance costs.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	6,640	0	800	1,340	1,250	1,250	1,250	750
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	6,640	0	800	1,340	1,250	1,250	1,250	750

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

**Current Bond Description:** This project will fund the purchase of New Endpoint devices which includes Desktops, Laptops, VDI terminals and Tablets, Software and professional services.

#### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

800,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2025	800,000	THE CURRENT YEAR REQUEST FUNDS THE REPLACEMENT ACQUISITION OF OBSOLETE SYSTEMS.

### Total Appropriation History:

800,000

### Total Financing History:

0



**Recommended By:**

**Department of Planning**

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

11-22-2024

**Budget Department**

DEV9

**Date**

11-22-2024

**Requesting Department**

DEV9

**Date**

12-05-2024

## DESKTOP SYSTEMS 2025-2029 ( BIT3D )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>6,640</b>			<b>800</b>	<b>1,340</b>	<b>1,250</b>	<b>1,250</b>	<b>1,250</b>	<b>750</b>
<b>Non County Share</b>									
<b>Total</b>	<b>6,640</b>			<b>800</b>	<b>1,340</b>	<b>1,250</b>	<b>1,250</b>	<b>1,250</b>	<b>750</b>

### **Project Description**

This project is the continuation of BIT 3C (2016-2020) for 2025 - 2029 New Endpoint Computers that include Desktop Systems, Laptops, VDI, Tablets, Software and professional services. This will fund replacement of aging Endpoint Computer equipment and Software in order to increase and improve operating efficiency, reduce cybersecurity risks and reduce maintenance costs.

### **Current Year Description**

The current year request funds the replacement acquisition of obsolete systems.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	800,000			800,000

### **Impact on Operating Budget**

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BIT6D</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> PURCHASE OF COMPUTER EQUIPMENT 2021-2025	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> INFORMATION TECHNOLOGY	<b>CP Unique ID:</b> 2733

**Overall Project Description**

This project funds the purchase of servers, related equipment and services.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	4,500	3,750	750	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,500	3,750	750	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 3,469

**Current Bond Description:** For the purchase of new servers, storage and related Services for internal cloud Virtualization and server/storage equipment going end of life.

**Financing Plan for Current Request:**

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

**SEQR Classification:**

TYPE II

**Amount Requested:**

750,000

**Expected Design Work Provider:**

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

**Comments:**

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2021	1,000,000	FUNDS NEW EQUIPMENT FOR SERVER 2008 MIGRATIONS AND MICROSOFT EXCHANGE SERVERS
2022	750,000	CONTINUATION OF THIS PROJECT
2023	1,000,000	CONTINUATION OF THIS PROJECT
2024	1,000,000	CONTINUATION OF THIS PROJECT
2025	750,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

4,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	39	1,000,000	997,723	ACQUISITION AND INSTALLATION OF SOFTWARE AND APPLIANCES FOR IT
21	207	750,000	750,012	ACQUISITION AND INSTALLATION OF SOFTWARE AND APPLIANCES FOR IT
23	14	1,000,000	195,924	PURCHASE OF COMPUTER EQUIPMENT 2021-2025 (2064)
23	240	1,000,000	0	PURCHASE OF COMPUTER EQUIPMENT 2021-2025

**Total Financing History:**

3,750,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
11-20-2024

**Department of Public Works**  
RJB4

**Date**  
11-20-2024

**Budget Department**  
DEV9

**Date**  
11-22-2024

**Requesting Department**  
DDMK

**Date**  
11-22-2024

## PURCHASE OF COMPUTER EQUIPMENT 2021-2025 ( BIT6D )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>4,500</b>	<b>3,750</b>	<b>3,469</b>	<b>750</b>					
<b>Non County Share</b>									
<b>Total</b>	<b>4,500</b>	<b>3,750</b>	<b>3,469</b>	<b>750</b>					

### **Project Description**

This project funds the purchase of servers, related equipment and services.

### **Current Year Description**

The current year request funds the continuation of this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	750,000			750,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2021	1,000,000	Funds new equipment for Server 2008 migrations and Microsoft Exchange Servers	COMPLETE
2022	750,000	Continuation of this project	COMPLETE
2023	1,000,000	Continuation of this project	IN PROGRESS
2024	1,000,000	Continuation of this project	IN PROGRESS
<b>Total</b>	<b>3,750,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>3,750,000</b>	<b>1,943,659</b>	<b>1,806,341</b>
<b>Total</b>	<b>3,750,000</b>	<b>1,943,659</b>	<b>1,806,341</b>

**PURCHASE OF COMPUTER EQUIPMENT 2021-2025  
( BIT6D )**

**Bonds Authorized**

Bond Act		Amount	Date Sold	Amount Sold	Balance
39	21	1,000,000	12/01/22	666,604	2,277
			12/01/22	66,248	
			11/30/23	241,120	
			11/30/23	23,750	
207	21	750,000	11/30/23	682,760	(12)
			11/30/23	67,252	
14	23	1,000,000	11/30/23	178,356	804,076
			11/30/23	17,568	
240	23	1,000,000			1,000,000
Total		3,750,000		1,943,659	1,806,341

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BIT45</b>	<input type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> BUILDING ACCESS CONTROL AND VIDEO SURVEILLANCE SYSTEMS UPGRADE	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> INFORMATION TECHNOLOGY	<b>CP Unique ID:</b> 2740

### Overall Project Description

This project will fund the replacement and upgrade of Building Access Control and Video surveillance systems which include software, hardware, network infrastructure, training and implementation services. These systems will help to manage building access and monitor surveillance at various County Office Buildings.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	9,850	7,350	2,500	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	9,850	7,350	2,500	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 5,465

**Current Bond Description:** The purchase of analog cameras with IP cameras, proximity card readers, related infrastructure equipment, software and implementing services for security surveillance systems located at Westchester County government sites including Dept of Social Services District Offices and bus garages located in Yonkers and Grasslands

#### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

2,500,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2019	1,000,000	FUNDS THE REPLACEMENT/UPGRADE
2020	1,000,000	CONTINUATION OF THIS PROJECT
2021	1,000,000	CONTINUATION OF THIS PROJECT
2022	1,000,000	CONTINUATION OF THIS PROJECT
2023	1,350,000	REPLACEMENT OF ISTARS AND RFID PROXIMITY CARD READERS IN COUNTY OFFICE BUILDINGS.
2024	2,000,000	FUNDS THE CONTINUATION OF THIS PROJECT INCLUDING REPLACEMENT OF ANALOG CAMERAS, PROXIMITY CARD READERS, AND RELATED INFRASTRUCTURE FOR THE SECURITY SURVEILLANCE SYSTEM AT COUNTY OFFICE BUILDINGS
2025	2,500,000	FUNDS THE CONTINUATION FO THIS PROJECT INCLUDING THE UPGRADES TO DEPT OF SOCIAL SERVICES DISTRICT OFFICES, BUS GARGE IN YONKERS AND THE GRASSLANDS CAMPUS

**Total Appropriation History:**

9,850,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
19	90	1,000,000	999,980	PURCHASE OF EQUIPMENT AND OTHER SERVICES FOR UPGRADE OF SURVEILLANCE SYSTEMS AT WC OFFICE BUILDINGS
21	39	1,000,000	752,979	PURCHASE OF EQUIPMENT AND OTHER SERVICES FOR UPGRADE OF SURVEILLANCE SYSTEMS AT WC OFFICE BUILDINGS
21	207	2,000,000	0	BUILDING ACCESS CONTROL AND VIDEO SURVEILLANCE SYSTEMS UPGRADE
23	14	1,350,000	0	BUILDING ACCESS CONTROL AND VIDEO SURVEILLANCE SYSTEMS UPGRADE (2049)
23	240	2,000,000	0	BUILDING ACCESS CONTROL AND VIDEO SURVEILLANCE SYSTEMS UPGRADE

**Total Financing History:**

7,350,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
11-22-2024

**Department of Public Works**  
RJB4

**Date**  
11-22-2024

**Budget Department**  
DEV9

**Date**  
11-22-2024

**Requesting Department**  
DDMK

**Date**  
11-22-2024



## BUILDING ACCESS CONTROL AND VIDEO SURVEILLANCE SYSTEMS UPGRADE ( BIT45 )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>9,850</b>	<b>7,350</b>	<b>4,788</b>	<b>2,500</b>					
<b>Non County Share</b>			<b>11</b>						
<b>Total</b>	<b>9,850</b>	<b>7,350</b>	<b>4,799</b>	<b>2,500</b>					

### **Project Description**

This project will fund the replacement and upgrade of Building Access Control and Video surveillance systems which include software, hardware, network infrastructure, training and implementation services. These systems will help to manage building access and monitor surveillance at various County Office Buildings.

### **Current Year Description**

The current year request funds upgrades to Department of Social Services District Offices, as well as the bus garages in Yonkers and on the Grasslands Campus.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	2,500,000			2,500,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2019	1,000,000	Funds the replacement/upgrade	COMPLETE
2020	1,000,000	Continuation of this project	IN PROGRESS
2021	1,000,000	Continuation of this project	IN PROGRESS
2022	1,000,000	Continuation of this project	IN PROGRESS
2023	1,350,000	Replacement of iStars and RFID Proximity Card Readers in County office buildings.	IN PROGRESS
2024	2,000,000	Funds the continuation of this project including replacement of analog cameras, Proximity Card Readers, and related infrastructure for the security surveillance system at County Office Buildings	IN PROGRESS
<b>Total</b>	<b>7,350,000</b>		

## BUILDING ACCESS CONTROL AND VIDEO SURVEILLANCE SYSTEMS UPGRADE ( BIT45 )

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,350,000	1,752,958	5,597,042
Others		(10,661)	10,661
<b>Total</b>	<b>7,350,000</b>	<b>1,742,298</b>	<b>5,607,702</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
90 19	1,000,000	12/10/19	101,046	20
		12/10/19	19,954	
		04/30/20	56,753	
		10/28/20	275,913	
		10/28/20	38,659	
		10/28/20	10,661	
		12/01/22	446,155	
		12/01/22	44,339	
		11/30/23	5,917	
		11/30/23	583	
39 21	1,000,000	12/01/22	278,866	247,021
		12/01/22	27,714	
		11/30/23	406,371	
		11/30/23	40,028	
207 21	2,000,000			2,000,000
14 23	1,350,000			1,350,000
240 23	2,000,000			2,000,000
<b>Total</b>	<b>7,350,000</b>		<b>1,752,958</b>	<b>5,597,042</b>

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BIT52</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> NETWORK AND SECURITY INFRASTRUCTURE UPGRADES 2025- 2029	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> INFORMATION TECHNOLOGY	<b>CP Unique ID:</b> 2730

### Overall Project Description

This project will fund the continuation of Network and Security Infrastructure Upgrades (BIT47) and replacement of obsolete hardware and software platforms and related services. This project funds to support the upgrade of the Network & Cyber Security platforms, enhancing network connectivity and defending against cyber risks and cybercrime.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	4,325	0	850	600	600	600	600	1,075
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,325	0	850	600	600	600	600	1,075

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

**Current Bond Description:** The replacement of obsolete hardware and software platforms and related services. In 2025 we will be requesting funds to support the upgrade of the Network & Cyber Security platforms to enhance network connectivity and defend against cyber risks and cyber crime.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	850,000
Cash:	0
<b>Total:</b>	<b>\$ 850,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

850,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2025	850,000	THE CURRENT YEAR REQUEST FUNDS THE REPLACEMENT ACQUISITION OF OBSOLETE SYSTEMS

### **Total Appropriation History:**

850,000

**Total Financing History:**

0

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

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

11-22-2024

**Budget Department**

DEV9

**Date**

11-22-2024

**Requesting Department**

DDMK

**Date**

11-22-2024

## NETWORK AND SECURITY INFRASTRUCTURE UPGRADES 2025-2029 ( BIT52 )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	4,325			850	600	600	600	600	1,075
Non County Share									
Total	4,325			850	600	600	600	600	1,075

### **Project Description**

This project will fund the continuation of Network and Security Infrastructure Upgrades (BIT47) and replacement of obsolete hardware and software platforms and related services. This project funds to support the upgrade of the Network & Cyber Security platforms, enhancing network connectivity and defending against cyber risks and cybercrime.

### **Current Year Description**

The current year request funds year one implementation of the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	850,000			850,000

### **Impact on Operating Budget**

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BIT53</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> BUSINESS CONTINUITY AND DISASTER RECOVERY	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> INFORMATION TECHNOLOGY	<b>CP Unique ID:</b> 2731

### Overall Project Description

This project will fund the procurement of equipment required to provide real time business continuity and timely disaster recovery. To achieve these objectives there is a need to significantly increase the speed and capacity of data storage, reduce single point of failure exposures, employ a multiply redundant system architecture, integrate the distributed back up of key data, and geographically separate the location of redundant key systems.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	1,250	1,000	250	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	1,250	1,000	250	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 995

**Current Bond Description:** For the Purchase of Software, Hardware, and Services to improve technology, increase operational efficiency, minimize disruption to users..

#### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

250,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2021	250,000	FUNDS THIS PROJECT
2022	250,000	CONTINUATION OF THIS PROJECT
2023	250,000	CONTINUATION OF THIS PROJECT
2024	250,000	CONTINUATION OF THIS PROJECT
2025	250,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

1,250,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	207	250,000	10,693	BUSINESS CONTINUITY AND DISASTER RECOVERY
23	240	250,000	0	BUSINESS CONTINUITY AND DISASTER RECOVERY
23	14	250,000	0	BUSINESS CONTINUITY AND DISASTER RECOVERY (2061)

**Total Financing History:**

750,000

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

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

11-22-2024

**Budget Department**

DEV9

**Date**

11-22-2024

**Requesting Department**

DDMK

**Date**

11-22-2024

## BUSINESS CONTINUITY AND DISASTER RECOVERY ( BIT53 )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	1,250	1,000	995	250					
Non County Share									
Total	1,250	1,000	995	250					

### **Project Description**

This project will fund the procurement of equipment required to provide real time business continuity and timely disaster recovery. To achieve these objectives there is a need to significantly increase the speed and capacity of data storage, reduce single point of failure exposures, employ a multiply redundant system architecture, integrate the distributed back up of key data, and geographically separate the location of redundant key systems.

### **Current Year Description**

The current year request funds the continuation of this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	250,000			250,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2021	250,000	Funds this project	IN PROGRESS
2022	250,000	Continuation of this project	IN PROGRESS
2023	250,000	Continuation of this project	COMPLETE
2024	250,000	Continuation of this project	COMPLETE
Total	1,000,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000	10,694	989,307
Total	1,000,000	10,694	989,307



## BUSINESS CONTINUITY AND DISASTER RECOVERY ( BIT53 )

### Bonds Authorized

Bond Act		Amount	Date Sold	Amount Sold	Balance
207	21	250,000	11/30/23	9,735	239,307
			11/30/23	959	
14	23	250,000			250,000
240	23	250,000			250,000
Total		750,000		10,694	739,307

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BIT60</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> TELECOMMUNICATIONS EQUIPMENT/SOFTWARE REPLACEMENT AND UPGRADE	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> INFORMATION TECHNOLOGY	<b>CP Unique ID:</b> 2732

### Overall Project Description

This project is intended to fund the replacement and upgrade of telecommunications equipment and software reaching its useful life that provides VoIP, Radio Services, E911, and supports all County departments on a daily basis which the public depends on. Cisco Platform Unified Communications Manager currently in place provides all County-wide voice services that support over 6000 phones, 400 call handlers, 265 Right Fax lines, E911 services, and 85 analog gateways which comprise critical lines such as fire alarm and elevator lines.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	1,200	350	250	200	200	200	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	1,200	350	250	200	200	200	0	0

**Expended/Obligated Amount (in thousands) as of :** 90

**Current Bond Description:** The purchase of hardware, software and services that provide communications to all county departments on a daily basis, while keeping up with current security and version updates, as well as current technology which is constantly changing.

#### Financing Plan for Current Request:

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

#### **SEQR Classification:**

TYPE II

#### **Amount Requested:**

250,000

#### Expected Design Work Provider:

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

#### Comments:

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2024	350,000	FUNDS THE FIRST PHASE OF THIS PROJECT
2025	250,000	CURRENT REQUEST FUNDS THE CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

600,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	240	350,000	0	TELECOMMUNICATIONS EQUIPMENT/SOFTWARE REPLACEMENT AND UPGRADE

**Total Financing History:**

350,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
11-20-2024

**Department of Public Works**  
RJB4

**Date**  
11-20-2024

**Budget Department**  
DEV9

**Date**  
11-22-2024

**Requesting Department**  
DDMK

**Date**  
11-22-2024

## TELECOMMUNICATIONS EQUIPMENT/SOFTWARE REPLACEMENT AND UPGRADE ( BIT60 )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	1,200	350	90	250	200	200	200		
Non County Share									
Total	1,200	350	90	250	200	200	200		

### **Project Description**

This project is intended to fund the replacement and upgrade of telecommunications equipment and software reaching its useful life that provides VoIP, Radio Services, E911, and supports all County departments on a daily basis which the public depends on. Cisco Platform Unified Communications Manager currently in place provides all County-wide voice services that support over 6000 phones, 400 call handlers, 265 Right Fax lines, E911 services, and 85 analog gateways which comprise critical lines such as fire alarm and elevator lines.

### **Current Year Description**

The current year request funds the continuation of this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	250,000			250,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2024	350,000	Funds the first phase of this project	IN PROGRESS
Total	350,000		

### **Prior Appropriations**

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

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
240 23	350,000			350,000
Total	350,000			350,000

## CAPITAL PROJECT FACT SHEET

**Project ID:\***

BIT62

☐ CBA

**Fact Sheet Date:\***

01-02-2025

**Fact Sheet Year:\***

2025

**Project Title:\***

REPLACE DOH ELECTRONIC  
HEALTH RECORD AND REPORTING  
SYSTEM

**Legislative District ID:**

**Category\***

BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***

INFORMATION TECHNOLOGY

**CP Unique ID:**

2729

### Overall Project Description

This project funds the acquisition of a health record, case management, billing and reporting data system to support Westchester County Department of Health operations.

☒ Best Management Practices

☐ Energy Efficiencies

☐ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☐ Other

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	750	0	750	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	750	0	750	0	0	0	0	0

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

**Current Bond Description:** The purchase of software, equipment and implementing services needed for the new Electronic Health Management Records System.

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

750,000

### Expected Design Work Provider:

☐ County Staff

☐ Consultant

☐ Not Applicable

### Comments:

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2025	750,000	THE CURRENT YEAR REQUEST FUNDS THE PROJECT.

### Total Appropriation History:

750,000

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

11-22-2024

**Department of Public Works**

RJB4

**Date**

11-22-2024

**Budget Department**

DEV9

**Date**

11-22-2024

**Requesting Department**

DDMK

**Date**

11-22-2024

## REPLACE DOH ELECTRONIC HEALTH RECORD AND REPORTING SYSTEM ( BIT62 )

**User Department :** Information Technology

**Managing Department(s) :** Information Technology ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	750			750					
Non County Share									
<b>Total</b>	<b>750</b>			<b>750</b>					

### **Project Description**

This project funds the acquisition of a health record, case management, billing and reporting data system to support Westchester County Department of Health operations.

### **Current Year Description**

The current year request funds the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	750,000			750,000

### **Impact on Operating Budget**

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



**Kenneth W. Jenkins**  
County Executive

January 15, 2025

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration is an Act to authorize the County of Westchester (the "County") to amend an agreement between the County of Westchester (the "County") and the East of Hudson Watershed Corporation (the "Corporation") in an original amount not to exceed Seven Hundred Fifty Thousand (\$750,000) Dollars in East of Hudson Water Quality Investment Program Fund earnings (the "EOH WQIP Funds") for operation and maintenance costs of stormwater retrofit projects ("Projects") that have been approved, installed, and paid for with EOH WQIP Funds for stormwater retrofit plans approved by the New York State Department of Environmental Conservation ("NYS DEC") for the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Village of Mount Kisco (the "Municipalities") to achieve compliance with applicable municipal separate storm sewer system permit ("MS4") (NYS DEC MS4 SPDES General Permit No. GP-O-10-002) (the "MS4 Permit") for the period January 1, 2016 through December 31, 2022, in order to retroactively extend the term from January 1, 2023 through December 31, 2027, and to authorize the use of the remaining balance of Two Hundred Eleven Thousand Five Hundred Sixty Two (\$211,562) Dollars in EOH WQIP Funds for the operation and maintenance costs for these Projects.

As your Honorable Board is aware, pursuant to Act Nos. 145-1996 and 165-1996, which were approved by your Honorable Board, the County is a party to the 1997 New York City Watershed Memorandum of Agreement ("MOA"), along with the City of New York, the State of New York, United States Environmental Protection Agency ("USEPA"), the Catskill Watershed Corporation, the Coalition of Watershed Towns, certain environmental parties, and the Towns of Cortlandt, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Pound Ridge, Bedford, Yorktown, Somers, the Town/Village of Harrison and the Town/Village of Mount Kisco. It should be noted that the chief elected official (or appointed designee) of each of the aforementioned municipalities, along with representatives of the County, comprise the Northern Westchester Watershed Committee (the "NWWC").

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

Telephone: (914)995-2900

Website: [westchestercountyny.gov](http://westchestercountyny.gov)





Pursuant to Article V, Paragraph 140 of the MOA and the East of Hudson Water Quality Investment Program Contract (which is incorporated into and made a part of the MOA), the City paid to the County Thirty-Eight Million (\$38,000,000) Dollars to create a fund, known as the EOH WQIP Fund, to support a program of water quality investments east of the Hudson River in order to protect New York City's drinking water supply. Pursuant to the MOA, the EOH WQIP Fund monies may be distributed by the County, as custodian, to fund specified water quality improvement projects as enumerated therein and/or as the NYC DEP may authorize.

Your Honorable Board will further recall that the Municipalities entered into an inter-municipal agreement dated May 27, 2008 to create the Croton/Kensico Watershed Intermunicipal Coalition ("CKWIC") with the intent to cooperate in achieving their shared goal of meeting the requirements of USEPA Phase II Federal Stormwater Regulations which require regulated MS4s to obtain a NYS DEC State Pollutant Discharge Elimination System ("SPDES") permit for stormwater discharges. The Municipalities proposed a regional stormwater retrofit plan (the "Plan") to meet certain MS4 permit requirements, and NYS DEC approved the Plan on June 23, 2010. The Municipalities requested the use of Ten Million (\$10,000,000) Dollars in EOH WQIP Funds to assist in the implementation of the first five years of the Plan to achieve compliance with the retrofit requirements of the MS4 Permit.

On December 5, 2011, by Act No. 186-2011, your Honorable Board authorized the transfer of Ten Million (\$10,000,000) Dollars from the EOH WQIP Fund into a County Trust Account in order to fund the eligible costs associated with the administration, design, construction management, construction and operation and maintenance of the Projects associated with the implementation of the first five years of the Plan. I am advised by the Department of Planning ("Planning") that no portion of the Ten Million (\$10,000,000) Dollars authorized by Act No. 186-2011 has been used for operation and maintenance of the Projects. Further, as your Honorable Board is aware, by Act No. 225-2016, your Honorable Board authorized up to Three Million (\$3,000,000) Dollars remaining from the original Ten Million (\$10,000,000) Dollars (authorized for the Projects for the first five years of the Plan) to be used for regional stormwater retrofit projects for the second five years of the Plan. Therefore, although operation and maintenance costs were previously approved by your Honorable Board, the EOH Funds were not used for operation and maintenance costs, but rather, were needed for construction of the Projects.

On December 5, 2011, by Act No. 187-2011, your Honorable Board authorized the County to enter into a five-year inter-municipal agreement ("IMA") with the Municipalities for the purpose of disbursing the funds to partially finance the Projects. At that time, your Honorable Board was advised that the Municipalities were in the process of forming an independent locally-based and locally administered not-for-profit corporation, to be organized under Section 1411 of the New York State Not-For-Profit Corporation Law, or some comparable entity, for the purpose of implementing the projects and anticipated to be known as the East of Hudson Watershed Corporation (the "Corporation"). Your Honorable Board was further advised that it was anticipated that after the creation of the Corporation,

the County and the Corporation would enter into an agreement (the "Corporation Agreement") pursuant to which the County would transfer the EOH WQIP Funds to the Corporation to facilitate the administration, design, construction management, construction, and operation and maintenance of the Projects. Subsequently, the IMA among the County and the Municipalities was executed on June 7, 2012, the Corporation was formed, and the Corporation Agreement between the County and the Corporation was executed on June 7, 2012 transferring all of the rights and responsibilities of the Municipalities contained in the IMA to the Corporation and authorizing the transfer of the EOH WQIP Funds to the Corporation. The terms of the IMA included consent by the Municipalities that the Corporation Agreement be executed and that all rights and responsibilities contained therein be transferred to the Corporation.

On August 6, 2018, by Act No. 120-2018, your Honorable Board authorized the transfer of \$750,000 in EOH WQIP Fund earnings into a County Trust Account for distribution to the Corporation for the operation and maintenance costs of the Projects. These funds were subsequently transferred into a County Trust Account.

On or about August 18, 2019, the County and the Corporation entered into an agreement (the "Agreement") in an amount not to exceed \$750,000 in EOH WQIP Fund earnings for the operation and maintenance costs of the Projects for the period commencing retroactively on January 1, 2016 through December 31, 2022. As previously stated herein, there is a remaining balance of \$211,562 in EOH WQIP Fund earnings ("Remaining Funds") in this County Trust Account.

I have been advised that the Corporation has continued to administer, organize, implement and maintain the Projects to achieve compliance with the retrofit requirements of the MS4 Permit and has requested the disbursement of the Remaining Funds and a first amendment to the Agreement (the "First Amendment") in order to reimburse the Municipalities with the Remaining Funds for operation and maintenance costs of the Projects. Payment of the Remaining Funds will be on an annual reimbursement basis, as approved by the County. This Amendment will retroactively extend the term of the Agreement from January 1, 2023 to December 31, 2027 and will set forth the terms under which the County will distribute the Remaining Funds.

I have been advised that Section 140(b)(v) of the MOA lists "Stormwater Best Management Practices ("BMPs") at existing concentrated areas of impervious surfaces to the extent such BMPs are necessary to correct or reduce existing erosion and/or pollutant loadings" as eligible expenses for the EOH WQIP Funds.

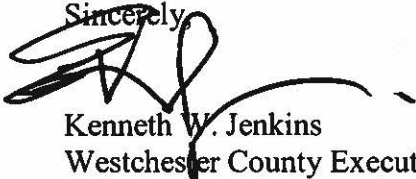
I have also been advised that Section 140(c)(iii) of the MOA lists "operation and maintenance costs directly related to or resulting from an eligible project" as eligible expenses for earnings on the EOH WQIP Funds.

I have also been advised that in order to properly spend the EOH WQIP Funds, the County must comply with certain procedures as set forth in the MOA, and all State and local laws, rules and regulations, including the Laws of Westchester County. This includes, among other things, compliance with the right of objection procedures specified in Paragraph 107(c) of the MOA. Planning, as the administrator of the MOA and any program initiated pursuant thereto, issued a right of objection letter to the requisite parties on September 24, 2024 stating the County's intent to authorize the use of the EOH WQIP Funds for the purposes described herein. Pursuant to the provisions of Paragraph 107(f), such parties have fifteen (15) days from the date of mailing of the notice to object to this decision, or to petition for an additional fifteen (15) day period to raise an objection. Planning has advised that no objections were received during the applicable timeframe. Accordingly, subject to receipt of the approval of your Honorable Board, the EOH WQIP Funds may now be expended in accordance with the MOA.

Planning has further advised that the NWWC supports the First Amendment and the expenditure of the Remaining Funds for the purposes described herein, and on September 17, 2024 voted in favor of the First Amendment.

Your Honorable Board's approval of the annexed Act is recommended as it will result in a worthwhile use of the EOH WQIP Funds for the purpose of protecting water quality in the New York City watershed.

Sincerely,



Kenneth W. Jenkins  
Westchester County Executive

KWJ/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 adoption of an Act which, if approved by your Honorable Board, would amend an agreement between the County of Westchester (the “County”) and the East of Hudson Watershed Corporation (the “Corporation”) in an original amount not to exceed Seven Hundred Fifty Thousand (\$750,000) Dollars in East of Hudson Water Quality Investment Program Fund earnings (the “EOH WQIP Funds”) for operation and maintenance costs of stormwater retrofit projects (“Projects”) that have been approved, installed, and paid for with EOH WQIP Funds for stormwater retrofit plans approved by the New York State Department of Environmental Conservation (“NYS DEC”) for the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Village of Mount Kisco (the “Municipalities”) to achieve compliance with applicable municipal separate storm sewer system permit (“MS4”) (NYS DEC MS4 SPDES General Permit No. GP-O-10-002) (the “MS4 Permit”) for the period January 1, 2016 through December 31, 2022 in order to retroactively extend the term from January 1, 2023 through December 31, 2027, and to authorize the use of the remaining balance of Two Hundred Eleven Thousand Five Hundred Sixty Two (\$211,562) Dollars in EOH WQIP Funds for the operation and maintenance costs for these Projects.

As your Committee is aware, pursuant to Act Nos. 145-1996 and 165-1996, which were approved by your Honorable Board, the County is a party to the 1997 New York City Watershed Memorandum of Agreement (“MOA”), along with the City of New York, the State of New York, United States Environmental Protection Agency (“USEPA”), the Catskill Watershed Corporation, the Coalition of Watershed Towns, certain environmental parties, and the Towns of Cortlandt, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Pound Ridge, Bedford, Yorktown, Somers, the Town/Village of Harrison and the Town/Village of Mount Kisco. It should be noted that the chief elected official (or appointed

designee) of each of the aforementioned municipalities, along with representatives of the County, comprise the Northern Westchester Watershed Committee (the "NWWC").

Pursuant to Article V, Paragraph 140 of the MOA and the East of Hudson Water Quality Investment Program Contract (which is incorporated into and made a part of the MOA), the City paid to the County Thirty-Eight Million (\$38,000,000) Dollars to create a fund, known as the EOH WQIP Fund, to support a program of water quality investments east of the Hudson River in order to protect New York City's drinking water supply. Pursuant to the MOA, the EOH WQIP Fund monies may be distributed by the County, as custodian, to fund specified water quality improvement projects as enumerated therein and/or as the NYC DEP may authorize.

Your Committee will recall that the Municipalities entered into an inter-municipal agreement, dated May 27, 2008 to create the Croton/Kensico Watershed Intermunicipal Coalition ("CKWIC") with the intent to cooperate in achieving their shared goal of meeting the requirements of USEPA Phase II Federal Stormwater Regulations which require regulated MS4s to obtain a NYS DEC State Pollutant Discharge Elimination System ("SPDES") permit for stormwater discharges. The Municipalities proposed a regional stormwater retrofit plan (the "Plan") to meet certain MS4 permit requirements, and NYS DEC approved the Plan on June 23, 2010. The Municipalities requested the use of Ten Million (\$10,000,000) Dollars in EOH WQIP Funds to assist in the implementation of the first five years of the Plan to achieve compliance with the retrofit requirements of the MS4 Permit.

Your Committee will further recall that on December 5, 2011, by Act No. 186-2011, your Honorable Board authorized the transfer of Ten Million (\$10,000,000) Dollars from the EOH WQIP Fund into a County Trust Account in order to fund the eligible costs associated with the administration, design, construction management, construction and operation and maintenance of the Projects associated with the implementation of the first five years of the Plan. Your Committee is advised by the Department of Planning ("Planning") that no portion of the Ten Million (\$10,000,000) Dollars authorized by Act No. 186-2011 has been used for operation and maintenance of the Projects. Further, as your Committee is aware, by Act No.

225-2016, your Honorable Board authorized up to Three Million (\$3,000,000) Dollars remaining from the original Ten Million (\$10,000,000) Dollars (authorized for the Projects for the first five years of the Plan) to be used for regional stormwater retrofit projects for the second five years of the Plan. Therefore, although operation and maintenance costs were previously approved by your Honorable Board, those EOH Funds were not used for operation and maintenance costs, but rather, were needed for construction of the Projects.

On December 5, 2011, by Act No. 187-2011, your Honorable Board authorized the County to enter into a five-year inter-municipal agreement ("IMA") with the Municipalities for the purpose of disbursing the funds to partially finance the Projects. At that time, your Honorable Board was advised that the Municipalities were in the process of forming an independent locally-based and locally administered not-for-profit corporation, to be organized under Section 1411 of the New York State Not-For-Profit Corporation Law, or some comparable entity, for the purpose of implementing the Projects and anticipated to be known as the East of Hudson Watershed Corporation (the "Corporation"). Your Honorable Board was further advised that it was anticipated that after the creation of the Corporation, the County and the Corporation would enter into an agreement (the "Corporation Agreement") pursuant to which the County would transfer the EOH WQIP Funds to the Corporation to facilitate the administration, design, construction management, construction, and operation and maintenance of the Projects. Subsequently, the IMA among the County and the Municipalities was executed on June 7, 2012, the Corporation was formed, and the Corporation Agreement between the County and the Corporation was executed on June 7, 2012 transferring all of the rights and responsibilities of the Municipalities contained in the IMA to the Corporation and authorizing the transfer of the EOH WQIP Funds to the Corporation. The terms of the IMA included consent by the Municipalities that the Corporation Agreement be executed and that all rights and responsibilities contained therein be transferred to the Corporation.

Further, on August 6, 2018, by Act No. 120-2018, your Honorable Board authorized the transfer of \$750,000 in EOH WQIP Fund earnings into a County Trust Account for



distribution to the Corporation for the operation and maintenance costs of the Projects. These funds were subsequently transferred into a County Trust Account.

Your Committee is further advised that on or about August 18, 2019, the County and the Corporation entered into an agreement (the "Agreement") in an amount not to exceed \$750,000 in EOH WQIP Fund earnings for the operation and maintenance costs of the Projects for the period commencing retroactively on January 1, 2016 through December 31, 2022. As previously stated herein, there is a remaining balance of \$211,562 in EOH WQIP Fund earnings ("Remaining Funds") in the County Trust Account.

Your Committee is advised that the Corporation has continued to administer, organize, implement and maintain the Projects to achieve compliance with the retrofit requirements of the MS4 Permit and has requested the disbursement of the Remaining Funds and a first amendment to the Agreement (the "First Amendment") in order to reimburse the Municipalities with the Remaining Funds for operation and maintenance costs of the Projects. Payment of the Remaining Funds will be on an annual reimbursement basis, as approved by the County. This First Amendment will retroactively extend the term of the Agreement from January 1, 2023 to December 31, 2027 and will set forth the terms under which the County will distribute the Remaining Funds.

Your Committee has been advised that Section 140(b)(v) of the MOA lists "Stormwater Best Management Practices ("BMPs") at existing concentrated areas of impervious surfaces to the extent such BMPs are necessary to correct or reduce existing erosion and/or pollutant loadings" as eligible expenses for the EOH WQIP Funds.

Your Committee has been further advised that Section 140(c)(iii) of the MOA lists "operation and maintenance costs directly related to or resulting from an eligible project" as eligible expenses for earnings on the EOH WQIP Funds.

Your Committee has been further advised that in order to properly spend the EOH WQIP Funds, the County must comply with certain procedures as set forth in the MOA, and all State and local laws, rules and regulations, including the Laws of Westchester County.

This includes, among other things, compliance with the right of objection procedures specified in Paragraph 107(c) of the MOA. Planning, as the administrator of the MOA and any program initiated pursuant thereto, issued a right of objection letter to the requisite parties on September 24, 2024 stating the County's intent to authorize the use of the EOH WQIP Funds for the purposes described herein. Pursuant to the provisions of Paragraph 107(f), such parties have fifteen (15) days from the date of mailing of the notice to object to this decision, or to petition for an additional fifteen (15) day period to raise an objection. Planning has advised that no objections were received during the applicable timeframe. Accordingly, subject to receipt of the approval of your Honorable Board, the EOH WQIP Funds may now be expended in accordance with the MOA.

Your Committee is advised that the NWWC supports the First Amendment and the expenditure of the Remaining Funds for the purposes described herein, and on September 17, 2024 voted in favor of the First Amendment and expenditure.

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, which requires your Honorable Board to comply with the regulations promulgated thereunder (6 NYCRR Part 617) have been met. Planning has advised that, based on its review, that the above referenced project may be classified as a Type "II" action pursuant to Section 617.5(c)(1) and Section 617.5(c)(26). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation prepared by Planning and concurs with this recommendation.

Your Committee has carefully considered this legislation and recommends approval of the annexed Act, noting that it requires an affirmative vote of the majority of your Honorable Board.

COMMITTEE ON:

C//lac/01.15.25



# FISCAL IMPACT STATEMENT

SUBJECT: EOH WQIP FUNDS O&M EOH WC

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

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

☐ Additional Appropriations ☒ Other (explain)

Identify Accounts: EOH WQIP Funds

Potential Related Operating Budget Expenses: Annual Amount \$0.00

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

Potential Related Operating Budget Revenues: Annual Amount \$0.00

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

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

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

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

Prepared by: Millie Magraw

Title: Coordinator Water Quality

Department: Planning

Date: January 15, 2025

Reviewed By: 

Budget Director

Date: 1/15/25



Memorandum  
Department of Planning

TO: Lynne Colavita, Senior Assistant County Attorney  
Department of Law

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

A handwritten signature in blue ink, appearing to read "DSK", located to the right of the "FROM:" line.

DATE: January 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR EAST OF HUDSON  
WATERSHED CORPORATION CONTINUED OPERATION AND  
MAINTENANCE OF STORMWATER RETROFIT PROJECTS**

---

The Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6NYCRR Part 617 (SEQR).

The action involves the amendment of an agreement between the County of Westchester and the East of Hudson Watershed Corporation, which provided funding from the East of Hudson Water Quality Investment Program (EOH WQIP) Fund for operation and maintenance costs associated with stormwater retrofit projects that have been approved, installed and paid for with EOH WQIP Funds in accordance with stormwater retrofit plans approved by the New York State Department of Environmental Conservation for the towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Village of Mount Kisco, to achieve municipal separate storm sewer system permit compliance.

The term of the original agreement was from January 1, 2016 through December 31, 2022. The amendment will retroactively extend the term to cover the period from January 1, 2023 through December 31, 2027, and will authorize the use of the remaining balance in EOH WQIP Funds for the continued operation and maintenance costs associated with these stormwater retrofit projects.

The proposed agreement amendment may be classified as a Type II action, pursuant to section 617.5(c)(1), "maintenance or repair involving no substantial changes in an existing structure or facility," and 617.5(c)(26), "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment." As such, no further environmental review is required.

Please contact me if you need any additional information regarding this classification.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Blanca Lopez, Commissioner  
Millie Magraw, Principal Environmental Planner  
Claudia Maxwell, Principal Environmental Planner

**ACT NO. \_\_\_\_ - 2025**

**AN ACT** authorizing the County of Westchester to enter into a first amendment to an agreement with the East of Hudson Watershed Corporation in order to retroactively extend the term from January 1, 2023 to December 31, 2027, and to authorize the disbursement of the remaining balance of \$211,562 in East of Hudson Watershed Quality Investment Program Fund earnings for operation and maintenance costs for certain approved stormwater retrofit projects

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

**Section 1.** The County of Westchester (the “County”), is hereby authorized to enter into a first amendment to an agreement with the East of Hudson Watershed Corporation in an original amount not to exceed \$750,000 in East of Hudson Water Quality Investment Program Fund earnings for operation and maintenance costs of stormwater retrofit projects that have been approved, installed, and paid for with East of Hudson Watershed Quality Investment Program Funds for stormwater retrofit plans approved by the New York State Department of Environmental Conservation for the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Village of Mount Kisco to achieve compliance with applicable municipal separate storm sewer system permit General Permit No. GP-O-10-002) for the period January 1, 2016 through December 31, 2022, in order to retroactively extend the term of the agreement from January 1, 2023 to December 31, 2027.

§ 2. The County is authorized to disburse the remaining East of Hudson Water Quality Investment Program Fund earnings currently being held in a County Trust Account in the amount of \$211,562 for the aforesaid operation and maintenance costs on an annual reimbursement basis in accordance with the terms of the first amendment to the agreement with the East of Hudson Watershed Corporation.

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

§ 4. This Act shall take effect immediately.





**Kenneth W. Jenkins**  
Westchester County Executive

January 17, 2025

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 \$2,010,000.00 to finance the following capital project:

BES19 (2716) – Westchester Emergency Operations Center Upgrades ("BES19").

The Bond Act, in the amount of \$2,010,000.00 would finance certain modifications and upgrades to the Westchester County Emergency Operations Center (WCEOC) and the Westchester County Department of Emergency Services' Emergency Management offices located at the Hudson Valley Transportation Management Center (HVTMC) in Hawthorne, New York.

The Department of Emergency Services ("Department") has advised that these upgrades would create an independent back up to the Department's Emergency Communications Center ("EOC") 911 dispatch system, and thereby eliminate any single point of failure for its emergency 911 dispatch operations. The funding will also replace the audio visual system in the Emergency Operations Center, which is at the end of its useful life, and make other physical upgrades to the EOC.

Following bonding authorization, design will be scheduled and is anticipated to take three (3) months to complete. It is anticipated that the design work will be completed by outside consultants. It is also estimated that construction will take approximately three (3) months to complete and will begin after award and execution of the construction contracts.

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

Sincerely,

A handwritten signature in black ink, appearing to be "KW Jenkins", written over the typed name and title.

Kenneth W. Jenkins  
Westchester 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 \$2,010,000.00 to finance capital project BES19 – Westchester Emergency Operations Center Upgrades (“BES19”). The Bond Act, which was prepared by the law firm Bryant Rabbino LLP, will finance certain modifications and upgrades to the Westchester County Emergency Operations Center (WCEOC) and the Westchester County Department of Emergency Services’ Emergency Management offices located at the Hudson Valley Transportation Management Center (HVTMC) in Hawthorne, New York.

The Department of Emergency Services (“Department”) has advised that these upgrades would create an independent back up to the Department’s Emergency Communications Center (“EOC”) 911 dispatch system, and thereby eliminate any single point of failure for its emergency 911 dispatch operations. The funding will also replace the audio visual system in the Emergency Operations Center, which is at the end of its useful life, and make other physical upgrades to the EOC.

Following bonding authorization, design will be scheduled and is anticipated to take three (3) months to complete. It is anticipated that the design work will be completed by outside consultants. It is also estimated that construction will take approximately three (3) months to complete and will begin after award and execution of the construction contracts.

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

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

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

**COMMITTEE ON**

c/cmc/01.17.2025

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES19

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,010,000 PPU 15 Anticipated Interest Rate 3.35%

Anticipated Annual Cost (Principal and Interest): \$ 172,170

Total Debt Service (Annual Cost x Term): \$ 2,582,544

Finance Department: maab 1-21-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 22

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/21/25

Reviewed By: 


01/21/25

Budget Director

Date: 1/22/25



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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BES19 Westchester Emergency Operations Center Upgrades**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
10-28-2024 (Unique ID: 2716)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
  - **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
- 

**COMMENTS:** None.

DSK/cnm

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

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,010,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE WESTCHESTER COUNTY EMERGENCY OPERATIONS CENTER AND THE DEPARTMENT OF EMERGENCY SERVICES' EMERGENCY OPERATION MANAGEMENT OFFICES LOCATED IN HAWTHORNE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,010,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,010,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$2,010,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the improvements to the Westchester County Emergency Operations Center and the Department of Emergency

Services' Emergency Operation Management offices located at the Hudson Valley Transportation Management Center in Hawthorne; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,010,000. The plan of financing includes the issuance of \$2,010,000 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 existing buildings are of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$2,010,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,010,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE WESTCHESTER COUNTY EMERGENCY OPERATIONS CENTER AND THE DEPARTMENT OF EMERGENCY SERVICES' EMERGENCY OPERATION MANAGEMENT OFFICES LOCATED IN HAWTHORNE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,010,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,010,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the improvements to the Westchester County Emergency Operations Center and the Department of Emergency Services' Emergency Operation Management offices located at the Hudson Valley Transportation Management Center in Hawthorne; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$2,010,000; fifteen (15) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BES19	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 10-23-2024
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> WESTCHESTER EMERGENCY OPERATIONS CENTER UPGRADES	<b>Legislative District ID:</b> 3,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> EMERGENCY SERVICES	<b>CP Unique ID:</b> 2716

### Overall Project Description

This project will fund the modifications and upgrades to the Westchester County Emergency Operations Center (WCEOC) and the Department of Emergency Services' Emergency Management offices located at the Hudson Valley Transportation Center (HVTMC) in Hawthorne, NY.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	2,010	2,010	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	2,010	2,010	0	0	0	0	0	0

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

**Current Bond Description:** Funding is requested for modifications and upgrades to the Westchester County Emergency Operations Center and the Department of Emergency Services Emergency Operation Management offices located at the Hudson Valley Transportation Management Center.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,010,000
Cash:	0
<b>Total:</b>	<b>\$ 2,010,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

2,010,000

#### Expected Design Work Provider:

☒ County Staff ☒ Consultant ☐ Not Applicable

#### Comments:

#### Energy Efficiencies:

#### Appropriation History:

Year	Amount	Description
2018	2,010,000	FUNDS DESIGN, CONSTRUCTION, CONSTRUCTION MANAGEMENT AND EQUIPMENT.

#### **Total Appropriation History:**

2,010,000



**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

10-28-2024

**Department of Public Works**

RJB4

**Date**

10-28-2024

**Budget Department**

DEV9

**Date**

10-28-2024

**Requesting Department**

DEV9

**Date**

11-18-2024

## WESTCHESTER EMERGENCY OPERATIONS CENTER UPGRADES ( BES19 )

**User Department :** Emergency Services

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	2,010	2,010							
Non County Share									
Total	2,010	2,010							

### **Project Description**

This project will fund the modifications and upgrades to the Westchester County Emergency Operations Center (WCEOC) and the Department of Emergency Services' Emergency Management offices located at the Hudson Valley Transportation Center (HVTMC) in Hawthorne, NY.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2018	2,010,000	Funds design, construction, construction management and equipment.	DESIGN
Total	2,010,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	2,010,000		2,010,000
Total	2,010,000		2,010,000



**Kenneth W. Jenkins**  
Westchester County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act"), which, if adopted by your Honorable Board, will authorize the County of Westchester ("County") to issue additional bonds on behalf of Refuse Disposal District No. 1 (the "District") to finance the following capital project:

**RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI ("RD021")**

The Bond Act, in the total amount of \$2,500,000, would finance the cost of purchase and replacement of District vehicles and equipment for use in all solid waste facilities and operations.

The Department of Environmental Facilities ("Department") has advised that in order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District Municipalities and delivery of solid waste to a final disposal site, the District must replace vital facilities equipment that has reached the end of its useful life, including, but not limited to solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

Following bonding authorization, and subsequent consent to incur indebtedness of the State Comptroller, it is anticipated that vehicle purchases will be effectuated within six (6) months therefrom.

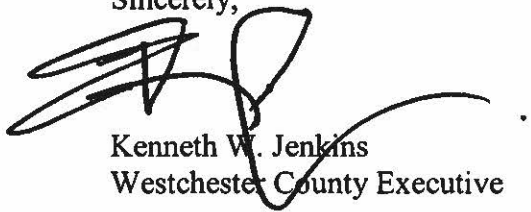
It should be noted that your Honorable Board has previously authorized the County to issue bonds for RD021, as indicated in the annexed fact sheet.

The Department, acting in its capacity as the County's Solid Waste Agency ("Agency"), on behalf of the District, has already obtained approval from your Honorable Board for an increase and improvement to District facilities and equipment through separate submission of the 2024 Solid Waste Agency Report and, pursuant to New York State County Law § 268, is seeking consent for such indebtedness from the New York State Comptroller.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") which, if adopted, will authorize the County of Westchester ("County") to issue up to \$2,500,000 in bonds on behalf of Refuse Disposal District No. 1 ("District") to finance capital project RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI ("RD021").

Your Committee has been advised that the Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of purchase and replacement of District vehicles and equipment for use in all solid waste facilities and operations.

The Department has further advised your Committee that in order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District Municipalities and delivery of solid waste to a final disposal site, the District must fund the purchase and replacement of vital facilities equipment that has reached the end of its useful life, including, but not limited to solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

Upon receipt by the Department of bonding authorization, and subsequent consent to incur indebtedness of the State Comptroller, it is anticipated that the vehicle purchase(s) will be effectuated within six (6) months therefrom.

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

The Department, acting in its capacity as the County's Solid Waste Agency ("Agency"), on behalf of the District, has already obtained approval from your Honorable Board for an increase and improvement to District facilities and equipment through separate submission of the 2024 Solid Waste Agency Report and, pursuant to New York State County Law § 268, is seeking consent for such indebtedness from the New York State Comptroller.

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

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

Your Committee has carefully considered the Bond Act, and recommends approval of the Bond Act. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

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

**COMMITTEE ON**

s/cmc/01.17.2025

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD021

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,500,000 PPU 10 Anticipated Interest Rate 3.13%

Anticipated Annual Cost (Principal and Interest): \$ 296,924

Total Debt Service (Annual Cost x Term): \$ 2,969,243

Finance Department: maab 1-21-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

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

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/22/25


Reviewed By: 

Budget Director

Date: 1/22/25



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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RD021 HAULAGE VEHICLE AND SOLID WASTE PHASE VI**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 11-22-2024 (Unique ID: 2753)

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

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None.

DSK/mvc

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Melissa-Jean Rotini, Assistant Commissioner, Department of Environmental Facilities  
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)  
Robert Zambardino, Program Coordinator – Capital Programs (DEF)  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



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

BOND ACT DATED \_\_\_\_\_, 20\_\_.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

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

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

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

WHEREAS, it is now desired to authorize the financing of the cost of such capital project allocable to the County's Refuse Disposal District No. 1; NOW, THEREFORE,

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

Section 1. There are hereby authorized to be issued \$2,500,000 bonds of said County, pursuant to the provisions of the Local Finance Law, to finance the cost of the purchase and replacement of haulage vehicles and solid waste equipment for the material recovery facilities and transfer stations of the County's Refuse Disposal District No. 1, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, solid waste containers, and incidental expenses in connection therewith, a class of objects or purposes. To the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

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

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

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

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

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

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given



I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of Posting

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

---

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

(CORPORATE  
SEAL)

## LEGAL NOTICE

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

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

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

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

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

period of probable usefulness: ten years

amount of obligations to be issued: \$2,500,000

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RD021	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> REFUSE DISPOSAL	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2753

### Overall Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District vehicles and equipment for use in all solid waste facilities and operations.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	22,550	12,550	2,500	2,500	2,500	2,500	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,550	12,550	2,500	2,500	2,500	2,500	0	0

**Expended/Obligated Amount (in thousands) as of :** 7,056

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

#### Financing Plan for Current Request:

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

#### SEQR Classification:

TYPE II

#### Amount Requested:

2,500,000

#### Expected Design Work Provider:

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

#### Comments:

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	1,000,000	FUNDS THE CONTINUATION OF THIS PROJECT
2022	4,050,000	CONTINUATION OF VEHICLE PURCHASE AND REPLACEMENT OF MFR EQUIPMENT
2023	1,000,000	CONTINUATION OF THIS PROJECT
2024	5,500,000	CONTINUATION OF THIS PROJECT AND INCLUDES COMPACTORS AT THE WHITE PLAINS AND MT. VERNON TRANSFER STATIONS
2025	2,500,000	CONTINUATION OF VEHICLE PURCHASE AND REPLACEMENT OF MFR EQUIPMENT

**Total Appropriation History:**

15,050,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	210	3,800,000		0 HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
23	245	5,500,000		0 HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI

**Cash History (in thousands):**

Year	Amount	Description
2020	1,000,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
2021	1,000,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
2022	250,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
2023	1,000,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI

**Total Financing History:**

12,550,000

**Recommended By:**

<b>Department of Planning</b>	<b>Date</b>
MLLL	11-22-2024
<b>Department of Public Works</b>	<b>Date</b>
RJB4	11-22-2024
<b>Budget Department</b>	<b>Date</b>
DEV9	12-11-2024
<b>Requesting Department</b>	<b>Date</b>
DEV9	12-11-2024

## HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI ( RD021 )

**User Department :** Environmental Facilities

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

**Estimated Completion Date:** TBD

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

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	22,550	12,550	7,056	2,500	2,500	2,500	2,500		
Non County Share									
Total	22,550	12,550	7,056	2,500	2,500	2,500	2,500		

### Project Description

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

### Current Year Description

The current year request funds continuation of this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	2,500,000			2,500,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2020	1,000,000	Funds this project	COMPLETE
2021	1,000,000	Funds the continuation of this project	COMPLETE
2022	4,050,000	Continuation of vehicle purchase and replacement of MFR equipment	COMPLETE
2023	1,000,000	Continuation of this project	IN PROGRESS
2024	5,500,000	Continuation of this project and includes compactors at the White Plains and Mt. Vernon Transfer Stations	IN PROGRESS
Total	12,550,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,300,000		9,300,000
Funds Revenue	3,250,000	3,250,000	
Total	12,550,000	3,250,000	9,300,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
210 21	3,800,000			3,800,000
245 23	5,500,000			5,500,000
Total	9,300,000			9,300,000



Kenneth W. Jenkins  
Westchester County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act ("Amended Bond Act"), which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to issue additional bonds to finance the following capital project:

SNY95 – Pumping Station Rehabilitation Program – North Yonkers SSD ("SNY95").

The Amended Bond Act, in the total amount of \$37,800,000, which includes \$20,800,000 in previously authorized bonds of the County, would finance the costs of design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses.

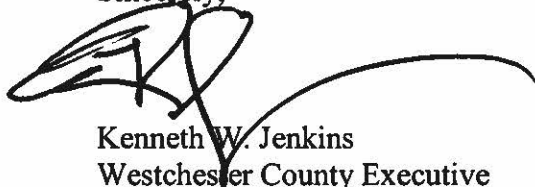
The Department of Environmental Facilities ("Department") has advised that the work required in the pumping stations includes replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. Work at the Alexander Street Pumping Station will also include flood hazard mitigation measures to raise vulnerable equipment above the anticipated flood level. These stations suffer significant wear and tear due to constant use and require rehabilitation and replacement every 20 to 25 years. They are designed to not only cover normal necessary replacement and rehabilitation, but to improve efficiency of the pumping stations by reducing energy usage and manpower costs. The Department is required to keep its equipment in a state of good repair in order to continue to adequately protect the environment.

Design is currently being undertaken by a consultant and is expected to be completed by the end of the first quarter of 2025. It is estimated that construction will take 30 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for SNY95 as indicated in the annexed fact sheet and as follows: Bond Act No. 82-2023 in the amount of \$20,800,000 to finance the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry and Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 82-2023 be amended to increase the amount authorized by \$17,000,000, for a total authorized amount, as amended, of \$37,800,000.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K. W. Jenkins', with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins  
Westchester County Executive



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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$17,000,000 in additional bonds of the County to finance capital project SNY95 – Pumping Station Rehabilitation Program – North Yonkers SSD (“SNY95”).

The Amended Bond Act in the total amount of \$37,800,000 was prepared by the law firm Norton Rose Fulbright and includes \$20,800,000 in previously authorized bonds of the County. The Bond Act would finance the costs of design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses.

The Department of Environmental Facilities (“Department”) has advised that the work required in the pumping stations includes replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes but is not limited to bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. Work at the Alexander Street Pumping Station will also include flood hazard mitigation measures to raise vulnerable equipment above the anticipated flood level. These stations suffer significant wear and tear due to constant use and require rehabilitation and replacement every 20 to 25 years. They are designed to not only cover normal necessary replacement and rehabilitation, but to improve efficiency of the pumping stations by reducing energy usage and manpower costs. The Department is required to keep its equipment in a state of good repair in order to continue to adequately protect the environment.

Design is currently being undertaken by a consultant and is expected to be completed by the end of the first quarter of 2025. It is estimated that construction will take 30 months to complete and will begin after award and execution of the construction contracts.



It should be noted that your Honorable Board has authorized the County to issue bonds for SNY95 as indicated in the annexed fact sheet and as follows: Bond Act No. 82-2023 in the amount of \$20,800,000 to finance the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry and Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 82-2023 be amended to increase the amount authorized by \$17,000,000, for a total authorized amount, as amended, of \$37,800,000.

The Planning Department has advised your Committee that based on its review, SNY95 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee has carefully considered the Amended Bond Act, and recommends approval of the Amended Bond Act. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act.

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

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNY95

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 37,800,000 PPU 30 Anticipated Interest Rate 3.89%

Anticipated Annual Cost (Principal and Interest): \$ 2,053,410

Total Debt Service (Annual Cost x Term): \$ 61,602,300

Finance Department: Interest rates from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 411

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 1/21/25

Reviewed By: 

on 1/21/25


Budget Director

Date: 1/22/25



Memorandum  
Department of Planning

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

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

DATE: January 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SNY95 Pumping Station Rehabilitation Program – North Yonkers SSD**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
12-02-2024 (Unique ID: 2720)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

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**COMMENTS:** None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Jazmin Logan, Environmental Project Director – Capital Programs, DEF  
Robert Zambardino, Program Coordinator – Capital Programs, DEF  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. \_\_\_\_\_ - 2025

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 82-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$20,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$37,800,000 (AN INCREASE OF \$17,000,000).

WHEREAS, pursuant to Act No. 82-2023, dated May 15, 2023, the Board previously authorized the issuance of \$20,800,000 bonds to pay the cost of the design, construction management and construction of the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer;

WHEREAS, Act No. 82-2023 superseded Bond Act Nos. 125-2017 and 221-2019 and consolidated certain portions of Bond Act Nos. 211-2021 and 134-2022 therein;

WHEREAS, no obligations have been issued under Act No. 82-2023;

WHEREAS, it has now been determined that the estimated maximum cost and the amount of bonds authorized should be increased to \$37,800,000 (an increase of \$17,000,000);

WHEREAS, \$37,800,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; and

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

NOW, THEREFORE,

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

Section (A): The bond act duly adopted by this Board on May 15, 2023 entitled:

ACT NO. 82-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$20,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, SUPERSEDING BOND ACT NOS. 125-2017 AND 221-2019 AND CONSOLIDATING CERTAIN PORTIONS OF BOND ACT NOS. 211-2021 and 134-2022 HEREIN.

is hereby amended to increase the estimated maximum cost and the amount of bonds authorized to \$37,800,000 as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$37,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, SUPERSEDING BOND ACT NOS. 125-2017 AND 221-2019 AND CONSOLIDATING CERTAIN PORTIONS OF BOND ACT NOS. 211-2021 and 134-2022 HEREIN.

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

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

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

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



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

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

Section 1. For the class of objects or purposes of financing the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses in connection therewith, there are hereby authorized to be issued \$37,800,000 bonds of said County pursuant to the provisions of the Local Finance Law.

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

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$37,800,000, and that the plan for the financing thereof is by the issuance of the \$37,800,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

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

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

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

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount

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

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

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

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary



to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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

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

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

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

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

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

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Bond Act shall take effect immediately upon approval by the County Executive.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2023

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York,  
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2025.

---

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

(CORPORATE  
SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 2025 and approved by the County Executive on \_\_\_\_\_, 2025 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 Legal 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 Legal 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 Legal Notice.

ACT NO. \_\_\_\_\_-2025

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 82-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$20,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$37,800,000 (AN INCREASE OF \$17,000,000).

class of objects or purposes: financing the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses in connection therewith, in and for the North Yonkers Sanitary Sewer District

period of probable usefulness: thirty (30) years

amount of obligations to be issued: \$37,800,000

Dated: \_\_\_\_\_, 2025  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SNY95	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD	<b>Legislative District ID:</b> 8, 16, 15, 12,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2720

### Overall Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pumping station(s): Hastings, Dobbs Ferry, Irvington and Alexander St.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	37,800	37,800	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	37,800	37,800	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 3,404

**Current Bond Description:** This request will provide construction funding for the rehabilitation and/or upgrade of the following sewage pumping station(s): Alexander St and Irvington Pump Station.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	17,000,000
Cash:	0
Total:	<b>\$ 17,000,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

17,000,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

The work required in the pumping stations typically includes, but is not limited to, the installation of new bar screens, pumps and pump control panel replacements, piping and valves, gas and fire detection systems, all mechanical, instrumentation and electrical systems, and structural and architectural repairs and replacement such as walls, windows, and roofs. Also as part of the rehabilitation, relocation and/or replacement of the station's emergency generator. (if present) will be addressed.

### Energy Efficiencies:

THE DESIGNS NOT ONLY COVER NORMAL NECESSARY REPLACEMENT AND REHABILITATION, BUT IMPROVE EFFICIENCY OF THE PUMPING STATIONS BY REDUCING ENERGY USAGE AND MANPOWER COSTS.

**Appropriation History:**

Year	Amount	Description
2017	900,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR HASTINGS.
2018	800,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR DOBBS FERRY.
2019	3,500,000	DESIGN- ALEXANDER ST AND IRVINGTON.
2022	600,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR HASTINGS INFLUENT SEWER
2023	15,000,000	CONSTRUCTION AT HASTINGS AND DOBBS FERRY
2024	17,000,000	CONSTRUCTION OF THE REHABILITATION OF THE ALEXANDER STREET AND IRVINGTON SEWAGE PUMPING STATION.

**Total Appropriation History:**

37,800,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
17	125	0	0	REHABILITATION OF HASTINGS PUMPING STATION
19	221	0	0	DESIGN AND CONSTRUCTION - DOBBS FERRY PUMPING STATION IN NORTH YONKERS SANITARY SEWER DISTRICT
21	6	0	0	PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD - ALEXANDER ST & IRVINGTON
21	211	0	0	PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD - HASTINGS PUMP STATION
22	134	0	0	NORTH YONKERS SSD - ALEXANDER ST & IRVINGTON
22	147	0	0	
23	82	20,800,000	0	PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD

**Total Financing History:**

20,800,000

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

MLLL

**Date**

12-02-2024

**Department of Public Works**

RJB4

**Date**

12-05-2024

**Budget Department**

DEV9

**Date**

12-06-2024

**Requesting Department**

JCL1

**Date**

12-09-2024



## PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD ( SNY95 )

**User Department :** Environmental Facilities

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

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	37,800	37,800	3,404						
Non County Share									
Total	37,800	37,800	3,404						

### **Project Description**

This project will fund the rehabilitation and/or upgrade of the following sewage pumping station(s): Hastings, Dobbs Ferry, Irvington and Alexander St.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2017	900,000	Design and construction management for Hastings.	DESIGN
2018	800,000	Design and construction management for Dobbs Ferry.	DESIGN
2019	3,500,000	Design- Alexander St and Irvington.	DESIGN
2022	600,000	Design and construction management for Hastings Influent Sewer	DESIGN
2023	15,000,000	Construction at Hastings and Dobbs Ferry	DESIGN
2024	17,000,000	Construction of the rehabilitation of the Alexander Street and Irvington sewage pumping station.	AWAITING BOND AUTHORIZATION
Total	37,800,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	37,800,000		37,800,000
Total	37,800,000		37,800,000

# **PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD ( SNY95 )**

## **Bonds Authorized**

Bond Act		Amount	Date Sold	Amount Sold	Balance
125	17				
221	19				
6	21				
211	21				
134	22				
147	22				
82	23	20,800,000			20,800,000
Total		20,800,000			20,800,000



**Kenneth W. Jenkins**  
County Executive

January 16, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the amount of \$2,000,000 to finance a component of the following capital project:

SOS08 – Ossining WRRF Structural Rehabilitation ("SOS08").

The Bond Act, in the amount of \$2,000,000, would fund construction and construction management associated with shoreline restoration needed at the base of the secondary clarifiers and chlorine contact tanks at the Ossining Wastewater Resource Recovery Facility ("WRRF").

The Department of Environmental Facilities (the "Department") has advised that the shoreline along the WRRF consists of riprap revetment from the southern property boundary to the north around Final Clarifier No. 1 Tank and the Chlorine Contact Tank where the steel bulkhead system starts. Over the years, due to washout, the riprap revetment has experienced significant erosion. Furthermore, the base of the secondary clarifiers and chlorine contact tanks have become undermined due to the existing condition of the riprap. To mitigate further erosion of the shoreline and to protect the existing process tanks, the shoreline requires rehabilitation/replacement to restore the revetment to the proper slope with the proper gradation/layers of stone.

It should be noted that design was completed under Capital Project SW002. Following bonding authorization, construction will be scheduled and is estimated to take fifteen (15) months to complete and will begin after award and execution of the construction contracts.

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

Sincerely,  
A handwritten signature in black ink, appearing to be "KWJ", with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/VK/JL/jpg

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

Your Committee is in receipt of a bond act (the “Bond Act”) in the amount of \$2,000,000, which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to finance a component of Capital Project SOS08 – Ossining WRRF Structural Rehabilitation (“SOS08”).

The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund construction and construction management associated with shoreline restoration needed at the base of the secondary clarifiers and chlorine contact tanks at the Ossining Wastewater Resource Recovery Facility.

The Department of Environmental Facilities (the “Department”) has advised that the shoreline along the WRRF consists of riprap revetment from the southern property boundary to the north around Final Clarifier No. 1 Tank and the Chlorine Contact Tank where the steel bulkhead system starts. Over the years, due to washout, the riprap revetment has experienced significant erosion. Furthermore, the base of the secondary clarifiers and chlorine contact tanks have become undermined due to the existing condition of the riprap. To mitigate further erosion of the shoreline and to protect the existing process tanks, the shoreline requires rehabilitation/replacement to restore the revetment to the proper slope with the proper gradation/layers of stone.

Your Committee is advised that design was completed under Capital Project SW002. Following bonding authorization, construction will be scheduled and is estimated to take fifteen (15) months to complete and will begin after award and execution of the construction contracts.

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

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

Dated: \_\_\_\_\_, 2025

White Plains, New York

**COMMITTEE ON**

k/jpg/12/18/2024

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SOS08

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,000,000 PPU 30 Anticipated Interest Rate 3.89%

Anticipated Annual Cost (Principal and Interest): \$ 108,646

Total Debt Service (Annual Cost x Term): \$ 3,259,380

Finance Department: Interest from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 28

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 1/21/25

Reviewed By: 


01/22/25

Budget Director

Date: 1/22/25



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

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

DATE: January 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SOS08 OSSINING WRRF STRUCTURAL REHABILITATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
12-10-2024 (Unique ID: 2721)

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

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

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**COMMENTS:** The current request for shoreline restoration requires a permit from the New York State Department of Environmental Conservation, which has classified this as a Type II action. Design and construction will utilize the preliminary flood insurance rate maps for coastal Westchester and other best available data concerning flood depths and wave action.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Jazmin Logan, Environmental Project Director – Capital Programs, DEF  
Robert Zambardino, Program Coordinator – Capital Programs, DEF  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. \_\_\_\_\_ - 202\_\_

BOND ACT DATED \_\_\_\_\_, 202\_\_.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY CONSTRUCTION AND CONSTRUCTION MANAGEMENT COSTS FOR SHORELINE RESTORATION ALONG THE OSSINING WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S OSSINING SANITARY SEWER DISTRICT.

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

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

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

WHEREAS, it is now desired to authorize the financing of the cost of such capital project allocable to the County's Ossining Sanitary Sewer District; NOW, THEREFORE,

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

Section 1. For paying the cost of construction and construction management costs for shoreline restoration along the Ossining Water Resource Recovery Facility to protect the clarifiers and chlorine contact tanks, including incidental expenses in connection therewith and riprap revetment, there are hereby authorized to be issued \$2,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.



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

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

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

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

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

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

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

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to

the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

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

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

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

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

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

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

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

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

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of Posting

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

---

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

(CORPORATE  
SEAL)

## LEGAL NOTICE

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

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

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

**A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY CONSTRUCTION AND CONSTRUCTION MANAGEMENT COSTS FOR SHORELINE RESTORATION ALONG THE OSSINING WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S OSSINING SANITARY SEWER DISTRICT.**

class of objects or purposes: construction and construction management costs for shoreline restoration along the Ossining Water Resource Recovery Facility to protect the clarifiers and chlorine contact tanks, including incidental expenses in connection therewith and riprap revetment

period of probable usefulness: thirty years

amount of obligations to be issued: \$2,000,000

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

---

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SOS08	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> OSSINING WRRF STRUCTURAL REHABILITATION	<b>Legislative District ID:</b> 3, 9, 4,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2721

### Overall Project Description

This project will provide construction for the replacement of the primary and secondary clarifier catwalks and the repair of erosion damage observed at the base of the secondary clarifiers and chlorine contact tanks near the Hudson River.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	22,510	22,510	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,510	22,510	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 11

**Current Bond Description:** This request will provide for Construction and Construction Management funding for shoreline restoration needed at the base of the secondary clarifiers and chlorine contact tanks.

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

2,000,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

The corner of the Ossining secondary clarifiers and chlorine contact tanks has become undermined and the structural integrity of the tanks will be compromised if the erosion is not addressed. Design was completed under Capital Project SW002.

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2023	2,510,000	DESIGN AND CONSTRUCTION MANAGEMENT
2024	20,000,000	ADDITIONAL CONSTRUCTION COSTS

### Total Appropriation History:

22,510,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	100	2,510,000	0	OSSINING WRRF STRUCTURAL REHABILITATION

**Total Financing History:**

2,510,000

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

MLLL

**Date**

12-10-2024

**Department of Public Works**

RJB4

**Date**

12-13-2024

**Budget Department**

DEV9

**Date**

12-13-2024

**Requesting Department**

JCL1

**Date**

12-13-2024

## OSSINING WRRF STRUCTURAL REHABILITATION ( SOS08 )

**User Department :** Environmental Facilities

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>22,510</b>	<b>22,510</b>	<b>11</b>						
<b>Non County Share</b>									
<b>Total</b>	<b>22,510</b>	<b>22,510</b>	<b>11</b>						

### **Project Description**

This project will fund the repair of the primary and secondary clarifier catwalks and the repair of erosion damage observed at the base of the secondary clarifiers and chlorine contact tanks near the Hudson River.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
<b>2023</b>	<b>2,510,000</b>	Design and Construction Management	DESIGN
<b>2024</b>	<b>20,000,000</b>	Additional construction costs	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>22,510,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>22,510,000</b>		<b>22,510,000</b>
<b>Total</b>	<b>22,510,000</b>		<b>22,510,000</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
<b>100 23</b>	<b>2,510,000</b>			<b>2,510,000</b>
<b>Total</b>	<b>2,510,000</b>			<b>2,510,000</b>

# Westchester County

**Kenneth W. Jenkins**  
County Executive

January 17, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the amount of \$5,000,000 to finance a component of the following capital project:

B0114 – Infrastructure Rehabilitation, Valhalla Campus (2021 – 2025).

The Bond Act, in the amount of \$5,000,000, would finance the cost of design, construction management and construction associated with various upgrades to the boiler control system and related work at the Central Heating Plant on the Grasslands Campus.

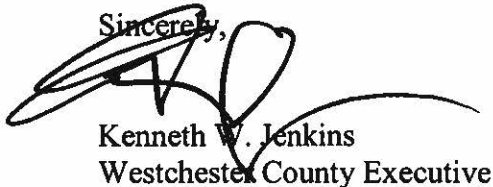
The Department of Public Works and Transportation (the "Department") has advised that the existing boiler control system has reached the end of its useful life and is in need of replacement.

Following bonding authorization, design will be scheduled and is anticipated to take three (3) months to complete and will be performed by in-house staff. It is anticipated that construction will take approximately six (6) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for other phases of B0114, as described on the annexed fact sheet.

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

Sincerely,



Kenneth W. Jenkins  
Westchester County Executive

KWJ/HJG/jpg/nn  
Attachments

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

Telephone: (914) 995-2900

**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 \$5,000,000, to finance a component of capital project B0114 – Infrastructure Rehabilitation, Valhalla Campus (2021 – 2025).

The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of design, construction management and construction associated with various upgrades to the boiler control system and related work at the Central Heating Plant on the Grasslands Campus.

The Department of Public Works and Transportation (the “Department”) has advised that the existing boiler control system has reached the end of its useful life and is in need of replacement.

Following bonding authorization, design will be scheduled and is anticipated to take three (3) months to complete and will be performed by in-house staff. It is anticipated that construction will take approximately six (6) months and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds for other phases of B0114, as described on the annexed fact sheet.

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

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

For the reasons set forth above, your Committee recommends the adoption of the proposed Bond Act.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

**COMMITTEE ON**

c/jpg/12-11-24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0114

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 5,000,000 PPU 15 Anticipated Interest Rate 3.35%

Anticipated Annual Cost (Principal and Interest): \$ 428,283

Total Debt Service (Annual Cost x Term): \$ 6,424,240

Finance Department: maab 1-21-25

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 54

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 1/21/25

Reviewed By: [Signature]


01/22/25

Budget Director

Date: 1/22/25



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

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

DATE: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0114 INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS  
(2021-2025)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 12-10-2024 (Unique ID: 2746)

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

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

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**COMMENTS:** None.

DSK/mvc

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



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

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF UPGRADES TO THE BOILER CONTROL SYSTEM AT THE CENTRAL HEATING PLANT AT THE GRASSLANDS CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$5,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction of upgrades to the boiler control system and related work at the central heating plant at the Grasslands Campus, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be

deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$5,000,000. The plan of financing includes the issuance of \$5,000,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$5,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$5,000,000. 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 \$5,000,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in

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

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

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

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

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

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

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF UPGRADES TO THE BOILER CONTROL SYSTEM AT THE CENTRAL HEATING PLANT AT THE GRASSLANDS CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction management and construction of upgrades to the boiler control system and related work at the central heating plant at the Grasslands Campus, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$5,000,000; fifteen (15) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> B0114	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025)	<b>Legislative District ID:</b> 3,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2746

### Overall Project Description

This project funds rehabilitation and upgrades of exterior, interior and site infrastructure on the Grasslands campus.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	17,480	12,480	5,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	17,480	12,480	5,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 10,737

**Current Bond Description:** Funding is requested for design, construction management and construction associated with the upgrades to the boiler control systems and related work at the Central Heating Plant on the Grasslands Campus.

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

5,000,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2021	12,280,000	\$900,000 REPLACEMENT OF 15 KV MANHOLE CABLE RACKS AND INSTALLATION OF A BUILDING MANAGEMENT SYSTEM (BMS) AT THE OPERATIONS BUILDING ;\$11,380,000 NEW HIGH PRESSURE STEAM LINE
2022	200,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR WORK AT THE CENTRAL HEATING PLANT (CHP)
2025	5,000,000	CENTRAL HEATING PLANT BOILER CONTROL UPGRADES

**Total Appropriation History:**

17,480,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	20	900,000	232,275	INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025)1
21	139	11,380,000	9,852,816	STEAM LINE SERVING PUBLIC LABS & WOODFIELD COTTAGE - VALHALLA CAMPUS
21	218	0	0	INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025)
22	108	0	0	INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025)
22	152	200,000	2,000	INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025)

**Total Financing History:**

12,480,000

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

MLLL

**Date**

12-10-2024

**Department of Public Works**

RJB4

**Date**

12-10-2024

**Budget Department**

DEV9

**Date**

12-11-2024

**Requesting Department**

RJB4

**Date**

12-11-2024



## INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025) ( B0114 )

**User Department :** Public Works

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	17,480	12,480	10,732	5,000					
Non County Share									
Total	17,480	12,480	10,732	5,000					

### **Project Description**

This project funds rehabilitation and upgrades of exterior, interior and site infrastructure on the Grasslands campus.

### **Current Year Description**

The current year request funds an upgrade to the Central Heating Plant Boiler Controls.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	5,000,000			5,000,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2021	12,280,000	\$900,000 Replacement of 15 KV manhole cable racks and installation of a building management system (BMS) at the Operations Building ; \$11,380,000 New high pressure steam line	\$900,000 - CONSTRUCTION; \$11,380,000 - COMPLETE
2022	200,000	Design, construction and construction management for work at the Central Heating Plant (CHP)	COMPLETE
Total	12,480,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	12,480,000	10,087,092	2,392,908
Total	12,480,000	10,087,092	2,392,908

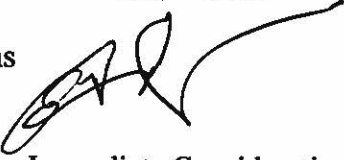
**INFRASTRUCTURE REHABILITATION, VALHALLA CAMPUS (2021-2025)  
( B0114 )**

**Bonds Authorized**

Bond Act		Amount	Date Sold	Amount Sold	Balance
20	21	900,000	12/01/22	69,135	667,725
			12/01/22	6,871	
			12/01/22	48,199	
			12/01/22	4,790	
			11/30/23	25,144	
			11/30/23	2,477	
			11/30/23	68,875	
			11/30/23	6,784	
139	21	11,380,000	12/01/21	5,179,452	1,527,184
			12/01/22	4,242,420	
			12/01/22	421,616	
			11/30/23	8,492	
			11/30/23	836	
218	21				
108	22				
152	22	200,000	11/30/23	1,821	198,000
			11/30/23	179	
Total		12,480,000		10,087,092	2,392,908

January 27, 2025

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins  
County Executive 

RE: Message Requesting Immediate Consideration: **LOCAL LAW –  
Qualifications for an Assigned Counsel Administrator in the  
Independent Office of Assigned Counsel.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators January 27, 2025 Agenda.

Transmitted herewith for your review and approval is a Local Law, as referenced above.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for January 27, 2025 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



**Kenneth W. Jenkins**  
County Executive

January 27, 2025

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

Dear Honorable Members of the Board of Legislators:

Attached hereto for your consideration is "A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel."

Westchester County is mandated by New York State County Law Article 18-B with the responsibility for provision of defense legal services. Up until October 1, 2022, Westchester County provided indigent legal services or Assigned Counsel pursuant to a Plan of Representation ("Plan") between the County, Legal Aid Society of Westchester County ("Legal Aid") and the Westchester County Bar Association ("WCBA"). This Plan provided legal representation by Legal Aid attorneys and by private attorneys ("Panel") for indigent clients in the Criminal and Family Courts in Westchester County.

In the past few years, Westchester County, as well as other counties throughout New York State, have been required to amend their Assigned Counsel Plans based upon New York State legislation mandating reforms to improve the provision of indigent legal services in New York. Accordingly, in September of 2021, Westchester County amended their Plan by enacting Chapter 186 of the Laws of Westchester County ("Chapter 186"), creating an Independent Office of Assigned Counsel ("OAC"). This new Plan, which was formally approved by the New York State Office of Indigent Legal Services on September 24, 2021, went into effect on March 24, 2022. The OAC was fully operational as of October 1, 2022.

According to Chapter 186, OAC is a County Department administered by an Assigned Counsel Administrator ("Administrator") under the direction of an eleven (11) member Assigned Counsel Board of Directors ("Board"). The Administrator is the administrative head of the office, and has the duty to ensure that all indigent persons are provided with quality legal representation. Specifically, the duties of the Administrator as detailed in Chapter 186, include but are not limited to: developing and monitoring program policies, standards and operational procedures of the Assigned Counsel Program regarding qualifications for appointment to the Panel, recruitment of attorneys to serve on the Panel, limitations on attorney caseloads, guidelines for the administrative responsibilities of Panel attorneys and supervision and review

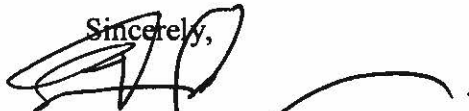
of attorney caseloads and quality of legal representation; maintaining a Panel of attorneys eligible to receive assignments for indigent representation; establishing qualifications and standards for certification of attorneys to become members of the Panel; making determinations on applications for initial certification or recertification to serve on the Panel based upon recommendations of the WCBA; ensuring the ability, training and experience of Panel attorneys are matched to the complexity of the cases to which they are assigned; reviewing all vouchers submitted for payment for services provided through the Assigned Counsel program; appointing a Deputy Assigned Counsel Administrator following consultation with the Board and such assistants and other administrative staff as may be necessary, and applying for other sources of state and federal funding or any other funding resources to meet the budgetary and programmatic needs of the Assigned Counsel program.

Pursuant to Chapter 186, the Board appoints an Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. The current requirements for the position of Administrator pursuant to Chapter 186, are that the Administrator shall be: an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative experience, skill in the representation of criminal defendants and/or adults in Family law matters, and who demonstrates integrity and commitment to quality representation of public defense clients. The first Administrator of the OAC, was appointed in 2022 and served until December 2024. The Administrator resigned her position due to her election as a Westchester County Court Judge with a term beginning on January 1, 2025.

The proposed amendment to Chapter 186 would expand the eligibility criteria for the position of Administrator, to include skill in both the prosecution and/or defense of criminal defendants, respondents in Juvenile Delinquency matters and/or adults in Family Law matters. This amendment would enable both prosecutors and defense attorneys in criminal and or Family Courts to qualify for the Administrator position, thereby increasing the pool of applicants eligible to apply for the position. Prosecutors in criminal proceedings, juvenile delinquency matters or in Family Law matters have extensive interactions with Panel attorneys both in and out of court, on a daily basis and are quite familiar with the duties and requirements of Panel attorneys representing indigent defendants. It is therefore appropriate to include experience as prosecutors in the criminal or Family Courts in the qualifications for the Administrator position. Expanding the applicant pool will help ensure that an Administrator is chosen from a large, diverse and highly skilled group of applicants.

I recommend approval of the attached Local Law.

Sincerely,



Kenneth W. Jenkins  
County Executive

KJ/nn

sdk-1/17/25



TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel.”

As your Committee is aware, Westchester County is mandated by New York State County Law Article 18-B with the responsibility for provision of defense legal services. Up until October 1, 2022, Westchester County provided indigent legal services or Assigned Counsel pursuant to a Plan of Representation (“Plan”) between the County, Legal Aid Society of Westchester County (“Legal Aid”) and the Westchester County Bar Association (“WCBA”). This Plan provided legal representation by Legal Aid attorneys and by private attorneys (“Panel”) for indigent clients in the Criminal and Family Courts in Westchester County.

Your Committee is informed that in the past few years, Westchester County, as well as other counties throughout New York State, have been required to amend their Assigned Counsel Plans based upon New York State legislation mandating reforms to improve the provision of indigent legal services in New York. Accordingly, in September of 2021, Westchester County amended their Plan by enacting Chapter 186 of the Laws of Westchester County (“Chapter 186”), creating an Independent Office of Assigned Counsel (“OAC”). This new Plan, which was formally approved by the New York State Office of Indigent Legal Services on September 24, 2021, went into effect on March 24, 2022. The OAC was fully operational as of October 1, 2022.

Your Committee is further informed that according to Chapter 186, OAC is a County Department administered by an Assigned Counsel Administrator (“Administrator”) under the

direction of an eleven (11) member Assigned Counsel Board of Directors ("Board"). The Administrator is the administrative head of the office, and has the duty to ensure that all indigent persons are provided with quality legal representation. Specifically, the duties of the Administrator as detailed in Chapter 186, include but are not limited to: developing and monitoring program policies, standards and operational procedures of the Assigned Counsel Program regarding qualifications for appointment to the Panel, recruitment of attorneys to serve on the Panel, limitations on attorney caseloads, guidelines for the administrative responsibilities of Panel attorneys and supervision and review of attorney caseloads and quality of legal representation; maintaining a Panel of attorneys eligible to receive assignments for indigent representation; establishing qualifications and standards for certification of attorneys to become members of the Panel; making determinations on applications for initial certification or recertification to serve on the Panel based upon recommendations of the WCBA; ensuring the ability, training and experience of Panel attorneys are matched to the complexity of the cases to which they are assigned; reviewing all vouchers submitted for payment for services provided through the Assigned Counsel program; appointing a Deputy Assigned Counsel Administrator following consultation with the Board and such assistants and other administrative staff as may be necessary, and applying for other sources of state and federal funding or any other funding resources to meet the budgetary and programmatic needs of the Assigned Counsel program.

Your Committee is advised that pursuant to Chapter 186, the Board appoints an Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. The current requirements for the position of Administrator pursuant to Chapter 186, are that the Administrator shall be: an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative

experience, skill in the representation of criminal defendants and/or adults in Family law matters, and who demonstrates integrity and commitment to quality representation of public defense clients. The first Administrator of the OAC, was appointed in 2022 and served until December 2024. The Administrator resigned her position due to her election as a Westchester County Court Judge with a term beginning on January 1, 2025.

Your Committee is further advised that the proposed amendment to Chapter 186 would expand the eligibility requirements for the position of Administrator, to include skill in both the prosecution and/or defense of criminal defendants, respondents in Juvenile Delinquency matters and/or adults in Family Law matters. This amendment would enable both prosecutors and defense attorneys in criminal and or Family Courts to qualify for the Administrator position, thereby increasing the pool of applicants eligible to apply for the position. Prosecutors in criminal proceedings, juvenile delinquency matters or in Family Law matters have extensive interactions with Panel attorneys both in and out of court, on a daily basis and are quite familiar with the duties and requirements of Panel attorneys representing indigent defendants. It is therefore appropriate to include experience as prosecutors in the criminal or Family Courts in the qualifications for the Administrator position. Expanding the applicant pool will help ensure that an Administrator is chosen from a large, diverse and highly skilled group of applicants.

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 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.



Your Committee, after careful consideration, recommends option of this Local Law.

Dated: \_\_\_\_\_, 2025

White Plains, New York

COMMITTEE ON

SDK/1/17//25

**RESOLUTION NO. \_\_\_\_ – 2025**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2025, entitled “A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel.” The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. 2025

A LOCAL LAW amending  
Chapter 186 of the Laws of  
Westchester County relating to the  
qualifications for an Assigned  
Counsel Administrator in the  
Independent Office of Assigned  
Counsel.

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

Section 1. Section 186.61 (a) of the Laws of Westchester County is amended to read as follows:

.....

**Sec. 186.61. Assigned Counsel Administrator; appointment, qualifications, term**


- a. The Board of Directors shall appoint an Assigned Counsel Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. Any person so appointed shall be an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative experience, skill in the prosecution and/or defense representation of criminal defendants, respondents in juvenile delinquency matters and/or adults in Family law matters and who demonstrates integrity and commitment to quality representation of public defense clients;
- b. The Administrator shall serve full time and shall not engage in the private practice of law during their appointment;
- c. The Administrator shall serve a term of four (4) years subject to reappointment at the discretion of the Board of Directors;
- d. The Administrator may be removed for cause by the Board of Directors, after notice and an opportunity to be heard pursuant to procedures established by the Board of Directors.

.....

§2. This Local Law shall take effect immediately.

January 24, 2025

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins  
County Executive 

RE: Message Requesting Immediate Consideration: **Bond Act – BLR2E –  
Labs & Research Equipment Acquisition '21-'25.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators January 27, 2025 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$510,000 to finance the following capital project: BLR2E.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for January 27, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



**Kenneth W. Jenkins**  
Westchester County Executive

January 23, 2025

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 \$510,000 to finance the following capital project:

**BLR2E – Labs and Research Equipment Acquisition (2021-2025).**

The Bond Act, in the amount of \$510,000 will finance the replacement of scientific equipment at the end of its useful life (end of service), such as: (i) Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; (ii) Forensics Unit equipment: Qiagen Qiacube; (iii) Microbiology equipment: IBM Power10 9105-22B Server; and (iv) Toxicology equipment: Refrigerated Centrifuges.

The Department of Labs and Research ("Department") has advised that the project funds the acquisition of new and replacement equipment for the Department's Public Health Environmental and Microbiology labs, Forensic, Toxicology and Medical Examiner's labs. The Department must use complex, high-tech new and replacement instrumentation in order to carry out its required activities and maintain a state of the art laboratory facility. Most of this equipment is considered "end of life" or "end of service" and replacement is therefore necessary in order to continue providing existing services.

Following bond authorization, it is expected that the Department will purchase the equipment within six (6) months.

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

Sincerely,

A handwritten signature in black ink, appearing to be "KW Jenkins", written over a horizontal line.

Kenneth W. Jenkins  
Westchester 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 \$510,000 to finance capital project BLR2E – Labs and Research Equipment Acquisition (2021-2025). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance would finance the replacement of scientific equipment at the end of its useful life (end of service), such as: (i) Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; (ii) Forensics Unit equipment: Qiagen Qiacube; (iii) Microbiology equipment: IBM Power10 9105-22B Server; and (iv) Toxicology equipment: Refrigerated Centrifuges.

The Department of Labs and Research (“Department”) has advised that the project funds the acquisition of new and replacement equipment for the Department’s Public Health Environmental and Microbiology labs, Forensic, Toxicology and Medical Examiner’s labs. The Department must use complex, high-tech new and replacement instrumentation in order to carry out its required activities and maintain a state of the art laboratory facility. Most of this equipment is considered “end of life” or “end of service” and replacement is therefore necessary in order to continue providing existing services.

Following bond authorization, it is expected that the Department will purchase the equipment within six (6) months.

The Planning Department has advised your Committee that based on its review, BLR2E may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

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

**COMMITTEE ON**



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BLR2E

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 510,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 112,541

Total Debt Service (Annual Cost x Term): \$ 562,705

Finance Department: Interest rates from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 6

Prepared by: Keith Hoffman

Title: Chief Administrator

Department: Labs & Research

Date: 1/23/25

Reviewed By: 


01/24/25

Budget Director

Date: 1/24/25



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

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

DATE: January 15, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BLR2E LABS AND RESEARCH EQUIPMENT ACQUISITION (2021–2025)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
12-02-2024 (Unique ID: 2774)

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

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None.

DSK/jnl

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$510,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF LAB EQUIPMENT FOR THE DEPARTMENT OF LABS AND RESEARCH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$510,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$510,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$510,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various lab equipment, including, but not limited to: Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; Forensics Unit equipment: Qiagen Qiacube; Microbiology equipment: IBM POWER10 9105-22B Server; Toxicology equipment: Refrigerated Centrifuges, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The total estimated cost of said class

class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$510,000. The plan of financing includes the issuance of \$510,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of said class of objects or purposes, within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$510,000. 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 \$510,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and

of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

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

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section 9.

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

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

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

(SEAL)

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

## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$510,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF LAB EQUIPMENT FOR THE DEPARTMENT OF LABS AND RESEARCH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$510,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$510,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.  
(Adopted \_\_\_\_\_, 20\_\_\_\_)

object or purpose:

to finance the cost of the acquisition of various lab equipment, including, but not limited to: Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; Forensics Unit equipment: Qiagen Qiacube; Microbiology equipment: IBM POWER10 9105-22B Server; Toxicology equipment: Refrigerated Centrifuges, all as set forth in the County's Current Year Capital Budget, as amended.

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

\$510,000; five (5) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BLR2E</b>	<input type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)	<b>Legislative District ID:</b> 3,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> LABS AND RESEARCH	<b>CP Unique ID:</b> 2774

### Overall Project Description

This project fund the replacement and acquisition of equipment to support this department's programs.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	6,373	5,863	510	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	6,373	5,863	510	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 5,098

**Current Bond Description:** This bond act will fund the replacement of scientific equipment at the end of its useful life (end of service). This would include equipment such as: Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN Digesters; Forensics Unit equipment: Qiagen Qiacube; Microbiology equipment: IBM POWER10 9105-22B Server; Toxicology equipment: Refrigerated Centrifuges.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	510,000
Cash:	0
<b>Total:</b>	<b>\$ 510,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

510,000

### Expected Design Work Provider:

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

### Comments:

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2021	840,000	FUNDS EQUIPMENT FOR TOXICOLOGY
2022	1,992,000	CONTINUATION OF THIS PROJECT
2023	1,339,000	CONTINUATION OF THIS PROJECT
2024	1,692,000	CONTINUATION OF THIS PROJECT
2025	510,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

6,373,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	39	840,000	665,734	LABS AND RESEARCH EQUIP - GAS CHROMATOGRAPH/MASS SPECTROMETER, SPECTOPHOTOMETER, HP LIQUID CHROM ETC
21	220	1,992,000	1,645,626	LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)
23	32	1,339,000	506,206	LABS AND RESEARCH EQUIPMENT ACQUISITION
24	32	1,692,000	0	LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)

**Total Financing History:**

5,863,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
12-02-2024

**Department of Public Works**  
RJB4

**Date**  
12-05-2024

**Budget Department**  
DEV9

**Date**  
12-06-2024

**Requesting Department**  
KEH1

**Date**  
12-06-2024



## LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025) ( BLR2E )

**User Department :** Labs and Research

**Managing Department(s) :** Labs and Research ;

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>6,373</b>	<b>5,863</b>	<b>4,653</b>	<b>510</b>					
<b>Non County Share</b>									
<b>Total</b>	<b>6,373</b>	<b>5,863</b>	<b>4,653</b>	<b>510</b>					

### **Project Description**

This project fund the replacement and acquisition of equipment to support this department's programs.

### **Current Year Description**

The current year request funds the continuation of this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	510,000			510,000

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2021	840,000	Funds equipment for Toxicology	COMPLETE
2022	1,992,000	Continuation of this project	IN PROGRESS
2023	1,339,000	Continuation of this project	IN PROGRESS
2024	1,692,000	Continuation of this project	IN PROGRESS
<b>Total</b>	<b>5,863,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>5,863,000</b>	<b>2,817,567</b>	<b>3,045,433</b>
<b>Total</b>	<b>5,863,000</b>	<b>2,817,567</b>	<b>3,045,433</b>


**LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)  
( BLR2E )**

**Bonds Authorized**

<b>Bond Act</b>	<b>Amount</b>	<b>Date Sold</b>	<b>Amount Sold</b>	<b>Balance</b>
<b>39 21</b>	<b>840,000</b>	<b>12/01/22</b>	<b>457,624</b>	<b>174,266</b>
		<b>12/01/22</b>	<b>45,479</b>	
		<b>11/30/23</b>	<b>148,049</b>	
		<b>11/30/23</b>	<b>14,583</b>	
<b>220 21</b>	<b>1,992,000</b>	<b>12/01/22</b>	<b>118,045</b>	<b>346,374</b>
		<b>12/01/22</b>	<b>11,731</b>	
		<b>11/30/23</b>	<b>1,379,926</b>	
		<b>11/30/23</b>	<b>135,923</b>	
<b>32 23</b>	<b>1,339,000</b>	<b>11/30/23</b>	<b>460,816</b>	<b>832,794</b>
		<b>11/30/23</b>	<b>45,391</b>	
<b>32 24</b>	<b>1,692,000</b>			<b>1,692,000</b>
<b>Total</b>	<b>5,863,000</b>		<b>2,817,567</b>	<b>3,045,433</b>

January 24, 2025

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins  
County Executive 

RE: Message Requesting Immediate Consideration: **Bond Act – SPC16 (2819) – Port Chester WRRF Secondary Clarifier and Sludge Thickener Equipment Replacement.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators January 27, 2025 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$3,500,000.00 to finance the following capital project: SPC16 (2819).

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for January 27, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



**Kenneth W. Jenkins**  
County Executive

January 21, 2025

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 \$3,500,000.00 to finance the following capital project:

SPC16 (2819) – Port Chester WRRF Secondary Clarifier and Sludge Thickener Equipment Replacement ("SPC16").

The Bond Act, in the amount of \$3,500,000.00, would finance the cost of a study and initiation of design associated with upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, architectural systems, and all necessary appurtenances, at the Port Chester Water Resource Recovery Facility ("WRRF").

The Department of Environmental Facilities ("Department") has advised that the Port Chester WRRF has experienced increased flow demand and is nearing the capacity limits for the facility. This project will evaluate future growth projections, determine the needs to meet the anticipated increase in flow demand, and design the project accordingly.

Following bonding authorization, the study and initiation of design will begin and are expected to be completed by December 2027.

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

Sincerely,

A handwritten signature in black ink, appearing to be "KWJ", written over a horizontal line.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/VK/jpg/nn  
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$3,500,000.00 to finance capital project SPC16 (2819) – Port Chester WRRF Secondary Clarifier and Sludge Thickener Equipment Replacement (“SPC16”).

The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of a study and initiation of design associated with upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, architectural systems, and all necessary appurtenances, at the Port Chester Water Resource Recovery Facility (“WRRF”).

The Department of Environmental Facilities (“Department”) has advised that the Port Chester WRRF has experienced increased flow demand and is nearing the capacity limits for the facility. This project will evaluate future growth projections, determine the needs to meet the anticipated increase in flow demand, and design the project accordingly.

Following bonding authorization, the study and initiation of design will begin and are expected to be completed by December 2027.

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

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

For the reasons set forth above, your Committee recommends the adoption of the proposed Bond Act.

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

**COMMITTEE ON**

c:\jpg\01.17.2025

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC16

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,500,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 772,341

Total Debt Service (Annual Cost x Term): \$ 3,861,705

Finance Department: Interest rates from January 16, 2025 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 38

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/22/25


Reviewed By: 

Budget Director

Date: 1/23/25



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

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

DATE: January 21, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SPC16 PORT CHESTER WRRF SECONDARY CLARIFIER AND SLUDGE  
THICKENER EQUIPMENT REPLACEMENT**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
01-16-2025 (Unique ID: 2819)

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:** The current request is for study and design only.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)  
Robert Zambardino, Program Coordinator – Capital Programs (DEF)  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



ACT NO. \_\_\_\_\_ - 2025

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF STUDIES AND DESIGN FOR VARIOUS UPGRADES TO THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S PORT CHESTER SANITARY SEWER DISTRICT.

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

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

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

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

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

Section 1. For paying the cost of studies and design for various upgrades to the Port Chester Water Resource Recovery Facility, including but not limited to upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, in and for the County's Port Chester Sanitary Sewer District, a class of objects or purposes, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$3,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are

inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$3,500,000, and that the plan for the financing thereof is by the issuance of the \$3,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said

County for purposes of this Bond Act, together with a notice of the Clerk of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2025

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_, 2025, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given



I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2025.

---

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

(CORPORATE  
SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 2025 and approved by the County Executive on \_\_\_\_\_, 2025 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. \_\_\_\_\_-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF STUDIES AND DESIGN FOR VARIOUS UPGRADES TO THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S PORT CHESTER SANITARY SEWER DISTRICT.

object or purpose:

financing the cost of studies and design for various upgrades to the Port Chester Water Resource Recovery Facility, including upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, in and for the County's Port Chester Sanitary Sewer District, and including incidental expenses in connection therewith

period of probable usefulness: five (5) years

amount of obligations to be issued: \$3,500,000

Dated: \_\_\_\_\_, 2025  
White Plains, New York

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SPC16	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-10-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> PORT CHESTER WRRF SECONDARY 6, CLARIFIER AND SLUDGE THICKENER EQUIPMENT REPLACEMENT	<b>Legislative District ID:</b>
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2819

### Overall Project Description

This project will upgrade the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, and architectural systems, and all necessary appurtenances at the Port Chester WRRF. Work will also include the replacement of the grease handling system, replacement of the mechanical collection equipment and any structural supports for the mechanical equipment, structural repairs to the tank floors, walls, decks, and grating, replacement of odor control equipment, replacement or installation of new sludge thickening and dewatering equipment, replacement of pumps, including the primary sludge pumps, the primary scum pumps, and the secondary sludge pumps, piping, and valves, installation of a new sludge recirculating system, installation of a new polymer feed system, installation of a new plant wide flushing water system, and installation of a new plant wide flood detection system. The work will also include the evaluation of flood mitigation measures for the Rotating Biological Contactors; and a plant wide SCADA. The upgrades will be consistent with projected capacity needs.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	33,500	3,500	0	0	0	30,000	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	33,500	3,500	0	0	0	30,000	0	0

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

**Current Bond Description:** This request will provide funding for the Study and initiate the Design associated with the upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, architectural systems, and all necessary appurtenances at the Port Chester Water Resource Recovery Facility (WRRF).

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,500,000
Cash:	0
<b>Total:</b>	<b>\$ 3,500,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

3,500,000

#### Expected Design Work Provider:

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

#### Comments:

The Port Chester WRRF has experienced increased flow demand and is nearing the capacity limits for the facility. This project will evaluate future growth projections, determine the needs to meet the anticipated increase in flow demand, and design the project accordingly.

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2024	3,500,000	DESIGN

**Total Appropriation History:**

3,500,000

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

01-16-2025

**Department of Public Works**

RJB4

**Date**

01-16-2025

**Budget Department**

DEV9

**Date**

01-17-2025

**Requesting Department**

JCL1

**Date**

01-17-2025

# PORT CHESTER WRRF SECONDARY CLARIFIER AND SLUDGE THICKENER EQUIPMENT REPLACEMENT ( SPC16 )

**User Department :** Environmental Facilities

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	33,500	3,500					30,000		
Non County Share									
Total	33,500	3,500					30,000		

## **Project Description**

This project will upgrade the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including upgrades to all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, and architectural systems, and all necessary appurtenances at the Port Chester WRRF. Work will also include the replacement of the grease handling system, replacement of the mechanical collection equipment and any structural supports for the mechanical equipment, structural repairs to the tank floors, walls, decks, and grating, replacement of odor control equipment, replacement or installation of new sludge thickening and dewatering equipment, replacement of pumps, including the primary sludge pumps, the primary scum pumps, and the secondary sludge pumps, piping, and valves, installation of a new sludge recirculating system, installation of a new polymer feed system, installation of a new plant wide flushing water system, and installation of a new plant wide flood detection system. The work will also include the evaluation of flood mitigation measures for the Rotating Biological Contactors; and a plant wide SCADA upgrade.

## **Current Year Description**

There is no current year request.

## **Impact on Operating Budget**

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

## **Appropriation History**

Year	Amount	Description	Status
2024	3,500,000	Design	AWAITING BOND AUTHORIZATION
Total	3,500,000		

## **Prior Appropriations**

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

**Margaret A. Cunzio**

Minority Leader, Legislator, 3rd District

**Committee Assignments:**  
Rules, *Co-Chair*  
Public Safety, *Vice Chair*  
Legislation**MEMORANDUM**

**TO:** Vedat Gashi, Chair, Board of Legislators

**FROM:** Margaret Cunzio, Legislator — 3<sup>rd</sup> District

**DATE:** January 21, 2025

**RE:** Correspondence: request for Annexation from County  
Saw Mill Sewer District: 2 Charles Court, Chappaqua, NY 10514

---

Please add the attached article to the agenda of the January 27, 2025 Board of Legislators meeting for referral to the appropriate committees.

Tel: (914) 995-2847 Fax: (914) 995-3884 E-mail: [Cunzio@westchesterlegislators.com](mailto:Cunzio@westchesterlegislators.com)

800 Michaelian Office Bldg., 148 Martine Avenue, White Plains, NY. 10601 • [www.westchesterlegislators.com](http://www.westchesterlegislators.com) • 914.995.2800 (main voice)

CARL FULGENZ'

Supervisor Tel: (914) 995-2847 Fax: (914) 995-3884 E-mail: [Cunzio@westchesterlegislators.com](mailto:Cunzio@westchesterlegislators.com)

800 Michaelian Office Bldg., 148 Martine Avenue, White Plains, N.Y. 10601 • [www.westchesterlegislators.com](http://www.westchesterlegislators.com) • 914.995.2800 (main voice)



CARL FULGENZI  
Supervisor

January 17, 2025

Honorable Margaret A. Cunzio  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8th Floor  
White Plains, New York 10601

Re: Request for removal from Westchester County Saw Mill Sanitary Sewer District

Dear Honorable Cunzio,

Enclosed is a certified copy of Town Board Resolution 37-25 for the following property owner who has requested removal from the County Saw Mill Sewer District.

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Kevin and Maureen Mirabile	91.17-1-8.1	2 Charles Court, Chappaqua, NY 10514

Also enclosed is a copy of the town tax map for this parcel. Please have this request processed for removal from the County Saw Mill Sewer District.

Sincerely,

s/ *Carl Fulgenzi*

Carl Fulgenzi, Town Supervisor



EMILY COSTANZA  
Town Clerk

EXTRACT OF THE MINUTES  
OF THE REGULAR MEETING  
OF THE TOWN BOARD  
TOWN OF MOUNT PLEASANT  
WESTCHESTER COUNTY, NY  
HELD JANUARY 14, 2025

Authorization to Remove 2 Charles Court, Chappaqua, NY 10514 from County Saw Mill Sewer District

RESOLUTION 37-25

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

WHEREAS, certain property owner(s) have requested removal of their property from the Westchester County Saw Mill Sanitary Sewer District; and

WHEREAS, it is believed by the Town of Mount Pleasant that the property satisfies all criteria set forth by the Westchester County Department of Environmental Facilities (WCDEF) for removal of a property from the tax base; therefore, be it

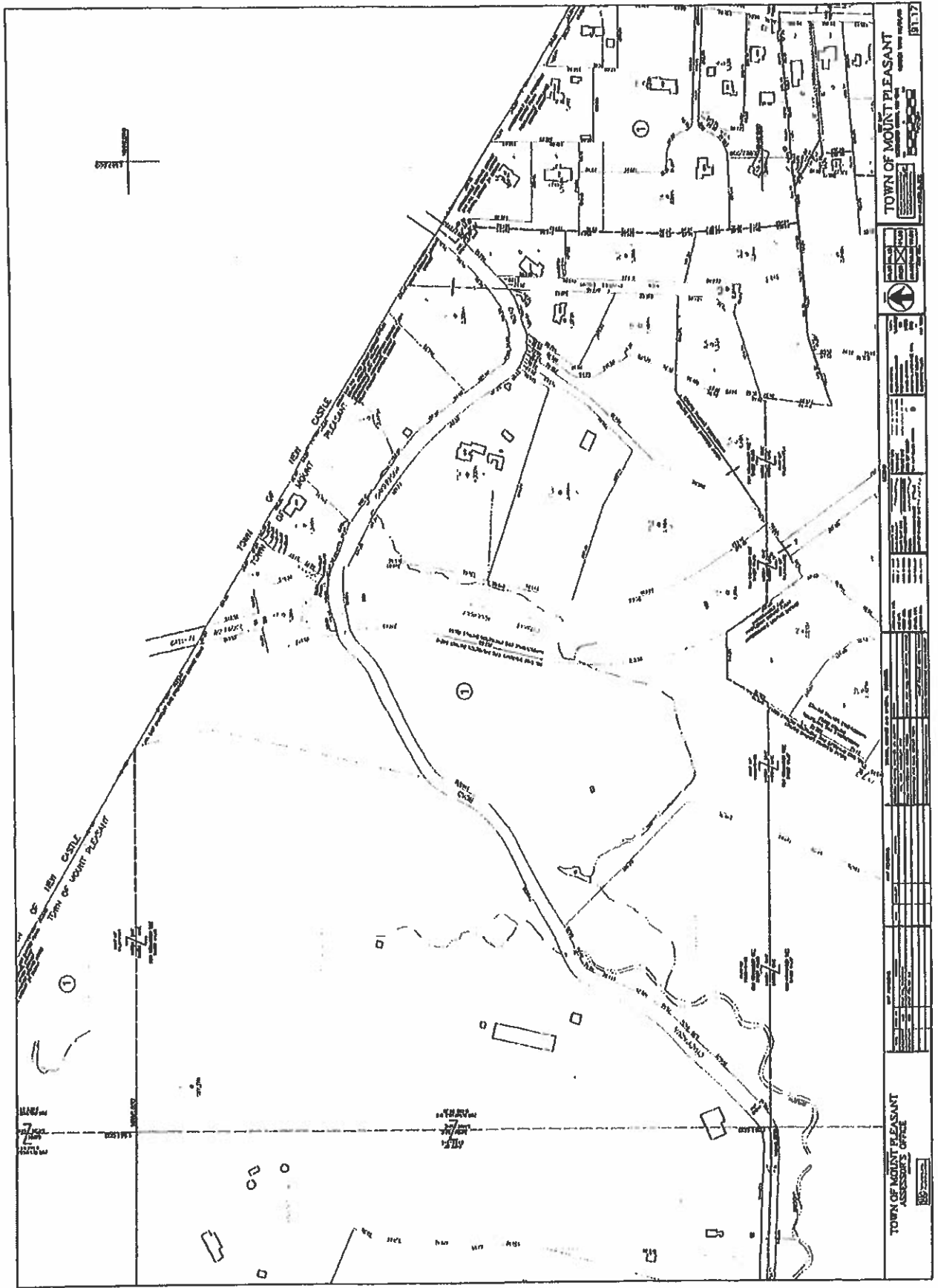
RESOLVED, that the Westchester County Board of Legislators is requested to remove the following parcel from the Westchester County Saw Mill Sanitary Sewer District:

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Maureen & Kevin Mirabile	91.17-1-8.1	2 Charles Court, Chappaqua

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilwoman Smalley, Councilman Saracino - ABSENT - Councilman Sialiano

EMILY COSTANZA  
TOWN CLERK  
TOWN OF MOUNT PLEASANT





**HARRIS BEACH** PLLC  
ATTORNEYS AT LAW

December 23, 2024

445 HAMILTON AVENUE, SUITE 1206  
WHITE PLAINS, NY 10601  
(914) 683-1200

ADRIANA M. BARANELLO  
ASSOCIATE  
DIRECT: 914.298.3023  
FAX: 914.683.1210  
ABARANELLO@HARRISBEACH.COM

**VIA FEDERAL EXPRESS**  
**TRACKING NO. 283832788544**

Mr. Joseph Battaglia  
Town of Pelham Assessor  
34 Fifth Avenue  
Pelham, New York 10803

***Re: PELHAM GREEN LLC and County of Westchester Industrial Development  
Agency***

***PILOT Agreement and NYS Form RP-412-a, "Application for Real Property  
Tax Exemption"***

***Premises: 217 Fifth Avenue, Village of Pelham  
Section 163.36 Block 2 Lot 19, 23, 24***

Dear Mr. Battaglia:

On behalf of the County of Westchester Industrial Development Agency, I have enclosed for you, the Assessor of the jurisdiction within which the above-referenced project is located, a completed and signed Amended NYS Form RP-412-a "Application for Real Property Tax Exemption" with a signed copy of the related PILOT Agreement.

Should you have questions, please contact me at (914) 298-3026. Thank you.

Very truly yours,

Adriana M. Baranello

Enclosures

cc: Affected Taxing Jurisdiction Officials  
indicated on Schedule A attached hereto (w/encs. – copies)

**Schedule A**

**WESTCHESTER COUNTY**

Via Certified Mail

**No. 9589071052700100601678**

The Honorable George Latimer  
Westchester County Executive  
148 Martine Avenue, 9<sup>th</sup> Floor  
White Plains, New York 10601

Via Certified Mail

**No. 9589071052700100601654**

Tami S. Altschiller, Esq.  
Contracts and Real Estate Bureau  
Westchester County Attorney's Office  
148 Martine Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601

Via Certified Mail

**No. 9589071052700100601630**

Westchester County Tax Commission  
Attn: Executive Director  
110 Dr. Martin Luther King Jr. Blvd.  
Room L-222  
White Plains, New York 10601

**VILLAGE OF PELHAM**

Via Certified Mail

**# 9589071052701243023167**

Hon. Chance Mullen  
Village Mayor  
195 Sparks Avenue  
Pelham, New York 10803

**PELHAM UNION FREE SCHOOL DISTRICT**

Via Certified Mail

**#9589071052700100599227**

Dr. Cheryl Champ  
Superintendent of Schools  
The Sanborn Map Building  
629 Fifth Avenue  
Pelham, New York 10803

Via Certified Mail

**No. 9589071052700100601661**

The Honorable Benjamin Boykin  
Chair of Westchester County Board of Legislators  
148 Martine Avenue, 8th Floor  
White Plains, New York 10601

Via Certified Mail

**No. 9589071052700100601647**

Ann Marie Berg, Commissioner  
Westchester County Department of Finance  
148 Martine Avenue, Suite 720  
White Plains, New York 10601

Via Certified Mail

**No. 9589071052700100601623**

Cesar Vargas  
First Deputy Commissioner  
Westchester County Department of Finance  
148 Martine Avenue, Suite 720  
White Plains, New York 10601

**TOWN OF PELHAM**

Via Certified Mail

**#9589071052700100599210**

Hon. Dan McLaughlin  
Town Supervisor  
34 Fifth Avenue  
Pelham, NY 10803

Via Certified Mail

**#9589071052700100599203**

Ms. Jackie DeAngelis  
President of the Board of Education  
The Sanborn Map Building  
629 Fifth Avenue  
Pelham, New York 10803



**NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

**1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name County of Westchester Industrial Development Agency  
Street 148 Martine Avenue, Room 903  
City White Plains, New York 10601  
Telephone no. Day (914 ) 995-2900  
Evening ( ) \_\_\_\_\_  
Contact Joan McDonald  
Title Chairperson

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name Pelham Green 2 LLC  
Street 826 Broadway, 11th Floor  
City New York, NY 10003  
Telephone no. Day (212 ) 710-6025  
Evening ( ) \_\_\_\_\_  
Contact Joseph Riggs  
Title Authorized

**3. DESCRIPTION OF PARCEL**

- a. Assessment roll description (tax map no./roll year)  
Section: 163.36; Block: 2; Lot 19, 23, 24
- b. Street address 217 Fifth Avenue
- c. City, Town or Village Village of Pelham
- d. School District Pelham UFSD
- e. County Westchester
- f. Current assessment n/a
- g. Deed to IDA (date recorded; liber and page)  
Lease to IDA (pending; pending)

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

- a. Brief description (include property use) Construction, improving, maintaining and equipping of a transit-oriented development consisting of residential units and amenities, retail space, and parking.
- b. Type of construction Steel, concrete, etc.
- c. Square footage unknown
- d. Total cost approx. \$116,000,000
- e. Date construction commenced Immediately
- f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)  
June 30, 2048

**5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment See attached PILOT Agreement
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- b. Projected expiration date of agreement June 30, 2048

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Pelham</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u>Pelham</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School District <u>Pelham UFSD</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name Pelham Green LLC  
 Title Joseph Riggs, Authorized Party  
 Address 826 Broadway, 11th Floor  
New York, NY 10003

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)

If "No" identify owner and explain IDA rights or interest

Telephone 212-710-6025

in an attached statement. No: Occupant owns the property and leases to IDA.

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☒ Yes ☐ No YES: Property was a municipal parking lot owned by the Village of Pelham.

If yes, list the statutory exemption reference and assessment roll year on which granted:

exemption RPTL Section 404(1) assessment roll year Information unavailable

7. A copy of this application, including all attachments, has been mailed or delivered on \_\_\_\_\_ (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

### CERTIFICATION

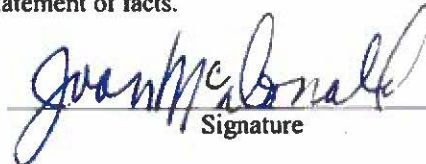
I, Joan McDonald, Chairperson \_\_\_\_\_ of \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
County of Westchester Industrial Development Agency hereby certify that the information  
 Organization \_\_\_\_\_

on this application and accompanying papers constitutes a true statement of facts.

12.10.2024

Date

  
 Signature

Clear Form

FOR USE BY ASSESSOR \_\_\_\_\_

1. Date application filed \_\_\_\_\_

2. Applicable taxable status date \_\_\_\_\_

3a. Agreement (or extract) date \_\_\_\_\_

3b. Projected exemption expiration (year) \_\_\_\_\_

4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_

5. Special assessments and special as valorem levies for which the parcel is liable:

\_\_\_\_\_  
 \_\_\_\_\_

Date

Assessor's signature

COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY

and

PELHAM GREEN LLC

AMENDED AND RESTATED PAYMENT IN LIEU OF TAXES AGREEMENT

Dated as of December 23, 2024

Property Location: 217 Fifth Avenue  
Village of Pelham  
Town of Pelham  
Westchester County, New York

Tax Map Number:  
Section: 163.36  
Block: 2  
Lots: 19, 23, and 24

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Adriana M. Baranello, Esq.  
Harris Beach PLLC  
445 Hamilton Avenue, Suite 1206  
White Plains, New York 10601

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(This Table of Contents is not a part of the  
Payment in Lieu of Taxes Agreement and is for convenience of reference only.)

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**AMENDED AND RESTATED PAYMENT IN LIEU OF TAXES AGREEMENT**  
**IDA OSC Project Code: 5506-23-01**

THIS AMENDED AND RESTATED PAYMENT IN LIEU OF TAXES AGREEMENT, dated as of December 23, 2024 (this “**PILOT Agreement**” or “**Agreement**”), is made by and between the **COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation of the State of New York (the “**State**”) having an office for the transaction of business at 148 Martine Avenue, White Plains, New York 10601 (the “**Agency**”), and **PELHAM GREEN 2 LLC**, a limited liability company duly organized and existing under the laws of the State of Delaware and authorized to do business in the State of New York, having an office at 826 Broadway, 11<sup>th</sup> Floor, New York, New York 10003 (the “**Company**” as successor by assignment to Pelham Green LLC (“**Pelham Green**”). Capitalized terms used not otherwise defined herein shall have the respective meanings assigned to such terms in the Project Agreement referred to below.

**W I T N E S S E T H:**

WHEREAS, Title 1 of Article 18-A of the General Municipal Law of the State (the “**IDA Act**”) was duly enacted into law as Chapter 1030 of the Laws of 1969 of the State; and

WHEREAS, the IDA Act, as amended from time to time, authorizes and provides for the creation of industrial development agencies for the benefit of the several counties, cities, villages and towns in the State and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and furnish real and personal property, whether or not now in existence or under construction, which shall be suitable for, among other things, manufacturing, warehousing, research, civic, commercial or industrial purposes, in order to advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their recreation opportunities, prosperity and standard of living; and

WHEREAS, the Enabling Act further authorizes each such agency to lease and to sell its projects, to charge and collect rent therefor, to mortgage any or all of its facilities and to enter into an agreement which includes provisions such as those contained in this PILOT Agreement; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, Chapter 788 of the Laws of 1976 of the State, as amended by Chapter 564 of the Laws of 1983 (said chapter and the IDA Act, as amended, being hereinafter collectively referred to as the “**Act**”), the Agency was created for the benefit of the County of Westchester and the inhabitants thereof and is empowered under the Act to undertake projects in order to advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their standard of living; and

WHEREAS, the Agency has this day acquired a leasehold title interest in certain real property more particularly described in Schedule “A” attached hereto and the improvements located thereon and improvements or additions to be constructed thereon, together with various items of equipment to be utilized in connection therewith, all in connection with and in reliance upon the application, dated May 2, 2022 (as amended from time to time, the “**Application**”), that

Pelham Green submitted to the Agency for financial assistance which the Agency has previously acted upon by Resolution, and subject to the Company Lease (as defined below); and

WHEREAS, by resolution dated October 28, 2022, the Agency adopted a resolution (the “**Resolution**”), authorizing the Agency, among other things, to appoint Pelham Green LLC (“**Pelham Green**”) its true and lawful agent for the purposes of a certain “**project**”, within the meaning of the Act (the “**Project**”), to be located within the territorial boundaries of the Village of Pelham (the “**Village**”) and Town of Pelham (the “**Town**”) on 1.2 acres of land located at 217 Fifth Avenue, Pelham, Westchester County, New York (Section 163.36, Block 2, Lots 19, 23 and 24) (the “**Land**”); and

WHEREAS, the Project shall consist of: (A) the Agency taking title, possession or control (by deed, lease, license or otherwise) of the Land and improvements located thereon (the “**Facility Realty**”); (B) the lease, sublease, or installment sale of the Facility Realty back to the Company; and the construction, renovation, improving, maintaining and equipping upon the Facility of a five-story, 259,900 gross square foot transit-oriented development consisting of: (i) 127 residential rental units (“**Residential Units**”) comprised of four (4) studio apartments, fifty-three (53) one-bedroom apartments, sixty-four (64) two-bedroom apartments, and six (6) three-bedroom apartments, of which six (6) units will be designated as workforce housing with rents at or under 80% Average Median Income (“**AMI**”); (ii) resident amenities including a gym, business center, lounge and roof top deck; (iii) approximately 4,809 square feet of retail space; (iv) two hundred nineteen (219) parking spaces of which one hundred fifty-nine (159) are private spaces and sixty (60) are public spaces (collectively, the “**Improvements**”); and (C) the acquisition and installation in and around the Facility Realty and Improvements of certain materials, fixtures, machinery and equipment (the “**Project Equipment**”; and together with the Facility Realty and the Improvements, and as more fully described in the Application, collectively, the “**Project Facility**” or “**Facility**”); and

WHEREAS, on March 19, 2019, the Village selected Pelham House, LLC (“**Pelham House**”) as a preferred developer to create a master land use plan that would redevelop several Village-owned properties along the Fifth Avenue commercial corridor; and

WHEREAS, by a certain Disposition Agreement (the “**Disposition Agreement**”) dated January 7, 2021, by and between the Village and the Pelham Local Development Corporation (the “**LDC**”), the Village transferred its interest in the Land to the LDC; and

WHEREAS, pursuant to a certain Land Development Agreement (the “**LDA**”), dated as of January 7, 2021, as amended as of October 11, 2022, by and between the LDC and Pelham House, predecessor in interest to Pelham Green, the parties agreed to proceed with the construction of a new municipal center and a privately sponsored mixed-use project; and

WHEREAS, pursuant to a letter dated June 14, 2022, Pelham House submitted a request to the Village and the LDC to designate Pelham Green as an Eligible Transferee (as defined in the LDA), to allow Pelham House to assign its interests in the LDA to Pelham Green which the LDC approved on August 10, 2022; and

WHEREAS, by a certain Assignment and Assumption Agreement (the “**Assignment Agreement**”), dated September 8, 2022, Pelham House assigned its interests in the LDA to Pelham Green; and

WHEREAS, the LDA contemplates that the Land will be transferred from the Village to Pelham Green by and through the LDC in two phases: (i) part of the Land, being composed of Section 163.36, Block 2, Lots 23 (the “**Lot 23**”), Section 163.36, Block 2, Lot 24 (the “**Lot 24**”) to be conveyed on or about the date of the Second Closing (as such term is defined in the LDA) and (ii) part of the Land, being composed of Section 163.36, Block 2, Lot 19 (“**Lot 19**”) was to be conveyed to Pelham Green on or about June 13, 2023 (the “**Commencement Date**”); and

WHEREAS, in consideration for conveying fee title to Lot 19 and as condition precedent to, and consideration for conveying fee title to Lot 23 and Lot 24 to Pelham Green, Pelham Green agreed to (i) construct new municipal facilities for the benefit and use by the Village consisting of a new fire house, police station, and Village administrative offices, on certain property located at 200 Fifth Avenue, Village of Pelham, Westchester County, New York (Section 163.36, Block 2, Lot 28) (the “**Pelham Green Property**”), and (ii) convey the Pelham Green Property, as improved, to the Village (collectively, the “**Municipal Project**”); and

WHEREAS, the Municipal Project is not part of the Project and no “financial assistance”, as defined by the Act, was requested from the Agency for the Municipal Project; and

WHEREAS, in furtherance of the Project, Pelham Green and the Agency entered into various agreements, including (i) a certain Project Agreement, dated as of June 13, 2023 (as assigned, by the Assignment of Project Agreement (as defined in the Project Agreement), the “**Original Project Agreement**”), (ii) a certain Company Lease, dated as of June 13, 2023 (as assigned by the Assignment of Company Lease (as defined in the Project Agreement), the “**Original Company Lease**”), a memorandum of which was recorded in the Office of the Westchester County Clerk on July 5, 2023, at Control Number 630583289, (iii) a certain Agreement of Sublease, dated as of June 13, 2023 (as assigned by the Assignment of Sublease (as defined in the Project Agreement), the “**Original Agency Sublease**”), a memorandum of which was recorded in the Office of the Westchester County Clerk on July 5, 2023, at Control Number 630583295, (iv) a certain Payment in Lieu of Tax Agreement, dated as of June 13, 2023 (as assigned by the Assignment of PILOT Agreement (as defined in the Project Agreement), the “**Original PILOT Agreement**”), (v) a certain PILOT Mortgage, dated as of June 13, 2023 (as assumed pursuant to the Assumption of PILOT Mortgage (as defined in the Project Agreement), the “**Original PILOT Mortgage**”), which was recorded in the Office of the Westchester County Clerk on July 5, 2023, at Control Number 631583339, and (vi) such other documents or instruments executed by Pelham Green and the Agency with respect to the Financial Assistance (as defined in this Agreement) (collectively, the “**Original Project Documents**”); and

WHEREAS, by correspondence dated October 9, 2024, Pelham Green notified the Agency that due to certain lender requirements for financing the Project, the Company was requesting the Agency’s consent to transfer and assign all right title and interest in the Project to the Company, a new special purpose entity under common control with Pelham Green (the “**Transfer Request**”); and

WHEREAS, the Company is an affiliate of Pelham Green, and Assignor and Assignee share the same beneficial owners; and

WHEREAS, by resolution dated November 25, 2024, the Agency consented to and approved the Transfer Request; and

WHEREAS, the Original Project Documents have been or will be assigned to the Company as of even date herewith; and

WHEREAS, the conditions precedent to the Second Closing have been met; and

WHEREAS, as of even date herewith (i) Pelham Green has or will convey the Municipal Project to the Village, (ii) the Village has or will convey fee title to Lot 23 and Lot 24 to Pelham Green and (iii) Pelham Green has or will convey fee title to Lot 19, Lot 23 and Lot 24 to the Company; and

WHEREAS, by agreement of the parties, the Original Project Documents will now be amended and restated in their entirety in accordance with their terms, and the Company will assume all obligations of Pelham Green under the Original Project Documents; and

WHEREAS, the Facility Realty will now include Lot 19, Lot 23 and Lot 24; and

WHEREAS, in furtherance of the Project, the Agency and the Company desire to amend and restate the Original PILOT Agreement, as provided herein and therein; and

WHEREAS, the Agency and Company, of even date hercof will (i) amend and restate the Original Project Agreement, pursuant to a certain Amended and Restated Project Agreement, dated as of the date hereof (the "**A&R Project Agreement**") and together with the Original Project Agreement, the "**Project Agreement**", and as the same may be amended or supplemented from time to time), (ii) amend and restate the Original Company Lease, pursuant to a certain Amended and Restated Company Lease Agreement, dated as of even date hereof (the "**A&R Company Lease**"; and, together with the Original Company Lease, the "**Company Lease**", and as the same may be amended or supplemented from time to time), (iii) (ii) amend and restate the Original Company Lease, pursuant to a certain Amended and Restated Company Lease Agreement, dated as of even date hereof (the "**A&R Sublease**"; and, together with the Original Company Lease, the "**Agency Sublease**", and as the same may be amended or supplemented from time to time), and (iv) amend, restate and spread the lien of the Original PILOT Mortgage, pursuant to a certain Amended and Restated PILOT Mortgage and Spreader Agreement, dated as of the date hercof (the "**A&R PILOT Mortgage**" and together with the Original PILOT Mortgage, the "**PILOT Mortgage**", and as the same may be amended or supplemented from time to time); and

WHEREAS, the Project constitutes a "project" within the meaning of the Act and is to be used for the purposes set forth in the Project Agreement all in accordance with the Act; and

WHEREAS, the Project is located within the boundaries of the Municipalities; and

WHEREAS, in order to induce the Project and to enable the Company to achieve and provide the Public Benefits, the Agency has determined to provide to the Company "financial

assistance" (as such term is defined in the Act) in the form of, among other things, an abatement or reduction in real property taxes to the extent provided in this Agreement; and

WHEREAS, under the present provisions of the Act and Section 412 a of the RPTL, the Agency is not required to pay Real Estate Taxes upon any of the property acquired by it or under its jurisdiction or supervision or control, such as will occur under the Company Lease and the Agency Sublease; and

WHEREAS, the Agency has made it a condition to its entering into this Project and the Project Agreement that the Company agree to make PILOT Payments pursuant to this PILOT Agreement with respect to the Project; and

WHEREAS, the Municipalities rely on future receipt of real property taxes which would be received by the Municipalities but for the involvement of the Agency in the Project, including, without limitation, Real Estate Taxes; and

WHEREAS, the PILOT Payments contemplated by this PILOT Agreement are in lieu of Real Estate Taxes which would be payable with respect to the Project during the term of this PILOT Agreement; and

WHEREAS, upon the acquisition of title to the Facility Realty, the Company shall pay no real property taxes and no PILOT Payments, except for Special Levies, shall be due until the date of the issuance of the first temporary or final certificate of occupancy for all or any portion of the Project Facility ("**Project Completion**"); and

WHEREAS, commencing on as of the date of Project Completion, the Year 1 PILOT Payments shall be due and the Company shall make annual PILOT Payments thereafter for the next nineteen years, as set forth on the payment schedule attached hereto as Exhibit B; and

WHEREAS, the Company is desirous that the Agency enter into the Project Documents, and the Company is willing to enter into this PILOT Agreement in order to induce the Agency to enter into the Project Documents; and

NOW, THEREFORE, in consideration of the matters above recited, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto formally covenant, agree and bind themselves as follows:

## **ARTICLE I**

### **DEFINITIONS**

#### **Section 1.1. Definitions.**

The following words and terms used in this PILOT Agreement shall have the respective meanings set forth below unless the context or use indicates another or different meaning or intent:

"Act" means the Act described in the recitals hereof.



“Affiliate” means a Person which directly or indirectly through one or more intermediaries’ controls, or is under common control with, or is controlled by, another Person (which includes the Company). The term “control” (including the related terms “controlled by” and “under common control with”) means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person (including the Company), whether through the ownership of voting securities, by contract or otherwise.

“Agency” means (A) the County of Westchester Industrial Development Agency and its successors and assigns, and (B) any public benefit corporation or other public corporation resulting from or surviving any consolidation or merger to which the County of Westchester Industrial Development Agency or its successors or assigns may be a party.

“Agency Sublease” means the Sublease Agreement described in the recitals hereof

“Application” means the Application described in the recitals hereof.

“Commencement Date” means June 13, 2023.

“Company” means Pelham Green 2 LLC, a Delaware limited liability company, and its successors and assigns.

“Company Lease” means the Company Lease described in the recitals hereof.

“County” means the County of Westchester.

“Environmental Laws” means all Federal, State and local environmental laws or regulations having the force of law applicable to the Project.

“Event of Default” means, with respect to this PILOT Agreement, any of those events defined as Events of Default by the terms of Article V hereof.

“Facility Realty” means the Facility Realty described in the recitals hereof.

“Full Taxes” shall mean all property taxes, not including Special Levies, payable with respect to the Facility calculated in an amount equal to the amounts that would have been paid if the Agency were not in title and no exemption was available.

“Governmental Authority” means the United States, the State, any other state and any political subdivision thereof, and any agency, department, commission, board, bureau or instrumentality of any of them.

“Hazardous Materials” means all hazardous materials including, without limitation, any flammable explosives, radioactive materials, radon, asbestos, urea formaldehyde foam insulation, polychlorinated biphenyls, petroleum, petroleum products, methane, hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sections 9601, *et seq.*), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Sections 1801, *et seq.*), the Resource Conservation and Recovery Act, as amended (42

U.S.C. Sections 9601, *et seq.*), Articles 15 or 27 of the State Environmental Conservation Law, or in the regulations adopted and publications promulgated pursuant thereto, or any other Federal, State or local environmental law, ordinance, rule or regulation having the force of law.

“IDA Act” means the IDA Act described in the recitals hereof.

“LDC” means the Pelham Local Development Corporation.

“Mezzanine Administrative Agent” means RDF Agent, LLC, a Delaware limited liability company, in its capacity as the administrative agent (together with its successors and/or assigns) for DF4 Pelham, LLC, a Delaware limited liability company (together with its successors and/or assigns), and additional lenders from time to time party to that certain Mezzanine Loan Agreement, dated as of the date hereof.

“Mortgage Administrative Agent” means Santander Bank, N.A., as administrative agent on behalf of each of the lenders party to that certain Project and Senior Loan Agreement dated as of the date hereof.

“Municipality” or “Municipalities” means, as the context may require, the Village, the Town, the County and the School District individually or collectively.

“Person” shall mean any individual, corporation, limited liability company, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision thereof or other entity.

“Permitted Mortgagee” shall mean a bona fide third-party mortgage or mezzanine lenders which is not an Affiliate of the Company, including, but not limited to (i) the Mortgage Administrative Agent and the Mezzanine Administrative Agent, (ii) a wholly-owned subsidiary or wholly-owned nominee of Mortgage Administrative Agent or the Mezzanine Administrative Agent, or (iii) such other affiliate or nominee of Mortgage Administrative Agent or Mezzanine Administrative Agent, as permitted pursuant to Section 2.11 of the Project Agreement, as applicable.

“PILOT Agreement” means the PILOT Agreement described in the recitals hereof.

“PILOT Mortgage” means the PILOT Mortgage described in the recitals hereof

“PILOT Payments” means payments in lieu of real estate taxes made pursuant to this PILOT Agreement with respect to the Project.

“PILOT Year” means the PILOT Year described in Section 3.2 (c).

“Project” means the Project described in the recitals hereof.

“Project Agreement” means the Original Project Agreement as assigned, and as further amended and restated that certain Amended and Restated Project Agreement, dated as of the date hereof, as the same may be amended or supplemented from time to time.



“Project Completion” means the date of the issuance of the first temporary or final certificate of occupancy for all or any portion of the Project Facility.

“Project Equipment” means the Project Equipment described in the recitals hereof.

“Project Facility” means the Project Facility described in the recitals hereof.

“Real Estate Taxes” means the real property taxes which would be received by the Municipalities but for the involvement of the Agency in the Project.

“Resolution” means the resolution described in the recitals hereof

“RPTL” means the Real Property Tax Law of the State, as amended.

“School District” means the Pelham Union Free School District.

“Special Levies” means certain special assessments and ad valorem levies.

“Start Date” means the Start Date described in Section 3.1(a).

“State” means the State of New York.

“Substitution Notice” means the Substitution Notice described in Section 3.5.

“Termination Instrument” means Termination Instruments described in section 5.4.

“Town” means the Town of Pelham.

“Village” means the Village of Pelham.

“Year 1 PILOT Payments” means the Year 1 PILOT Payments described in Section 3.2(a).

“Year 20 PILOT Payment” means the PILOT Payment owed in Year 20 of this Agreement.

## ARTICLE II

### REPRESENTATIONS AND WARRANTIES

#### Section 2.1. Representations and Warranties of Agency.

The Agency represents and warrants as follows:

(a) Existence and Power. The Agency has been duly established under the provisions of the Act, has duly adopted the Resolution and has the power to enter into the transactions contemplated by this PILOT Agreement.

(b) Further Assurances. The Agency will execute, acknowledge and deliver, at the sole cost and expense of the Company, all such further deeds, conveyances, mortgages, assignments, estoppel certificates, notices or assignments, transfers, assurances and other agreements as the

Municipalities, the Company and/or any Permitted Mortgagee may reasonably require from time to time in order to give further effect to this PILOT Agreement.

(c) Intentions. The Agency intends to provide for the consummation and completion of the Project in accordance with the provisions of the Project Agreement.

(d) Authorization. The Agency is authorized and has the corporate power and authority under the Act, its by-laws and the laws of the State to enter into this PILOT Agreement and the transactions contemplated hereby and to perform and carry out all the covenants and obligations on its part to be performed under and pursuant to this PILOT Agreement. By proper corporate action on the part of its members and without the need for any other actions or consents, the Agency has duly authorized the execution, delivery and performance of this PILOT Agreement and the consummation of the transactions herein contemplated.

(e) Validity. The Agency is not prohibited from entering into this PILOT Agreement and performing all covenants and obligations on its part to be performed under and pursuant to this PILOT Agreement by the terms, conditions or provisions of the Act, any other law, any order of any court or other agency or agreement to which the Agency is a party or by which the Agency is bound and this PILOT Agreement is the legal, valid and binding obligation of the Agency, enforceable against the Agency in accordance with its terms. There are no actions, suits or proceedings pending, or to the best knowledge of the Agency, threatened against the Agency, relating to or before any court or other agency or governmental authority which would have a material adverse impact on the ability of the Agency to perform its obligations under this PILOT Agreement.

## **Section 2.2. Representations and Warranties of Company.**

The Company represents and warrants as follows:

(a) Power. The Company is a limited liability company duly organized, validly existing and in good standing under the laws of the State of Delaware, and by proper action has been duly authorized to execute, deliver and perform this PILOT Agreement.

(b) Authorization. The Company is authorized and has the power under the laws of the State of New York to enter into this PILOT Agreement and the transactions contemplated hereby and to perform and carry out all covenants and obligations on its part to be performed under and pursuant to this PILOT Agreement. The Company is not prohibited from entering into this PILOT Agreement and discharging and performing all covenants and obligations on its part to be performed under and pursuant to this PILOT Agreement, and the execution, delivery and performance of this PILOT Agreement, the consummation of the transactions contemplated hereby and the fulfillment of the compliance with the provisions of this PILOT Agreement will not conflict with or violate or constitute a breach of or a default under the terms, conditions or provisions of the operating agreement of the Company or any law, rule, regulation or order of any court or other agency or authority of government, or any contractual limitation, restriction or indenture, deed of trust, mortgage, loan agreement, other evidence of indebtedness or any other agreement or instrument to which the Company is a party or by which it or any of its property is bound, and neither the Company's discharging and performing all covenants and obligations on

its part to be performed under and pursuant to this PILOT Agreement will be in conflict with or result in a breach of or constitute (with due notice and/or lapse of time) a default under any of the foregoing, or result in the creation or imposition of any lien of any nature upon any of the property of the Company under the terms of any of the foregoing. This PILOT Agreement is the legal, valid and binding obligation of the Company enforceable in accordance with its terms, except as such enforceability may be limited by bankruptcy, reorganization, insolvency or other similar laws affecting the enforcement of creditors' rights generally, and by general principles of equity (regardless of whether considered in a proceeding in equity or at law).

(c) Hazardous Materials. The Company has not used Hazardous Materials, asbestos, petroleum or petroleum by-products on, from, or affecting the Project in any manner which violates Federal, State or local laws, ordinances, rules, regulations, or policies governing the use, storage, treatment, transportation, manufacture, refinement, handling, production or disposal of Hazardous Materials, asbestos, petroleum or petroleum by-products, and to the best of the Company's knowledge, without independent investigation and except as set forth in those documents previously delivered to the Agency, no prior tenant or prior owner of the Project or any tenant, subtenant, prior tenant or prior subtenant have used Hazardous Materials, asbestos, petroleum or petroleum by-products on, from or affecting the Project in any manner which violated, at the time of such prior tenant's or owner's actions or omissions, then-controlling Federal, State or local laws, ordinances, rules, regulations, or policies governing the use, storage, treatment, transportation, manufacture, refinement, handling, production or disposal of Hazardous Materials, asbestos, petroleum or petroleum by-products.

(d) Compliance with Environmental Laws. The Company shall not cause or permit the Project or any part thereof to be used to generate, manufacture, refine, transport, treat, store, handle, dispose, transfer, produce or process Hazardous Materials, asbestos, petroleum or petroleum by-products, other than gas and/or other fuel used for heating, cooking and other ordinary purposes consistent with a multi-unit residential building, except in compliance with all Environmental Laws, nor shall the Company cause or permit, as a result of any intentional or unintentional act or omission on the part of the Company or any tenant or subtenant, a release of Hazardous Materials, asbestos, petroleum or petroleum by-products, other than gas and/or other fuel used for heating, cooking and other ordinary purposes consistent with a multi-unit residential building, onto the Project or onto any other property in violation of any Environmental Laws.

(e) No Actions. To the knowledge of the Company, there are no actions or proceedings pending or threatened against the Company which would have a material effect on the ability of the Company to discharge its obligations hereunder in accordance with the terms hereof.

(f) No Consents Required. Except as otherwise set forth herein, no consent or approval of any third party is required in order for the Company to execute, deliver and perform this PILOT Agreement in accordance with its terms.

### ARTICLE III

## COVENANTS AND AGREEMENTS

### Section 3.1. Tax Exempt Status of Project.

1) (a) Assessment of the Facility Realty. Pursuant to Section 874 of the General Municipal Law and Section 412-a of the RPTL, upon acquisition of title to and/or a leasehold interest in the Project Facility by the Agency (with its initial acquisition of the Facility Realty), and continuing for the period during which the Agency maintains title to and/or a leasehold interest in the Project Facility (it being understood that the Agency is obligated to transfer title and/or terminate or assign its leasehold interest to the Company pursuant to Section 6.1, below), the Project Facility shall be classified and treated as exempt upon the assessment roll of the Town and tax rolls of the Municipalities prepared subsequent to the acquisition by the Agency of title to and/or a leasehold interest in the Project Facility, except for Special Levies (hereinafter defined). The Project Facility shall be entitled to such exempt status on the assessment roll of the Town and tax rolls of the Municipalities from the first tentative roll date (June 1) following (i) the Agency's acquisition or lease thereof and (ii) the completion and submission of all necessary filings in accordance with Section 412-a (2) of the RPTL (which filings shall be the obligation of the Company) ("Start Date"). It is the intent of this PILOT Agreement that the Company shall, at all times during its or the Agency's ownership or leasing of the Project Facility, be obligated to pay either PILOT Payments or Real Estate Taxes, and that the foregoing obligations shall not be duplicative of each other or otherwise be additive, except to the extent set forth in Sections 3.1(b) and 3.2(f) below. For example, and without limitation, (i) the Company shall be obligated to pay Real Estate Taxes lawfully levied and/or assessed against the Project Facility, including Real Estate Taxes and assessments levied for the current tax year and all subsequent tax years until such time as the Agency's exemption with respect to the Project Facility lawfully takes effect on the tax rolls of the Municipalities and until all tax payments calculated with respect to prior tax rolls, not reflecting such exemption, shall have been made, and shall be obligated to pay PILOT Payments at all times thereafter until the Agency's exemption with respect to the project is no longer in effect on the tax rolls, and (ii) after the Agency conveys title to, and/or terminates or assigns its leasehold interest in, the Project Facility to a non-exempt entity (including, without limitation, the Company), no further PILOT Payments shall be due. In addition, the last PILOT Payment made or payable prior to the conveyance date may be reduced to reflect the apportionment of Real Estate Taxes to be levied upon the Project Facility following and as of the date of conveyance or lease termination.

(b) Change in Tax Status. To the extent the Project Facility or any portion thereof is declared to be subject to taxation or assessment by a final judgment of a court of competent jurisdiction, an amendment to the Act, or other legislative or administrative change, the obligation of the Company to make PILOT Payments hereunder shall, to such extent only, be replaced by the obligation of the Company to pay Real Estate Taxes at the assessment(s) and tax rates then in effect. To the extent that the foregoing declaration of non-exemption is given retroactive effect, any PILOT Payments previously made by the Company during such retroactive period shall be credited against Real Estate Taxes due for such period. Nothing herein contained shall prohibit the Company from contesting the validity or constitutionality of any such amendment, legislative or administrative change or judicial decision.

(c) Special Assessments. The parties hereto understand that the tax exemption extended to the Agency by Section 874 of the General Municipal Law and Section 412-a of the Real Property Tax Law may not entitle the Agency to exemption from Special Levies. The Company shall be obligated to pay any Special Levies with respect to which the Agency is not exempt, in addition to the PILOT Payments provided hereunder.

(d) Counsel Fees. The Company will pay in full the reasonable fees and expenses of the Municipalities or any of their subdivisions, or the Agency's counsel, promptly upon receipt of the statement therefor, which are incurred after the date hereof and which fees and expenses arise in connection with the enforcement of this PILOT Agreement. If any claim is brought by a third party against the Agency and/or a Municipality with respect to any matter related to this PILOT Agreement, then unless such claim is due to the gross negligence or willful misconduct of the Agency or the Municipality, the Company shall defend and hold harmless the Agency and/or any Municipality against such claim with counsel reasonably acceptable to the Agency and/or any Municipality, as applicable.

(e) Right to Grieve the Underlying Assessed Value of the Facility Realty. Notwithstanding the foregoing, the Company shall have the right to institute a judicial or other review of the assessed value of the Project Facility (or any separately assessed part thereof), whether pursuant to the provisions of Article 7 of the RPTL or other applicable law, as the same may be amended from time to time; provided, however, that no such judicial or other review or settlement thereof shall have any effect on the Company's obligations under this Agreement, including, without limitation, the Company's obligation to make the PILOT Payments when due. Such judicial or other review shall only be for purposes of setting the assessed value of the Project Facility as though the Project Facility was on the tax rolls of each Municipality as taxable real property, but shall have no effect on the other terms of this Agreement or the tax-exempt status of the Project Facility during the term of this Agreement. Furthermore, the Company shall not seek a refund of any PILOT Payments or taxes paid or to be paid and expressly waives and releases its right to seek such refund.

(f) Except as otherwise expressly agreed by the County, the Town, the Village, and the School District, the portion of the PILOT Payments allocable to each of the County, the Town, the Village and the School District shall be the same portions allocable to each Municipality of the Real Estate Taxes that would be levied against the Project if it were owned by the Company.

### **Section 3.2. Payment in Lieu of Taxes**

(a) Agreement to Make Payments. The Company agrees to make PILOT Payments for the Project during the term of this PILOT Agreement in amounts set forth in Schedule B of this Agreement.

(i) The PILOT Payments obligation of the Company will be Zero U.S. dollars (\$0.00) from the Start Date until the date of Project Completion. For the avoidance of doubt, the Company shall pay Special Levies as provided in Section 3.1(c).

(ii) On the date of Project Completion, the Company will pay the Town the Year 1 PILOT Payment of Forty Thousand and 00/100 U.S. dollars (\$40,000.00) without



abatement or reduction (“**Year 1 PILOT Payments**”) and will make annual PILOT Payments thereafter each calendar year in accordance with this PILOT Agreement, and in accordance with Schedule B (“**Year \_\_\_\_ PILOT Payments**”). For the avoidance of doubt, the Company has or will acquire fee title to the Facility Realty on or about the date hereof. An amended NYS Form RP 412-a will be filed with the Town on or about the date hereof and the Facility Realty will be listed as “exempt property” on the tax rolls for the County and Town 2025 tax year and Village and School District tax year 2025-2026. Project Completion is expected on or about June 1, 2027. The Company shall pay the Year 1 PILOT Payments to the Town on the next business day immediately following the issuance of a temporary or permanent certificate of occupancy. The Year 1 PILOT Payments shall be applied to the County and Town 2027 tax year and the Village and School District 2027-2028 tax year. The Year 2 PILOT Payments shall be due to the Town on April 1, 2028 for County and Town 2028 tax year and Village and School District 2028-2029 tax year. Under this example, the Year 20 PILOT Payments shall be due to the Town on April 1, 2046 for the County and Town 2046 tax year and Village and School District 2046-2047 tax year and this Agreement shall expire on June 30, 2047 (with the understanding that the Company will be making a payment hereunder for the County and Town 2047 tax year and the Village and School District 2047-2048 tax year in the amount of Full Taxes).

(iii) The Company further agrees that said PILOT Payments shall be paid in the same proportion to the individual Municipalities as Real Estate Taxes would be paid if the Facility Realty were not tax exempt (allocation shall be based upon the tax rates of each Municipality in effect as of the time each PILOT Payment is received). Payments due hereunder shall be paid by the Company to the Town, by check made payable to “Town of Pelham.” Upon receipt of such check by the Town, the Town shall promptly disburse to the Municipalities their respective portions of the PILOT Payments as determined by this Section 3.2 (allocation to be made based upon the respective tax rates of each Municipality in effect as of the date PILOT Payments are received). The Company shall forward notice to the Agency of the payments made hereunder. The Company acknowledges and agrees that the obligation to make PILOT Payments under this PILOT Agreement is self-executing and absolute and not dependent upon any action or procedure of any other party, including the preparation or transmittal of invoices or bills. The Company shall have an affirmative obligation to secure such invoices or bills that may be necessary to make PILOT Payments under this PILOT Agreement. The time of such payments shall be subject to the provisions of Section 3.2(c). The obligation to make PILOT Payments due under and during the term of this PILOT Agreement shall remain until such payments are made, regardless of any statute of limitations. Any PILOT Payments due under this PILOT Agreement remaining unpaid at the termination of this PILOT Agreement shall remain a continuing obligation of the Company and the obligation to pay such payments shall survive this PILOT Agreement.

(iv) Notwithstanding any provision to the contrary and for the avoidance of doubt, in the event that the Agency is still in title, possession or control (by deed, lease, license or otherwise) of the Project Facility past the Year 20 PILOT Payments due date, then the Project Facility shall be treated as any other property on the non-exempt portion of the assessment roll of the Town and tax rolls of the Municipality and the Company shall make annual payments to the Town each April 1 in an amount equaling Full Taxes.

(b) Security for Payments in Lieu of Taxes. At the time of the execution and delivery of this PILOT Agreement and the granting of a leasehold interest in the Project to the Agency, the Company and the Agency shall grant a first mortgage (the "PILOT Mortgage") to the Town in order to secure the obligations of the Company under this PILOT Agreement. The Company hereby covenants and agrees that it will forever warrant and defend the PILOT Mortgage to the Town, and will forever warrant and defend the validity and priority of the lien of the PILOT Mortgage against the claims of all persons and parties whomsoever other than any governmental or quasi-governmental body, agency or other instrumentality which would be entitled to priority over any lien or claim for Real Estate Taxes assertable by the Agency or the Town in the absence of a PILOT Agreement.

(c) Time of Payments. The Company shall pay the Town the Year 1 PILOT Payments on the date of Project Completion. Thereafter, the Company shall pay the Year 2 PILOT Payments through Year 20 PILOT Payments on April 1 of each calendar year ("PILOT Year"), commencing on the first April following the date of the Year 1 PILOT Payments. In the event that the Year 1 PILOT Payments occurs between January 1 and March 31<sup>st</sup>, the Year 2 PILOT Payments shall be due on April 1<sup>st</sup> of the following year. *Example 1:* If the Year 1 PILOT Payment is due on February 1, 2027, the Year 2 PILOT Payments shall be due April 1, 2028 (i.e. not due on April 1, 2027), the Year 3 PILOT Payments shall be due April 1, 2029, etc. *Example 2:* If the Year 1 PILOT Payments is due July 1, 2027, the Year 2 PILOT Payments shall be due April 1, 2028, the Year 3 PILOT Payments shall be due April 1, 2029, etc. Without limiting the Company's obligation set forth in Section 3.2(a) and excepting the Year 1 PILOT Payments, the Town will send bills for the PILOT Payments to the Company at least thirty (30) days prior to April 1. Bills regarding the PILOT Payments shall be submitted directly to the Company in such form as the Town shall reasonably determine. Notwithstanding the foregoing, amounts payable during a PILOT Year are due and payable on such dates of that applicable PILOT Year, regardless of whether the Company receives an invoice from the Town. For the avoidance of doubt, with regard to the Year 1 PILOT Payments, the Town is not required to invoice the Company. The Town shall forward copies of the bills submitted to the Company to the Agency and to the attention of the Commissioner of Finance, at the Finance Department, County of Westchester, 148 Martine Avenue, Room 720, White Plains, New York 10601.

(d) Method of Payment. All payments by the Company hereunder shall be paid by check or any other payment method as the Town and the Company shall agree to, payable to the order of the Town in then lawful money of the United States of America. A copy of such check or other evidence of payment shall be given to the Agency as notice of the Company's compliance with the payment provisions of this PILOT Agreement.

(e) Interest and Penalties. If the Company shall fail to make any PILOT Payment required by this PILOT Agreement when due, its obligation to make the payment shall continue as an obligation of the Company until such payment that is in default shall have been made in full, and the Company shall pay the same together with the applicable late payment penalty, as prescribed by subparagraph "(5)" of Section 874 of the Act, on the amount due, at the time the PILOT Payment is paid. For each month, or part thereof, that the PILOT Payment is delinquent beyond the first month, interest shall accrue to and be paid by the Company on the total amount due plus the late payment penalty, at the applicable rate prescribed by said provision of the Act, until such payment is made.

(f) Conveyance by the Agency and Termination of the Exemption. Notwithstanding anything to the contrary set forth in Section 3.1(a) above, in the event that the Project Facility shall be conveyed by the Agency to the Company (or to an entity designated by the Company) during the term of this PILOT Agreement, either at the request of the Company or as a consequence of a default by the Company under this PILOT Agreement or under one or more of the other Project Documents, then except as otherwise expressly agreed in writing by the Agency (which agreement may, at the sole discretion of the Agency, be conditioned upon the consent of the Municipalities), the obligations of the Company under this PILOT Agreement (including, without limitation, Section 3.2(a) hereof) shall continue for the entire term of this PILOT Agreement, in addition to the obligation to pay any taxes levied upon the Project Facility; provided, however, that the PILOT Payments due in any year shall be reduced (but not below zero) by the amount of Real Estate Taxes levied upon the Project Facility for such year.

### **Section 3.3. Obligations of Agency.**

The Agency shall forward to the Company a copy of any bill for PILOT Payments or Real Estate Taxes actually received from the Municipalities (other than bills for which the Company is already an addressee).

(a) Requirement that any Conveyance or Project Agreements Require Payment in Lieu of Taxes. So long as the Project Facility shall be entitled to the exemption from Real Estate Taxes contemplated by Section 3.1(a) hereof, the Agency agrees, to the extent permitted by law, that it shall not convey or assign the Project to any person or entity which is not exempt from the payment of Real Estate Taxes, except as otherwise expressly permitted hereunder, or make any other agreement regarding real property taxes and/or the Project Facility which would cause or require the payment of Real Estate Taxes or PILOT Payments to be paid to the Town in excess of the amounts set forth in Article III hereof.

(b) Requirement that Mortgages Be Subordinate to Payments. The Agency and the Company agree that the lien of each and every Mortgage on the Project Facility (and all advances made from time to time) given by either of them shall be specifically subordinate to the lien of the PILOT Mortgage unless otherwise agreed by the Agency.

### **Section 3.4. [Reserved]**

### **Section 3.5. Assignability by the Company.**

Notwithstanding anything herein to the contrary, the parties agree that if there is or has been a permitted transfer of all or part of any of the Company's right, title and interest in and to the Project (which shall include (i) a transfer of the Company's right, title and interest in and to the Project, and (ii) transfer of interests in the Company, in each case to a Permitted Mortgagee as the result of any action or proceeding, or other exercise of a Permitted Mortgagee's rights (including, but not limited to, a foreclosure, deed-in-lieu of foreclosure, or assignment-in-lieu of foreclosure) pursuant to the terms of a Permitted Mortgage) and an assignment of all or part of the Company's rights in the Project Agreement to a transferee in accordance with the Project Agreement, and if the transferee has given a Substitution Notice (as herein defined) and if no Event of Default set forth in Section 5.1 hereof has occurred and is continuing (unless such transferee



has commenced curing such Event of Default as provided herein), then at such transferee's option, the transferee shall be deemed automatically, and without the need for any further document or instrument, to succeed to the rights of, and be bound by the obligations imposed upon, the Company hereunder with respect to the portion or portions of the Project so transferred, with the same force and effect as if the transferee, and not the Company, had been an original party to this PILOT Agreement. Nevertheless, the Agency agrees to execute and deliver such amendments hereto as may be reasonably requested by the transferee and/or the Company to evidence such succession. For purposes of this Section 3.5, the term "**Substitution Notice**" shall mean a written notice given by a transferee, in accordance with Section 6.6 hereof, stating that the transferee is a transferee under the Project Agreement, and has agreed to accept the other obligations thereafter imposed on the Company hereunder, subject, in each case, to the limitations on recourse set forth in Article IV hereof.

Without limiting the generality of the foregoing, nothing in this PILOT Agreement shall restrict in any way any transfer of all or part of the Company's right, title and interest in and to the Project to Affiliate(s) of the current parties to this PILOT Agreement.

#### **Section 3.6. Review of Assessments.**

As long as this PILOT Agreement is in effect, the Agency and the Company agree that (i) the Agency shall be deemed to be the owner or lessee of the Project subject to the Project Documents; (ii) subject to the limitations set forth in this Agreement, the Agency hereby irrevocably appoints the Company as its agent and attorney-in-fact for the purpose of instituting judicial review of any assessment of the real estate with respect to the Project and the provisions of Article 7 of the RPTL or any other applicable law as the same may be amended from time to time during the term of this PILOT Agreement, such appointment being coupled with an interest; and (iii) subject to the limitations set forth in this Agreement, the Company shall have sole authority and power to file grievances and protests, protesting any assessment of the Project Facility (or any part thereof). In order to undertake the foregoing, the Agency shall provide any written authorization and/or execute any documents required by statute or the applicable taxing authority or reasonably requested by the Company, so long as not prohibited by applicable law.

Upon receipt from the Municipalities of a change in the assessment of any parcel subject to this PILOT Agreement pursuant to the applicable portions of the RPTL and this PILOT Agreement, the Agency shall provide a copy thereof to the Company, in the same manner and at the same time as if the Company was a taxpayer (or within fifteen calendar days thereof). Notwithstanding the foregoing, if the assessment of any real property subject to this PILOT Agreement is reduced as a result of any such grievance, protest or judicial review so that the Company would be entitled to receive a refund or refunds of taxes paid if the Project were not exempt, such reduction shall not result in any change or modification of the PILOT Payments due pursuant to Section 3.2(a) of this PILOT Agreement, and same shall not be recalculated based upon the assessment resulting from such grievance, protest or judicial review. In the event there is any conflict between the provisions of this Section 3.6 and Section 3.1 (e) of this Agreement, the provisions of Section 3.1 (e) of this Agreement shall prevail and control.

## ARTICLE IV

### LIMITED OBLIGATION OF THE PARTIES

#### Section 4.1. No Recourse; Limited Obligation of the Agency.

(a) No Recourse. All covenants, stipulations, promises, agreements and obligations of the Agency contained in this PILOT Agreement shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Agency and not of any member, officer, agent, servant or employee of the Agency in his or her individual capacity, and no recourse under or upon any obligation, covenant or agreement contained in this PILOT Agreement, or otherwise based or in respect of this PILOT Agreement, or for any claim based thereon or otherwise in respect thereof, shall be had against any past, present or future official, trustee, member, officer, agent, servant or employee, as such, of the Agency, the Village, the Town, the School District, the County or any successor public benefit corporation or political subdivision. It is expressly understood that this PILOT Agreement is a corporate obligation, and that no such personal liability whatever shall attach to, or is or shall be incurred by, any such official, trustee, member, officer, agent, servant or employee of the Agency or of any successor public benefit corporation or political subdivision or any person so executing this PILOT Agreement under or by reason of the obligations, covenants or agreements contained in this PILOT Agreement or implied therefrom. Any and all such personal liability of, and any and all such rights and claims against, every such official, trustee, member, officer, agent, servant or employee under or by reason of the obligations, covenants or agreements contained in this PILOT Agreement or implied therefrom are, to the extent permitted by law, expressly waived and released as a condition of, and as a consideration for, the execution of this PILOT Agreement.

(b) Limited Obligation. The obligations and agreements of the Agency contained herein shall not constitute or give rise to an obligation of the State or the County, and neither the State or the County shall be liable thereon. Furthermore, such obligations and agreements shall not constitute or give rise to a general obligation of the Agency, but rather shall constitute limited obligations of the Agency payable solely from the revenues of the Agency derived and to be derived from this PILOT Agreement, the Project Agreement, the Project generally, or sale or other disposition of the Project.

(c) Further Limitation. Notwithstanding any provision of this PILOT Agreement to the contrary, (i) the Agency shall not be obligated to take any action for the benefit of the Company pursuant to any provision hereof unless the Agency shall have been requested to do so in writing by the Company and (ii) if compliance with such request is reasonably expected to result in the incurrence by the Agency (or any of its members, officers, agents, servants or employees) of any liability, fees, expenses and other costs, the Agency shall have received from the Company security or indemnity satisfactory to the Agency for protection against all such liability, and for reimbursement of all such fees, expenses and other costs. Nothing in this paragraph shall be construed as requiring the Agency (or the Village, Town, School District or County) to receive any such written request or indemnity as a precondition to the exercise by the Agency (or the Village, Town, School District or County) of its rights hereunder.

#### **Section 4.2. No Recourse; Limited Obligation of the Company.**

(a) No Recourse. All covenants, stipulations, promises, agreements and obligations of the Company contained in this PILOT Agreement shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Company and not of any partner, member, officer, agent, servant or employee of the Company in his or its individual capacity, and no recourse under or upon any obligation, covenant or agreement contained in this PILOT Agreement, or otherwise based or in respect of thereof, shall be had against any past, present or future partner, member, officer, agent, servant or employee, as such, of the Company or any successor thereto or any person executing this PILOT Agreement on behalf of the Company or any partner in the Company, either directly or through the Company or any successor thereto or any person so executing this PILOT Agreement. It is expressly understood that this PILOT Agreement is an obligation of the Company, and that no such personal liability whatever shall attach to, or is or shall be incurred by, any such partner, member, officer, agent, servant or employee of the Company or any partner in the Company or of any successor thereto or any person so executing this PILOT Agreement under or by reason of the obligations, covenants or agreements contained in this PILOT Agreement or implied therefrom. Any and all such personal liability of, and any and all such rights and claims against, every such partner, member, officer, agent, servant or employee under or by reason of the obligations, covenants or agreements contained in this PILOT Agreement or implied therefrom are, to the extent permitted by law, expressly waived and released as a condition of, and as a consideration for, the execution of this PILOT Agreement.

(b) Limited Obligation. The obligations and agreements of the Company contained herein shall not constitute or give rise to an obligation of any partner, member, director, officer or employee in the Company, and no such partner, member, director, officer or employee, shall be liable therein.

### **ARTICLE V**

#### **EVENTS OF DEFAULT**

##### **Section 5.1. Events of Default**

The terms "Event of Default" or "Default" shall mean, whenever they are used in this PILOT Agreement, any failure of the Company to pay any amount due and payable by it pursuant to this PILOT Agreement within ten (10) days after its receipt of notice from the Town or the Agency that such amount is due and has not been paid (provided due notice of such amounts owing shall have been given as provided in Section 3.2(c), above), it being understood that an "Event of Default" shall not have occurred hereunder until such time as the applicable notice and cure periods to the Permitted Mortgagee under Section 5.2 shall have expired.

##### **Section 5.2. Permitted Mortgagee Right to Cure.**

Notwithstanding anything to the contrary in this PILOT Agreement, in the case of an Event of Default, if the Agency or Town serves a written notice of default upon the Company, the Agency or Town shall serve a copy of such notice upon the Permitted Mortgagee. In the case of an Event of Default by the Company under this PILOT Agreement, Permitted Mortgagee shall have thirty (30) days for a monetary default and sixty (60) days in the case of any non-monetary default, after

notice to Permitted Mortgagee of such default, to cure or cause to be cured the default complained of (and the Agency shall accept such performance by or at the instigation of such Permitted Mortgagee as if the same had been done by the Company), provided that if said non-monetary default can be cured with due diligence, but not within such sixty (60) day period, said time period shall be extended as long as Permitted Mortgagee continues to exercise due diligence to cure said non-monetary default, but in no event shall such extension exceed ninety (90) days.

### **Section 5.3. Remedies on the Company's Default**

Whenever any Event of Default under Section 5.1 shall have occurred and be continuing with respect to this PILOT Agreement, remedies of the Agency shall be limited to the rights hereunder and under the PILOT Mortgage, and the right to convey the Project to the Company as set forth in Section 5.4.

### **Section 5.4. Remedies of the Agency; Recording of Termination Instrument and Other Documents.**

Whenever:

- (i) any Event of Default under Section 5.1 shall have occurred and be continuing with respect to this PILOT Agreement,
- (ii) the lien of the PILOT Mortgage shall not be a first lien, other than with respect to any governmental or quasi-governmental body, agency or other instrumentality which would be entitled to priority over any lien for Real Estate Taxes assertable by the Agency or the Municipalities in the absence of a PILOT Agreement, or
- (iii) the Agency conveys the Project to the Company pursuant to this PILOT Agreement or the Project Agreement;

the Agency may, immediately with respect to (ii) above, and with respect to clauses (i) and (iii) above, upon ten (10) days-notice to the Company, record an assignment of lease, or termination of lease (each a "Termination Instrument") and any other necessary documents in the appropriate County Clerk's office conveying the Agency's leasehold interest in the Facility Realty and the Project to the Company or its successor or assign and declare any and all amounts due and owing to the Agency hereunder immediately payable.

The recording of such Termination Instrument shall constitute delivery to the Company of title to, or surrender and termination of the Agency's leasehold interest in, the Project. In order to facilitate such transfer of title or surrender of the Agency's leasehold interest, the Company hereby irrevocably appoints severally, the Chairperson or Executive Director of the Agency (or his or her designee) as its agent, such appointment being coupled with an interest, who is authorized to execute and deliver all documents necessary to allow the transfer of fee or leasehold title to the Project from the Agency to the Company, including, without limitation, transfer tax returns.

### **Section 5.5. Payment of Attorneys' Fees and Expenses**

If the Company should default in performing any of its obligations, covenants and agreements under this PILOT Agreement, and the Agency or any Municipality should employ attorneys or incur other expenses for the collection of any amounts payable hereunder or for the enforcement of performance or observance of any obligation or agreement on the part of the Company herein, the Company agrees that it will, on demand therefor, pay to the Agency, or the Village, the Town, School District or County as the case may be, the reasonable fees and disbursements of such attorneys and such other reasonable expenses so incurred in connection with the exercise of the remedies provided for herein.

### **Section 5.6. Remedies; Waiver and Notice.**

(a) **Remedy Exclusive.** Notwithstanding anything herein to the contrary, the remedies available to the Agency as a result of an Event of Default hereunder are limited to those set forth in Sections 5.3 and 5.4 hereof, and the Agency hereby waives every other remedy now or hereafter existing at law or in equity or by statute in connection with any Event of Default.

(b) **Delay.** No delay or omission in exercising any right or power accruing upon the occurrence of any Event of Default hereunder shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient.

(c) **Notice Not Required.** In order to entitle the Agency or the Village, Town, School District or County to exercise any remedy reserved to it in this PILOT Agreement, it shall not be necessary to give any notice, other than such notice as may be expressly required in this PILOT Agreement.

(d) **No Waiver.** In the event any provision contained in this PILOT Agreement should be breached by any party and thereafter duly waived by the other party so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder. No waiver, amendment, release or modification of this PILOT Agreement shall be established by conduct, custom or course of dealing.

## **ARTICLE VI**

### **MISCELLANEOUS**

#### **Section 6.1. Term of Agreement.**

This PILOT Agreement shall become effective and the obligation of the Company and the Agency shall arise absolutely and unconditionally on the date hereof. This PILOT Agreement shall continue until the first date on which all monetary and non-monetary obligations hereunder have been fully satisfied and the PILOT Payments fully paid after the date on which title (including leasehold title theretofore held by the Agency) to the Project is transferred to the Company or any other non-exempt person or entity. Notwithstanding the foregoing and unless terminated earlier, this PILOT Agreement shall expire on the June 30<sup>th</sup> following the last day of the Year 20 PILOT Payment calendar year. Notwithstanding any provision to the contrary, following the end of the



last PILOT Year (see Schedule B), and until such time as the Facility Realty is not classified as “exempt property” on the assessment roll of the Town and tax rolls of the Municipalities and subject to Full Taxes, the Company shall be obligated to pay a payment in lieu of taxes equal to the amount of Full Taxes applicable for such period. For the purposes of clarification, this provision is intended to terminate any tax abatement or exemptions that the Company may derive by virtue of Agency participation in the Project and is not intended to preclude any other tax abatement or exemptions to which the Company may be entitled under applicable law.

**Section 6.2. [Reserved].**

**Section 6.3. Company Acts.**

Where the Company is required to do or accomplish any act or thing hereunder, the Company may cause the same to be done or accomplished by others with the same force and effect as if done or accomplished by the Company.

**Section 6.4. Amendment of Agreement.**

(a) Subject to Section 6.4(b) below, this PILOT Agreement may not be amended, changed, modified, altered or terminated, unless such amendment, change, modification, alteration or termination is in writing and signed by the Agency and the Company, and further, if such modification materially changes the terms and conditions of this PILOT Agreement, then, and only in such instances, shall execution by the Village and their successors and assigns, if any, be also required.

(b) No amendment, modification, termination or waiver or any provision of this PILOT Agreement or the PILOT Mortgage or any consent to any departure therefrom may be made which materially and adversely affects the Village, the Town, School District or County without the prior written consent of the adversely affected Municipality. The Company shall promptly provide the Village, the Town, School District or County with copies of all such proposed amendments, modifications, terminations and waivers and a copy of same as adopted or agreed upon.

**Section 6.5. Agreement to Run with the Land.**

This PILOT Agreement shall run with the land, both as respects benefits and burdens created herein, and shall be binding upon and inure to the benefit of the successors and assigns of the respective parties.

**Section 6.6. Notices.**

All notices, certificates or other communications hereunder shall be sufficient if sent (a) by certified United States mail, postage prepaid, (b) by a nationally recognized overnight delivery service, charges prepaid, or (c) by hand delivery, addressed, as follows:

If to the Agency:	County of Westchester Industrial Development Agency 148 Martine Avenue White Plains, New York 10601 Attention: Chairperson
With a copy to:	Harris Beach PLLC 445 Hamilton Avenue, Suite 1206 White Plains, NY 10601 Attn: Andrew D. Komaromi, Esq.
And to:	Oxman Law Group, PLLC 120 Bloomingdale Road, Suite 100 White Plains, NY 10605 Attn: John W. Buckley, Esq.
If to the Company:	Pelham Green 2 LLC 826 Broadway, 11 <sup>th</sup> Floor New York, New York 10003 Attn: Joseph Riggs
With a copy to:	Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, New York 10601 Attn: Eon Nichols, Esq.
If to Mortgage Administrative Agent:	Santander Bank, N.A. 437 Madison Avenue New York, New York 10022 Attn: John Gunther-Mohr Email: <a href="mailto:jgunther@santander.us">jgunther@santander.us</a>
With copy to:	Windels Marx Lane Mittendorf LLP 156 West 56th Street New York, New York 10019 Attn: Michele Arbeeney, Esq. Email: <a href="mailto:marbeeney@windelsmarx.com">marbeeney@windelsmarx.com</a>
If to Mezzanine Administrative Agent:	RDF Agent, LLC c/o Related Fund Management LLC 30 Hudson Yards New York, New York 10001 Attn: Chad Goodman Email: <a href="mailto:cgoodman@related.com">cgoodman@related.com</a>

And to: c/o Related Fund Management LLC  
30 Hudson Yards  
New York, New York 10001  
Attn: Peter Wiedman  
Email: [peter.weidman@related.com](mailto:peter.weidman@related.com)

With a copy to: Goodwin Procter LLP  
The New York Times Building  
620 Eighth Avenue  
New York, New York 10018  
Attn: Diana Brummer, Esq.  
Email: [dbrummer@goodwinlaw.com](mailto:dbrummer@goodwinlaw.com)

Failure of the Agency to provide notice to the Permitted Mortgagee shall not subject the Agency to any liability whatsoever.

The Agency, Company, Village, Town, School District, the County and the Permitted Mortgagee(s) may, by like notice, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent. Any notice, certificate or other communication hereunder shall, except as may expressly be provided herein, be deemed to have been delivered or given (i) three (3) Business Days following posting if transmitted by mail, (ii) one (1) Business Day following sending if transmitted by a nationally recognized overnight delivery service, or (iii) upon delivery if given by hand delivery, with refusal by the intended recipient party to accept delivery of a notice given as prescribed above to constitute delivery hereunder. Notices may also be given in compliance with this Agreement by telecopy, provided that the recipient party consents to the use of telecopy transmissions for giving of notices hereunder and receipt of any such telecopy transmission is confirmed by the transmitting party.

**Section 6.7. Binding Effect.**

This PILOT Agreement shall inure to the benefit of the Agency, the Municipalities, and the Company, and shall be binding upon the Agency and the Company, and their respective successors and assigns.

**Section 6.8. Severability.**

If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this PILOT Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this PILOT Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

**Section 6.9. Counterparts.**



This PILOT Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 6.10. Applicable Law and Construction.**

This PILOT Agreement shall be governed by and construed in accordance with the laws of the State. This PILOT Agreement is a mutual undertaking of the parties hereto and, accordingly, to the extent any ambiguity exists with respect to the terms set forth herein, such terms shall not be resolved as against one party of the other.

**Section 6.11. Recording.**

The PILOT Mortgage shall be filed by the Company, as agent for the Agency, in the Office of the Westchester County Clerk, Division of Land Records of the County of Westchester pertaining to the real property described in Schedule "A" hereto. In addition, the Company shall cause all filings to be made under Section 412-a (2) of the RPTL and Section 858(15) of the Act.

**Section 6.12. Village, Town, School District, County as Third-Party Beneficiaries.**

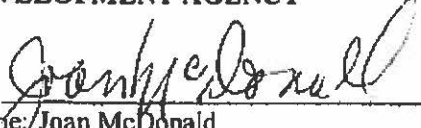
The Village, Town, School District, and County shall be third party beneficiaries of all of the obligations of the Company and of the rights and obligations of the Agency hereunder and the Village, Town, School District, and County shall have the right to enforce their respective rights and remedies in their own names and without consent of the Agency. For purposes of the foregoing sentence, and without limitation, "obligations" shall include all covenants, representations and warranties of the respective parties. The Agency shall not be authorized to waive, modify or forgive any of the Company's obligations to the Municipalities hereunder in any material respect, and any such acts by the Agency, without the prior written consent of the Village, Town, School District and County, shall not in any way affect the Village's, Town's, School District's and/or County's rights hereunder.

[Remainder of This Page Intentionally Left Blank]

[Signature page to Payment in Lieu of Taxes Agreement]

IN WITNESS WHEREOF, the Agency and the Company have caused this PILOT Agreement to be executed in their respective names as of the date first written above.

**COUNTY OF WESTCHESTER INDUSTRIAL  
DEVELOPMENT AGENCY**

By:   
Name: Joan McDonald  
Title: Chairperson

**PELHAM GREEN 2 LLC**

By: \_\_\_\_\_  
Name: Joseph Riggs  
Title: Authorized Signatory

**ACKNOWLEDGED BY:**

**TOWN OF PELHAM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**VILLAGE OF PELHAM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Village Administrator


[Signature page to Payment in Lieu of Taxes Agreement]

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**COUNTY OF WESTCHESTER INDUSTRIAL  
DEVELOPMENT AGENCY**

By: \_\_\_\_\_  
Name: Joan McDonald  
Title: Chairperson

**PELHAM GREEN 2 LLC**

By:  \_\_\_\_\_  
Name: Joseph Riggs  
Title: Authorized Signatory

**ACKNOWLEDGED BY:**

**TOWN OF PELHAM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**VILLAGE OF PELHAM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Village Administrator

[Signature page to Payment in Lieu of Taxes Agreement]

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**COUNTY OF WESTCHESTER INDUSTRIAL  
DEVELOPMENT AGENCY**

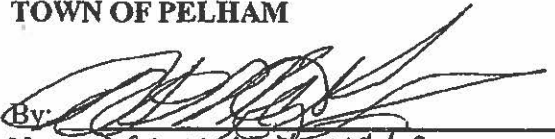
By: \_\_\_\_\_  
Name: Joan McDonald  
Title: Chairperson

**PELHAM GREEN 2 LLC**

By: \_\_\_\_\_  
Name: Joseph Riggs  
Title: Authorized Signatory

ACKNOWLEDGED BY:

**TOWN OF PELHAM**

By:   
Name: Daniel McLaughlin  
Title: Town Supervisor

**VILLAGE OF PELHAM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[Signature page to Payment in Lieu of Taxes Agreement]

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**COUNTY OF WESTCHESTER INDUSTRIAL  
DEVELOPMENT AGENCY**

By: \_\_\_\_\_  
Name: Joan McDonald  
Title: Chairperson

**PELHAM GREEN 2 LLC**

By: \_\_\_\_\_  
Name: Joseph Riggs  
Title: Authorized Signatory

ACKNOWLEDGED BY:

**TOWN OF PELHAM**

By: \_\_\_\_\_  
Name:  
Title:

**VILLAGE OF PELHAM**

By: Christa Seel  
Name: CHRISTOPHER SEEL  
Title: VILLAGE ADMINISTRATOR

[Acknowledgments Page to Payment in Lieu of Taxes Agreement]

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

On the 10<sup>th</sup> day of December in the year 2024, before me, the undersigned, personally appeared **Joan McDonald**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

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

ROSA CAMPBELL  
Notary Public, State of New York  
No. 016461710  
Qualified in Westchester County  
Commission Expires June 6, 2028

On the \_\_\_\_ day of December in the year 2024, before me, the undersigned, personally appeared **Joseph Riggs**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

[Acknowledgments Page to Payment in Lieu of Taxes Agreement]

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

On the \_\_\_\_ day of December in the year 2024, before me, the undersigned, personally appeared **Joan McDonald**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

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

On the 11<sup>th</sup> day of December in the year 2024, before me, the undersigned, personally appeared **Joseph Riggs**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

JOSEPH D. LOVE NOTARY PUBLIC, STATE OF NEW YORK Registration No. 0106088118 Qualified in Queens County My Commission Expires <u>3/31/27</u>
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## **SCHEDULE A**

### **REAL PROPERTY DESCRIPTION**

#### **COMPOSITE DESCRIPTION:**

**ALL** that certain plot, piece or parcel of land, situate, lying and being in the Village of Pelham, Town of Pelham, County of Westchester and State of New York, bounded and described as follows:

**BEGINNING** at the corner formed by the intersection of the Westerly side of Fifth Avenue and the Northerly side of Third Street;

**THENCE** Westerly along the Northerly side of Third Avenue, North 70 degrees 29 minutes 05 seconds West, 200.40 feet to the Easterly side of Fourth Avenue;

**THENCE** Northerly along the Easterly side of Fourth Avenue, North 20 degrees 26 minutes 55 seconds East, 325.46 feet to a point;

**THENCE** South 70 degrees 29 minutes 05 seconds East, 100.20 feet to a point;

**THENCE** South 20 degrees 26 minutes 55 seconds West, 25.11 feet to a point;

**THENCE** South 70 degrees 29 minutes 10 seconds East, 100.20 feet to the Westerly side of Fifth Avenue;

**THENCE** Southerly along the Westerly side, South 20 degrees 26 minutes 55 seconds West, 99.49 feet to a point;

**THENCE** North 70 degrees 29 minutes 03 seconds West, 100.22 feet to a point;

**THENCE** South 20 degrees 26 minutes 55 seconds West, 100.86 feet to a point;

**THENCE** South 70 degrees 29 minutes 03 seconds East, 100.20 feet to the Westerly side of Fifth Avenue;

**THENCE** along the same South 20 degrees 26 minutes 55 seconds West, 100.00 feet to the point or place of **BEGINNING**.



**SCHEDULE B**

**PAYMENTS IN LIEU OF TAXES**

Year	PILOT Payments
Prior to Issuance of Temporary or Permanent Certificate of Occupancy	No Taxes Due
Year 1	40,000
Year 2	40,000
Year 3	40,000
Year 4	350,000
Year 5	600,000
Year 6	612,000
Year 7	624,240
Year 8	636,725
Year 9	649,459
Year 10	662,448
Year 11	675,697
Year 12	689,211
Year 13	702,996
Year 14	717,056
Year 15	731,397
Year 16	746,025
Year 17	760,945
Year 18	776,164

Year 19	791,687
Year 20	807,521
Year 21	Full Taxes

# 2025-25



George Latimer  
County Executive

Westchester County  
Department of Public Works

January 7, 2025

Ms. Sunday Vanderberg  
Clerk of the County Board of Legislators  
County of Westchester  
Michaelian Office Building  
White Plains, NY 10601

Dear Ms. Vanderberg:

Pursuant to the provisions of Section 102 of the New York State Highway Law, Sub-Section 13 thereof, we are hereby filing with the Clerk of the Board of Legislators an itemized listing of all machinery and equipment under the jurisdiction of the Commissioner of Public Works which has been purchased by the County of Westchester for the maintenance of the County Road System.

This inventory records the acquisition costs, the present condition and estimated market value of the various items as of December 31, 2024. This inventory is valued at \$5,697,735.

Very truly yours,

Joseph Palmiotto  
Superintendent  
County Road Maintenance

Attachment  
Cc: H. Greechan  
H. De Almeida  
JP:lmo

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

Telephone: (914)995-2547 Fax: (914) 995-4382



**WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROAD MAINTENANCE  
AT LAKE STREET FACILITY**

2025 Inventory of Machinery and Equipment under the Jurisdiction of the Commissioner of Public Works filed in accordance with Sub. Div. #13, Sec. #102, of the Highway Law.

FLEET NO.	YEAR	DESCRIPTION	ORIGINAL COST	PREVIOUS YEAR VALUE	ESTIMATED PRESENT VALUE	PRESENT CONDITION
02460	1986	Trailer (Eager Beaver)	\$ 1,758	\$ 33	\$ 30	Fair
03761	1990	Snow Blower (J. Deere) (Grasslands)	700	8	7	Poor
03898	1991	Cement Mix (Stow)	2,275	78	70	Fair
04553	1995	Rack Truck (International) (Grasslands)	28,354	1,336	1,202	Good
04635	1995	Grass Mower (Toro) (Grasslands)	210	5	5	Poor
04782	2002	Chain Saw (Stihl) (Grasslands)	280	5	5	Poor
05107	1998	Grass Mower (Toro) (Grasslands)	225	5	5	Poor
05108	1998	Grass Mower (Toro) (Grasslands)	225	5	5	Poor
05109	1998	Grass Mower (Toro) (Grasslands)	225	5	5	Poor
05136	1998	Grass Mower (Giant Vac) (Grasslands)	675	10	9	Poor
05139	1998	Trailer	5,900	424	382	Good
05288	1999	Grass Mower (Toro) (Grasslands)	225	5	5	Poor
05390	1999	Trailer	5,900	471	424	Good
05915	2001	Vibratory Tamper (Wacker)	1,894	187	168	Good
07015	2001	Hedge Trimmer (Red Max) (Grasslands)	325	5	5	Poor
07016	2002	Leaf Blower (Giant Vac) (Grasslands)	425	8	7	Poor
07026	2001	Paint Striper (Linelazer)	6,323	624	562	Good
07281	2001	Roller, Steel Drum (Ingersol Rand)	15,000	2,289	2,060	Fair
07417	2002	Concrete Scarifier (Edco)	1,829	201	181	Good
07684	2003	Grass Mower (Grasslands) (J. Deere)	13,720	1,669	1,502	Good
07749	2003	Loader/Backhoe (Grasslands) (Case)	45,115	5,486	4,937	Good
10846	2004	Light Tower (Boss)	8,950	1,210	1,089	Good
12446	2024	Grass Trimmer (Red Max)	298		298	Excellent
18046	2004	Plate Tamper (Stone)	1,826	247	222	Good
22446	2024	Grass Trimmer (Red Max)	298		298	Excellent
27846	2004	Concrete Saw (Target)	5,828	788	709	Good
31146	2004	MITM, Pressure Washer	3,500	504	454	Fair
31246	2004	Snow Blower (Toro) (Grasslands)	375	5	5	Poor
32446	2024	Grass Trimmer (Red Max)	385		385	Excellent
38146	2005	International Dump	64,195	8,672	7,805	Good
38646	2005	Trailer (Traileze)	54,670	8,206	7,385	Good
41846	2005	Grass Mower (J. Deere) (Grasslands)	13,850	2,308	2,077	Fair
42446	2024	Grass Trimmer (Red Max)	385		385	Excellent
52446	2024	Grass Trimmer (Red Max)	385		385	Excellent
60946	2006	Chevy Silverado 3500, Serv. Body N/Instal.	45,823	6,879	6,191	Good
62446	2024	Grass Trimmer (Red Max)	385		385	Excellent
64246	2006	Wheel Dump (GMC) (Grasslands)	49,649	7,453	6,708	Good
72446	2024	Stihl MS362 Chain Saw	715		715	Excellent
82446	2024	Stihl MS362 Chain Saw	715		715	Excellent
84742	2006	Snow Thrower (White)	434	71	64	Good
88046	2007	6 Wheel Dump (GMC)	47,841	7,979	7,181	Good

Sheet Sub Total = \$ 57,181 \$ 55,029

**WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROAD MAINTENANCE  
AT LAKE STREET FACILITY**

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FLEET NO.	YEAR	DESCRIPTION	ORIGINAL COST	PREVIOUS YEAR VALUE	ESTIMATED PRESENT VALUE	PRESENT CONDITION
91246	2006	Compressor (Sullivan) (Grasslands)	\$ 13,199	\$ 2,202	\$ 1,982	Good
92446	2024	Red Max Blower Backpack	525		525	Excellent
043942	2001	Grass Trimmer (Red Max)	250	28	25	Poor
100046	2024	New Holland Powerstar 75	138,881		138,881	Excellent
100146	2024	Volvo ECR 145 EL Excavator	242,875		242,875	Excellent
100246	2024	New Holland C337 Track Loader	96,875		96,875	Excellent
100346	2024	Toyota, RAV4 (Prime)	47,042		47,042	Excellent
100746	2024	Isuzu, Dump Truck	74,900		74,900	Excellent
100846	2024	Toyota, Highlander (Hybrid)	49,375		49,375	Excellent
101146	2025	Freightliner, On Road Tractor	183,944		183,944	Excellent
101246	2025	Eager Beaver, Low Boy Trailer	75,100		75,100	Excellent
102246	2024	Red Max Blower Backpack	525		525	Excellent
106042	2001	Red Max, Trimmer	250	28	25	Poor
106546	2007	Grass Trimmer (Red Max)	750	140	126	Good
106646	2007	Grass Trimmer (Red Max)	750	140	126	Good
112446	2024	Stihl MS201T Chain Saw	649		649	Excellent
117046	2007	Pole Saw (Stihl)	430	80	72	Good
117946	2007	Pole Saw (Stihl)	430	80	72	Good
118046	2007	Pole Saw (Stihl) (Grasslands)	400	58	52	Good
121146	2007	Pump, 6 Inch, (Tsurumi)	16,540	3,061	2,755	Good
121546	2007	Back Pack Blower (Stihl) (Grasslands)	352	72	65	Good
122446	2024	Stihl MS201T Chain Saw	649		649	Excellent
122746	2008	6 Wheel Dump Truck (International)	175,000	36,032	32,429	Good
124146	2008	10 Wheel Dump Truck (International)	146,000	30,061	27,055	Good
124246	2008	10 Wheel Dump Truck (International)	146,000	30,061	27,055	Good
125346	2008	10 Wheel Dump Tanker Truck (International)	230,000	47,354	42,619	Good
129146	2008	6 Wheel Dump Truck (International)	171,000	35,207	31,686	Good
131346	2008	Wood Chipper (Brush Bandit)	40,000	8,235	7,412	Good
132446	2008	Grass Mower (J. Deere) (Grasslands)	18,260	3,755	3,380	Fair
132546	2008	Leaf Blower (J. Deere) (Grasslands)	2,495	635	572	Good
136846	2008	Wheel Loader (New Holland)	134,770	27,750	24,975	Good
136946	2008	6 Wheel Dump Truck (International)(G'lands)	174,890	36,009	32,408	Good
137246	2008	Skid Steer (New Holland)	46,295	9,532	8,579	Good
142446	2024	Stihl Pole Pruner	319		319	Excellent
149642	2001	Grass Trimmer (Red Max)	250	28	25	Poor
152446	2024	Stihl Pole Pruner	319		319	Excellent
153146	2008	Grass Mower (J. Deere)	25,495	5,250	4,725	Good
159846	2008	Cement Mixer (Stone)	3,600	742	668	Good
159946	2008	Compressor (Ingersoll Rand)	13,864	2,855	2,570	Good
160046	2008	Compressor (Ingersoll Rand)	13,864	2,855	2,570	Good
162346	2008	Backhoe/Loader (New Holland)	58,554	12,056	10,850	Good
164046	2008	6 Wheel Dump Truck (GMC)	64,298	13,238	11,914	Good

Sheet Sub Total = \$ 307,544 \$ 1,188,768

**WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROAD MAINTENANCE  
AT LAKE STREET FACILITY**

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FLEET NO.	YEAR	DESCRIPTION	ORIGINAL COST	PREVIOUS YEAR VALUE	ESTIMATED PRESENT VALUE	PRESENT CONDITION
164146	2008	Salt Spreader (Smith)	\$ 13,000	\$ 2,745	\$ 2,471	Good
165320	2008	Freightliner Flatbed	101,775		101,775	Good
167646	2008	Compressor (Ingersoll Rand)	13,864	2,855	2,570	Good
190046	2009	6 Wheel Dump Truck (International)	225,000	51,473	46,326	Good
196746	2010	Trailer (Superline)	9,250	2,118	1,906	Good
197246	2010	Pump 2 Inch	1,200	275	248	Good
197346	2010	Pump 2 Inch	1,200	275	248	Good
201446	2010	Pickup Truck W/Plow/Dump (Ford)	56,400	12,902	11,612	Good
305646	2010	Leaf Loader (Giant Vac) (Grasslands)	10,000	2,543	2,289	Good
305746	2010	Chain Saw (Stihl)	400	102	92	Good
305846	2010	Chain Saw (Stihl)	400	102	92	Good
305946	2010	Chain Saw (Stihl) (Grasslands)	600	152	137	Good
306046	2010	Chain Saw (Stihl)	600	152	137	Good
306346	2010	Chain Saw (Stihl)	800	204	184	Good
306446	2010	Chain Saw (Stihl)	800	204	184	Good
306646	2010	Welder (Lincoln)	8,000	2,034	1,831	Good
308646	2010	Grass Trimmer (Red Max)	400	102	92	Good
308746	2010	Grass Trimmer (Red Max)	400	102	92	Good
308846	2010	Grass Trimmer (Red Max)	400	102	92	Good
308946	2010	Grass Trimmer (Red Max)	400	102	92	Good
541946	2012	Chain Saw (Stihl)	400	140	126	Fair
557646	2013	Pressure Washer	6,000	2,093	1,884	Good
563346	2013	Plate Tamper (Whacker)	1,700	594	535	Good
578746	2013	6 Wheel Dump Truck (Freightliner)	225,000	78,453	70,608	Good
578846	2013	6 Wheel Dump Truck (Freightliner)	225,000	78,453	70,608	Good
580946	2013	10 Wheel Dump Truck (Freightliner)	308,000	107,393	96,654	Good
590046	2014	Tractor (Mack)	127,000	49,204	44,284	Excellent
592246	2014	Pole Saw (Stihl) (Grasslands)	760	328	295	Fair
592346	2014	Hedge Trimmer (Stihl) (Grasslands)	530	228	205	Good
604846	2014	Pick-Up Truck (Ford)	33,650	13,037	11,733	Excellent
605946	2014	Vaccum Truck (Megawind) (Freightliner)	221,000	85,620	77,058	Excellent
608946	2015	Rack Truck (Freightliner) Attenuator	108,000	41,841	37,657	Excellent
609746	2014	Slope Mower (J. Deere)	102,000	39,516	35,564	Excellent
610346	2015	Grass Mower (J. Deere) (Grasslands)	51,300	24,537	22,083	Excellent
611446	2014	6 Wheel Crew Cab Dump Truck (Dodge)	79,815	30,922	27,830	Excellent
618946	2014	Utility Body Truck (Dodge)	77,675	30,093	27,084	Excellent
621346	2014	Plate Tamper (Whacker)	1,950	755	680	Good
621946	2014	Crew Cab Dump Truck (Dodge)	79,815	30,922	27,830	Excellent
622146	2014	Crew Cab Dump Truck (Dodge)	79,815	30,922	27,830	Excellent
630846	2015	Backpack Blower (Red Max)	546	235	212	Excellent
631146	2015	Grass Trimmer (Kawasaki)	365	158	142	Excellent
631246	2015	Grass Trimmer (Kawasaki)	365	158	142	Excellent

Sheet Sub Total = \$ 724,146 \$ 753,506

**WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROAD MAINTENANCE  
AT LAKE STREET FACILITY**

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FLEET NO.	YEAR	DESCRIPTION	ORIGINAL COST	PREVIOUS YEAR VALUE	ESTIMATED PRESENT VALUE	PRESENT CONDITION
642046	2015	Trailer (S. Green)	\$ 6,000	\$ 2,583	\$ 2,325	Excellent
651946	2015	Asphalt Paver (LeeBoy)	175,896	75,718	68,146	Excellent
652446	2015	Vaccum Truck (Vac-Con) (Freightliner)	394,704	169,907	152,916	Excellent
654846	2015	Grass Trimmer (Red Max)	373	161	145	Excellent
654946	2015	Grass Trimmer (Red Max)	373	161	145	Excellent
655046	2015	Grass Trimmer (Red Max)	373	161	145	Excellent
655146	2015	Grass Trimmer (Recip.) (Red Max)	569	246	221	Excellent
655246	2015	Backpack Blower (Red Max)	546	235	212	Excellent
658046	2015	Pick-Up Truck (GMC)	36,801	15,842	14,258	Excellent
658646	2015	Power Roller (Vibco) (Grasslands)	800	383	345	Excellent
662946	2015	Pick-Up Truck W/Dump (Chevrolet)	33,834	14,565	13,109	Excellent
667346	2016	Multi Purpose Saw (Stihl)	800	383	345	Excellent
672146	2016	Grass Trimmer (Red Max)	270	129	116	Excellent
672246	2016	Grass Trimmer (Red Max)	270	129	116	Excellent
672346	2016	Grass Mower (Honda) (Grasslands)	336	161	145	Excellent
672446	2016	Grass Mower (Honda) (Grasslands)	336	161	145	Excellent
678646	2016	Freightliner 6 Wheel Dump	206,773	122,097	109,887	Excellent
680346	2016	Pavement Marking Truck (Kenworth)	308,610	132,846	119,561	Excellent
687646	2016	Asphalt Reclaimer (Falcon)	29,903	12,873	11,586	Excellent
689446	2016	Wheel Loader (Case)	176,513	75,983	68,385	Excellent
691346	2014	Hedge Trimmer (Stihl) (Grasslands)	530	228	205	Good
697446	2017	Grass Trimmer (Red Max)	280	149	134	Excellent
697546	2017	Grass Trimmer (Red Max)	280	149	134	Excellent
697646	2017	Grass Trimmer (Red Max)	280	149	134	Excellent
700146	2017	Chain Saw (Husqvarna)	450	239	215	Excellent
700646	2017	Grass Trimmer (Red Max)	280	149	134	Excellent
700946	2017	Grass Trimmer (Red Max)	280	149	134	Excellent
701046	2017	Grass Trimmer (Red Max)	280	149	134	Excellent
701246	2017	Backpack Blower (Red Max)	575	305	275	Excellent
701546	2017	Chain Saw (Husqvarna)	450	239	215	Excellent
720646	2017	Grass Mower (J. Deere) (Grasslands)	45,500	24,181	21,763	Excellent
727746	2017	Toyota Prius prime Plug-In Hybrid	30,000	17,715	15,944	Excellent
730646	2017	Mi-T-M 3500 PSI Washer	2,900	1,713	1,542	Excellent
741746	2019	International Dump 10 Wheeler	276,289	163,147	146,832	Excellent
742646	2017	Red Max EB2 8500 Blower	420	248	223	Excellent
743446	2017	Stihl MS362C Chain Saw	600	354	319	Excellent
750046	2018	Stihl Pole Saw Pruner	400	237	213	Excellent
750446	2018	Stihl Hedge Trimmer	450	266	239	Excellent

Sheet Sub Total = \$ 834,490 \$ 751,041



**WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROAD MAINTENANCE  
AT LAKE STREET FACILITY**

2025 Inventory of Machinery and Equipment under the Jurisdiction of the Commissioner of Public Works filed in accordance with Sub. Div. #13, Sec. #102, of the Highway Law.

FLEET NO.	YEAR	DESCRIPTION	ORIGINAL COST	PREVIOUS YEAR VALUE	ESTIMATED PRESENT VALUE	PRESENT CONDITION
750546	2018	Stihl Multi Purpose Weed Wacker	\$ 600	\$ 354	\$ 319	Excellent
750646	2018	Stihl 9" Multi Cut Off Saw	500	296	266	Excellent
756746	2019	Toyota Prius Prime	30,000	27,000	24,300	Excellent
761346	2019	Red Max Weed Wacker	700	459	413	Excellent
761446	2019	Red Max Back Pack Blower	500	329	296	Excellent
764846	2019	John Deere WHP48A	6,000	3,937	3,543	Excellent
766646	2019	Stihl 362 16" Chain Saw	600	393	354	Excellent
768746	2019	6,500 Watt Honda Generator	2,500	1,641	1,477	Excellent
770746	2019	Dodge Crew Cab 5500 Dump	85,000	55,769	50,192	Excellent
770846	2019	Dodge Crew Cab 5500 Hook Lift	85,000	55,769	50,192	Excellent
770946	2019	Dodge Crew Cab 5500 Dump	85,000	55,769	50,192	Excellent
774446	2019	Dodge Crew Cab 5500 Dump	85,000	55,769	50,192	Excellent
774546	2019	Dodge Crew Cab 5500 Dump	85,000	55,769	50,192	Excellent
774846	2019	Falcon 4 Ton Asphalt Reclaimer Trailer	47,091	30,897	27,807	Excellent
775146	2019	Case 721 Wheel Loader	240,000	157,464	141,718	Excellent
776746	2019	Ford F350 Pick-Up Truck Tailgate	31,591	20,727	18,654	Excellent
779346	2019	Case 590 SN Backhoe	172,000	112,849	101,564	Excellent
787546	2020	Stihl 201TC Chain Saw	700	459	413	Excellent
787646	2020	Stihl MS291 Chain Saw	850	558	502	Excellent
787746	2020	Stihl MS362 Chain Saw	616	404	364	Excellent
794846	2020	Stihl MS201T Chain Saw	589	429	386	Excellent
794946	2020	Stihl MS362CM Chain Saw	616	449	404	Excellent
795046	2020	Red Max Blower Backpack	419	305	275	Excellent
795146	2020	Stihl Pole Pruner	305	223	201	Excellent
799246	2020	Brush Bandit 18XP Wood Chipper	59,829	43,615	39,254	Excellent
800346	2020	John Deere Tractor Mower	145,038	105,733	95,160	Excellent
808046	2021	John Deere A Boom Mower	145,037	117,480	105,732	Excellent
810146	2021	Freightliner Sign Truck	263,319	213,288	191,959	Excellent
810246	2021	Freightliner Crane/Rolloff	337,583	273,443	246,099	Excellent
816446	2021	Dodge 2500 Plow & Spreader	46,889	37,980	34,182	Excellent
816546	2021	Dodge 2500 Plow	45,786	37,086	33,377	Excellent
818146	2021	Case 340B Skidsteer	126,559	102,513	92,262	Excellent
820046	2022	Ford F750 Dump	139,396	112,910	101,619	Excellent
825446	2021	Case 280B Skidsteer	119,879	97,102	87,392	Excellent
829546	2022	Silverado 3500 (Stisi)	43,863	35,529	31,976	Excellent
836846	2022	Ford, F650, Attenuator Truck	149,901	121,420	109,278	Excellent
837446	2022	Stihl, MS 661, Chain Saw	1,200	972	875	Excellent
837546	2022	Stihl, MS 661, Chain Saw	1,200	972	875	Excellent
837646	2022	Stihl, MS 201T, Chain Saw	620	502	452	Excellent
840746	2022	Falcon, 3 Ton, Hot Box	46,371	37,561	33,805	Excellent
840846	2022	Chevrolet, Pick-Up, 3500	45,165	36,584	32,926	Excellent
840946	2022	Chevrolet, Pick-Up, 3500	45,165	36,584	32,926	Excellent

Sheet Sub Total = \$ 2,049,292 \$ 1,844,363



**WESTCHESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROAD MAINTENANCE  
AT LAKE STREET FACILITY**

2025 Inventory of Machinery and Equipment under the Jurisdiction of the Commissioner of Public Works filed in accordance with Sub. Div. #13, Sec. #102, of the Highway Law.

[illegible]

Sheet Sub Total = \$ 1,190,278 \$ 1,105,028

GRAND TOTAL = \$ 5,162,931 \$ 5,697,735

**HARRIS BEACH MURTHA**  
ATTORNEYS AT LAW

January 7, 2025

445 HAMILTON AVENUE, SUITE 1206  
WHITE PLAINS, NEW YORK 10601  
914.683.1200

**ADRIANA M. BARANELLO**  
ASSOCIATE  
DIRECT: 914.298.3023  
FAX: 914.683.1210  
ABARANELLO@HARRISBEACHMURTHA.COM

**VIA CERTIFIED MAIL**

**# 9589 0710 5270 2083 9366 24**

Ms. Lynette Thomas-Braggs, Assessor  
Assessment Department  
Yonkers City Hall  
40 South Broadway, Room 100  
Yonkers, New York 10701

Re: Hampshire Management Company Number 30, LLC ("Company") and City of  
Yonkers Industrial Development Agency ("Agency"): Tax Agreement and NYS  
Form RP-412-a, "Application for Real Property Tax Exemption"

Section 5, Lot 5425, Lots 98 and 100 and Section 5, Block 5453, Lot 50  
City of Yonkers, New York

Dear Ms. Thomas-Braggs:

On behalf of the City of Yonkers Industrial Development Agency, I have enclosed for you,  
the Assessor of the jurisdiction within which the above-referenced Premises is located, a  
completed and signed original "Application for Real Property Tax Exemption" on NYS Form RP-  
412-a with a copy of the underlying executed Tax Agreement.

Should you have questions, please contact me at (914) 298-3023. Thank you.

Very truly yours,



Adriana M. Baranello

Enclosures

cc: Affected Taxing Jurisdiction Officials  
indicated on Schedule A attached hereto (w/ enc. – copies)

HARRIS BEACH MURTHA CULLINA PLLC

4937-8516-7625\ v2

Ms. Lynette Thomas-Braggs, Assessor  
January 7, 2025  
Page 2

Schedule A

**Via Certified Mail**

**# 9589 0710 5270 2083 9366 17**

The Honorable George Latimer  
Westchester County Executive  
148 Martine Avenue, 9<sup>th</sup> Floor  
White Plains, New York 10601

**Via Certified Mail**

**# 9589 0710 5270 2083 9366 00**

County Attorney  
Westchester County Attorney's Office  
Contracts and Real Estate Bureau  
148 Martine Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601

**Via Certified Mail**

**# 9589 0710 5270 2083 9365 94**

Westchester County Tax Commission  
Attn: Executive Director  
110 Dr. Martin Luther King Jr. Blvd.  
Room L-222  
White Plains, New York 10601

**Via Certified Mail**

**# 9589 0710 5270 2083 9365 87**

Yonkers Corporation Counsel  
Yonkers City Hall  
40 South Broadway #300  
Yonkers, New York 10701

**Via Certified Mail**

**# 9589 0710 5270 2083 9365 70**

The Hon. Vedat Gashi, Chairman  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8<sup>th</sup> Floor  
White Plains, New York 10601

**Via Certified Mail**

**# 9589 0710 5270 2083 9365 63**

Westchester County Department of Finance  
Attn: Commissioner of Finance  
148 Martine Avenue, Suite 720  
White Plains, New York 10601

**Via Certified Mail**

**# 9589 0710 5270 2083 9364 19**

The Hon. Michael Spano  
Mayor of the City of Yonkers  
Yonkers City Hall  
40 South Broadway, Room 200  
Yonkers, New York 10701

**Via Certified Mail**

**# 9589 0710 5270 2083 9364 26**

Assessment Department  
Yonkers City Hall  
40 South Broadway, Room 100  
Yonkers, New York 10701  
Attn: Assistant Assessor



**NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

**1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name City of Yonkers IDA  
Street 470 Nepperhan Avenue, Suite 200  
City Yonkers, New York 10701  
Telephone no. Day (914) 509-8651  
Evening ( ) \_\_\_\_\_  
Contact Jaime McGill  
Title Executive Director

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name Hampshire Management Company Number 30, LLC  
Street 969 Midland Avenue  
City Yonkers, New York 10704  
Telephone no. Day ( 914 ) 378-8812  
Evening ( ) \_\_\_\_\_  
Contact Gregory Petrillo  
Title Member

**3. DESCRIPTION OF PARCEL**

- a. Assessment roll description (tax map no./roll year)  
Block: 5425, Lots 98&100; Block 5453, Lot 50
- b. Street address 1111 aka 1113 Central Park Avenue
- c. City, Town or Village City of Yonkers
- d. School District Yonkers Public Schools
- e. County Westchester
- f. Current assessment \_\_\_\_\_
- g. Deed to IDA (date recorded; liber and page)  
Lease to IDA (pending; pending)

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

- a. Brief description (include property use) Construction, renovation and equipping of a 5-story approximately 160,000 square foot self-storage facility along with office space, 4-bay loading area, and parking for 24 vehicles, as fully described in the attached Tax Agreement
- b. Type of construction \_\_\_\_\_
- c. Square footage \_\_\_\_\_
- d. Total cost Approx. \$24,000,000
- e. Date construction commenced Immediately
- f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA) \_\_\_\_\_

**5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment See attached Tax Agreement  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Projected expiration date of agreement \_\_\_\_\_

## c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Yonkers</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village _____	<input type="checkbox"/>	<input type="checkbox"/>
School District <u>Yonkers</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## d. Person or entity responsible for payment

Name Hampshire Management Company Number 30, LLC  
 Title Attn: Greg Petrillo, Member  
 Address 969 Midland Avenue  
Yonkers, New York 10704

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)

If "No" identify owner and explain IDA rights or interest  
 in an attached statement. IDA has leasehold interest in property,

Telephone (914) 378-8812

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☐ Yes ☒ No

If yes, list the statutory exemption reference and assessment roll year on which granted:  
 exemption \_\_\_\_\_ assessment roll year \_\_\_\_\_

## 7. A copy of this application, including all attachments, has been mailed or delivered on \_\_\_\_\_ (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Susan Gerry, Secretary \_\_\_\_\_ of  
 Name Title  
City of Yonkers Industrial Development Agency hereby certify that the information  
 Organization  
 on this application and accompanying papers constitutes a true statement of facts.

As of December 27, 2024  
 Date

X Susan Gerry  
 Signature

**FOR USE BY ASSESSOR**

1. Date application filed \_\_\_\_\_
2. Applicable taxable status date \_\_\_\_\_
- 3a. Agreement (or extract) date \_\_\_\_\_
- 3b. Projected exemption expiration (year) \_\_\_\_\_
4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_
5. Special assessments and special ad valorem levies for which the parcel is liable:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Assessor's signature

**CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY**

**AND**

**HAMPSHIRE MANAGEMENT COMPANY NUMBER 30, LLC**

---

**TAX AGREEMENT**

---

**Dated as of December 27, 2024**

**Affected Tax Jurisdictions:**

City of Yonkers  
Westchester County  
City of Yonkers Dependent School District

<b><u>Street Address</u></b>	<b><u>Tax Map Number</u></b>
1111 Central Park Avenue	Section 5, Block 5425, Lots 98 and 100 Section 5, Block 5453, Lot 50

## TAX AGREEMENT

THIS TAX AGREEMENT (the "Agreement"), dated as of December 27, 2024, by and between **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York with its offices located at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701 (the "Agency") and **HAMPSHIRE MANAGEMENT COMPANY NUMBER 30, LLC**, a New York limited liability company having offices 969 Midland Avenue, Yonkers, New York 10704 (the "Company").

### W I T N E S S E T H :

WHEREAS, the Agency was created by Chapter 83 of the Laws of 1982 of the State of New York pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

WHEREAS, the Company, for itself or on behalf of an entity to be formed has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition or retention of an approximately 1.95 acre parcel including, but not limited to, all easements, licenses, and other real property interests owned or controlled by the Company where improvements benefitting the Project are situated, commonly known as 1111 (a/k/a/ 1113) Central Park Avenue (Section 5, Block 5425, Lots 98 and 100 and Section 5, Block 5453, Lot 50) (the "Land"); (ii) the construction, renovation, improving, maintaining and equipping on the Land of a five story, approximately 160,600 square foot self-storage facility (approximately 32,120 square feet per floor) along with office space, a 4-bay truck loading area, and parking for 24 vehicles (the "Improvements"); (iii) the acquisition and installation in and around the Land and Improvements of certain items of equipment and other tangible personal property (the "Equipment", which together with the Land and Improvements are the "Facility"); and

WHEREAS, in order to induce the Company to develop the Facility, the Agency is willing to take a leasehold interest in the Facility pursuant to the terms and conditions contained in that certain Lease Agreement, dated as of December 27, 2024, by and between the Agency and the Company (the "Lease Agreement"); and

WHEREAS, the Agency proposes to lease the Facility back to the Company, and the Company desires to rent the Facility from the Agency, upon the terms and conditions hereinafter set forth in that certain Leaseback Agreement, dated as of December 27, 2024, by and between the Agency and the Company (the "Leaseback Agreement"); and

WHEREAS, the Agency has determined that providing the Facility will accomplish, in part, its public purposes; and

WHEREAS, the Company has agreed with the Agency, on behalf of the Agency and as the Agency's agent, to acquire, construct and equip the Facility in accordance with the Application filed with the Agency; and



WHEREAS, pursuant to Section 874(1) of the Act, the Agency is exempt from the payment of taxes imposed upon real property and improvements owned by it or under its jurisdiction, control or supervision, other than special charges as defined by Section 2.1 which shall be paid by the Company outside this Tax Agreement as billed by the respective third parties; and

WHEREAS, the Agency and the Company deem it necessary and proper to enter into an agreement making provisions for payments in lieu of taxes by the Company to the Agency for the benefit of Westchester County (the "County") and the City of Yonkers (the "City"), inclusive of the City of Yonkers Dependent School District ("School District"; and collectively, the "Affected Tax Jurisdictions"); and

NOW, THEREFORE, in consideration of the covenants herein contained and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Section I - Payment in lieu of Ad Valorem Taxes:

Section 1.1 Exemption Application. A.) Subject to the completion and filing by the Agency or its designee at the direction of the Agency on or before the taxable status date **October 15, 2025** (the "Taxable Status Date") of New York State Form RP-412-a Application For Real Property Tax Exemption (the "Exemption Application") under Section 412-a of the New York State Real Property Tax Law and Section 874 of the Act and the approval of the Exemption Application by the appropriate assessors or Board of Assessment Review, the Facility shall be exempt from Real Estate Taxes for the periods set forth in Section 1.3. For purposes of the foregoing, "Real Estate Taxes" means all general levy real estate taxes levied against the Facility by the County and City, including Real Estate Taxes levied by the City for its Dependent School District. The Company shall provide the Agency with the information necessary for the completion and filing of the Exemption Application and shall provide such additional information and take such actions as are required by the appropriate assessors or Board of Assessment Review to process and approve the Exemption Application. Notwithstanding anything contained herein or in the Leaseback Agreement to the contrary, in the event the exemption from Real Estate Taxes is denied for any reason, the Company shall pay (and hereby agrees to pay) all Real Estate Taxes levied upon the Facility as they become due, specifically including but not limited to Real Estate Taxes for years prior to and after the tax years covered by this Tax Agreement. After giving written notice to the Agency, the Company may in good faith contest the denial of the Exemption Application, provided that (i) the overall operating efficiency of the Facility is not impaired and the Facility continues to qualify as a "project" under the Act; (ii) neither the Facility nor any part of or interest in it would be in any danger of being sold, forfeited or lost; or (iii) neither the Company nor the Agency, as a result of such contest, shall be in any danger of any civil or criminal liability. The Company hereby waives any claim or cause of action against the Agency, and releases the Agency from any liability to the Company, arising from the denial of an exemption from Real Estate Taxes except to the extent that such denial results solely from the failure of the Agency to file the Exemption Application with the appropriate assessors or Board of Assessment Review by the Taxable Status Date.



B.) Agreement to Make Payments. The parties agree and acknowledge that payments made under this Agreement are for purposes of obtaining revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the subject parcels are exempt from the payment of real property taxes pursuant to Section 412-a of the Real Property Tax Law and Section 874 of the General Municipal Law. The Company shall pay to the Agency, on September 1 (the "Payment Date") of each year beginning on **September 1, 2026** (for the benefit of the Affected Tax Jurisdictions), as an in lieu of tax payment, an amount equal to the Tax Payments as set forth on Schedule A (the "Tax Payments") for the periods described in Section 1.3.

**All Tax Payments shall be mailed to the Agency at: 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701,** or as otherwise directed by the Agency. The Company hereby agrees to make all such Tax Payments without further notice or invoice from the Agency or the Affected Tax Jurisdictions. All checks shall be made payable as directed by the Agency from time to time.

(i) The Company hereby waives any and all rights it may have to any refund of prior tax payments to the periods described in Section 1.3.

(ii) The Agency and the Company intend to establish a fixed payment schedule of Tax Payments as set forth in Schedule A hereto that are in lieu of real estate taxes with respect to the Facility that, absent a default by the Company or a change in law, shall provide tax certainty for the Company and revenue certainty for the Affected Tax Jurisdictions.

(iii) Right to Grieve Assessed Value of the Property for Purposes of Calculating Full Taxes. Notwithstanding the foregoing, the Company shall have the right to institute a judicial or other review of the assessed value of the Facility, whether pursuant to the provisions of Article 7 of the New York Real Property Tax Law ("RPTL") or other applicable law, as the same may be amended from time to time; provided, however, that no such judicial or other review or settlement thereof shall have any effect on the Company's obligation to make the Tax Payments when due. Such judicial or other review shall only be for the purposes of setting the assessed value of the Facility as though the Facility was on the tax rolls of each Affected Tax Jurisdiction as taxable real property, but shall have no effect on the other terms of this Agreement or the tax-exempt status of the Facility during the term of this Agreement. Furthermore, the Company shall not seek a refund of any Tax Payments or taxes paid or to be paid and expressly waives and releases its right to seek such refund.

(iv) Right to Grieve Assessed Value of the Property for the Purposes of Calculating Special Charges. At any time during the term of this Agreement, the Company shall be entitled to institute a grievance which would cause an adjustment of the Special Charges (as defined in Section 2.1) and the Company shall be limited to the right to refunds related to grievances involving Special Charges.

(v) Except as set forth herein, the Tax Payments as set forth in Schedule A shall not be contested, grieved or refuted during and for the term of this Agreement and the Company shall not seek a refund of any Tax Payments made or any taxes paid or to be paid.

(vi) Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder, if any, within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to a specific allocation.

1.2 Valuation of Future Additions to the Facility: If there shall be a future addition to the Facility that has not been described in the Application constructed or added in any manner after the date of this Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the application for a building permit, plans and specifications, and any other relevant evidence that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Tax Payment. The Agency shall notify the Company of any proposed increase in the Tax Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Additions made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the increased Tax Payment until a different Tax Payment shall be established. If a lesser Tax Payment is determined in any proceeding or by subsequent agreement of the parties, the Tax Payment shall be re-computed and any excess payment shall be refunded to the Company or, in the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding Tax Payment(s).

1.3 Period of Benefits.

The tax benefits provided for herein shall be deemed to include: (i) the 2027 County tax year through the 2041 County tax year, and (ii) the 2026-2027 City tax year through the 2040-2041 City tax year. **This Tax Agreement shall expire on December 31, 2041** (with the understanding that the Company will be making a payment hereunder for the 2042 County tax year and the 2040-2041 City tax year in the amounts as if the Agency were not in title on the tax lien date with respect to said tax years). In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the exemptions provided by Section 485-b of the RPTL; provided, the foregoing shall not be interpreted to limit the Company and Agency from subsequently agreeing to additional benefits based upon commitments to make additional improvements or changes in use from time to time between the Agency and the Company. It is hereby agreed and understood that the Affected Tax Jurisdictions can rely upon and enforce the above waiver to the same extent as if they were signatories hereto.

## Section II - Special District Charges, Special Assessments and other charges.

2.1 *Special District Charges and other payments:* Special district charges, special assessments, special ad valorem levies specifically including but not limited to charges imposed by the City of Yonkers for frontage fees ("CC001"); Housing Units ("CC002"); ETPA Charge ("CC003"); and a Safety Inspection Fee ("CC004") and district charges including but not limited to pure water charges and Westchester County sewer district charges (collectively the "Special Charges"), are not included in the amount of the Tax Payment and are to be paid in full in accordance with normal billing practices.

## Section III - Transfer of Facility.

3.1 In the event this Agreement terminates and the property is not timely transferred back to the Company, the Company agrees to pay no later than the next tax lien date (plus any applicable grace period), to each of the Affected Tax Jurisdictions, an amount equal to the taxes and assessments which would have been levied on the Facility if the Facility had been classified as fully taxable as of the date of transfer or loss of eligibility of all or a portion of the exemption described herein or date of termination.

## Section IV - Assessment Challenges.

4.1 The Company shall have all of the rights and remedies of a taxpayer as if and to the same extent as if the Company were the owner of the Facility, with respect to any proposed assessment or change in assessment with respect to the Facility of any of the Affected Tax Jurisdictions and likewise shall be entitled to protest before and be heard by the appropriate assessors or Board of Assessment Review, and shall be entitled to take any and all appropriate appeals or initiate any proceedings to review the validity or amount of any assessment.

4.2 The Company shall have all of the rights and remedies of a taxpayer with respect to any Special Charges as if and to the same extent as if the Company were the owner of the Facility.

4.3 The Company shall file any accounts or tax returns required by the appropriate real estate tax assessment office and tax levy officers and provide information to the Agency as requested from time to time.

## Section V - Changes in Law.

5.1 To the extent the Facility is declared to be subject to taxation or assessment by an amendment to the Act, other legislative change, or by final judgment of a Court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

## Section VI - Events of Default.

6.1 The following shall constitute "Events of Default" hereunder. The failure by the Company to: (i) make the payments described in Section I within thirty (30) days of the Payment

Date (the "Delinquency Date"); (ii) make any other payments described herein on or before the last day of any applicable cure period within which said payment can be made without penalty; or (iii) the occurrence and continuance of any events of default under the Leaseback Agreement after the expiration of any applicable cure periods. Upon the occurrence of any Event of Default hereunder, in addition to any other right or remedy the Agency and/or the Affected Tax Jurisdictions may have at law or in equity, the Agency and/or Affected Tax Jurisdictions may, immediately and without further notice to the Company (but with notice to the Agency with respect to actions maintained by the Affected Tax Jurisdictions) pursue any action in the courts to enforce payment or to otherwise recover directly from the Company any amounts so in default. The Agency and the Company hereby acknowledge the right of the Affected Tax Jurisdictions to recover directly from the Company any amounts so in default pursuant to Section 874(6) of the General Municipal Law and the Company shall immediately notify the Agency of any action brought, or other measure taken, by any Affected Tax Jurisdiction to recover any such amount.

6.2 If payments pursuant to Section I herein are not made by the Delinquency Dates, or if any other payment required to be made hereunder is not made by the last day of any applicable cure period within which said payment can be made without penalty, the Company shall pay penalties and interest as follows. With respect to payments to be made pursuant to Section I herein, if said payment is not received by the Delinquency Date defined in Section 6.1 herein, Company shall pay, in addition to said payment, (i) a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such payment is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to one percent (1%) per month. With respect to all other payments due hereunder, if said payment is not paid within any applicable cure period, Company shall pay, in addition to said payment, the greater of the applicable penalties and interest or penalties and interest which would have been incurred had payments made hereunder been tax payments to the Affected Tax Jurisdictions.

6.3 Prior to exercising any remedy hereunder, any Mortgagee, as defined in the Leaseback Agreement dated the date hereof, between the Agency and the Company, shall be afforded notice and the cure rights set forth in such section, as if such section were set forth in full herein.

#### Section VII - Assignment.

7.1 No portion of any interest in this Agreement may be assigned by the Company, nor shall any person other than the Company be entitled to succeed to or otherwise obtain any benefits of the Company hereunder without the prior written consent of the Agency, which shall not be unreasonably withheld or delayed.

#### Section VIII – Miscellaneous.

8.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

8.2 Notices. All notices, certificates and other communications hereunder shall be in



writing and shall be sufficiently given and shall be deemed given when delivered and, if delivered by mail, shall be sent by certified mail, postage prepaid, or to a nationally recognized courier such as Federal Express, addressed as follows:

To the Agency: City of Yonkers Industrial Development Agency  
470 Nepperhan Avenue, Suite 200  
Yonkers, New York 10701  
Attn: President/CEO  
E-mail: [jaime.mcgill@yonkersida.com](mailto:jaime.mcgill@yonkersida.com)

With copy to: Harris Beach PLLC  
445 Hamilton Avenue, Suite 1206  
White Plains, New York 10601  
Attn: Shawn M. Griffin, Esq.  
E-mail: [sgriffin@harrisbeach.com](mailto:sgriffin@harrisbeach.com)

To the Company: Hampshire Management Company Number 30, LLC  
969 Midland Avenue  
Yonkers, New York 10704  
Attention: Paul Conley  
E-mail:

With copy to: Veneruso, Curto, Schwartz, and Curto, LLP  
The Sterling National Bank Building, Suite 400  
35 East Grassy Sprain Road  
Yonkers, New York 10710  
Attn: James J. Veneruso, Esq.  
E-mail:

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed or personally delivered in the manner provided in this Section. Any notice hereunder may be given by counsel for a party with the same force and effect as if given by such party.

8.3 This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Westchester County, New York.

8.4 Notwithstanding any other term or condition contained herein, all obligations of the Agency hereunder shall constitute a special obligation payable solely from the revenues and other monies, if any, derived from the Facility and paid to the Agency by the Company. Neither member of the Agency nor any person executing this Agreement on its behalf shall be liable personally under this Agreement. No recourse shall be had for the payment of the principal or interest on

amounts due hereunder or for any claim based upon or in respect of any modification of or supplement hereto against any past, present or future member, officer, agent, servant, or employee, as such, of the Agency, or of any successor or political subdivision, either directly or through the Agency or any such successor, all such liability of such members, officer, agents, servants and employees being, to the extent permitted by law, expressly waived and released by the acceptance hereof and as part of the consideration for the execution of this Agreement.

[The Balance of This Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YONKERS INDUSTRIAL  
DEVELOPMENT AGENCY**

By: \_\_\_\_\_

Susan Gerry, Secretary

[Signature Page to Tax Agreement – 1 of 2]

**HAMPSHIRE MANAGEMENT COMPANY  
NUMBER 30, LLC,**  
a New York Limited Liability Company

By:   
Name: Gregory J Petrillo  
Title: Co-Managing Member

[Signature Page to Tax Agreement – 2 of 2]



**SCHEDULE A**  
to  
Tax Agreement  
Dated as of December 27, 2024  
by and between  
City of Yonkers Industrial Development Agency  
and Hampshire Management Company Number 30, LLC

Pursuant to the terms of Section 1.1 of this Tax Agreement, "Tax Payments" shall mean an amount per annum equal to the following amounts for the period designated:

City Tax Year	County Tax Year	Tax Agreement Year	Percent of Full Taxes Paid	<b><u>Estimated</u></b> Tax Payment
2026-2027	2027	1	35% of Full Taxes	\$93,126
2027-2028	2028	2	43% of Full Taxes	\$165,436
2028-2029	2029	3	45% of Full Taxes	\$227,584
2029-2030	2030	4	47% of Full Taxes	\$240,076
2030-2031	2031	5	50% of Full Taxes	\$257,954
2031-2032	2032	6	50% of Full Taxes	\$260,534
2032-2033	2033	7	60% of Full Taxes	\$315,767
2033-2034	2034	8	65% of Full Taxes	\$345,501
2034-2035	2035	9	70% of Full Taxes	\$375,799
2035-2036	2036	10	75% of Full Taxes	\$406,668
2036-2037	2037	11	85% of Full Taxes	\$465,500
2037-2038	2038	12	93% of Full Taxes	\$514,405
2038-2039	2039	13	95% of Full Taxes	\$530,722
2039-2040	2040	14	97% of Full Taxes	\$547,314
2040-2041	2041	15	100% of Full Taxes	\$569,883

- The Agency interest in the Facility shall expire on **December 31, 2041**. The Company shall pay the **2042** County tax bill and the **2041-2042** City tax bill and tax bills for all subsequent tax years on the dates and in the amounts as if the Agency were not in title on

the tax status date with respect to said tax years. Tax Payments shall be no less than the Full Taxes paid prior to the Tax Agreement. Full Taxes means all property taxes payable with respect to the Facility calculated in an amount equal to the amounts that would be paid if the Agency were not in title and no exemption was available.

- Does NOT include Special District Charges - City will send separate bill.
- The Tax Payment sums are estimated.

**HARRIS BEACH MURTHA**  
ATTORNEYS AT LAW

January 3, 2025

445 HAMILTON AVENUE, SUITE 1206  
WHITE PLAINS, NEW YORK 10601  
914.683.1200

**ADRIANA M. BARANELLO**  
ASSOCIATE  
DIRECT: 914.298.3023  
FAX: 914.683.1210  
ABARANELLO@HARRISBEACHMURTHA.COM

**TAX AGREEMENT**

**VIA CERTIFIED MAIL**

**#9489-0027-0090-6674-8721-16**

Ms. Lynette Thomas-Braggs, Assessor  
Assessment Department  
Yonkers City Hall  
40 South Broadway, Room 100  
Yonkers, New York 10701

Re: The Abbey on Park Limited Partnership, The Abbey on Park Housing Development Fund Company, Inc., and City of Yonkers Industrial Development Agency ("Agency");

Tax Agreement and NYS Form RP-412-a, "Application for Real Property Tax Exemption"

Property: Section 2, Lot 2090, Lot 44, City of Yonkers, New York

Dear Ms. Thomas-Braggs:

On behalf of the City of Yonkers Industrial Development Agency, I have enclosed for you, the Assessor of the jurisdiction within which the above-referenced Premises is located, a completed and signed original "Application for Real Property Tax Exemption" on NYS Form RP-412-a with a copy of the underlying executed Tax Agreement.

Should you have questions, please contact me at (914) 298-3023. Thank you.

Very truly yours,



Adriana M. Baranello

Enclosures

cc: Affected Taxing Jurisdiction Officials  
indicated on Schedule A attached hereto (w/encs. – copies)

HARRIS BEACH MURTHA CULLINA PLLC

Ms. Lynette Thomas-Braggs, Assessor  
January 3, 2025  
Page 2

Schedule A

**Via Certified Mail**

**#9489-0090-0027-6674-8720-31**

Richard Wishnie  
Acting County Executive  
148 Martine Avenue, 9<sup>th</sup> Floor  
White Plains, New York 10601

**Via Certified Mail**

**#9489-0090-0027-6674-8720-55**

County Attorney  
Westchester County Attorney's Office  
Contracts and Real Estate Bureau  
148 Martine Avenue, 6th Floor  
White Plains, New York 10601

**Via Certified Mail**

**#9489-0090-0027-6674-8720-79**

Westchester County Tax Commission  
Attn: Executive Director  
110 Dr. Martin Luther King Jr. Blvd.  
Room L-222  
White Plains, New York 10601

**Via Certified Mail**

**#9489-0090-0027-6674-8720-31-93**

Yonkers Corporation Counsel  
Yonkers City Hall  
40 South Broadway #300  
Yonkers, New York 10701

**Via Certified Mail**

**#9489-0090-0027-6674-8720-48** ✓

The Hon. Vedat Gashi, Chairman  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8th Floor  
White Plains, New York 10601

**Via Certified Mail**

**#9489-0090-0027-6674-8720-62**

Westchester County Department of Finance  
Attn: Commissioner of Finance  
148 Martine Avenue, Suite 720  
White Plains, New York 10601

**Via Certified Mail**

**#9489-0090-0027-6674-8720-86**

The Hon. Michael Spano  
Mayor of the City of Yonkers  
Yonkers City Hall  
40 South Broadway, Room 200  
Yonkers, New York 10701

**Via Certified Mail**

**#9489-0090-0027-6674-8721-09**

Assessment Department  
Yonkers City Hall  
40 South Broadway, Room 100  
Yonkers, New York 10701  
Attn: Assistant Assessor



**NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

**1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name City of Yonkers IDA  
Street 470 Nepperhan Avenue, Suite 200  
City Yonkers, New York 10701  
Telephone no. Day (914) 509-8651  
Evening ( ) \_\_\_\_\_  
Contact Jaime McGill  
Title Executive Director

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name The Abbey on Park Limited Partnership  
Street c/o The Kearney Realty & Development Group, Inc.  
57 Route 6, Suite 207  
City Baldwin Place, New York 10505  
Telephone no. Day ( 845 ) 306-7705  
Evening ( ) \_\_\_\_\_  
Contact Sean Kearney  
Title Principal of Occupant

**3. DESCRIPTION OF PARCEL**

- a. Assessment roll description (tax map no./roll year)  
2-2090-44  
b. Street address 21-23 Park Avenue  
c. City, Town or Village City of Yonkers

d. School District Yonkers Public Schools

e. County Westchester

f. Current assessment \_\_\_\_\_

g. Deed to IDA (date recorded; liber and page)  
Lease to IDA (pending; pending)

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

- a. Brief description (include property use) Construction, reconstruction, renovation and equipping of  
82 new affordable multi-family residential units, parking, and related improvements, all as more  
fully described in the attached Tax Agreement  
b. Type of construction Multi-family residential  
c. Square footage \_\_\_\_\_  
d. Total cost Approx. \$58,915,217  
e. Date construction commenced Immediately  
f. Projected expiration of exemption (i.e.  
date when property is no longer  
possessed, controlled, supervised or  
under the jurisdiction of IDA)  
December 31, 2046

**5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE  
MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment See attached Tax Agreement

- b. Projected expiration date of agreement December 31, 2046

## **TAX AGREEMENT**

THIS TAX AGREEMENT (the "Agreement"), dated as of December 1, 2024, by and between **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York with its offices located at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701 (the "Agency") **THE ABBEY ON PARK LIMITED PARTNERSHIP**, a New York limited partnership having offices at c/o The Kearney Realty & Development Group Inc., 57 Route 6, Suite 207, Baldwin Place, New York 10505 ("Abbey LP"), and **THE ABBEY ON PARK HOUSING DEVELOPMENT FUND COMPANY, INC.**, a housing development fund company formed pursuant to Article XI of the Private Housing Finance Law of the State of New York, with offices at c/o Housing Action Council, Inc., 55 South Broadway, 1st Floor, Tarrytown, New York 10591 (the "HDFC"; and together with Abbey LP, the "Company").

### **WITNESSETH:**

WHEREAS, the Agency was created by Chapter 83 of the Laws of 1982 of the State of New York pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

WHEREAS, the Company, for itself or on behalf of an entity to be formed has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (A) the acquisition or retention of the land, including, but not limited to, all easements, licenses, and other real property interests owned or controlled by the Company where improvements benefitting the Project are situated, commonly known as 23 Park Avenue (Section 2, Block 2090, Lot 44), City of Yonkers, New York (the "Land"); (B) the construction, improving and equipping on the Land of (i) 82 new affordable multi-family residential rental units in three buildings consisting of: (a) a new facility containing 33 residential rental units, and (b) 49 new residential rental units from the renovation and adaptive reuse of the historic Ethan Flagg House and Blessed Sacrament Monastery, (ii) of the 82 units, 31 units will be studios, 41 units will be one-bedroom, and 10 units will be two-bedroom, (iii) resident amenities including bicycle storage, on site-management and workspaces, (iv) sidewalk improvements on Park Avenue, and (v) approximately 82 parking spaces (24 on-site spaces, and 58 spaces which will be made available from a nearby parking facility) (the "Improvements"), (C) of the total 82 residential rental units, 17 units will be provided at or below 50% of Westchester County's Area Median Income ("AMI"), 57 units will be provided at or below 60% AMI, and 7 units will be provided at or below 70% AMI, and one (1) unit will be a superintendent's unit; and (D) the acquisition and installation in and around the Land and Improvements of certain items of equipment and other tangible personal property (the "Equipment", which together with the Land and Improvements are the "Facility"); and

WHEREAS, in connection with the Project, an affiliate of the Company submitted an application to the CITY OF YONKERS ECONOMIC DEVELOPMENT CORPORATION ("YEDC"), requesting that YEDC issue its tax-exempt and/or taxable revenue bonds for the benefit of the Company in one or more series in an aggregate principal amount of up to \$27,170,000 (the "Bonds") for the purpose of paying the costs associated with: (i) the Project, and (ii) funding of a

debt service reserve fund, if any, and paying capitalized interest, if any, and certain other costs incidental to the issuance of the Bonds; and

WHEREAS, in order to induce the Company to develop the Facility, the Agency is willing to hold a leasehold interest in the Land, Improvements and Equipment constituting the Facility pursuant to the terms and conditions contained in that certain Lease Agreement, dated as December 1, 2024, by and between the Agency and the Company (the "Lease Agreement"); and

WHEREAS, the Agency proposes to lease the Facility back to the Company, and the Company desires to rent the Facility from the Agency, upon the terms and conditions hereinafter set forth in that certain Leaseback Agreement, dated as of December 1, 2024, by and between the Agency and the Company (the "Leaseback Agreement"); and

WHEREAS, the Agency has determined that providing the Facility will accomplish, in part, its public purposes; and

WHEREAS, the Company has agreed with the Agency, on behalf of the Agency and as the Agency's agent, to acquire, construct and equip the Facility in accordance with the Application filed with the Agency; and

WHEREAS, pursuant to Section 874(1) of the Act, the Agency is exempt from the payment of taxes imposed upon real property and improvements owned by it or under its jurisdiction, control or supervision, other than special charges as defined by Section 2.1 which shall be paid by the Company outside this Tax Agreement as billed by the respective third parties; and

WHEREAS, the Agency and the Company deem it necessary and proper to enter into an agreement making provisions for payments in lieu of taxes by the Company to the Agency for the benefit of Westchester County and the City of Yonkers, inclusive of the City of Yonkers Dependent School District (collectively, the "Affected Tax Jurisdictions"); and

NOW, THEREFORE, in consideration of the covenants herein contained and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Section I - Payment in lieu of Ad Valorem Taxes:

Section 1.1 Exemption Application. A.) Subject to the completion and filing by the Agency or its designee at the direction of the Agency on or before the taxable status date **October 15, 2025** (the "Taxable Status Date") of New York State Form RP-412-a Application For Real Property Tax Exemption (the "Exemption Application") under Section 412-a of the New York State Real Property Tax Law and Section 874 of the Act and the approval of the Exemption Application by the appropriate assessors or Board of Assessment Review, the Facility shall be exempt from Real Estate Taxes for the periods set forth in Section 1.3. For purposes of the foregoing, "Real Estate Taxes" means all general levy real estate taxes levied against the Facility by the County and City, including Real Estate Taxes levied by the City for its Dependent School District. The Company shall provide the Agency with the information necessary for the completion and filing of the Exemption Application and shall provide such additional information and take such actions as are required by the appropriate assessors or Board of Assessment Review to process



and approve the Exemption Application. Notwithstanding anything contained herein or in the Leaseback Agreement to the contrary, in the event the exemption from Real Estate Taxes is denied for any reason, the Company shall pay (and hereby agrees to pay) all Real Estate Taxes levied upon the Facility as they become due, specifically including but not limited to Real Estate Taxes for years prior to and after the tax years covered by this Tax Agreement. After giving written notice to the Agency, the Company may in good faith contest the denial of the Exemption Application, provided that: (i) the overall operating efficiency of the Facility is not impaired and the Facility continues to qualify as a "project" under the Act; (ii) neither the Facility nor any part of or interest in it would be in any danger of being sold, forfeited or lost; (iii) neither the Company nor the Agency, as a result of such contest, shall be in any danger of any civil or criminal liability; and (iv) the non-inclusion of interest on the Bonds for federal income tax purposes will not be adversely affected. The Company hereby waives any claim or cause of action against the Agency, and releases the Agency from any liability to the Company, arising from the denial of an exemption from Real Estate Taxes except to the extent that such denial results solely from the failure of the Agency to file the Exemption Application with the appropriate assessors or Board of Assessment Review by the Taxable Status Date.

**B.) Agreement to Make Payments.** The parties agree and acknowledge that payments made under this Agreement are for purposes of obtaining revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the subject parcels are exempt from the payment of real property taxes pursuant to Section 412-a of the Real Property Tax Law and Section 874 of the General Municipal Law. As long as the Facility is owned by or leased to the Agency or under its jurisdiction or control or supervision, the Company shall pay to the Agency, on September 1 (the "Payment Date") of each year beginning on September 1, 2026 (for the benefit of the Affected Tax Jurisdictions), as an in lieu of tax payment, an amount equal to the Tax Payments as set forth on Schedule A (the "Tax Payments") for the periods described in Section 1.3.

**All Tax Payments shall be mailed to the Agency at: 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701**, or as otherwise directed by the Agency. The Company hereby agrees to make all such Tax Payments without further notice or invoice from the Agency or the Affected Tax Jurisdictions. All checks shall be made payable as directed by the Agency from time to time.

(i) The Company hereby waives any and all rights it may have to any refund of prior tax payments for the periods prior to the periods described in Section 1.3. The Company hereby agrees for the benefit of the Affected Tax Jurisdictions to not seek a refund of any taxes paid or to be paid for periods prior to the periods described in Section 1.3.

(ii) The Agency and the Company intend to establish a payment schedule of Tax Payments that are in lieu of real estate taxes with respect to the Facility that, absent a default by the Company or a change in law, shall provide tax certainty for the Company and revenue certainty for the Affected Tax Jurisdictions. The Tax Payments shall be calculated, as set for in Schedule A hereto, as a percentage of the full tax payments that would otherwise be due, if the Agency were not the holder of a leasehold interest in the Facility.

(iii) **Right to Grieve Assessed Value of the Property for Purposes of Calculating Full Taxes.** Notwithstanding the foregoing, the Company shall have the right to institute a



judicial or other review of the assessed value of the Facility, whether pursuant to the provisions of Article 7 of the RPTL or other applicable law, as the same may be amended from time to time; provided, however, that no such judicial or other review or settlement thereof shall have any effect on the Company's obligation to make the Tax Payments when due. Such judicial or other review shall only be for the purposes of setting the assessed value of the Facility as though the Facility was on the tax rolls of each Affected Tax Jurisdiction as taxable real property, but shall have no effect on the other terms of this Agreement or the tax-exempt status of the Facility during the term of this Agreement. Furthermore, the Company shall not seek a refund of any Tax Payments or taxes paid or to be paid and expressly waives and releases its right to seek such refund.

(iv) Right to Grieve Assessed Value of the Property for the Purposes of Calculating Special Charges. At any time during the term of this Agreement, the Company shall only be entitled to institute a grievance which would cause an adjustment of the Special Charges (as defined in Section 2.1) and the Company shall be limited to the right to refunds related to grievances involving Special Charges.

(v) Except as set forth herein, the Tax Payments as set forth in Schedule A shall not be contested, grieved or refuted during and for the term of this Agreement and the Company shall not seek a refund of any taxes paid or to be paid.

(vi) Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder, if any, within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to a specific allocation.

1.2 Valuation of Future Additions to the Facility: If there shall be a future addition to the Facility that has not been described in the Application constructed or added in any manner after the date of this Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the application for a building permit, plans and specifications, and any other relevant evidence that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Tax Payment. The Agency shall notify the Company of any proposed increase in the Tax Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Additions made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the increased Tax Payment until a different Tax Payment shall be established. If a lesser Tax Payment is determined in any proceeding or by subsequent agreement of the parties, the Tax Payment shall be re-computed and any excess payment shall be refunded to the Company or, in the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding Tax Payment(s).

### 1.3 Period of Benefits.

The tax benefits provided for herein shall be deemed to include: (i) the 2027 County tax year through the 2046 County tax year, and (ii) the 2026-2027 City tax year through the 2045-2046 City tax year. This Tax Agreement shall expire on December 31, 2046 (with the understanding that the Company will be making a payment hereunder for the 2047 County tax year and the 2046-2047 City tax year in the amounts as if the Agency were not in title on the tax lien date with respect to said tax years). In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the exemptions provided by Section 485-b of the New York Real Property Tax Law ("RPTL"); provided, the foregoing shall not be interpreted to limit the Company and Agency from subsequently agreeing to additional benefits based upon commitments to make additional improvements or changes in use from time to time between the Agency and the Company. It is hereby agreed and understood that the Affected Tax Jurisdictions can rely upon and enforce the above waiver to the same extent as if they were signatories hereto.

### Section II - Special District Charges, Special Assessments and other charges.

2.1 *Special District Charges and other payments:* Special district charges, special assessments, special ad valorem levies specifically including but not limited to charges imposed by the City of Yonkers for frontage feet ("CC001"); Housing Units ("CC002"); ETPA Charge ("CC003"); and a Safety Inspection Fee ("CC004") and district charges including but not limited to pure water charges and Westchester County sewer district charges (collectively the "Special Charges"), are not included in the amount of the Tax Payment and are to be paid in full in accordance with normal billing practices.

### Section III - Transfer of Facility.

3.1 In the event this Agreement terminates and the property is not timely transferred back to the Company, the Company agrees to pay no later than the next tax lien date (plus any applicable grace period), to each of the Affected Tax Jurisdictions, an amount equal to the taxes and assessments which would have been levied on the Facility if the Facility had been classified as fully taxable as of the date of transfer or loss of eligibility of all or a portion of the exemption described herein or date of termination.

### Section IV - Assessment Challenges.

4.1 The Company shall have all of the rights and remedies of a taxpayer with respect to any tax (other than Real Estate Taxes), service, charge, special benefit, ad valorem levy, assessment and Special Charges as if and to the same extent as if the Agency did not hold a leasehold interested in the Facility.

4.2 The Company shall file any accounts or tax returns required by the appropriate real estate tax assessment office and tax levy officers and provide information to the Agency as requested from time to time.

#### Section V - Changes in Law.

5.1 To the extent the Facility is declared to be subject to taxation or assessment by an amendment to the Act, other legislative change, or by final judgment of a Court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

#### Section VI - Events of Default.

6.1 The following shall constitute "Events of Default" hereunder. The failure by the Company to: (i) make the payments described in Section I within thirty (30) days of the Payment Date (the "Delinquency Date"); (ii) make any other payments described herein on or before the last day of any applicable cure period within which said payment can be made without penalty; (iii) the occurrence and continuance of any events of default under the Leaseback Agreement after the expiration of any applicable cure period; or (iv) operate the Facility as an income restricted residential building. Upon the occurrence of any Event of Default hereunder, in addition to any other right or remedy the Agency and/or the Affected Tax Jurisdictions may have at law or in equity, the Agency and/or Affected Tax Jurisdictions may, immediately and without further notice to the Company (but with notice to the Agency with respect to actions maintained by the Affected Tax Jurisdictions) pursue any action in the courts to enforce payment or to otherwise recover directly from the Company any amounts so in default. The Agency and the Company hereby acknowledge the right of the Affected Tax Jurisdictions to recover directly from the Company any amounts so in default pursuant to Section 874(6) of the General Municipal Law and the Company shall immediately notify the Agency of any action brought, or other measure taken, by any Affected Tax Jurisdiction to recover any such amount.

6.2 If payments pursuant to Section I herein are not made by the Delinquency Dates, or if any other payment required to be made hereunder is not made by the last day of any applicable cure period within which said payment can be made without penalty, the Company shall pay penalties and interest as follows. With respect to payments to be made pursuant to Section I herein, if said payment is not received by the Delinquency Date defined in Section 6.1 herein, Company shall pay, in addition to said payment, (i) a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such payment is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to one percent (1%) per month. With respect to all other payments due hereunder, if said payment is not paid within any applicable cure period, Company shall pay, in addition to said payment, the greater of the applicable penalties and interest or penalties and interest which would have been incurred had payments made hereunder been tax payments to the Affected Tax Jurisdictions.

6.3 In the case of an Event of Default, if the Agency serves a notice of default upon the Company, the Agency shall serve a copy of such notice upon the Lender and the Tax Credit Investor (as each is defined in the Leaseback Agreement), and any Lender and/or Tax Credit

Investor shall have the right but not the obligation, during the Company notice and cure periods, to cure any Event of Default, and the Agency shall accept or reject such cure on the same basis as if tendered by the Company. Failure by the Agency to notify the Lender and/or Tax Credit Investor shall in no event be a waiver of the Agency's rights and/or remedies pursuant to this Agreement nor shall it subject the Agency to any liability whatsoever.

#### Section VII – Assignment.

7.1 No portion of any interest in this Agreement may be assigned by the Company, nor shall any person other than the Company be entitled to succeed to or otherwise obtain any benefits of the Company hereunder without the prior written consent of the Agency, which shall not be unreasonably withheld or delayed, except that an assignment to a Related Person, as such term is defined in the Leaseback Agreement, shall require notice to, but not prior written consent of, the Agency.

7.2 Notwithstanding anything herein to the contrary, in the event the Lender or its nominee or designee acquires the Facility by foreclosure, deed in lieu of foreclosure, or otherwise, this Tax Agreement and the rights and obligations of the Company hereunder shall, at the option of the Lender, be assigned to it or its wholly owned nominee or designee. Any such assignment shall be conditioned on the assumption of the obligations hereunder by such mortgagee or designee. The Lender shall not be liable for any events or acts of the Company which occurred prior to the date on which the Lender acquired the Facility.

#### Section VIII – Miscellaneous.

8.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

8.2 Notices. All notices, certificates and other communications hereunder shall be in writing and shall be sufficiently given and shall be deemed given when delivered and, if delivered by mail, shall be sent by certified mail, postage prepaid, or to a nationally recognized courier such as Federal Express, addressed as follows:

To the Agency:                      City of Yonkers Industrial Development Agency  
470 Nepperhan Avenue, Suite 200  
Yonkers, New York 10701  
Attn: President/CEO  
E-mail: [jaimemcgill@yonkersida.com](mailto:jaimemcgill@yonkersida.com)

With copy to:                      Harris Beach PLLC  
445 Hamilton Avenue, Suite 1206  
White Plains, New York 10601  
Attn: Shawn M. Griffin, Esq.  
E-mail: [sggriffin@harrisbeach.com](mailto:sggriffin@harrisbeach.com)



To the Company: The Abbey on Park Limited Partnership  
c/o The Kearney Realty & Development Group Inc.  
57 Route 6, Suite 207  
Baldwin Place, New York 10505  
Attn: Sean Kearney  
E-mail: [skearney@kearneyrealtygroup.com](mailto:skearney@kearneyrealtygroup.com)

And to: The Abbey on Park Housing Development Fund Company,  
Inc.  
c/o Housing Action Council, Inc.  
55 South Broadway, 1<sup>st</sup> Floor  
Tarrytown, New York 10591  
Attn: Rosemarie Noonan, President  
E-mail: [rnoonan@affordablehousing.com](mailto:rnoonan@affordablehousing.com)

With a copy to: Cannon Heyman & Weiss, LLP  
726 Exchange Street, Suite 500  
Buffalo, New York 14210  
Attn: Stephen L. Yonaty, Esq.  
E-mail: [SYonaty@chwattys.com](mailto:SYonaty@chwattys.com)

If to the Lender: TD Bank, N.A.  
One Vanderbilt Avenue, 14th Floor  
New York, New York 10017  
Attention: Matthew Schatz, Vice President

With a copy to: Roemer Wallens Gold & Mineaux LLP  
13 Columbia Circle  
Albany, New York 12203  
Attn: John R. Mineaux, Esq.  
E-mail: [JMineaux@rwgmlaw.com](mailto:JMineaux@rwgmlaw.com)

And to: Federal Home Loan Mortgage Corporation  
8100 Jones Branch Drive, MS B4P  
McLean, Virginia 22102  
Attention: Multifamily Operations – Loan Accounting  
Email: [mfla@freddiemac.com](mailto:mfla@freddiemac.com)  
Telephone: (703) 714-4177

And to: Federal Home Loan Mortgage Corporation  
8200 Jones Branch Drive, MS 210  
McLean, Virginia 22102  
Attention: Managing Associate General Counsel – Multifamily  
Legal Division  
Email: [guy\\_nelson@freddiemac.com](mailto:guy_nelson@freddiemac.com)  
Telephone: (703) 903-2000

If to the Tax  
Credit Investor:

RJ MT The Abbey on Park L.L.C.  
c/o Raymond James Affordable Housing Investments, Inc.  
880 Carillon Parkway  
St. Petersburg, Florida 33716  
Email Address: [Steve.Kropf@RaymondJames.com](mailto:Steve.Kropf@RaymondJames.com)  
Attention: Steven J. Kropf, President

With a copy to:

Dawna J. Steelman  
Klein Hornig LLP  
1325 G Street NW, Suite 770  
Washington, DC 20005  
Email Address: [dsteelman@kleinhornig.com](mailto:dsteelman@kleinhornig.com)

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed or personally delivered in the manner provided in this Section. Any notice hereunder may be given by counsel for a party with the same force and effect as if given by such party.

8.3 This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Westchester County, New York.

8.4 Notwithstanding any other term or condition contained herein, all obligations of the Agency hereunder shall constitute a special obligation payable solely from the revenues and other monies, if any, derived from the Facility and paid to the Agency by the Company. No director, officer, employee or attorney of the Agency nor any person executing this Agreement on its behalf shall be liable personally under this Agreement. No recourse shall be had for the payment of the principal or interest on amounts due hereunder or for any claim based upon or in respect of any modification of or supplement hereto against any past, present or future member, officer, agent, servant, or employee, as such, of the Agency, or of any successor or political subdivision, either directly or through the Agency or any such successor, all such liability of such members, officer, agents, servants and employees being, to the extent permitted by law, expressly waived and released by the acceptance hereof and as part of the consideration for the execution of this Agreement.

8.5 At any time after the Lender and/or Tax Credit Investor receives notice from the Agency of a default by the Company under this Agreement, the Lender and/or Tax Credit Investor may (but will not be obligated to) promptly make any payment, perform any obligation, or take any other action the Company would have the right to pay, perform, or take under this Agreement which the Lender and/or Tax Credit Investor deems necessary or desirable to cure such default. The Lender and/or Tax Credit Investor may exercise its rights under this Section 8.5 immediately after receipt of notice of a default by the Company under this Agreement and without regard to any grace period provided to the Company in this Agreement to cure such default. For purposes of exercising its rights under this Section 8.5, the Lender and/or Tax Credit Investor will not be

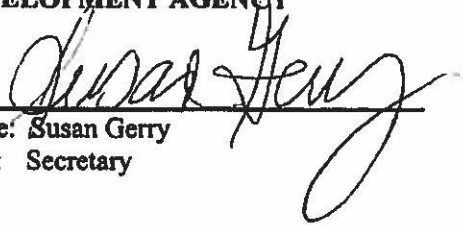
liable to the Company or the Agency for any action taken or omitted to be taken by the Lender and/or Tax Credit Investor, in good faith, in reliance on any written notice from the Agency stating that a default by the Company under this Agreement has occurred and is continuing even though the Company may question or deny the existence or nature of such default. Notwithstanding anything to the contrary, in the case of an Event of Default, if the Agency serves a notice of default upon the Company, the Company shall serve a copy of such notice upon the Lender and/or Tax Credit Investor. Notwithstanding the foregoing, the Agency may also serve a copy of the notice of default upon the Lender and/or Tax Credit Investor. In the case of an Event of Default by the Company under this Agreement, Lender and/or Tax Credit Investor shall have forty-five (45) days for a monetary default and ninety (90) days in the case of any other default, after notice to Lender and/or Tax Credit Investor of such default, to cure or cause to be cured the default complained of and the Agency shall accept such performance by or at the instigation of such Lender and/or Tax Credit Investor as if the same had been done by the Company, provided that if said non-monetary default can be cured with due diligence but not within such ninety (90) day period, said time period shall be extended as long as Lender and/or Tax Credit Investor continues to exercise due diligence to cure said non-monetary default but in no event shall such extension exceed ninety (90) days. If a non-monetary Event of Default occurs and is continuing, the Agency agrees that it will not exercise any rights or remedies it may have hereunder during the cure periods provided to Lender and/or Tax Credit Investor pursuant to the Section 8.5 so long as Lender has commenced and is diligently proceeding to cure such non-monetary Event of Default. Defined terms contained in this Section 8.5 not otherwise defined in this Agreement shall have the meaning ascribed to such term in that the Lease Agreement.

8.6 Notwithstanding anything herein to the contrary, if the Leaseback Agreement is terminated for any reason, including but not limited pursuant to Section 9.13(h) of the Leaseback Agreement, this agreement shall terminate and be of no further force and effect.

[The Balance of This Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YONKERS INDUSTRIAL  
DEVELOPMENT AGENCY**

By:   
Name: Susan Gerry  
Title: Secretary

[Signature Page to Tax Agreement – 1 of 2]



**THE ABBEY ON PARK LIMITED PARTNERSHIP**

By: The Abbey on Park Associates, LLC,  
its Managing General Partner

By:   
Name: Kenneth Kearney  
Title: Manager

**THE ABBEY ON PARK HOUSING DEVELOPMENT  
FUND COMPANY, INC.**

By: \_\_\_\_\_  
Name: Rosemarie Noonan  
Title: President

[Signature Page to Tax Agreement – 2 of 2]

**THE ABBEY ON PARK LIMITED PARTNERSHIP**

By: The Abbey on Park Associates, LLC,  
its Managing General Partner

By: \_\_\_\_\_  
Name: Kenneth Kearney  
Title: Manager

**THE ABBEY ON PARK HOUSING DEVELOPMENT  
FUND COMPANY, INC.**

By: Rosemarie Noonan  
Name: Rosemarie Noonan  
Title: President

**SCHEDULE A**

to

Tax Agreement  
Dated as of December 1, 2024

by and between

City of Yonkers Industrial Development Agency  
and The Abbey on Park Limited Partnership  
and The Abbey on Park Housing Development Fund Company, Inc.

Pursuant to the terms of Section 1.1 of this Tax Agreement, "Tax Payments" shall mean an amount per annum equal to the following amounts for the period designated:

PILOT Year	County Tax Year	City and School District Tax Year	Percentage of Full Taxes	<u>Estimated</u> Tax Payment
1	2027	2026-2027	Unimproved	68,659
2	2028	2027-2028	Unimproved	69,459
3	2029	2028-2029	37%	72,307
4	2030	2029-2030	37%	73,392
5	2031	2030-2031	40%	80,532
6	2032	2031-2032	43%	87,871
7	2033	2032-2033	45%	93,337
8	2034	2033-2034	47%	98,948
9	2035	2034-2035	50%	106,843
10	2036	2035-2036	53%	114,952
11	2037	2036-2037	55%	121,079
12	2038	2037-2038	60%	134,068
13	2039	2038-2039	65%	147,419
14	2040	2039-2040	70%	161,140

15	2041	2040-2041	77%	179,913
16	2042	2041-2042	85%	201,584
17	2043	2042-2043	90%	216,644
18	2044	2043-2044	95%	232,109
19	2045	2044-2045	97%	240,551
20	2046	2045-2046	100%	251,711

- The Agency interest in the Facility shall expire on **December 31, 2046**. The Company shall pay the **2047** County tax bill and the **2046-2047** City tax bill and tax bills for all subsequent tax years on the dates and in the amounts as if the Agency were not in title on the tax status date with respect to said tax years. Tax Payments shall be no less than the Full Taxes paid prior to the Tax Agreement. Full Taxes means all property taxes payable with respect to the Facility calculated in an amount equal to the amounts that would be paid if the Agency were not in title and no exemption was available.
- Does NOT include Special District Charges - City will send separate bill.
- The Net Annual Amounts Payable sums are **estimated**.

## **EXHIBIT A**

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York shown on the official Tax Map of the City of Yonkers as Lot 44 in Block 2090, which lot is more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Park Avenue, said point being distant 198.58 feet south of the intersection of the westerly side of Park Avenue with the southerly side of Flagg Street;

RUNNING thence along said westerly side of Park Avenue, South 16 degrees 45' West, a distance of 459.50 feet to a point;

RUNNING thence North 75 degrees 39' West, 133.50 feet to a point;

RUNNING thence North 14 degrees 21' 00" East, a distance of 75.00 feet to the southeasterly corner of New Tax Lot No. 1;

THENCE along the easterly side of Tax Lot No. 1, the following six (6) courses and distances:

North 14 degrees 21' East, a distance of 112.60 feet;

North 75 degrees 39' West, a distance of 10.20 feet;

North 14 degrees 21' East, a distance of 14.00 feet (13.00 feet-deed);

On a curve to the right having a radius of 24 feet a length of 37.66 feet (37.70 feet-deed);

North 14 degrees 21' East, a distance of 233.50 feet; and

South 75 degrees 39' East, a distance of 186.90 feet to the point or place of BEGINNING.

TOGETHER WITH the easement described as follows:

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Yonkers, County of Westchester and State of New York, and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Palisade Avenue, said point being distant 441.10 feet south of the intersection of Palisade Avenue with the southerly side of Flagg Street;

RUNNING thence along the easterly side of Palisade Avenue, South 14 degrees 21' West, a distance of 28.98 feet;

RUNNING thence through New Tax Lot No. 1, the following courses and distances:

On a curve to the right having a radius of 33.13 feet, a length of 68.20 feet;

South 20 degrees 14' 19" East, a distance of 44.15 feet;

On a curve to the left having a radius of 808.22 feet, a length of 80.14 feet to New Tax Lot No. 44;

RUNNING thence along New Tax Lot No. 44, North 14 degrees 21' East, a distance of 31.50 feet;

RUNNING thence through New Tax Lot No. 1 on a curve to the left having a radius of 788.22 feet, a length of 54.10 feet, North 20 degrees 14' 19" West, a distance of 44.15 feet;

RUNNING thence on a curve to the left having a radius of 53.13 feet, a length of 82.53 feet to the easterly side of Palisade Avenue, the point or place of BEGINNING.

**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 \$326,000 to finance capital project WCC97 – Virginia Marx Children Center ("WCC97"). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the County's approximately 50% share of construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves.

Westchester Community College (the "College") has advised that the Virginia Marx Children Center requires improvements and upgrades in various building systems in order to maintain the operation of comfortable working environments.

The College has advised that the total amount appropriated for WCC97 is \$652,000. This bond request, in the amount of \$326,000, represents the County's 50% share WCC97. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 24 months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, WCC97 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: January 13<sup>th</sup>, 2025  
White Plains, New York

*Henry Zeller John Jr*  
*[Signature]*  
*[Signature]*  
*Vedant Gadhvi*  
*[Signature]*  
*[Signature]*

*[Signature]*  
*Henry Zeller John Jr*  
*[Signature]*  
*Vedant Gadhvi*  
*[Signature]*

COMMITTEE ON

c mg 7-29-24

Budget & Appropriations

Public Works &  
Transportation



Dated: January 13, 2025  
White Plains, New York

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

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style with a large, stylized "S" at the end.

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC97

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 326,000 PPU 10 Anticipated Interest Rate 2.64%

Anticipated Annual Cost (Principal and Interest): \$ 37,769

Total Debt Service (Annual Cost x Term): \$ 377,691

Finance Department: maab 9-3-24

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

No Operating impact

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 3

Prepared by: Dawn Gillins

Title: Assistant Vice President/Comptroller

Department: WCC

Date: 9/6/24


Reviewed By: 

9/9/24  
DW/17/24

Budget Director

Date: 9/9/24

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: August 29, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC97 VIRGINIA MARX CHILDREN CENTER**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
07-16-2024 (Unique ID: 2581)

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

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

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dawn Gillins, Westchester Community College  
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 \$326,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS TO THE VIRGINIA MARX CHILDREN CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$652,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$326,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$326,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$326,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set

forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$652,000. The plan of financing includes the issuance of \$326,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds, and the application of \$326,000 expected to be received from the State of New York to be expended towards the cost of said class of objects or purposes.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$326,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.13 of the Law, is ten (10) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$652,000. 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 \$652,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties

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

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect not earlier than \_\_\_\_\_, 20\_\_ and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

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

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

(SEAL)

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



## LEGAL NOTICE

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$326,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS TO THE VIRGINIA MARX CHILDREN CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$652,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$326,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$326,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_)

Object or purpose: to finance the cost of the construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves; all as set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued  
and period of probable usefulness: \$326,000; ten (10) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> WCC97	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> VIRGINIA MARX CHILDREN CENTER	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2581

### Overall Project Description

The Virginia Marx Children Center was constructed in 1996 and has 11,833 sq ft. The center provides infant, toddler, and pre-school children's programs. This Virginia Marx Children Center project will address upgrades and replacements.

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

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

	Estimated Ultimate Total Cost	Appropriated	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
<b>Gross</b>	652	652	0	0	0	0	0	0
<b>Less Non-County Shares</b>	326	326	0	0	0	0	0	0
<b>Net</b>	326	326	0	0	0	0	0	0

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

**Current Bond Description:** Current bonding approval is necessary to fund the County's 50% share of \$652,000 for this Virginia Marx Children Center Project. This project will address the interior of the Virginia Marx Children Center, which is showing signs of deterioration and has leaks throughout the building. Some systems require upgrades and/or replacements: HVAC, generator, controls, and energy related upgrades are recommended, as well as replacing the floor tile and actuator valves.

### Financing Plan for Current Request:

Non-County Shares:	\$ 326,000
Bonds/Notes:	326,000
Cash:	0
<b>Total:</b>	<b>\$ 652,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

326,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

The amount appropriated for this project is \$652,000. This bonding requests is in the amount of \$326,000 and represents the County's 50% share of approved Capital Project WCC97 Virginia Marx Children Center. The state has approved funding on the remaining 50%.

### Energy Efficiencies:

HVAC

**Appropriation History:**

Year	Amount	Description
2024	652,000	VIRGINIA MARX CHILDREN CENTER

**Total Appropriation History:**

652,000

**Total Financing History:**

0

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

MLLL

**Date**

07-16-2024

**Department of Public Works**

RJB4

**Date**

07-17-2024

**Budget Department**

DEV9

**Date**

07-18-2024

**Requesting Department**

DAGX

**Date**

07-19-2024

**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 \$2,100,000 to finance a component of capital project WCC82 – Site Upgrade Campus Wide ("WCC82"). The Bond Act, which was prepared by the law firm of Hawkins, Delafield & Wood, LLP, will finance the County's 50% share of a portion of the Site Upgrade - Campus Wide project. This portion includes the north section of the campus, encompassing the Gateway Center, Administration Building, Hartford Hall Building, Parking Lot 1, as well as the Hartford Hall Building entrance and the Administration/Gateway Center Loop.

Your Committee is advised that the site work for this component of WCC82 will include re-paving 140,000 square feet of parking as well as improvements to the storm drainage, site lighting, signage walkways, landscaping and car charging stations. The amount appropriated for this portion of WCC82 is \$4,200,000, of which 50% (\$2,100,000) will be funded by the State of New York and 50% by the County.

The College has advised that this phase is necessary because the facilities have exceeded their useful life and have deteriorated with age and use.

Following receipt by the College of New York State funds and County bonding authorization, design will be scheduled and is anticipated to take twenty-four (24) months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized bonding in connection with WCC82 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR

Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: January 13<sup>th</sup>, 2025  
White Plains, New York

*James J. Zeller John J. Miller*  
*Vedat Gashi*  
*John J. Miller*

*James J. Zeller John J. Miller*  
*Vedat Gashi*  
*John J. Miller*

c/jpg/8-14-24

Budget & Appropriations

Public Works & Transportation

Dated: January 13, 2025  
White Plains, New York

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

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. And" followed by a stylized flourish.

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC82

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,100,000 PPU 10 Anticipated Interest Rate 2.55%

Anticipated Annual Cost (Principal and Interest): \$ 242,133

Total Debt Service (Annual Cost x Term): \$ 2,421,325

Finance Department: maab 9-10-24

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

No Operating Impact

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 22

Prepared by: Dawn Gillins

Title: Assistant Vice President/Comptroller

Department: WCC

Date: 9/13/24


Reviewed By: [Signature]

Budget Director

Date: 9/13/24



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: August 27, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC82 SITE UPGRADE – CAMPUS WIDE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 08-14-2024 (Unique ID: 2575)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(3):** retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;
- **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

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**COMMENTS:** While the overall scope is rehabilitation and replacement in kind, some new features will be incorporated to lessen impacts on the environment, including the installation of electric vehicle charging stations to reduce the carbon footprint. It is anticipated that only minor infrastructure upgrades would be necessary, none of which that will exceed a threshold that would bump the project into the Unlisted or Type I category. If more work is required than anticipated, further environmental review will be conducted following design and prior to awarding the contract for construction. Incorporation of “green infrastructure,” as defined by 617.2(r), to reduce stormwater impacts from these existing facilities will also be evaluated and incorporated, to the extent practical, during the design process.

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  
Dawn Gillins, Westchester Community College  
Blanca Lopez, Commissioner  
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 \$2,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE WESTCHESTER COMMUNITY COLLEGE SITE UPGRADE-CAMPUS WIDE PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,100,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$2,100,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$2,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the Westchester Community College Site Upgrade-Campus Wide Project, which includes the north section of the campus, encompassing the Gateway Center, Administration Building, Hartford Hall Building, Parking Lot 1 as well as the Hartford Hall Building entrance and the Administration/Gateway Center Loop. The

site work includes re-paving 140,000 sf of parking as well as improvements to the storm drainage, site lighting, signage walkways and landscaping and car charging stations; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$4,200,000. The plan of financing includes the issuance of \$2,100,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$2,100,000 expected to be received from the State of New York to be expended towards the cost of said object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$2,100,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 20(f) of the Law, is ten (10) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$2,100,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$4,200,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

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

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

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE WESTCHESTER COMMUNITY COLLEGE SITE UPGRADE-CAMPUS WIDE PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,100,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$2,100,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose:

to finance the Westchester Community College Site Upgrade-Campus Wide Project, which includes the north section of the campus, encompassing the Gateway Center, Administration Building, Hartford Hall Building, Parking Lot 1 as well as the Hartford Hall Building entrance and the Administration/Gateway Center Loop. The site work includes repaving 140,000 sf of parking as well as improvements to the storm drainage, site lighting, signage walkways and landscaping and car charging stations; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued  
and period of probable usefulness:

\$2,100,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
WCC82

☐ CBA

**Fact Sheet Date:\***  
07-05-2024

**Fact Sheet Year:\***  
2024

**Project Title:\***  
SITE UPGRADE - CAMPUS WIDE

**Legislative District ID:**  
3,

**Category\***  
WCC - BUILDINGS

**Department:\***  
COMMUNITY COLLEGE

**CP Unique ID:**  
2575

### Overall Project Description

This campus wide project will address parking lot issues and site improvements throughout the campus. This project will focus on parking and general site improvements throughout the surrounding buildings on campus.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement        | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                          |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
<b>Gross</b>	17,049	8,131	0	4,200	4,718	0	0	0
<b>Less Non-County Shares</b>	8,524	4,065	0	2,100	2,359	0	0	0
<b>Net</b>	8,525	4,066	0	2,100	2,359	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 2,331

**Current Bond Description:** Current bonding approval is necessary to fund the County's 50% share of this portion of the Site Upgrade - Campus Wide project. This includes the north section of the campus, encompassing the Gateway Center, Administration Building, Hartford Hall Building, Parking Lot 1 as well as the Hartford Hall Building entrance and the Administration/Gateway Center Loop. The site work includes re-paving 140,000 sf of parking as well as improvements to the storm drainage, site lighting, signage walkways and landscaping and car charging stations.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 2,100,000
Bonds/Notes:	2,100,000
Cash:	0
<b>Total:</b>	<b>\$ 4,200,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
2,100,000

#### Expected Design Work Provider:

- ☐ County Staff      ☒ Consultant      ☐ Not Applicable

#### Comments:

The amount appropriated for this portion is \$4,200,000. The bonding request in the amount of \$2,100,000 represents the County's 50% share of approved Capital Project WCC82 - Site Upgrade Campus Wide. New York State has approved funding on the remaining 50%.

#### Energy Efficiencies:

LIGHTING WILL BE ENERGY EFFICIENT.



**Appropriation History:**

Year	Amount	Description
2015	1,626,000	AREAS ONE PARKING LOT IMPROVEMENTS
2017	751,000	AREA TWO PARKING LOT IMPROVEMENTS
2019	862,000	AREA THREE PARKING LOT IMPROVEMENTS
2021	392,000	AREA FOUR PARKING LOT IMPROVEMENTS
2023	300,000	AREA FOUR PARKING LOT IMPROVEMENTS ADDITIONAL
2024	4,200,000	AREA FOUR PARKING LOT IMPROVEMENTS ADDITIONAL

**Total Appropriation History:**

8,131,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
16	345	813,000	813,000	PARKING LOT AND RELATED SITE IMPROVEMENTS
19	232	376,000	242,945	WCC CONSTRUCTION OF PARKING LOT FACILITIES AND RELATED SITE IMPROVEMENTS
21	140	431,000		0 STUDENT CENTER & PE , LOTS 9 & 10, CAMPUS LOOP ETC
23	34	196,000		0 SITE UPGRADE CAMPUS WIDE
23	189	150,000		0 SITE UPGRADE CAMPUS WIDE

**Total Financing History:**

1,966,000

**Recommended By:**

Department of Planning  
MLLL

Date  
08-14-2024

Department of Public Works  
RJB4

Date  
08-14-2024

Budget Department  
DEV9

Date  
08-14-2024

Requesting Department  
DAGX

Date  
08-14-2024

**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 \$750,000 to finance a component of capital project WCC87 – Classroom Building Renovation (“WCC87”). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the County’s approximately 50% share of the cost of planning and design associated with the Westchester Community College (“College”) Classroom Building Renovation Project. The College Classroom Building Renovation Project will address mechanical, acoustic, and lighting issues at the College’s Classroom Building. The renovation project also includes exterior door replacement as well as classroom, toilet room, and corridor finishes. Approximately 18,000 sq. feet of classroom, class lab, and support space will be renovated in the College Classroom Building to provide updated space for the School of Business and Professional Careers.

The College has advised that the planning and design phase of WCC87 will consist of hiring professional architectural and engineering firms for design services associated with project services. Design services shall include preparing construction contract documents (drawings and specifications), construction cost estimates, bid analysis, preparation of any addenda if required, and recommendation to award the construction contracts. Design services will also be provided during construction consisting of shop drawing and submittal review, attendance at project meetings, periodic site visits, and preparation of as-built drawings. Site development will include provisions for temporary facilities, clearing of the site, general grading, walkways, geothermal fields (where applicable) site accessories, landscaping and site lighting.

The College has advised that the total amount appropriated for Phase I of WCC87 is \$1,500,000. This bond request, in the amount of \$750,000, represents the County’s 50% share of this phase of the project. The remaining 50% will be funded by New York State.

Following receipt by the College of New York State funds and bonding authorization, design will be scheduled and is anticipated to take twenty-four (24) months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Dated: January 13<sup>th</sup>, 2025  
White Plains, New York

HJ  
 Lowell Zeller John  
 Sullivan  
 J. D.  
 Vedat Jash.

## Budget & Appropriations

499

Dated: January 13, 2025  
White Plains, New York

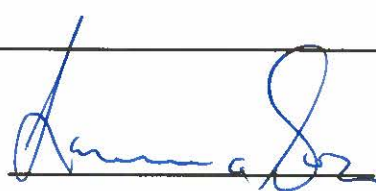
***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:


**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Anderson". The signature is written in a cursive, flowing style.

# FISCAL IMPACT STATEMENT

<b>CAPITAL PROJECT #:</b> <u>WCC87</u>		<input type="checkbox"/> <b>NO FISCAL IMPACT PROJECTED</b>	
<b>SECTION A - CAPITAL BUDGET IMPACT</b> To Be Completed by Budget			
<input checked="" type="checkbox"/> <b>GENERAL FUND</b>	<input type="checkbox"/> <b>AIRPORT FUND</b>	<input type="checkbox"/> <b>SPECIAL DISTRICTS FUND</b>	
<b>Source of County Funds (check one):</b>		<input checked="" type="checkbox"/> <b>Current Appropriations</b>	
		<input type="checkbox"/> <b>Capital Budget Amendment</b>	
<b>SECTION B - BONDING AUTHORIZATIONS</b> To Be Completed by Finance			
<b>Total Principal</b>	\$	750,000	<b>PPU</b> 5 <b>Anticipated Interest Rate</b> 2.40%
<b>Anticipated Annual Cost (Principal and Interest):</b>		\$	162,626
<b>Total Debt Service (Annual Cost x Term):</b>		\$	813,131
<b>Finance Department:</b>		maab 9-10-24	
<b>SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)</b> To Be Completed by Submitting Department and Reviewed by Budget			
<b>Potential Related Expenses (Annual):</b>		\$	-
<b>Potential Related Revenues (Annual):</b>		\$	-
<b>Anticipated savings to County and/or impact of department operations</b> (describe in detail for current and next four years):			
<u>No Operating Impact</u>			
<b>SECTION D - EMPLOYMENT</b> As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
<b>Number of Full Time Equivalent (FTE) Jobs Funded:</b>		8	
<b>Prepared by:</b>	<u>Dawn Gillins</u>	<div style="display: flex; flex-direction: column; align-items: center;"><div><b>Reviewed By:</b> </div><div><b>Budget Director</b></div><div><b>Date:</b> <u>9/13/24</u></div></div>	
<b>Title:</b>	<u>Assistant Vice President/Comptroller</u>		
<b>Department:</b>	<u>WCC</u>		
<b>Date:</b>	<u>9/13/24</u>		

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Assistant Commissioner

DATE: August 6, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC87 CLASSROOM BUILDING RENOVATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 07-16-2024 (Unique ID: 2576)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

---

**COMMENTS:** The current request is for planning and design only.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dawn Gillins, Westchester Community College  
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 \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PLANNING FOR IMPROVEMENTS TO THE CLASSROOM BUILDING AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND THE APPLICATION OF \$750,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than Third-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the planning for improvements to the classroom building at the Westchester Community College Campus; all as

set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,500,000. The plan of financing includes the issuance of \$750,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the application of \$750,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 62(2<sup>nd</sup>) of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$750,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and



duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK                    )  
  :   ss.:  
COUNTY OF WESTCHESTER        )

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on                   , 20\_\_ and approved by the County Executive on                   , 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day of                   , 20\_\_.

(SEAL)

The Clerk and Chief Administrative Officer of the  
County Board of Legislators  
County of Westchester, New York

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PLANNING FOR IMPROVEMENTS TO THE CLASSROOM BUILDING AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND THE APPLICATION OF \$750,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of the planning for improvements to the classroom building at the Westchester Community College Campus; at the estimated maximum cost of \$1,500,000; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:  
and period of probable usefulness: \$750,000; five (5) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> WCC87	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> CLASSROOM BUILDING RENOVATION	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2576

### Overall Project Description

This Classroom Building Renovation project addresses mechanical, acoustic, and lighting issues. The renovation also includes exterior door replacement as well as classroom, toilet room, and corridor finishes. Approximately 18,000 sq feet of classroom, class lab, and support space will be renovated in the classroom building to provide updated space for the School of Business and Professional Careers.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement        | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                          |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
<b>Gross</b>	9,853	1,500	8,353	0	0	0	0	0
<b>Less Non-County Shares</b>	4,926	750	4,176	0	0	0	0	0
<b>Net</b>	4,927	750	4,177	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 0

**Current Bond Description:** Current bonding approval of \$750,000 is necessary to fund the County's 50% share of this planning and design portion - phase I of the Classroom Renovation project.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 750,000
Bonds/Notes:	750,000
Cash:	0
<b>Total:</b>	<b>\$ 1,500,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

750,000

**Expected Design Work Provider:**

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

#### Comments:

The amount appropriated for this planning and design Phase is \$1,500,000. This bonding request in the amount of \$750,000 represents the County's 50% share of approved Capital Project WCC87 - Classroom Building Renovation. New York State has approved funding on the remaining 50%.

#### Energy Efficiencies:

LIGHTING WILL BE ENERGY EFFICIENT.

**Appropriation History:**

Year	Amount	Description
2024	1,500,000	CLASSROOM BUILDING RENOVATION PH 1

**Total Appropriation History:**

1,500,000

**Total Financing History:**

0

**Recommended By:****Department of Planning**

MLLL

**Date**

07-16-2024

**Department of Public Works**

RJB4

**Date**

07-17-2024

**Budget Department**

DEV9

**Date**

07-18-2024

**Requesting Department**

DAGX

**Date**

07-19-2024

**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 \$864,000 to finance a component of capital project WCC88 – Maintenance Building Infrastructure Upgrade (“WCC88”). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the County’s 50% share of Phase III of the Maintenance Building Infrastructure Upgrade Project at the Westchester Community College (“College”) campus. Phase III will address the renovation of Maintenance Building III, which was constructed in 1933, is 24,459 sq. ft. in area, and houses the physical plant, facilities and receiving departments. The College has advised that this phase is necessary because the facility has exceeded its useful life and has deteriorated with age and use.

The College has advised that the total amount appropriated for this phase of WCC88 is \$1,728,000. This bond request, in the amount of \$864,000, represents the County’s 50% share of this component of the project. The remaining 50% will be funded by New York State.

Following receipt by the College of New York State funds and bonding authorization, design will be scheduled and is anticipated to take twenty-four (24) months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, WCC88 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

Your Committee recommends the adoption of the proposed Bond Act.

Dated: January 13<sup>th</sup>, 2025  
White Plains, New York

James F. Zeller Jr. -  
HJR  
Sullivan  
J. W. D.  
Vedat Farkh

c/jpg/7-24-24

HJR  
James F. Zeller Jr. -  
Sullivan  
J. W. D.  
Vedat Farkh

Budget & Appropriations

Public Works & Transportation



Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style with a large, stylized "S" at the end.

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC88

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal      \$                      864,000      PPU      15      Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):                      \$      71,124                      2.76205

Total Debt Service (Annual Cost x Term):                      \$      1,066,854

Finance Department:      maab 9-10-24

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):                      \$                      -

Potential Related Revenues (Annual):                      \$                      -

Anticipated savings to County and/or impact of department operations  
(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded:                      9

Prepared by:      Dawn Gillins

Title:      Assistant Vice President/Comptroller

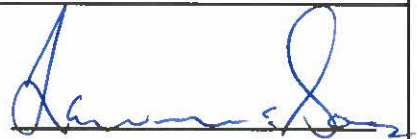
Department:      WCC

Date:      9/13/24

Reviewed By:

*by 9/13/24  
ED 9/13/24*


Date:



Budget Director

9/13/24

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: August 29, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC88 MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
07-26-2024 (Unique ID: 2577)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

---

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dawn Gillins, Westchester Community College  
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 \$864,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE PROJECT PHASE III AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,728,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$864,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND THE APPLICATION OF \$864,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than Third-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$864,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the Maintenance Building Infrastructure Upgrade Project Phase III at the Westchester Community College campus,

including renovation of the Maintenance Building III; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,728,000. The plan of financing includes the issuance of \$864,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the application of \$864,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment. pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$864,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes

or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK                    )  
  : ss.:  
COUNTY OF WESTCHESTER            )

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on                   , 20\_\_ and approved by the County Executive on                   , 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this       day of                   , 20\_\_.

(SEAL)

The Clerk and Chief Administrative Officer of the  
County Board of Legislators  
County of Westchester, New York



## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$864,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE PROJECT PHASE III AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,728,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$864,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND THE APPLICATION OF \$864,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of the Maintenance Building Infrastructure Upgrade Project Phase III at the Westchester Community College campus, including renovation of the Maintenance Building III; at the estimated maximum cost of \$1,728,000; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$864,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> WCC88	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2577

### Overall Project Description

The Maintenance Building 3 was constructed in 1933 at 24,459 sq. ft. and houses the physical plant, facilities and receiving departments. The Maintenance Building III will be renovated in this phase, including exterior vinyl siding, single pane windows, roll-up doors, passage doors, VAT & Carpeting.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety               | <input type="checkbox"/> Project Labor Agreement        | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                          |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
Gross	4,458	4,458	0	0	0	0	0	0
Less Non-County Shares	2,229	2,229	0	0	0	0	0	0
Net	2,229	2,229	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 0

**Current Bond Description:** The Maintenance Building Upgrade Project Phase III is in the amount of \$1,728,000. Current bonding approval is necessary to fund the County's 50% share of this initial phase of the Maintenance Building Infrastructure Upgrade project. This phase addresses the renovation of the Maintenance Building III.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 864,000
Bonds/Notes:	864,000
Cash:	0
<b>Total:</b>	<b>\$ 1,728,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

864,000

#### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

#### Comments:

The amount appropriated for this Maintenance Building III Renovation phase is \$1,728,000. This bonding request is in the amount of \$864,000 and represents the County's 50% share of phase III approved Capital Project WCC88 - Maintenance Building Infrastructure Upgrade. New York State has approved funding on the remaining 50%.

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2021	708,000	MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE PH I
2023	2,022,000	MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE PH II
2024	1,728,000	MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE PH III

**Total Appropriation History:**

4,458,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
22	26	354,000		0 MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE
23	190	1,011,000		0 MAINTENANCE BUILDING INFRASTRUCTURE UPGRADE

**Total Financing History:**

1,365,000

**Recommended By:****Department of Planning**

MLLL

**Date**

07-26-2024

**Department of Public Works**

RJB4

**Date**

07-30-2024

**Budget Department**

DEV9

**Date**

07-31-2024

**Requesting Department**

DAGX

**Date**

08-01-2024

**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 \$4,186,000 to finance a component of capital project WCC89 – Administration Building Expansion/Renovation ("WCC89"). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the County's approximately 50% share of the cost of planning and design associated with the expansion/renovation of the Administration Building at Westchester Community College ("College").

The College has advised that the planning phase of WCC89 will consist of hiring professional architectural and engineering firms for project services. The consultants shall provide design services associated with project services. Design services shall include preparing construction contract documents (drawings and specifications), construction cost estimates, bid analysis, preparation of any addenda if required, and recommendation to award the construction contracts. In addition, the consultant shall provide design services during construction consisting of shop drawing and submission review, attendance at project meetings, periodic site visits, and preparation of as-built drawings.

The College has advised that the total amount appropriated for this phase of WCC89 is \$8,371,000. This bond request, in the amount of \$4,186,000, represents the County's 50% share of this phase of the project. The remaining 50% will be funded by New York State.

Following receipt by the College of New York State funds and bonding authorization, design will be scheduled and is anticipated to take twenty-four (24) months to complete and will be performed by outside consultants. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part

617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: January 13<sup>th</sup>, 2025  
White Plains, New York

*Samuel Zeller John*  
*[Signature]*  
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*[Signature]*  
*Samuel Zeller John*  
*[Signature]*  
*[Signature]*  
*[Signature]*

Budget & Appropriations

Public Works & Transportation

Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Anderson". The signature is written in a cursive, flowing style.

# FISCAL IMPACT STATEMENT

527

CAPITAL PROJECT #: WCC89☐ NO FISCAL IMPACT PROJECTED**SECTION A - CAPITAL BUDGET IMPACT**

To Be Completed by Budget

☒ GENERAL FUND☐ AIRPORT FUND☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations☐ Capital Budget Amendment**SECTION B - BONDING AUTHORIZATIONS**

To Be Completed by Finance

Total Principal \$ 4,186,000 PPU 5 Anticipated Interest Rate 2.40%

Anticipated Annual Cost (Principal and Interest): \$ 907,670

Total Debt Service (Annual Cost x Term): \$ 4,538,352

Finance Department: maab 9-10-24

**SECTION C - IMPACT ON OPERATING BUDGET** (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations  
(describe in detail for current and next four years):

No Operating Impact

**SECTION D - EMPLOYMENT**

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 45

Prepared by: Dawn GillinsTitle: Assistant Vice President/ComptrollerDepartment: WCCDate: 9/13/24Reviewed By: 


Budget Director

Date: 9/13/24



Memorandum  
Department of Planning

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Assistant Commissioner

DATE: August 27, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC89 ADMINISTRATION BUILDING EXPANSION/RENOVATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
08-14-2024 (Unique ID: 2580)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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**COMMENTS:** None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dawn Gillins, Westchester Community College  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



REFERENCE WCC89

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,186,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PLANNING FOR IMPROVEMENTS TO THE ADMINISTRATION BUILDING AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$8,371,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,186,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND THE APPLICATION OF \$4,185,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than Third-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$4,186,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the planning for improvements to the Administration Building at the Westchester Community College Campus, all

as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$8,371,000. The plan of financing includes the issuance of \$4,186,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the application of \$4,185,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 62(2<sup>nd</sup>) of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$4,186,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK                    )  
   : ss.:  
 COUNTY OF WESTCHESTER            )

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on                   , 20\_\_ and approved by the County Executive on                   , 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this       day of                   , 20\_\_.

(SEAL)

The Clerk and Chief Administrative Officer of the  
 County Board of Legislators  
 County of Westchester, New York

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,186,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PLANNING FOR IMPROVEMENTS TO THE ADMINISTRATION BUILDING AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$8,371,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,186,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND THE APPLICATION OF \$4,185,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of the planning for improvements to the Administration Building at the Westchester Community College Campus; at the estimated maximum cost of \$8,371,000; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$4,186,000; five (5) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> WCC89	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> ADMINISTRATION BUILDING EXPANSION/RENOVATION	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2580

**Overall Project Description**

The Administration Building was constructed in 1988 and contains 35,000 sq ft. The Admin Building houses a number of student service offices including the Office of Administrative Services, Human Resources, Bursars, Accounting, Purchasing, Registrar, Financial Aid Office, Admissions, Continuing Education and a portion of Information Technology. This Administration Building Expansion/Renovation project is to provide additional administrative space for the expansion of the existing departments. To consolidate and improve access to essential services, the Administration building will be fully renovated, and a two-story 22,400 gross sq. ft. addition will be constructed to create a new "One-Stop Student Service Center". The addition will also include both private and open office space as well as conference rooms for meetings.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement        | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                          |  |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
<b>Gross</b>	36,716	12,616	9,500	9,500	5,100	0	0	0
<b>Less Non-County Shares</b>	18,358	6,308	4,750	4,750	2,550	0	0	0
<b>Net</b>	18,358	6,308	4,750	4,750	2,550	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 92

**Current Bond Description:** Current Bonding request is \$4,186,000 to fund the County's 50% share of this planning and design phase. The Planning phase shall consist of hiring professional architectural and engineering firms for project services. The consultant shall provide design services associated with project services. Design services shall include preparing construction contract documents (drawings and specifications), construction cost estimate, bid analysis, preparation of any addenda if required, and recommendation to award the construction contracts. In addition, the consultant shall provide design services during construction consisting of shop drawing and submission review, attendance at project meetings, periodic site visits, and preparation of as-built drawings.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 4,185,000
Bonds/Notes:	4,186,000
Cash:	0
<b>Total:</b>	<b>\$ 8,371,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

4,186,000

**Expected Design Work Provider:**

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

**Comments:**

The amount appropriated for this phase of the project is \$9,896,000. The bonding request in the amount of \$4,186,000 (excludes the Site Development, which will be bonded separately to complete this Phase) represents the County's 50% share of the portion of this phase. The entire phase was approved for Capital Project WCC89 Administration Building Expansion/Renovation (Phase II). New York State has approved funding on the remaining 50%.

**Energy Efficiencies:****ENERGY EFFICIENT LIGHTING****Appropriation History:**

Year	Amount	Description
2021	2,720,000	ADMINISTRATION BUILDING EXPANSION/RENOVATION PHASE I
2024	9,896,000	ADMINISTRATION BUILDING EXPANSION/RENOVATION PHASE II

**Total Appropriation History:**

12,616,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	141	1,360,000		0 WCC ADMIN BLDG - HVAC, PLUMBING, WATER SERVICE LINES.

**Total Financing History:**

1,360,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
08-14-2024

**Department of Public Works**  
RJB4

**Date**  
08-14-2024

**Budget Department**  
DEV9

**Date**  
08-14-2024

**Requesting Department**  
DAGX

**Date**  
08-15-2024



**RESOLUTION NO. \_\_\_\_ – 2025**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2024, entitled, "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 610 in relation to prohibiting the unlawful use of digitally deceptive material." The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 610 in relation to prohibiting the unlawful use of digitally deceptive material.”

Your Committee is advised that untrustworthy and fraudulent uses of artificial intelligence are on the rise through the dissemination or publishing of a “deep fake,” an image or video that has been convincingly altered or manipulated to (1) misrepresent someone as saying or doing something that was not actually said or done or (2) replace a person in an image or video with another person, when, they were not actually present in the image or video. While “deep fakes” may be used for commercial or satirical purposes, they can also be used to spread mis- and disinformation. Further, “deep fakes” may involve explicit fraud, such as impersonating another individual to access protected information, or place a person in a pornographic still or video image for the purposes of humiliating, harassing, or blackmailing that individual.

Your Committee is informed there are efforts at the federal and state levels to protect persons from the harm that “deep fake” images can cause. Although still in committee, in September 2023, Congress proposed the “Deepfakes Accountability Act” (H.R. 5586) in an attempt to regulate the harmfulness of “deep fakes.” The bill, among other things, requires producers/creators to use digital watermarks and disclosures on the image or video that is considered a “deep fake,” establishes new criminal offenses for violations, and creates civil penalties and private rights of action for victims. Several states have created torts in regards to “deep fake” images that are used to damage reputations or influence elections, while at least one state has criminalized the creation of “deep fake” images which are intended to harm or defraud an individual. Because artificial intelligence is continuously

evolving, laws enacted to regulate and/or criminalize “deep fake” images should cast a wide net, yet not be so broad that these laws infringe on an individual’s First Amendment rights. Moreover, federal, state, and local legislative bodies must be prepared to amend any law to keep up with any advancements in artificial intelligence.

Your Committee is further advised that, currently a person may have claims of defamation or intentional infliction of emotional distress under the tort laws of the State of New York if a “deep fake” depicts a person in a manner that harms their reputation. New York State law also provides for a right of publicity claim, which protects individuals from having their name, likeness, or identity used without consent for commercial purposes, as well as a right of privacy claim, which further protects individuals from a “deep fake” involving pornography and other sensitive material. All of these tort claims present challenges, such as discovering the perpetrator, who often uses anonymous online identities, demonstrating that a court within Westchester County would have jurisdiction to hear the case, and proving damages including emotional harm or damage to a person’s reputation.

Your Committee is informed that New York State Governor Kathy Hochul signed legislation (Chapter 513 of the Laws of 2023) on September 29, 2023, which became effective in December 2023, to combat the use of pornographic images or videos with the intent to humiliate or blackmail. Chapter 513 amended Section 245.15 of the New York State Penal Law (NYPL) to provide for a Class A misdemeanor for intentionally disseminating or publishing an image or video depicting an identifiable person with their intimate parts exposed, including where an image or video is created or altered by digitization, without that person’s consent, with the intent to cause emotional, financial, or physical harm. For the purposes of the State legislation, digitization is defined as changes to images. Moreover, on April 20, 2024, Governor Hochul signed additional legislation (Chapter 58 of the Law of 2024) that established a private right of action, in Section 52-b of the New York State Civil Rights Law

(NYCRL). Specifically, the law authorizes a private right of action for invasion of privacy, where any person depicted in an image or video, created or altered by digitization, was depicted unclothed or with exposed intimate parts, and was disseminated or published without the depicted person's consent, where the person had a reasonable expectation that the image or video would remain private.

Your Committee recognizes that these State laws provide some regulation of the use of "deep fakes," but gaps remain. For instance, NYPL § 245.15 focuses on the emotional, financial or physical welfare of victims, as opposed to the intent of the perpetrator. Additionally, the State's definition of digitization does not address modifications to audio.

Your Committee notes that this proposed Local Law creates a Class B misdemeanor for disseminating or publishing images or videos, created or altered by digitization or digitally deceptive material, for exposing a person's intimate parts or engaging in obscene sexual conduct without the consent of the person depicted in the image or video, and the actor's intent is to harass, threaten, or alarm the depicted person. The proposed Local Law also provides a Class B misdemeanor for criminal impersonation through the use of digitally deceptive material. Further the proposed law elevates the offense to a Class A misdemeanor if any single violation occurs in the course of and/or in furtherance of the commission or attempted commission of another crime. The proposed law also elevates the offense to Class A misdemeanor if a person was previously convicted of violating the law within the last ten years.

Your Committee is advised that this proposed Local Law aims to close some of the gaps in the State law, as this Local Law is directed toward an actor's intention to harass, threaten, or alarm another in order to commit fraud or extortion, and, among other things, applies to digitally modified audio, such as mimicking the voice of another person.

Your Committee is advised that, in order to maintain consistency with the NYPL, and to ensure that the proposed Local Law is interpreted and applied in a constitutional manner, the proposed Local Law refers to multiple definitions contained in the NYPL. By utilizing these definitions, the proposed Local Law will be interpreted in accordance with prevailing case law regarding those Penal Law definitions, and will benefit from any modifications to those definitions. Those definitions, as they currently exist, are presented here:

“Disseminate” means to give, provide, lend, deliver, mail, send, forward, transfer or transmit, electronically or otherwise to another person. (New York State Penal Law § 250.40[5]).

“Publish” means to (a) disseminate, as defined [above], with the intent that such image or images be disseminated to ten or more persons; or (b) disseminate with the intent that such images be sold by another person; or (c) post, present, display, exhibit, circulate, advertise or allows access, electronically or otherwise, so as to make an image or images available to the public; or (d) disseminate with the intent that an image or images be posted, presented, displayed, exhibited, circulated, advertised or made accessible, electronically or otherwise and to make such image or images available to the public. (New York State Penal Law § 250.40[6]).

“Obscene.” Any material or performance is “obscene” if (a) the average person, applying contemporary community standards, would find that considered as a whole, its predominant appeal is to the prurient interest in sex, and (b) it depicts or describes in a patently offensive manner, actual or simulated: vaginal sexual contact, a crime under the former sections 130.50, 130.45, and 130.40 of the penal law, oral sexual contact, anal sexual contact, sexual bestiality, masturbation, sadism, masochism, excretion or lewd exhibition of the genitals, and (c) considered as a whole, it lacks serious literary, artistic, political, and scientific value. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other especially susceptible audience. (New York State Penal Law § 235.00[1]).

“Sexual conduct” means vaginal sexual contact, oral sexual contact, anal sexual contact, aggravated sexual contact, or sexual contact. (New York State Penal Law § 130.05[10]).

Your Committee is further informed that the proposed amendments do 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.

Your Committee recommends adoption of this Local Law.

Dated: January 22, 2025  
White Plains, New York

Vedat Fashini  
J. D. S.  
Cohill  
Benjamin Byrd  
David S.

Vedat Fashini  
J. D. S.  
J. D. S.  
Benjamin Byrd  
David S.

Vedat Fashini  
J. D. S.  
Benjamin Byrd  
Cohill

Legislation

COMMITTEES ON  
Information  
Technology &  
Cybersecurity

Public  
Safety

Dated: January 22, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

Margaret A. Cunzio  
Emiliana Ulag  
[Signature]

Margaret A. Cunzio

**COMMITTEES ON**

Legislation

Public Safety

# FISCAL IMPACT STATEMENT

SUBJECT: Digitally Deceptive Material

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: A local law amending the Laws of Westchester County by adding a new Chapter 610 in relation to prohibiting the unlawful use of digitally deceptive material.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: October 23, 2024

Reviewed By: *[Signature]*  
PH Budget Director

Date: 10/23/24



**LOCAL LAW INTRO. NO. -2024**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 610 in relation to prohibiting the unlawful use of digitally deceptive material.

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** The Laws of Westchester County are hereby amended by the addition of a new Chapter 610 to read as follows:

**Chapter 610**

**UNLAWFUL USE OF DIGITALLY DECEPTIVE MATERIAL**

**Sec. 610.01. Definitions.**

**Sec. 610.11. Unlawful use of digitally deceptive material.**

**Sec. 610.21. Criminal impersonation through the use of digitally deceptive material.**

**Sec. 610.31. Penalties.**

**Sec. 610.41. Severability.**

**Sec. 610.01. - Definitions.**

1. **Consent.** Permission that is knowingly, intelligently, and voluntarily given for the particular disclosure at issue.
2. **Disseminate.** Shall have the same meaning as in Section 250.40 of the New York State Penal law, or any successor section thereof.
3. **Digitally Deceptive Media.** Any still or video image, audio, text, or technological representation of a person's name, portrait, picture, likeness, or voice, either fully or partially created or modified that: (i) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality to a reasonable person; (ii) depicts a scenario

that did not actually occur or that has been altered in a significant way from how it actually occurred; and (iii) is created by or through Digitization.

4. **Digitization.** The use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.
5. **Harass.** Engaging in a course of conduct or repeatedly commit conduct that alarm or seriously annoy another person and which serve no legitimate purpose.
6. **Intimate Part.** The naked genitals, pubic area, anus or female nipple of the person.
7. **Obscene.** Shall have the same meaning as in Section 235.00 of the New York State Penal law, or any successor section thereof
8. **Person.** A human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.
9. **Publish.** Shall have the same meaning as in Section 250.40 of the New York State Penal law, or any successor section thereof.
10. **Sexual conduct.** Shall have the same meaning as in section 130.00 of the New York State Penal Law.

**Sec. 610.11. – Unlawful use of digitally deceptive material.**

It shall be unlawful for any person, with the intent to Harass, threaten, or alarm another person, to knowingly disseminate or publish Digitally Deceptive Media, depicting such other person who may reasonably be identified, with one or more Intimate Parts exposed or engaging in Obscene or Sexual Conduct, where the actor knew or reasonably should have known that the person depicted did not consent to such dissemination or publication.

**Sec. 610.21 – Criminal impersonation through the use of digitally deceptive material.**

It shall be unlawful for a person to commit any act prohibited by Sections 190.25 or 190.26 of the New York Penal Law through the use of Digitally Deceptive Material.

**Sec. 610.31. - Penalties.**

1. A violation of sections 610.11 or 610.21 shall be a Class B misdemeanor, punishable by imprisonment for not more than thirty (30) days or by a fine or not more than five hundred dollars (\$500.00) or both.
2. Any person who violates sections 610.11 or 610.21 in the course of and/or in furtherance of the commission or attempted commission of another crime shall be guilty of a Class A misdemeanor and shall be punished by imprisonment for not more than a year or by a fine of not more than one thousand dollars (\$1000.00) or both.
3. Any person who violates sections 610.11 or 610.21 and has previously been found guilty of a violation of this Chapter within the past ten years shall be guilty of a Class A misdemeanor and shall be punished by imprisonment for not more than a year or by a fine of not more than one thousand dollars (\$1000.00) or both.

**Sec. 610.41. - Severability.**

If any word, phrase, clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 2.** Effective date. This Local Law shall take effect immediately.

jsw/am 10-03-24

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the “Act”), which, if adopted, would authorize the County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), to retroactively amend grant agreements (individually the “Grant Agreement” and collectively the “Grant Agreements”) with New York State, through its Office for the Aging (“NYSOFA”), for the following programs: the Community Services for the Elderly Program (“CSE”), the Expanded In-home Services for the Elderly Program (“EISEP”), the Wellness in Nutrition Program (“WIN”), and the Nutrition Service Incentive Program (“NSIP”). The proposed Act will: (i) retroactively authorize the County to amend the Grant Agreements to increase funding under the CSE Program by \$94,027, under the EISEP Program by \$482,144, and under the combined WIN/NSIP Programs by \$83,405; and (ii) retroactively extend the term of the Grant Agreement for the EISEP Program from April 1, 2024 through December 31, 2024.

Your Committee is advised that on April 3, 2023, by Act No. 63-2023, your Honorable Board authorized the County to enter into various Grant Agreements with NYSOFA to accept grant funds made available to the County from NYSOFA under, *inter alia*, the CSE, EISEP, and WIN/NSIP programs. The term of the Grant Agreements commenced on April 1, 2023 and continued through March 31, 2024, except for the Grant Agreement for NSIP which commenced on October 1, 2022 and continued through September 30, 2023.

Your Committee is advised that on October 16, 2023, by Act No. 212-2023, your Honorable Board authorized the County, *inter alia*, to retroactively amend the Grant Agreements authorized by Act No. 63-2023 in order to: increase the amount of CSE funding by \$197,620, and the combined WIN /NSIP funding by \$199,202.

Your Committee is advised that NYSOFA subsequently informed the Department that it has increased funding under the Grant Agreements for the CSE, EISEP and the combined WIN/NSIP Programs. In order for the County to receive this additional funding, it will be necessary to retroactively amend the Grant Agreements, as set forth below:

**Grant Amounts:**

	CSE	EISEP	WIN/NSIP
Original Grant Amount	\$1,620,270	\$2,536,575	\$1,213,575
Amount of first (1 <sup>st</sup> ) increase	+\$197,620	N/A	+\$199,202
Amount of this increase	+\$94,027	+482,144	+83,405
Total Amended Grant Amount	\$1,911,917	\$3,018,719	\$1,496,182

Additionally, your Committee is advised that the Department requested and was granted authorization from NYSOFA to extend the term of the EISEP Grant Agreement from April 1, 2024 through December 31, 2024 in order to optimize utilization of the grant funds.

Accordingly, authority is respectfully requested to further amend the EISEP Grant Agreement with NYSOFA for the purpose of extending the term thereof through December 31, 2024. It should be noted that any unexpended funds remaining during the extension period of the EISEP Grant Agreement will be utilized by the Department (at the discretion of the Commissioner of the Department) for Department salaries and/or to increase the contract amount for agreements with home care agencies.

Your Committee is further advised that the additional funds provided under the CSE, and WIN/NSIP Grant Agreements will be utilized by the Department for direct services to seniors.

Except as specifically amended hereby, all remaining terms and conditions contained in the Grant Agreements shall remain in full force and effect upon the parties.

Your Committee is informed that the Grant Agreements with NYSOFA do not constitute a procurement of goods or services. As such, the requirements of the Westchester County Procurement Policy and Procedures do not apply.

The Planning Department has advised that based on its review, the proposed amendments to the aforementioned Grant Agreements do not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. 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.

Your Committee has been advised that the passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board.

Your Committee believes that amending the Grant Agreements to increase funding is in the best interest of the County and, therefore, recommends your Honorable Board's favorable action on the annexed proposed Act.

Dated: December 9<sup>th</sup>, 2024  
White Plains, New York

James Zorich John  
Mann  
H M  
Selle  
Muth

C/

Z. V. O.  
Muth  
Selle

Budget & Appropriations

Veterans, Seniors & Youth

# FISCAL IMPACT STATEMENT

552

SUBJECT: EISEP ☐ 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 \$ 4077459

Total Current Year Revenue \$ 3018719

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 24-101-4957

263-85-T048

Potential Related Operating Budget Expenses: Annual Amount \$ 1058740

Describe: County Match Funds required in order to receive EISEP State funding.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Revenues: Annual Amount \$ 3018719

Describe: Funding received from the New York State Office for the Aging for Expanded In-Home Services to the Elderly.

\_\_\_\_\_

### Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Without these funds, the Department would not be able to provide In-Home Personal Care Services, Case Management; Personal Emergency Response Systems; In-Home Contact & Support and Adult Day Care to seniors in Westchester.

Next Four years:

Estimated to be same as above each year.

\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

Reviewed By: 

Budget Director

11/6/24

If you need more space, please attach additional sheets.



# FISCAL IMPACT STATEMENT

553

SUBJECT: WIN/NSIP☐ 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 \$ 1496182Total Current Year Revenue \$ 1496182Source of Funds (check one): ☒ Current Appropriations☐ Transfer of Existing Appropriations ☒ Additional Appropriations ☐ Other (explain)Identify Accounts: 263-85-T928Potential Related Operating Budget Expenses: Annual Amount \$ 0Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Potential Related Revenues: Annual Amount \$ 1496182Describe: Funding is received from the New York State Office for the Aging for the Wellness in Nutrition Program  
\_\_\_\_\_

### Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Without these funds, the Department would not be able to provide Home Delivered Meals and Nutrition Education and counseling to seniors in Westchester County.  
\_\_\_\_\_

### Next Four years:

Estimated to be same as above each year.  
\_\_\_\_\_  
\_\_\_\_\_Prepared by: Sandra BrownTitle: Director of Program Development IIDepartment: Senior Programs & Svcs.Reviewed By: Budget Director  
11/6/24

If you need more space, please attach additional sheets.

# FISCAL IMPACT STATEMENT

554

SUBJECT: CSE ☐ 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 \$ 2503479

Total Current Year Revenue \$ 1911917

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101-24-4957

263-85-T047

Potential Related Operating Budget Expenses: Annual Amount \$ 591562

Describe: County Match Funds required in order to receive CSE State funding.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Revenues: Annual Amount \$ 1911917

Describe: Funding received from the New York State Office for the Aging for Community Services for the Elderly.

\_\_\_\_\_

### Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Without these funds, the Department would not be able to provide Case Management, Information & Assistance; Senior Center Recreation & Education, Health Promotion, Transportation, Food Distribution, Food Stamp Counseling and volunteer programs to seniors in Westchester County.

Next Four years:

Estimated to be same as above each year.

\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

Reviewed By: 

Budget Director

11/6/24

If you need more space, please attach additional sheets.

**ACT NO. 2024- \_\_\_\_\_**

**AN ACT** authorizing the County of Westchester to retroactively amend grant agreements with the New York State Office for the Aging to increase funding under the 2023-24 CSE and EISEP programs, and under the 2022-2024 combined WIN/NSIP programs, and to extend the EISEP Grant Agreement term through December 31, 2024

**NOW, THEREFORE, BE IT ENACTED** by the Board of Legislators of the County of Westchester as follows:

**Section 1.** The County of Westchester (the “County”), acting by and through its Department of Senior Programs & Services (the “Department”), is hereby authorized to retroactively amend grant agreements (individually the “Grant Agreement” and collectively the “Grant Agreements”) with New York State, through its Office for the Aging (“NYSOFA”), for the following programs: the 2023-24 Community Services for the Elderly Program (“CSE”), the 2023-24 Expanded In-home Services for the Elderly Program (“EISEP”), and the 2022-24 combined Wellness in Nutrition Program (“WIN”) and the Nutrition Service Incentive Program (“NSIP”), in order to: (i) increase funding under the CSE Program by \$94,027, under the EISEP Program by \$482,144, and under the combined WIN/NSIP Programs by \$83,405 as follows:

**Grant Amounts:**

	CSE	EISEP	WIN/NSIP
Original Grant Amount	\$1,620,270	\$2,536,575	\$1,213,575
Amount of first (1 <sup>st</sup> ) increase	+\$197,620	N/A	+\$199,202
Amount of this increase	+\$94,027	+482,144	+83,405
Total Amended Grant Amount	\$1,911,917	\$3,018,719	\$1,496,182

**§2.** The County is hereby further authorized to retroactively amend the EISEP Grant Agreement to extend the term thereof from April 1, 2024 through December 31, 2024.

**§3.** Except as specifically amended hereby, all remaining terms and conditions contained in the Grant Agreements with NYSOFA, as previously amended, shall remain in full force and effect upon the parties.

**§4.** This Act shall take effect immediately.

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of an amended bond act, prepared by the law firm Norton Rose Fulbright, which would reduce the amount of bonds of the County of Westchester (“County”) authorized by prior Bond Act No. 99-2019 to finance Capital Project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”) from \$7,500,000 to \$4,700,000, a decrease of \$2,800,000 (“Bond Act Amending 99-2019”).

The Bond Act Amending 99-2019 would finance the costs of design, construction management and construction of leachate collection facilities at the County’s Yonkers Material Recovery Facility and Transfer Station in the amount of \$4,700,000. It should be noted that Bond Act Amending 99-2019 would not authorize the issuance of additional bonds or change the existing authorization or purpose in any way, other than by preventing any additional issuance of bonds thereunder.

The Department of Environmental Facilities (“Department”) has advised that the Bond Act Amending 99-2019 is one of three necessary to consolidate and reallocate unissued bond authorizations of prior bond act numbers 85-2020 and 99-2019 into 215-2023. Through dedicated efforts to reduce costs where possible, the Refuse and Recycling Division (“Division”) of the Department has realized cost savings in connection with certain bonded projects.

The Department has further advised that Bond Act 99-2019 authorized financing for a large-scale project at the Yonkers Transfer Station related to a New York State Department of Environmental Conservation (“NYSDEC”) Consent Order. During design, several project stages were developed. A basin was designed and implemented as the first phase of the project. Following completion of the basin, and extended sampling period was implemented by NYSDEC. At this time, NYSDEC has indicated that it is satisfied with the operation of the basin and is not directing further work. Accordingly, the Department is seeking to use the remaining bonding allowance for other projects.

The Department has further advised that these components of RD017 have previously received bonding approval, and RD017 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

The Department of Planning has advised your Committee that based on its review, RD017 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: January 13<sup>th</sup>, 2025.  
White Plains, New York

*James J. Ziller John*  
*John*  
*John*  
*Vedat Gasli*  
*Smith*

*John*  
*James J. Ziller John*  
*John*  
*Vedat Gasli*  
*Smith*

COMMITTEE ON

CMG 10-22-24

*Budget & Appropriations*

*Public Works & Transportation*

Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

AMEND ACT 215-2023 BY ADDING \$2,930,000; REDUCE ACTS 99-2019 AND 85-2020 BY \$2,930,000

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 18,760,000 PPU 25 Anticipated Interest Rate 3.55%

Anticipated Annual Cost (Principal and Interest): \$ 1,109,536

Total Debt Service (Annual Cost x Term): \$ 27,738,408

Finance Department: maab 11-8-24

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or Impact of department operations  
(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 204

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 11/12/2024

Reviewed By: 

Date: 11/13/24

Budget Director



TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM  
Assistant Commissioner



DATE: September 25, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RD017 Material Recovery Facility and Transfer Station Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-03-2024 (Unique ID: 2668)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Nat Federici, Deputy Commissioner, Dept. of Environmental Facilities  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



ACT NO. \_\_\_\_\_ - 202\_\_

BOND ACT DATED \_\_\_\_\_, 202\_\_.

A BOND ACT AMENDING ACT NO. 99-2019, WHICH AUTHORIZED THE ISSUANCE OF \$7,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF LEACHATE COLLECTION FACILITIES AT THE YONKERS MATERIAL RECOVERY FACILITY AND TRANSFER STATION, IN AND FOR THE BENEFIT OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO REDUCE THE ESTIMATED MAXIMUM COST AND AMOUNT OF BONDS AUTHORIZED BY \$2,800,000.

WHEREAS, pursuant to Act No. 99-2019, dated June 3, 2019, the Board previously authorized the issuance of \$7,500,000 bonds to finance the cost of the design, construction management and construction costs of leachate collection facilities at the Yonkers Material Recovery Facility and Transfer Station in and for the benefit of the County's Refuse Disposal District No. 1; and

WHEREAS, \$4,005,147 obligations have heretofore been issued under Bond Act No. 99-2019; and

WHEREAS, it is now desired to (i) reduce the estimated maximum cost and amount of bonds authorized under Act No. 99-2019 by \$2,800,000, leaving \$4,700,000 authorized herein, and (ii) by separate bond act, transfer and consolidate the \$2,800,000 bonds authorized under Act No. 99-2019 into Act No. 215-2023; and

NOW, THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the entire voting strength of said Board), AS FOLLOWS:

Section (A): The Bond Act duly adopted by this Board on June 3, 2019, entitled:

ACT NO. 99-2019.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$7,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN,

CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF LEACHATE  
COLLECTION FACILITIES AT THE YONKERS MATERIAL RECOVERY FACILITY  
AND TRANSFER STATION, IN, AND FOR THE BENEFIT OF, THE COUNTY'S  
REFUSE DISPOSAL DISTRICT NO. 1.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,700,000 BONDS OF THE  
COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN,  
CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF LEACHATE  
COLLECTION FACILITIES AT THE YONKERS MATERIAL RECOVERY FACILITY  
AND TRANSFER STATION, IN, AND FOR THE BENEFIT OF, THE COUNTY'S  
REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted  
capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project,  
as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter  
described, including compliance with the provisions of the State Environmental Quality Review Act  
to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW,  
THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF  
WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting  
strength of said Board), AS FOLLOWS:

Section 1. For the class of objects or purposes of financing the design, construction  
management and construction costs of leachate collection facilities at the Yonkers Material Recovery  
Facility and Transfer Station, including incidental expenses in connection therewith, there are hereby  
authorized to be issued \$4,700,000 bonds of said County pursuant to the provisions of the Local  
Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in  
this act are inconsistent with any details set forth in the current Capital Budget of the County, such  
Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$4,700,000, and that the plan for the financing thereof is by the issuance of the \$4,700,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years pursuant to subdivision six of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise

such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner of Finance's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the

Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive. No legal notice, as described in Section 81.00 of the Local Finance Law, is required to be published in connection with this Act, as this Act does not increase the amount of bonds previously authorized.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_



STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York,  
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of  
Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_,  
with the original thereof on file in my office, and that the same is a true and correct transcript therefrom  
and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to  
Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the  
Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice  
of the time and place of said meeting to be given to the following newspapers and/or other news  
media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of an amended bond act, prepared by the law firm Norton Rose Fulbright, which would reduce the amount of bonds of the County of Westchester (“County”) authorized by prior Bond Act No. 85-2020 to finance Capital Project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”) from \$300,000 to \$170,000, a decrease of \$130,000 (“Bond Act Amending 85-2020”).

The Bond Act Amending 85-2020 would finance the costs of for a study to evaluate the Material Recovery Facility and four Solid Waste Transfer Stations for building and equipment upgrades or replacement, in and for, the benefit of the County’s Refuse Disposal District No. 1 in the amount of \$170,000. It should be noted that Bond Act Amending 85-2020 would not authorize the issuance of additional bonds or change the existing authorization or purpose in any way, other than by preventing any additional issuance of bonds thereunder.

The Department of Environmental Facilities (“Department”) has advised that Bond Act Amending 85-2020 is one of three necessary to consolidate and reallocate unissued bond authorizations of prior bond act numbers 85-2020 and 99-2019 into 215-2023. Through dedicated efforts to reduce costs where possible, the Refuse and Recycling Division (“Division”) of the Department has realized cost savings in connection with certain bonded projects.

Bond Act 85-2020 involved a study of the Yonkers Transfer Station Facility for redundancy, which has been completed for less than the budgeted amount. Therefore, the Department seeks to reallocate the remaining bonding to other projects.

The Department has further advised that these components of RD017 have previously received bonding authorization, and RD017 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

The Department of Planning has advised your Committee that based on its review, RD017 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: January 13<sup>th</sup>, 2025.  
White Plains, New York

*James J. Ziller John*  
*John*  
*John*  
*Vedat Farhi*  
*John*  
*Smith*

*John*  
*James J. Ziller John*  
*John*  
*Vedat Farhi*  
*Smith*

COMMITTEE ON

CMG-10/22/24

Budget & Appropriations

Public Works & Transportation

Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style with a large, stylized "S" at the end.

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

**AMEND ACT 215-2023 BY ADDING \$2,930,000; REDUCE ACTS 99-2019 AND 85-2020 BY \$2,930,000**

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$            18,760,000    PPU    25    Anticipated Interest Rate    3.55%

Anticipated Annual Cost (Principal and Interest):            \$    1,109,536

Total Debt Service (Annual Cost x Term):            \$    27,738,408

Finance Department:    maab 11-8-24

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):            \$            -

Potential Related Revenues (Annual):            \$            -

Anticipated savings to County and/or impact of department operations  
(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded:            204

Prepared by:            Dianne Vanadia

Title:            Associate Budget Director

Department:            Budget

Date:            11/12/2024


Reviewed By: 

07/11/24

Budget Director

Date:            11/13/24

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Assistant Commissioner

DATE: September 25, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RD017 Material Recovery Facility and Transfer Station Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-03-2024 (Unique ID: 2668)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
  - **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
- 

**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Nat Federici, Deputy Commissioner, Dept. of Environmental Facilities  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. \_\_\_\_\_ - 202\_\_

BOND ACT DATED \_\_\_\_\_, 202\_\_.

A BOND ACT AMENDING ACT NO. 85-2020, WHICH AUTHORIZED THE ISSUANCE OF \$300,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE A STUDY TO EVALUATE THE MATERIAL RECOVERY FACILITY AND FOUR SOLID WASTE TRANSFER STATIONS FOR BUILDING AND EQUIPMENT UPGRADES OR REPLACEMENT, IN AND FOR, THE BENEFIT OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO REDUCE THE ESTIMATED MAXIMUM COST AND AMOUNT OF BONDS AUTHORIZED BY \$130,000.

WHEREAS, pursuant to Act No. 85-2020, dated May 18, 2020, the Board previously authorized the issuance of \$300,000 bonds to finance a study to evaluate the Material Recovery Facility and four Solid Waste Transfer Stations for building and equipment upgrades or replacement in and for the benefit of the County's Refuse Disposal District No. 1; and

WHEREAS, no obligations have been issued thereunder; and

WHEREAS, it is now desired to (i) reduce the estimated maximum cost and amount of bonds authorized under Act No. 85-2020 by \$130,000, leaving \$170,000 authorized herein, and (ii) by separate bond act, transfer and consolidate the \$130,000 bonds authorized under Act No. 85-2020 into Act No. 215-2023; and

NOW, THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the entire voting strength of said Board), AS FOLLOWS:

Section (A): The Bond Act duly adopted by this Board on May 18, 2020, entitled:

ACT NO. 85-2020.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE A STUDY TO EVALUATE THE MATERIAL RECOVERY FACILITY AND FOUR SOLID WASTE TRANSFER STATIONS FOR BUILDING AND EQUIPMENT UPGRADES OR



REPLACEMENT, IN AND FOR, THE BENEFIT OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$170,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE A STUDY TO EVALUATE THE MATERIAL RECOVERY FACILITY AND FOUR SOLID WASTE TRANSFER STATIONS FOR BUILDING AND EQUIPMENT UPGRADES OR REPLACEMENT, IN AND FOR, THE BENEFIT OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying for a study to evaluate the Material Recovery Facility and four Solid Waste Transfer Stations for building and equipment upgrades or replacement, in and for, the benefit of the County's Refuse Disposal District No. 1, a specific object or purpose, there are hereby authorized to be issued \$300,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$300,000, and that the plan for the financing thereof is by the issuance of the \$300,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise

such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of

the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive. No legal notice, as described in Section 81.00 of the Local Finance Law, is required to be published in connection with this Act, as this Act does not increase the amount of bonds previously authorized.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York,  
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of  
Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_,  
with the original thereof on file in my office, and that the same is a true and correct transcript therefrom  
and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to  
Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the  
Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice  
of the time and place of said meeting to be given to the following newspapers and/or other news  
media as follows:

Newspaper and/or Other News Media

Date Given



I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of an amended bond act, prepared by the law firm Norton Rose Fulbright, which would amend Bond Act No. 215-2023, which authorized the County of Westchester (“County”) to issue bonds for design, construction management, and construction for various improvement to transfer stations and the Materials Recovery Facility in and for the County’s Refuse Disposal District No. 1 (“District”) in connection with Capital Project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”) by (1) increasing the estimated maximum amount and the amount of bonds authorized for said purpose by \$2,930,000 to \$18,760,000, and (2) representing a consolidation of (i) \$2,800,000 from Act No. 99-2019, plus (ii) \$130,000 from Act No. 85-2020 (“Bond Act Amending 85-2020”).

The Bond Act Amending 215-2023 would authorize \$18,760,000 in bonds of the County to finance the costs of design, construction management and construction costs for various improvements to transfer stations and the Materials Recovery Facility for the District, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels.

The Department of Environmental Facilities (“Department”) has advised that the Consolidated Bond Act Amending 215-2023 is necessary to consolidate and reallocate unissued bond authorizations of prior bond act numbers 85-2020 and 99-2019 into 215-2023. Through dedicated efforts to reduce costs where possible, the Refuse and Recycling Division (“Division”) of the Department has realized cost savings in connection with certain bonded projects.

Bond Act 215-2023 authorized financing for facility and processing upgrades at the District Transfer Stations and Material Recovery Facility (“MRF”), for which design is and/or will be undertaken by a consultant, and procurement will be managed in house. The first project expected to be completed under RD017 is the Yonkers transfer station/MRF roofs and related equipment. Design for that component was already has a completed and the Department of Public Works and Transportation is in the process of preparing bid documents. It is estimated that construction will take nine months to complete and will begin after award and execution of the construction contracts.

The Department has further advised that these components of RD017 have previously received financing approval of your Honorable Board, and RD017 has previously received approval by the New York State Comptroller ("Comptroller") in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

The Department of Planning has advised your Committee that based on its review, RD017 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: January 13<sup>th</sup>, 2025.  
White Plains, New York

*James Zeller John*  
*Silva*  
*J. W.*

*Dedat Jasni*  
*[Signature]*  
*Smith*

*[Signature]*  
*James Zeller John*  
*J. W.*  
*Dedat Jasni*  
*Smith*

COMMITTEE ON

CMG/10 22/24

Budget & Appropriations

Public Works & Transportation

Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

AMEND ACT 215-2023 BY ADDING \$2,930,000; REDUCE ACTS 99-2019 AND 85-2020 BY \$2,930,000

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 18,760,000 PPU 25 Anticipated Interest Rate 3.55%

Anticipated Annual Cost (Principal and Interest): \$ 1,109,536

Total Debt Service (Annual Cost x Term): \$ 27,738,408

Finance Department: maab 11-8-24

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations  
(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 204

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 11/12/2024

Reviewed By: 

DR 11/12/24 Budget Director

Date: 11/13/24

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Assistant Commissioner

DATE: September 25, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RD017 Material Recovery Facility and Transfer Station Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
09-03-2024 (Unique ID: 2668)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Nat Federici, Deputy Commissioner, Dept. of Environmental Facilities  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. \_\_\_\_\_ - 202\_\_

BOND ACT DATED \_\_\_\_\_, 202\_\_.

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 215-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$15,830,000 BOND TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO THE MATERIALS RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$18,760,000 (AN INCREASE OF \$2,930,000) FOR SAID PURPOSE AND CONSOLIDATING A CERTAIN PORTION OF THE AUTHORIZED BONDS FROM ACT NOS. 85-2020 AND 99-2019 HEREIN.

WHEREAS, pursuant to Act No. 215-2023, dated October 16, 2023, the Board previously authorized the issuance of \$15,830,000 bonds to pay the costs of design, construction management, and construction costs for various improvement to District transfer stations and the Materials Recovery Facility, in and for the County's Refuse Disposal District No. 1; and

WHEREAS, approximately \$234,233 obligations have been issued under Act No. 215-2023;

WHEREAS, pursuant to Act No. 85-2020, dated May 18, 2020, the Board previously authorized the issuance of \$300,000 bonds to finance a study to evaluate the Material Recovery Facility and four Solid Waste Transfer Stations for building and equipment upgrades or replacement, in and for, the benefit of the County's Refuse Disposal District No. 1;

WHEREAS, no obligations have been issued under Act No. 85-2020;

WHEREAS, pursuant to Act No. 99-2019, dated June 3, 2019, the Board previously authorized the issuance of \$7,500,000 bonds to finance the cost of the design, construction management, and construction costs of leachate collection facilities at the Yonkers Material Recovery Facility and Transfer Station, in and for, the benefit of the County's Refuse Disposal District No. 1;



WHEREAS, approximately \$4,005,146 obligations have been issued under Act No. 99-2019;

WHEREAS, it has now been determined that the estimated maximum cost and the amount of bonds authorized for the design, construction management, and construction for various improvement to District transfer stations and the Materials Recovery Facility, should now be \$18,760,000 (an increase of \$2,930,000); and

WHEREAS, it has now been determined that it would be beneficial to transfer and consolidate into this bond act a total of \$2,930,000 consisting of (i) \$2,800,000 previously authorized and unencumbered amounts from Act No. 99-2019, and (ii) \$130,000 previously authorized and unused amounts from Act No. 85-2020, and accordingly, by separate bond acts, remove such amounts from such acts; and

WHEREAS, \$18,760,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; and

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Refuse Disposal District No. 1, which are specially benefitted by said class of objects or purposes; and

NOW, THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), as follows:

Section (A): The bond act duly adopted by this Board on October 16, 2023 entitled:

ACT NO. 215-2023

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 156-2022, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BOND TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR VARIOUS IMPROVEMENTS TO THE MATERIALS RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO INCLUDE FINANCING FOR CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS



AND THE MATERIALS RECOVERY FACILITY, AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$15,830,000 (AN INCREASE OF \$14,830,000) FOR SAID PURPOSE.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$18,760,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, the County previously received approval from the New York State Comptroller ("State Comptroller") in accordance with Section 268 of the County Law by order of the State Comptroller dated January 26, 2018 with respect to the aforesaid purposes; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Refuse Disposal District No. 1; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. There are hereby authorized to be issued \$18,760,000 bonds of the County to finance the design, construction management and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, a class of objects or purposes, in and for the County's Refuse Disposal District No. 1, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters,

reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$18,760,000, and that the plan for the financing thereof is by the issuance of the \$18,760,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years pursuant to subdivision six of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90

of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a

designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the

Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given



I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_ and approved by the County Executive on \_\_\_\_\_ 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. \_\_\_\_\_-2023

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 215-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$15,830,000 BOND TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO THE MATERIALS RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$18,760,000 (AN INCREASE OF \$2,930,000) FOR SAID PURPOSE AND CONSOLIDATING A CERTAIN PORTION OF THE AUTHORIZED BONDS FROM ACT NOS. 85-2020 AND 99-2019 HEREIN.

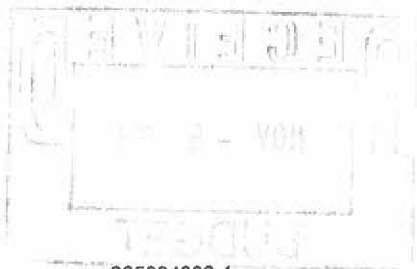
class of objects or purposes:	costs of design, construction management and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, in and for the County's Refuse Disposal District No. 1, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels
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period of probable usefulness:	twenty-five years
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amount of obligations to be issued:	\$18,760,000
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Dated: \_\_\_\_\_  
White Plains, New York

Clerk of the County Board of Legislators of the County of  
Westchester, New York



285004032.1

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RD017	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 08-27-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> REFUSE DISPOSAL	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2668

### Overall Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety               | <input type="checkbox"/> Project Labor Agreement        | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                          |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	73,680	27,680	10,000	16,000	0	0	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	73,680	27,680	10,000	16,000	0	0	0	20,000

**Expended/Obligated Amount (in thousands) as of :** 6,261

**Current Bond Description:** Bonding authorization amendment is requested to fund the design, construction management and construction costs for various improvements to the District Transfers Stations and Material Recovery Facility, including, but not limited to incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,930,000
Cash:	0
<b>Total:</b>	<b>\$ 2,930,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

2,930,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

#### Energy Efficiencies:

ENERGY EFFICIENCIES TO BE ACHIEVED INCLUDE MAKING ROOFS SOLAR PANEL READY. UPGRADES TO MECHANICAL AND ELECTRICAL SYSTEMS ARE EXPECTED TO RESULT IN ENERGY SAVINGS.

**Appropriation History:**

Year	Amount	Description
2013	450,000	DESIGN AND CONSTRUCTION MANAGEMENT - YONKERS
2014	1,700,000	CONSTRUCTION - YONKERS
2015	5,800,000	FUNDS ADDITIONAL CONSTRUCTION COSTS
2018	6,000,000	DESIGN, CONSTRUCTION MANAGEMENT, CONSTRUCTION
2019	13,730,000	DESIGN, CONSTRUCTION MANAGEMENT, CONSTRUCTION
2024	10,000,000	DESIGN AND CONSTRUCTION OF TRANSFER STATIONS' INFRASTRUCTURE REPLACEMENT AND REHABILITATION

**Total Appropriation History:**

37,680,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
14	58	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
17	32	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
19	99	7,500,000	4,005,147	DESIGN/CONSTRUCTION FOR LEACHATE COLLECTION SYSTEM AT MRF IN YONKERS
19	100	0	0	NARROWS SCOPE OF WORK TO DESIGN AND CONSTRUCTION AT WHITE PLAINS TRANSFER STATION ONLY
20	85	300,000	0	COST OF STUDY TO EVALUATE ALL BUILDING SYSTEMS AND EQUIPMENTS AT MATERIAL RECOVERY FACILITY, YONKERS
22	118	4,050,000	630,313	WHITE PLAINS TRANSFER STATION BROCKWAY
22	156	0	0	ROOFS-DESIGN
23	215	15,830,000	234,234	MATERIALS RECOVERY FACILITY AND TRANSFER STATION

**Total Financing History:**

27,680,000

**Recommended By:**

Department of Planning  
MLLL

Date  
09-03-2024

Department of Public Works  
RJB4

Date  
09-05-2024

Budget Department  
DEV9

Date  
09-07-2024

Requesting Department  
MJR9

Date  
09-17-2024

## MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION ( RD017 )

**User Department :** Environmental Facilities

**Managing Department(s) :** Environmental Facilities ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>73,680</b>	<b>27,680</b>	<b>6,255</b>	<b>10,000</b>	<b>16,000</b>				<b>20,000</b>
<b>Non County Share</b>									
<b>Total</b>	<b>73,680</b>	<b>27,680</b>	<b>6,255</b>	<b>10,000</b>	<b>16,000</b>				<b>20,000</b>

### **Project Description**

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

### **Current Year Description**

The current year request funds design and construction of transfer stations' infrastructure replacement and rehabilitation.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	10,000,000			10,000,000

### **Impact on Operating Budget**

The impact on the District Operating Budget is the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
2013	450,000	Design and construction management - Yonkers	COMPLETE
2014	1,700,000	Construction - Yonkers	COMPLETE
2015	5,800,000	Funds additional construction costs	COMPLETE
2018	6,000,000	Design, Construction Management, Construction	\$4,900,000 IN PROGRESS; \$1,100,000 AWAITING BOND AUTHORIZATION
2019	13,730,000	Design, Construction Management, Construction	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>27,680,000</b>		

## MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION ( RD017 )

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	27,680,000	3,840,800	23,839,200
<b>Total</b>	<b>27,680,000</b>	<b>3,840,800</b>	<b>23,839,200</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17				
99 19	7,500,000	12/10/19	398,154	3,659,200
		12/10/19	29,471	
		04/30/20	669,372	
		12/01/21	2,643,072	
		12/01/21	100,731	
100 19				
85 20	300,000			300,000
118 22	4,050,000			4,050,000
156 22				
215 23	15,830,000			15,830,000
<b>Total</b>	<b>27,680,000</b>		<b>3,840,800</b>	<b>23,839,200</b>

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the Chair of the Board of Legislators recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an inter-municipal agreement (“IMA”) with the Town of Greenburgh (“Greenburgh”), pursuant to which Greenburgh will provide various educational and recreational program (the “Programs”) for the period from January 1, 2024 through December 31, 2024. The County will pay Greenburgh an amount not to exceed Ten Thousand (\$10,000.00) Dollars, payable in full upon execution of the IMA, in accordance with an approved budget.

Pursuant to the IMA, Greenburgh will provide the Programs, including tai chi, calligraphy, folk dance, modern dance, ballroom dance, knitting, English-language classes and choir/singing.

Your Committee has determined that there is a clear and overwhelming need for the Program. Accordingly, Your Committee recommends authorizing the County to enter into the proposed IMA.

The Department of Planning has advised that the proposed IMA does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. No environmental review is required. Your Committee concurs with this conclusion.



Your Committee has been advised that passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board. Your Committee has carefully considered this proposed legislation authorizing the above-mentioned IMA and recommends its approval.

Dated: December 9<sup>th</sup>, 2024  
White Plains, New York

*James J. Zeller John*  
*Maney & Barr*  
*Paul R. R. R.*  
*St. R.*  
*Smith*

*Paul R. R. R.*  
*St. R.*  
*Smith*

Budget & Appropriations

Veterans, Seniors & Youth

# FISCAL IMPACT STATEMENT

SUBJECT: IMA Town of Greenburgh

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 10,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 101-52-5100-2509

Potential Related Operating Budget Expenses: Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four Years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: November 26, 2024

Reviewed By: 

Budget Director

Date: 11-26-24

**AN ACT** authorizing the County of Westchester to enter into an inter-municipal agreement with the Town of Greenburgh ("Greenburgh") pursuant to which Greenburgh will provide various educational and recreational programs for the period from January 1, 2024 through December 31, 2024 for a total amount not to exceed \$10,000.00.

**BE IT ENACTED** by the Board of Legislators of the County of Westchester as follows:

**Section 1.** The County of Westchester (the "County"), is hereby authorized to enter into an inter-municipal agreement (the "IMA") with Greenburgh, pursuant to which Greenburgh will provide various cultural and recreational programs, including tai chi, calligraphy, folk dance, modern dance, ballroom dance, knitting, English-language classes and choir/singing for the period from January 1, 2024 through December 31, 2024, for a total amount not to exceed Ten Thousand (\$10,000.00) Dollars, payable in full upon execution of the IMA, in accordance with an approved budget.

**§2.** Greenburgh shall submit a written report, including statistics, to the County, of the program. Evaluations will be based on the extent to which objectives of the program were accomplished.

**§3.** The Chair of the Board of Legislators or the Chair's designee (the "Chair") is hereby authorized to execute and deliver all documents and take such actions as the Chair deems necessary or desirable to accomplish the purposes hereof.

**§4.** This Act shall take effect immediately.

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereafter the "County"),

**TOWN OF GREENBURGH**, a New York municipal corporation having an office and principal place of business 177 Hillside Avenue, Greenburgh, NY 10607, (hereafter the “Municipality”).

**FIRST:** The Municipality shall provide Recreational and Cultural Programs as described in

**SECOND:** The term of this Agreement shall be from January 1, 2024 through December 31,

**THIRD:** For the services to be performed pursuant to Paragraph "FIRST," the County will pay

**FOURTH:** The Municipality shall, at no additional charge, furnish all labor, services, materials,

**FIFTH:** The Municipality will submit to the Chair of the Board a written Programs evaluation

In addition to any general audit rights to which the County may be entitled hereunder, the County

**SIXTH:** The parties recognize and acknowledge that the obligations of the County under this

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.

**SEVENTH:** (a) The County, upon ten (10) days' notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination, and Municipality shall reimburse to the County the amount of the lump-sum payment, pro-rated to the time remaining in the term of this Agreement. Upon receipt of notice that the County is terminating this Agreement in its best interests, the Municipality shall stop Work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Chairman, and the Municipality shall direct any approved subcontractors to do the same.

In the event of a dispute as to the value of the Work rendered by the Municipality prior to the date of termination, it is understood and agreed that the Chairman shall determine the value of such Work

rendered by the Municipality. The Municipality shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Without limiting the foregoing, upon written notice to the Municipality, repeated breaches by the Municipality of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

**EIGHTH: INSURANCE AND INDEMNIFICATION:** All personnel and vehicles engaged in the Work shall at all times remain and be deemed the employees and property of the Municipality. The Municipality shall provide proof of insurance as set forth in the insurance requirements of Schedule "B" of this Agreement. Notwithstanding the foregoing, if the Municipality is self-insured for all or a portion of the insurance required by Schedule "B, it may provide proof of such self-insurance in a form acceptable to the County's Director of Risk Management. However, to the extent the Municipality is self-insured and carries excess liability, the County shall be named as an additional insured to that policy.

In addition to, and not in limitation of the insurance requirements set forth in this Agreement, the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the acts of the County or its agents and representatives, the Municipality shall indemnify and hold harmless the County, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the Work performed by the Municipality or its agents, contractors or employees and of the acts or omissions hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) except for any actions instituted as a result of damage contributed to, caused by or resulting from the acts of the County or its agents, employees or representatives as set for in subdivision (a) above, 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 the conduct of the Work by the Municipality or its agents, contractors or employees and to bear all other costs and expenses related thereto.



(c) In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

**NINTH:** 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.

**TENTH:** 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.

**ELEVENTH:** The Municipality agrees to defend, indemnify and hold harmless the County for all damages, liabilities, losses and expenses arising out of any claim that a deliverable infringes upon an intellectual property right of a third party.

**TWENTH:** The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Municipality shall not subcontract any part of the Work without the written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Municipality and the Municipality shall insure that such subcontracted work is

subject to the material terms and conditions of this Agreement. All subcontracts for the Work shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a copy of the County's contract, read it and is familiar with the material terms and conditions thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and conditions of this Agreement. For each and every year for which this Agreement continues, the Municipality shall submit to the Commissioner a letter signed by the owner and/or chief executive officer of the Municipality or his/her duly authorized representative certifying that each and every approved subcontractor is in compliance with the material terms and conditions of the Agreement.

**THIRTEENTH:** The Municipality and the County agree that the Municipality and its officers, employees, agents, contractors and/or subcontractors are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the Municipality covenants and agrees that neither the Municipality nor any of its officers, employees, agents, contractors and/or subcontractors will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

**FOURTEENTH:** Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Work or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

**FIFTEENTH:** All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by registered or certified mail postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:



To the County: Chair, Westchester County Board of Legislators  
Michaelian Office Building  
148 Martine Avenue, 8<sup>th</sup> Floor  
White Plains, New York 10601

with a copy to: County Attorney  
Michaelian Office Building  
148 Martine Avenue, Room 600  
White Plains, New York 10601

To the Municipality: Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, NY 10607

**SIXTEENTH:** This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

**SEVENTEENTH:** Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

**EIGHTEENTH:** The Municipality shall use all reasonable means to avoid any conflict of interest with the County and shall immediately notify the County in the event of a conflict of interest. The Municipality shall also use all reasonable means to avoid any appearance of impropriety.

**NINETEENTH:** This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no

way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

**TWENTIETH:** All payments made by the County to the Municipality will be made by electronic funds transfer pursuant to the County's Vendor Direct program. The Municipality acknowledges that it is already enrolled in the County's Vendor Direct Program and agrees that if there are changes to the information contained in the authorization forms it will notify the Westchester County Finance Department directly.

**TWENTY-FIRST:** This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

**IN WITNESS WHEREOF,** The County of Westchester and the Municipality have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Chairman of the Board of Legislators

**THE MUNICIPALITY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Authorized by the Westchester County Board of Legislators by Act No. \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

duly adopted on the

Approved as to form and manner of execution

\_\_\_\_\_  
Sr. Assistant County Attorney  
County of Westchester

**ACKNOWLEDGMENT**

STATE OF NEW YORK       )  
                                      ) ss.:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF AUTHORITY**  
**(Municipality)**

I, \_\_\_\_\_,  
*(Officer other than officer signing contract)*  
certify that I am the \_\_\_\_\_ of the  
*(Title)*

\_\_\_\_\_  
*(Name of Municipality)*

(the "Municipality") a corporation duly organized in good standing under the

\_\_\_\_\_  
*(Law under which organized, e.g., the New York Village Law, Village Law, General Municipal Law)*

named in the foregoing agreement that \_\_\_\_\_

\_\_\_\_\_  
*(Person executing agreement)*

who signed said agreement on behalf of the Municipality was, at the time of execution  
of the Municipality,

\_\_\_\_\_  
*(Title of such person),*

that said agreement was duly signed for on behalf of said Municipality by authority of its

\_\_\_\_\_  
*(Village Board, Village Board, Municipality Council)*

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
*(Signature)*

STATE OF NEW YORK )  
ss.:  
COUNTY OF WESTCHESTER)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_  
whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
*(title)*

the municipal corporation described in and which executed the above certificate, who being by  
me duly sworn did depose and say that he, the said \_\_\_\_\_  
resides at \_\_\_\_\_, and that he is  
the \_\_\_\_\_ of said municipal corporation.  
*(title)*

\_\_\_\_\_  
Notary Public                      County

**SCHEDULE "A"**

Insert scope and Budget

DRAFT

**SCHEDULE "B"**  
**STANDARD INSURANCE PROVISIONS**  
**(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

All Contracts involving the use of explosives, demolition and/or underground work shall provide proof that XCU is covered.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



**Vedat Gashi**

Chairman of the Board  
Legislator, 4th District



TO: Hon. Jewel Williams Johnson  
Chair, Budget & Appropriations

Hon. James Nolan  
Chair, Veterans, Seniors & Youth

FROM: Hon. Vedat Gashi  
Chairman of the Board

DATE: December 2, 2024

RE: Items 2024-604 – IMA – Town of Greenburgh – Various Educational and Recreational Programs

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As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Veterans, Seniors & Youth.

Thank you.

(ID: 2024-604) ACT – IMA – Town of Greenburgh – Various Educational and Recreational Programs  
AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Town of Greenburgh ("Greenburgh") pursuant to which Greenburgh will provide various educational and recreational programs for the period from January 1, 2024 through December 31, 2024 for a total amount not to exceed TEN THOUSAND (\$10,000) DOLLARS.

CC: Marcello Figueroa  
Althema Goodson  
James Silverberg  
Dylan Tragni  
Sunday Vanderberg

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act which, if adopted, would authorize the County of Westchester (the "County") to grant permanent easements (collectively the "Easements") to the City of New York, acting by and through its Department of Environmental Protection ("NYCDEP") over, under and through five (5) County-owned parcels of real property in Town of Mount Pleasant (collectively the "Properties") so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP's provision of clean, safe drinking water to residents of the City of New York and Westchester County.

The Departments of Public Works & Transportation and Environmental Facilities (collectively the "Departments") have advised that pursuant to the terms of the Easements, the County would convey to the NYCDEP the perpetual rights to construct, reconstruct, operate, inspect, monitor, repair, protect and maintain a subsurface water tunnel facility and appurtenances that will become a part of the NYCDEP's Kensico-Eastview Connection Tunnel ("KEC Tunnel"). The Easements will be approximately 150 feet wide and encumber approximately 9.4 total acres of various County-owned properties and enable the NYCDEP to construct the KEC Tunnel.

Your Committee is advised that the entire KEC Tunnel will be approximately two (2) miles long and will transport clean drinking water from Kensico Reservoir to the Catskill/Delaware Ultraviolet Disinfection Facility ("CDUV Facility") in Mount Pleasant, New York. The NYCDEP has further advised that KEC Tunnel will enhance the redundancy of the New York City water supply system allowing for operational flexibility and planned outages and resulting in increased reliability. In addition, the KEC Tunnel will allow the NYCDEP to transport water to the CDUV Facility at a higher rate of flow and improve the NYCDEP's ability to maintain water surface levels at the Hillview Reservoir in Yonkers within normal operating limits.

The NYCDEP has further advised that the increased capacity afforded by the KEC Tunnel will help prepare the NYCDEP for future potential increases in demand from New York City and Westchester County. The water conveyed from the KEC Tunnel will flow from the Kensico Reservoir to the CDUV Facility where it will be disinfected and from there transported to customers in New York City and Westchester County, including, Briarcliff Manor, Sleepy Hollow, Tarrytown, Mount Pleasant, Elmsford, Greenburgh, Irvington, Dobbs Ferry, Hastings-on-Hudson, Ardsely, Yonkers, Mount Vernon, Scarsdale, Eastchester, Bronxville, Tuckahoe, New Rochelle, Mamaroneck, Larchmont, and Pelham.

Your Committee is advised that pursuant to the terms of the Easements, the County will reserve the right to use the land within the Properties, from the current ground surface level down to a maximum depth of fifty (50) feet below current ground surface for any lawful activities except for well-drilling or well-improvement activities of any kind, provided and only to the extent that such activities do not interfere with the operation and maintenance of the KEC Tunnel or jeopardize the integrity of the KEC Tunnel. In addition, the easements will require the NYCDEP to repair and restore any damage to the Properties and to defend and indemnify the County in connection with its activities. In consideration of the easements, the NYCDEP will pay the County the fair market value of the Easements, which independent appraisers, Beckmann Appraisals, Inc., has determined to be \$105,160.00.

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 Act ("SEQRA") have been met. The County Department of Planning has advised that, pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617 (the "SEQRA Regulations"), the NYCDEP served as Lead Agency and issued a Positive Declaration for the project, which requires the preparation of an Environmental Impact Statement ("EIS"). Thereafter, the NYCDEP, as Lead Agency, adopted a positive statement of findings, having found that with the mitigation measures incorporated into the proposed action, there would be no resulting significant adverse impacts. Since the Project was the

subject of a Draft and Final EIS, all involved agencies are required to adopt a written findings statement ("Findings Statement"). To assist your Honorable Board in complying with SEQRA, the Planning Department has prepared a draft Findings Statement for your consideration. Also attached is a proposed Resolution (the "SEQRA Resolution") that would formalize your Honorable Board's adoption of the Findings Statement. Your Committee has carefully considered the Findings Statement, which was prepared in accordance with the applicable SEQRA Regulations. Your Committee concurs with the attached Findings Statement and accordingly recommends passage of the annexed SEQRA Resolution prior to enacting the Act authorizing the property exchanges and the sewer easement. The Findings Statement must be adopted by your Honorable Board prior to the approval of the Act.

Your Committee is further advised that pursuant to Section 104.11(2) of the Laws of Westchester County, the attached Act requires an affirmative vote of two-thirds of the members of your Honorable Board to take effect. Your Committee has carefully considered and recommends approval of the proposed Act.

Dated: January 13<sup>th</sup>, 2025

White Plains, New York

*James Zeller Jones*  
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COMMITTEE ON

c/JPI 9.30.24

Budget & Appropriations

Housing & Planning

Public Works & Transportation 628

Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Antkowiak".

**Housing & Planning**

A handwritten signature in black ink, appearing to read "Colin J. Antkowiak".

# FISCAL IMPACT STATEMENT

SUBJECT: Grassland Water Tower Property

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense

Total Current Year Revenue \$ 20,980

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 243-60-5310-5310-9670

Potential Related Operating Budget Expenses:

Annual Amount

Describe:

Potential Related Operating Budget Revenues:

Annual Amount

Describe: BOL Legislation Granting Easement to the NYCDEP

DEF Parcels: 17(next to water tower site \$40.00, 18(water tower property) \$ 20,940.00

Total Amount: \$20,980.00

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$20,980.00

Next Four Years: N/A

Prepared by: Sebastian Abraham

Title: Budget Specialist II

Department: Environmental Facilities

Date: October 8, 2024

*WAO*  
Reviewed By:

*[Signature]*  
Budget Director

Date:

*10/30/24*



# FISCAL IMPACT STATEMENT

SUBJECT: Grassland Water Tower Property

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense

Total Current Year Revenue \$ 84,180

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: Revenue: 101-46-3400-3400-9289-GGDS

Potential Related Operating Budget Expenses:

Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Operating Budget Revenues:

Annual Amount \_\_\_\_\_

Describe: BOL Legislation Granting Easement to the NYCDEP

DPW&T parcels: 20, 21 & 22

Total Amount: \$84,180.00

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$84,180 Revenue

Next Four Years: N/A

Prepared by: Anthony Finateri

Title: Director of Administrative Svcs

Department: DPW&T

Date: October 25, 2024

Reviewed By: 

Budget Director

Date: 10/30/24

## **RESOLUTION \_\_\_\_-2024**

**WHEREAS**, there is pending before the Westchester County Board of Legislators an Act to authorize the County of Westchester to grant permanent easements to the City of New York, acting by and through its Department of Environmental Protection (“NYCDEP”) over, under and through certain County-owned parcels of real property in Town of Mt. Pleasant so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP’s provision of clean, safe drinking water to residents of the City of New York and Westchester County; and

**WHEREAS**, this Honorable Board has determined that the proposed Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617, the “SEQRA Regulations”), no action may be taken with regard to the proposed Act until the requirements of SEQRA have been met; and

**WHEREAS**, in accordance with the SEQRA Regulations, the NYCDEP declared itself as Lead Agency and issued a Positive Declaration for the proposed action on March 3, 2021, requiring the preparation of a Draft Environmental Impact Statement (“EIS”); and

**WHEREAS**, under the direction of the NYCDEP and in accordance with the SEQRA Regulations, public scoping was conducted, a Draft EIS was prepared and accepted on October 19, 2022, a public hearing on the Draft EIS was held on December 7, 2022, and a Final EIS was prepared and accepted on August 16, 2023; and



**WHEREAS**, on August 28, 2023 the NYCDEP, as Lead Agency, adopted a positive statement of findings, in favor of moving forward with the proposed action; and

**WHEREAS**, the Westchester County Board of Legislators, as an involved agency, is required to make a written findings statement pursuant to SEQRA, prior to approving the aforementioned Act; and

**WHEREAS**, the Westchester County Board of Legislators has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final EIS and supporting documentation, and weighed and balanced the relevant environmental impacts with social, economic and other considerations.

**NOW, THEREFORE**, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

**RESOLVED**, that the annexed Findings Statement, which sets forth the rationale for the Westchester County Board of Legislators' decision to authorize the County of Westchester to grant permanent easements to the NYCDEP over, under and through certain County-owned parcels of real property in Town of Mt. Pleasant so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP's provision of clean, safe drinking water to residents of the City of New York and Westchester County, be, and hereby is, adopted by the Board of Legislators; and be it further

**RESOLVED**, the Clerk of the Board of Legislators is authorized and directed to sign the annexed Findings Statement on behalf of this Board, in satisfaction of SEQRA and its implementing regulations; and to immediately transmit same to the Commissioner

of Planning to facilitate it being filed, published and made available as required by the SEQRA Regulations; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

State Environmental Quality Review  
**Findings Statement**

Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and associated implementing regulations 6 NYCRR Part 617 (SEQR), the County of Westchester, acting by and through its Board of Legislators, as an Involved Agency makes the following findings.

**Name of Action:** Kensico-Eastview Connection Project – County Easements

**Description of Action:** Conveyance of easements over, under and through five County-owned parcels of real property in the Town of Mount Pleasant to the City of New York, acting by and through its Department of Environmental Protection (NYCDEP), so that it can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP's provision of clean, safe drinking water to residents of the City of New York and the County. The tunnel will be approximately two miles long and will convey water from Kensico Reservoir to the Catskill/Delaware Ultraviolet Disinfection Facility (CDUV Facility). The easements will be 150 feet wide and encumber approximately 9.56 acres of County-owned property.

**Location:** NYCDEP's Kensico Campus at Columbus Avenue and Westlake Drive to the CDUV Facility at Eastview, located on the north side of Grasslands Road (NYS Route 100C), east of Walker Road, in the Town of Mount Pleasant, New York.

Affected County properties include the Corrections complex, maintenance facilities on the west side of the Sprain Brook Parkway and the water tower off Bradhurst Avenue on the east side of the Sprain Brook Parkway.

**Agency Jurisdiction:** Approval of the Westchester County Board of Legislators is required to grant permanent easements that would convey to NYCDEP the perpetual rights to construct, reconstruct, operate, inspect, monitor, repair, protect and maintain a subsurface water tunnel facility and appurtenances across County property that will become a part of the NYCDEP's Kensico-Eastview Connection Tunnel (KEC Tunnel). As such, the County Board of Legislators is considered an "Involved Agency" pursuant to SEQR. NYCDEP, the project sponsor, classified the project as a Type I action and assumed the role of "Lead Agency" in connection with SEQR, following the issuance of a notice to Involved Agencies of its intent to serve as Lead Agency on March 3, 2021.

**Date Final Environmental Impact Statement Filed:** August 16, 2023.

**Facts and Conclusions Relied on to Support the Decision:** See below.

PROJECT BACKGROUND

This Findings Statement is based on the following **Kensico–Eastview Connection Project** documents:

- Final Environmental Impact Statement, dated August 2023 (notice of completion date: August 16, 2023)

- NYCDEP Findings, dated August 28, 2023

Greater details of project need, objectives and benefits, as well as analysis of alternatives are as described in the NYCDEP's "Statement of Findings for the Kensico-Eastview Connection Project" and are incorporated into these Findings by reference.

#### PROJECT PURPOSE AND NEED

The New York City Department of Environmental Protection (NYCDEP) provides drinking water to nearly 10 million people, including over half the population of Westchester County. More than 90 percent of New York City's drinking water is supplied by the Catskill and Delaware watersheds located in upstate New York. The Catskill and Delaware aqueducts convey water by gravity from these upstate watersheds to Kensico Reservoir in Westchester County. From there, two aqueducts would convey the water westward toward Eastview, prior to traveling southward to the Hillview Reservoir in Yonkers, where three tunnels would then transport the water into various parts of New York City.

In 2012, NYCDEP completed construction of and put into operation the Catskill/Delaware Ultraviolet Disinfection Facility (CDUV Facility) at Eastview in order to meet the requirements of the United States Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (LT2 Rule). The Delaware Aqueduct was able to connect to the CDUV Facility. The Catskill Aqueduct, however, was not able to connect due to hydraulic grade limitations that prohibited gravitational conveyance. As such, NYCDEP took the section of the Catskill Aqueduct that runs between Kensico Reservoir and Eastview out of service.

NYCDEP conducted a planning study that identified the proposed KEC Tunnel as the preferred alternative to meet several objectives: (1) provide enhanced operational resiliency and redundancy for the water supply system; (2) provide target capacity to the CDUV Facility; (3) preserve the potential for the Catskill Aqueduct to bypass Kensico Reservoir; (4) Facilitate emergency and planned outages; and (5) provide compatibility with future infrastructure projects.

#### PROJECT DESCRIPTION

NYCDEP proposes to construct a new deep rock tunnel from the NYCDEP's Kensico campus on the west side of the Kensico Reservoir to the NYCDEP's CDUV facility on the north side of Grasslands Road at Eastview, a distance of approximately 2 miles. The interior diameter of the new water tunnel will be approximately 27 feet with a 1.5-foot thick cast-in-place concrete lining. It will be constructed within deep rock, with the crown at least 100 feet below ground surface, and will have a gradient of 0.1-3 percent to provide gravity flow. For the most part, the new route will run outside of the New York City-owned property associated with the Catskill Aqueduct. As such, the County will need to grant easements to NYCDEP to construct the new tunnel where the route will cross under County-owned land. The affected properties are:

- Section 117.13 Block 1, Lot 2 (NYCDEP Parcel 17) - Easement of 0.004 out of 3.51 acres;

- Section 117.09, Block 1, Lot 8 (NYCDEP Parcel 18) - Easement of 2.185 out of 12.972 acres;
- Section 116.12, Block 1, Lot 18 (NYCDEP Parcel 20) - Easement of 2.339 out of 16.066 acres;
- Section 116.12, Block 1, Lot 7 (NYCDEP Parcel 21) - Easement of 0.166 acres out of 86.54 acres; and
- Section 116.12, Block 1, Lot 16 (NYCDEP Parcel 22) -Easement of 4.706 out of 4.92 acres.

### IMPACT ANALYSIS

These Findings incorporate by reference the impact assessments found in NYCDEP's Findings with the following additional considerations and analyses relevant to the County.

### Current Land Use

All of the above parcels are associated with the County's Grasslands/Valhalla Campus, which is comprised of approximately 507 acres and supports a host of public, semi-public and private institutions, including, but not limited to, a medical center, a medical college, a jail and penitentiary, a fire training center, a police academy, labs and research facility, social service facilities, water district facilities, a bus garage, and a drop off center for specific household wastes.

The specific land uses of the affected county properties are as follows:

- Parcels 17 & 18: Developed property containing the water tower for County Water District #3 along with associated equipment and facilities, some lawn and trees.
- Parcel 20: Developed property on the Grasslands campus, containing the Central Heating Plant and other maintenance buildings, paved driveways and parking areas.
- Parcel 21: Northwest corner of Woods Road and Oval Connector, consisting of open space (lawn and a tree).
- Property 22: North end of the County Corrections Facility, containing a fenced vegetable garden, maintenance building, paved internal access roads, parking, portions of a steam pipe (above and below ground) and trees.

While the requested 150-foot wide easement represents a sizable amount of land area, there will be no impacts to the land surface since a tunnel boring machine will be used to create the tunnel deep down beneath the surface. Shafts will be constructed at the two end properties, which are both owned by NYCDEP.

Likewise, there will be no impacts to existing land uses since the County will retain the right to use the land within the tunnel easement area from the ground surface to a maximum depth of 50 feet below ground surface for any lawful activities, except for well-drilling or well-improvement activities, as long as such activities do not interfere with the operation and maintenance of the tunnel or jeopardize the integrity of the tunnel. In addition to no well-drilling or well-improvement activities anywhere within the tunnel easement area, the County will be prohibited from disturbing, excavating or undertaking any activities below 50 feet of the ground surface within the easement area.

No well activities are proposed by the County in this area, which encompasses the County's Grasslands/Valhalla campus and is severed by County Water District (CWD) #3. CWD#3 is supplied with water through a direct connection with NYCDEP Kensico

Reservoir with a backup connection to the Town of Greenburgh water distribution system, which also obtains its water from NYCDEP. However, in order to receive treated water from the CDUV, the County is proposing to construct a new 16-inch water transmission main from the Eastview Water Distribution Chamber, located on the south side of Route 100C to the CWD#3 water tower located on the north side of Bradhurst Avenue. The proposed route of this pipeline will follow existing roads, including Woods Road, where it will cross over both the Catskill and Delaware aqueducts, as well as through the proposed easement area in the vicinity of the Central Heating Plant. There will be no issues between the two water projects since the proposed county transmission main will be installed at a depth of around 6 to 8 feet. While the engineering report for the county transmission main anticipates the need for some rock removal, it is noted that no blasting will be conducted since blasting is not permitted within 100 feet of the City's aqueducts per NYCDEP regulations. The county's project will also abide by NYCDEP's vibration monitoring requirements for rock removal near the aqueducts.

#### Future Land Use

In 2023, the Westchester County Planning Department prepared/released a master plan for the Grasslands/Valhalla campus, entitled ***Grasslands Campus Sustainable Master Plan***. Parcels 20, 21 and a portion of 22 are substantially developed and there are no recommendations in the Master Plan regarding these properties that would be impacted by the NYCDEP easement restrictions.

The northeast portion of NYCDEP Parcel 22 bisects some undeveloped land to the west side of the Corrections visitor parking lot. Identified in the Master Plan as part of "Site U6 - Oval South," this area has been identified as a potential site for county facilities, affordable housing and active and passive recreation. The Master Plan notes that the site is currently challenged by the presence of an aboveground steam pipe running across the north side of the property. There are currently no plans for development of this site.

NYCDEP Parcels 17 and 18 are located within the Master Plan's undeveloped site labeled "Site U9-Bradhurst Property." The 48-acre area is largely vacant and has been identified as a potential site for county facilities, affordable housing and passive open space. The Tarrytown-Kensico Trailway, a county initiative to link trails from east to west through the midsection of the county, is proposed to be routed through this property. In addition, the Master Plan notes that a new 3-million-gallon water tower will be needed to meet the needs of the development of the North 60 and NYMC housing, which the Town of Mount Pleasant proposes to be built on the northern portion of the Bradhurst site. The proposed easement crosses in the vicinity of the existing CWD#3 water tower and, as such, is not anticipated to limit any of these other potential uses.

#### Construction Impacts - Noise & Vibrations

The City's environmental review included a noise study, which identified only one area at the Eastview site that would exceed 10 dBA above existing ambient noise, which could impact county facilities. Located on the east side of the CDUV property, these noise impacts would occur during select times of construction and would affect the County's Correctional Facility. From noise modeling, the location of the parking garage between the CDUV facility and the correctional buildings appears to assist in the reduction of noise levels impacting the corrections facility. The highest noise levels predicted at the



corrections complex would be located at the main multi-level building and also the stand-alone building in the northeast area of the complex. These buildings include predominantly inmate housing, as well as support office spaces. According to the EIS, at worst-case, interior noise levels at the inmate housing areas are not predicted to exceed 45 dBA, which is the interior noise threshold set by the U.S. Department of Housing and Urban Development, based on a typical transmission loss of 24dBA for closed double-glazed windows. While not double-glazed, the inmate housing windows are made of detention-grade glass, which are thicker than regular windows and offer similar attenuation. It is noted that such noise levels could occur for select times during construction only. There will be no noise impact to surrounding uses following construction.

Structural Assessments will be conducted for each existing on-site non-residential buildings, underground structures and any historic structures eligible for listing under the National Register of Historic Places to determine sensitivity and establish blasting limitations if necessary. Blast control measures, such as blast mats and enclosures, will be implemented, along with a vibration and noise monitoring program to assist with adjustments. As such, the project is not anticipated to impact existing county structures within the tunneling corridor.

#### County Policies

The proposed project is consistent with the County Planning Department's long-range planning guide, known as *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Planning Board on May 6, 2008, amended January 5, 2010. In particular, it supports Policy 10:

*Maintain utility infrastructure – Maintain safe and environmentally sound systems and policies for waste removal, collection and treatment, as well as the treatment and distribution of drinking water consistent with county's land use policies. Programs to reduce and recycle the waste stream, protect water quality, control and treat storm water and mitigate or reduce the impacts of flooding must be strengthened.*

#### MITIGATION MEASURES

Aside from the mitigation measures already committed to by NYCDEP in its environmental review, no further mitigation measures will be necessary related to the County easements.

#### CONCLUSIONS

Construction of the new water tunnel from Kensico Reservoir to the CUDV facility is critical to ensure an uninterrupted and adequate supply of clean drinking water for millions of City and county residents.

The proposed easements will have no impact on present or anticipated future use of the land by the County, as the County may continue to use the land surface and up to 50 feet below.

**Certification to Approve/Fund/Undertake:**

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Westchester County Board of Legislators

<u>Vanderberg</u>	<u>Malika</u>
Signature of Responsible Official	Name of Responsible Official

<u>Clerk</u>	<u>of</u>	<u>the</u>	<u>Westchester</u>	<u>County</u>	<u>Board</u>	<u>of</u>	<u>Legislators</u>
Title of Responsible Official				Date			

Address of Agency:  
Michaelian Office Building  
148 Martine Avenue  
White Plains, NY 10601



ACT NO. \_\_\_\_\_ - 2024

AN ACT authorizing the County of Westchester to grant permanent easements to the City of New York over, under and through certain real properties in the Town of Mount Pleasant.

**BE IT ENACTED** by the County Board of Legislators of the County of Westchester as follows:

**Section 1.** The County of Westchester (the “County”) is hereby authorized to grant permanent easements to the City of New York, acting by and through its Department of Environmental Protection (“NYCDEP”) over, under and through County-owned parcels of real property in Town of Mount Pleasant so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP’s provision of clean, safe drinking water to residents of the City of New York and Westchester County.

**§2.** The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

**§3.** This Act shall take effect immediately.

**HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act, which if approved by your Honorable Board, will authorize the County of Westchester (the “County”) to execute and submit to the State of New York (the “State”) a resource allocation plan (the “Plan”) which will qualify the County for certain State reimbursement through its Office of Children and Family Services (“OCFS”). The Plan will authorize the County to allocate funds to administer certain youth services programs to be provided by certain municipalities and not-for-profit corporations and to related administrative activities, for a program period of twelve (12) months, commencing October 1, 2024 and terminating September 30, 2025.

Your Committee is advised that the total aggregate reimbursement amount that the County will receive under the Plan will be One Million, Seven Hundred Twenty-Five Thousand, Five Hundred Sixty-Four and 00/100 (\$1,725,564.00) Dollars (“Funds”). Pursuant to the Plan, the County will administer the Funds on behalf of OCFS under the following funding streams: (i) Youth Development Program funds (“YDP”); (ii) Runaway and Homeless Youth Act funding (“RHYA”); (iii) Youth Sports and Education Opportunity Funding (“YSEF”); and (iv) the program entitled “Youth Team Sports” (“YTS”). It should be noted that OCFS requires approval by your Honorable Board in order for the County to accept the Funds under the Plan.

In addition, your Committee is advised that the proposed Act will further authorize the County to enter into inter-municipal agreements (“IMAs”) with the indicated municipalities set forth below, for the provision of positive youth development programs and sports education programs listed below (individually, the “Program,” and, collectively, the “Programs”), for the period of twelve (12) months, from October 1, 2024 through September 30, 2025, in a total aggregate amount not to exceed Three Hundred Sixty-Nine Thousand, Six Hundred Fifty-Six and 00/100 Dollars (\$369,656.00), allocated per Program as follows:

OCFS YOUTH DEVELOPMENT			
VENDOR	PROGRAM	CT #	CT AMT
Ardsley, Village of	Ardsley Teen Center	YTH2519	\$ 4,773.00

Bedford, Town of	Summer Employment Camp	YTH2520	\$	4,773.00
Briarcliff, Village of	Summer Youth Employment	YTH2521	\$	4,773.00
Cortlandt, Town of	Youth Employment Services	YTH2523	\$	8,681.00
Croton-On-Hudson, Village of	Youth Employment	YTH2563	\$	4,438.00
Eastchester, Town of	Youth Employment	YTH2525	\$	7,876.00
Elmsford, Village of	Summer Camp	YTH2560	\$	4,773.00
Greenburgh, Town of	TYCC Crossroads	YTH2527	\$	10,091.00
Mamaroneck, Village of	Summer Youth Employment	YTH2529	\$	8,600.00
Mount Kisco, Village of	Lifeguard Youth Employment	YTH2530	\$	4,773.00
Mount Vernon, City of	Fun Filled Summer	YTH2531	\$	8,436.00
	Youth Services	YTH2532	\$	19,643.00
Mt. Pleasant, Town of	Youth Officer	YTH2533	\$	6,741.00
New Castle, Town of	Youth Officer	YTH2534	\$	4,773.00
New Rochelle, City of	Potential Candidates Juvenile	YTH2535	\$	20,897.00
Ossining, Village of	Rec Jobs 101	YTH2538	\$	4,773.00
Peekskill, City of	Build a Boat	YTH2539	\$	5,738.00
	LIFT	YTH2540	\$	12,075.00
Pelham, Village of	Young Entrepreneurs Program	YTH2561	\$	7,637.00
Port Chester, Village of	Summer Camp Employment	YTH2541	\$	7,935.00
	Youth Bureau Community Forum	YTH2542	\$	4,773.00
	Youth Bureau - Summer Youth Employment	YTH2559	\$	22,247.00
Rye, City of	Youth Council	YTH2543	\$	4,773.00
Rye Brook, Village of	Youth Officer	YTH2544	\$	4,773.00
Scarsdale, Village of	Community Youth Service Project	YTH2545	\$	4,773.00
Sleepy Hollow, Village of	Summer Program	YTH2547	\$	4,773.00
	Summer Youth Employment	YTH2558	\$	4,773.00
	Girls As Leaders	YTH2562	\$	12,620.00
Tarrytown, Village of	Camp Summer Employment	YTH2548	\$	4,324.00
Tuckahoe, Village of	Youth Services	YTH2550	\$	4,773.00
White Plains, City	Comprehensive Yth Alt Projects	YTH2551	\$	29,139.00
Yonkers, City of	Teen Recreation Center Program	YTH2552	\$	20,415.00
	Camp Pride/Youth Employment	YTH2553	\$	22,651.00
Yorktown, Town of	Youth Officer	YTH2555	\$	4,650.00

OCFS YOUTH SPORTS				
VENDOR	PROGRAM	CT #	CT AMT	
Peekskill, City of	Swim, Soccer, Basketball	NYSSP2514	\$	14,000.00
Ossining, Village of	Sports Activities	NYSSP2515	\$	15,000.00
Sleepy Hollow, Village of	Sports Activities	NYSSP2516	\$	14,000.00
White Plains, City of	Sports Activities	NYSSP2517	\$	15,000.00

Your Committee is advised that, in addition to the IMAs, the County will enter into numerous agreements with various not-for-profit corporations, municipalities and community-based organizations under the YDP, the RHYA, the YSEF and the YTS programs, for the provision of various youth programs designed to provide opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults as well as programs intended to support local team sports programs across New York State and to provide crisis shelter services to run away and homeless youth through the operation of a 14 bed 24 x 7 shelter entitled "Sanctuary Program," subject to all necessary legal approvals.

Since the Plan does not constitute a procurement of goods or services, your Committee is advised that the Plan is not subject to the provisions of the Westchester County Procurement Policy. In addition, your Committee is advised that the IMAs are exempt from the Westchester County Procurement Policy pursuant to section 3(a) xviii thereof, regarding recreation projects and programs for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of Westchester County.

Your Committee is further advised that pursuant to the Plan, OCFS reserves the right to modify the services or budget at its discretion or when required by the State Comptroller. In addition, pursuant to the Plan, OCFS may withhold approval for reimbursement for certain youth programs included in the event of noncompliance with the Plan or rules and regulations of OCFS or if the County does not have a County Child and Family Services Plan approved by OCFS. Your Committee is advised that the County has a County Child and Family Services Plan which was already approved by OCFS on July 17, 2023. The next five-year Plan (2025-2029) is currently under review.

Your Committee is also advised that the Programs use positive youth development models to focus on providing opportunities for youth to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults. The Programs will implement service, opportunities and supports that target specific areas of positive youth development. The Programs will administer internal controls to

collect and analyze qualitative and quantitative outcomes to measure the efficacy of Program goals and their ability to increase positive youth development. The Programs anticipate outcomes of positive skills attainment, social competencies and an increased measure of positive youth development across all measurable areas.

Your Committee is further advised that the Program outcomes will be tracked and monitored by evaluation of the Programs' data; monthly, quarterly, and annual reports submitted to the County Youth Bureau, and through site visits by the County Youth Bureau Program monitor.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed Plan and IMAs do not meet the definition of an action under the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617(2)(b). 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. Your Committee concurs with this recommendation.

Your Committee believes that the County's participation in the Plan and entering into the IMAs will benefit youth by providing funding for certain programs that target specific areas of positive youth development. Therefore, your Committee recommends adoption of the proposed Act. It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends the annexed proposed Act for adoption.

c:sjc 12.5.24

Dated: January 13<sup>th</sup>, 2025

White Plains, New York

David Zeller Johnson

Z. W.

St. J.

St. J.

Redat Jasiri

David Zeller Johnson

Z. W.

St. J.

COMMITTEE ON

Budget & Appropriations

Veterans, Seniors & Youth

Dated: January 13, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in black ink, appearing to read "Colin J. Anderson". The signature is written in a cursive, flowing style.



# FISCAL IMPACT STATEMENT

SUBJECT: NYS OCFS 2024/5 Allocation/Municipalities

☐ 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 \$ 1777227

Total Current Year Revenue \$ 1,725,564

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: Operating Acct: 101-11-0400-OBJ 1010, 165-42-4750-OBJ 1010, 101-0400-OBJ 4436, 263-11-A530-OBJ 4380, 263-11-A108-OBJ 4380, Rev Source 9734

Potential Related Operating Budget Expenses: Annual Amount \$ 215,752

Describe: Youth Bureau Staff Salary Exp for YDP and required match for RHY Programs: \$123,482 under 101-11-0400-1010; RHY Prog Exp as reqd local match \$42,270 under 101-11-0400-4436 and under 165-42-4575-1010 West Cty Park & Rec Staff salary exp \$50,000.

Potential Related Revenues: Annual Amount \$ 1,725,564

Describe: Reimbursements by State to YB Non Profit Orgs \$360,000 (263-11-A530-9584) Municipalities \$311,656 (263-11-A530-9584) RHYA Program \$126,810 (263-11-A108-9584) YDP & RHYA Admin \$114,089 (101-11-0400-9734) All Sports \$763,009 (263-11-A530-9584) and WCPRF \$50,000 (165-42-4750-9734)

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$41,022 Youth Bureau

\_\_\_\_\_  
\_\_\_\_\_

Next Four years: NA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Bernie Dean

Title: Financial Administrator

Department: CEO/Youth Bureau

Reviewed By: 

Budget Director

12/5/24

If you need more space, please attach additional sheets.



**ACT NO. 2024 - \_\_\_\_\_**

**AN ACT** authorizing the County of Westchester to execute and submit to the State of New York a Resource Allocation Plan which will provide State reimbursement for certain youth services programs and enter into inter-municipal agreements with various municipalities to implement certain of those programs.

**BE IT ENACTED** by the County Board of the County of Westchester as follows:

**Section 1.** The County of Westchester, acting by and through its Youth Bureau (the “County”), is hereby authorized to execute and submit to the State of New York (“State”) a Resource Allocation Plan (the “Plan”) which will qualify the County to receive certain State reimbursements through the State’s Office of Children and Family Services (“OCFS”), in the total aggregate amount of One Million, Seven Hundred Twenty-Five Thousand, Five Hundred Sixty-Four and 00/100 (\$1,725,564.00) Dollars (“Funds”). The Plan will allocate the Funds for certain youth services programs and related administrative activities, for the program period of twelve (12) months, commencing October 1, 2024 and terminating September 30, 2025, under the following funding streams: (i) Youth Development Program funds ; (ii) Runaway and Homeless Youth Act funding; (iii) Youth Sports and Education Opportunity Funding; and (iv) the program entitled “Youth Team Sports” .

**§2.** The County, is hereby further authorized to enter into inter-municipal agreements (“IMAs”) with the indicated municipalities set forth below, for the provision of positive youth development programs and sports education programs listed below (individually, the “Program,” and, collectively, the “Programs”), for the period of twelve (12) months, from October 1, 2024 through September 30, 2025, in a total aggregate amount not to exceed Three Hundred Sixty-Nine Thousand, Six Hundred Fifty-Six and 00/100 Dollars (\$369,656.00), allocated per Program as follows:

OCFS YOUTH DEVELOPMENT			
VENDOR	PROGRAM	CT #	CT AMT
Ardsley, Village of	Ardsley Teen Center	YTH2519	\$ 4,773.00
Bedford, Town of	Summer Employment Camp	YTH2520	\$ 4,773.00
Briarcliff, Village of	Summer Youth Employment	YTH2521	\$ 4,773.00
Cortlandt, Town of	Youth Employment Services	YTH2523	\$ 8,681.00

Croton-On-Hudson, Village of	Youth Employment	YTH2563	\$	4,438.00
Eastchester, Town of	Youth Employment	YTH2525	\$	7,876.00
Elmsford, Village of	Summer Camp	YTH2560	\$	4,773.00
Greenburgh, Town of	TYCC Crossroads	YTH2527	\$	10,091.00
Mamaroneck, Village of	Summer Youth Employment	YTH2529	\$	8,600.00
Mount Kisco, Village of	Lifeguard Youth Employment	YTH2530	\$	4,773.00
Mount Vernon, City of	Fun Filled Summer	YTH2531	\$	8,436.00
	Youth Services	YTH2532	\$	19,643.00
Mt. Pleasant, Town of	Youth Officer	YTH2533	\$	6,741.00
New Castle, Town of	Youth Officer	YTH2534	\$	4,773.00
New Rochelle, City of	Potential Candidates Juvenile	YTH2535	\$	20,897.00
Ossining, Village of	Rec Jobs 101	YTH2538	\$	4,773.00
Peekskill, City of	Build a Boat	YTH2539	\$	5,738.00
	LIFT	YTH2540	\$	12,075.00
Pelham, Village of	Young Entrepreneurs Program	YTH2561	\$	7,637.00
Port Chester, Village of	Summer Camp Employment	YTH2541	\$	7,935.00
	Youth Bureau Community Forum	YTH2542	\$	4,773.00
	Youth Bureau - Summer Youth Employment	YTH2559	\$	22,247.00
Rye, City of	Youth Council	YTH2543	\$	4,773.00
Rye Brook, Village of	Youth Officer	YTH2544	\$	4,773.00
Scarsdale, Village of	Community Youth Service Project	YTH2545	\$	4,773.00
Sleepy Hollow, Village of	Summer Program	YTH2547	\$	4,773.00
	Summer Youth Employment	YTH2558	\$	4,773.00
	Girls As Leaders	YTH2562	\$	12,620.00
Tarrytown, Village of	Camp Summer Employment	YTH2548	\$	4,324.00
Tuckahoe, Village of	Youth Services	YTH2550	\$	4,773.00
White Plains, City	Comprehensive Yth Alt Projects	YTH2551	\$	29,139.00
Yonkers, City of	Teen Recreation Center Program	YTH2552	\$	20,415.00
	Camp Pride/Youth Employment	YTH2553	\$	22,651.00
Yorktown, Town of	Youth Officer	YTH2555	\$	4,650.00

OCFS YOUTH SPORTS				
VENDOR	PROGRAM	CT #	CT AMT	
Peekskill, City of	Swim, Soccer, Basketball	NYSSP2514	\$	14,000.00
Ossining, Village of	Sports Activities	NYSSP2515	\$	15,000.00
Sleepy Hollow, Village of	Sports Activities	NYSSP2516	\$	14,000.00
White Plains, City of	Sports Activities	NYSSP2517	\$	15,000.00

**§3.** The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

**§4.** This Act shall take effect immediately.

**INTERMUNICIPAL AGREEMENT**

**THIS INTER MUNICIPAL AGREEMENT** ("Agreement"), made the \_\_\_\_ day of \_\_\_\_\_, 2024, 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

**MUNICIPALITY**, a municipal corporation of the State of New York, having an office and place of business at \_\_\_\_\_ address (hereinafter referred to as the "Municipality").

**WITNESSETH:**

**WHEREAS**, the County of Westchester ("County"), acting by and through its Office of Youth Bureau ("Youth Bureau"), desires that the Municipality provide a \_\_\_\_\_ program entitled "Program Name" (the "Program"); and

**WHEREAS**, the Municipality is willing to provide such Program, upon the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the promises and the covenants and agreements herein contained, the parties hereto agree as follows:

**FIRST:** The Municipality shall provide the Program, as more fully described in Schedule "A" attached hereto and made a part hereof (the "Work"). In consideration for providing the Program, the County shall reimburse the Municipality an amount not to exceed Amount in Words Dollars (\$XXXX), as budgeted in accordance with Schedule "B," which is attached hereto and made a part hereof, payable quarterly, upon approval of the same as to form and manner by the Director of the Westchester County Youth Bureau, (the "Director"), and which amount shall be contingent upon receipt of said amount by the County from the New York State Office of Children and Family Services ("NYSOCFS"), for expenses actually incurred and paid by the Municipality after receipt of vouchers and/or reports in the manner prescribed by the County.

Payment under this Agreement shall be made after submission by the Municipality of an invoice, which shall be uniquely numbered, and paid only after approval of the invoice by the Director. In no event shall payment be made to the Consultant prior to completion of all Work and the approval of same by the Director.

Except as otherwise expressly stated in this Agreement, no 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.

**SECOND:** The Municipality shall provide the County with a report to be submitted within thirty (30) days of the expiration of this Agreement 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 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, 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, 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 County Executive or his duly authorized designee.

**THIRD:** The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C," entitled "Standard Insurance Provisions," which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents and its elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

**FOURTH:** The term of this Agreement will commence October 1, 2024 and terminate September 30, 2025, unless terminated earlier as provided herein.

**FIFTH:** (a) The County, upon thirty (30) days' notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment

for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "B".

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.

**SIXTH:** The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County's receipt of funds from NYSOCFS to operate the Program, and that no liability shall be incurred by the County beyond the monies made available from NYSOCFS for this Agreement. The Municipality agrees that the County shall not be liable for any of the payments hereunder unless and until the County Commissioner of Finance has received said funds or said funds have been made available to said commissioner.

If, for any reason, the full amount of said funds is not paid over or made available to the County by NYSOCFS, the County may terminate this Agreement immediately or reduce the amount payable to the Municipality, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Municipality. 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.

**SEVENTH:** All payments made by the County to the Municipality will be made by electronic funds transfer (“EFT”) pursuant to the County’s Vendor Direct Program. If the Municipality is not already enrolled in the Vendor Direct Program, the Municipality shall fill out and submit an EFT Authorization Form as part of this Agreement, which is attached hereto as Schedule “D” and made a part hereof. (In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, the Municipality understands that it must contact the County’s Finance Department.)

If the Municipality is already enrolled in the Vendor Direct Program, the Municipality hereby agrees to immediately notify the County’s Finance Department in writing if the EFT Authorization Form on file must be changed, and provide an updated version of the document.

**EIGHTH:** Schedule “E” is a form entitled, “Westchester County Youth Bureau Corrective Action Request”. This is a sample form that the Municipality can expect to receive if one or more areas where corrective action is required have been identified.

**NINTH:** All notices given pursuant to this agreement shall be in writing and effective upon 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:           Executive Director – Youth Bureau  
112 E. Post Road, 3<sup>rd</sup> floor  
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:   Executive Director  
Municipality



Street Address  
City, State Zip

or to such other addresses as may be specified by the parties hereto in writing.

**TENTH:** 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.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

**ELEVENTH:** 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.

**TWELFTH:** 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.

**THIRTEENTH:** 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.

**FOURTEENTH:** The Municipality shall comply, at its own expense, with the provisions of all applicable federal, state and local laws, rules, regulations, orders or ordinances and requirements of every kind and nature, which now exist or are hereinafter be enacted or promulgated ("Laws") applicable to this Agreement, the Municipality or the Work to be performed hereunder. Without limiting the generality of the foregoing, the Municipality further agrees to comply, at its own expense, with all Laws applicable to it as an employer of labor, and all Laws and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the Work hereunder.

**FIFTEENTH:** Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Work or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

**SIXTEENTH:** This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

**SEVENTEENTH:** 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:

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Name: Kenneth W. Jenkins  
Title: Deputy County Executive

**THE MUNICIPALITY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved by the Westchester County Board of Legislators of the County of Westchester by Act No. \_\_\_\_\_ - 2024.

Approved:

\_\_\_\_\_  
Assistant County Attorney  
The County of Westchester

**MUNICIPAL ACKNOWLEDGMENT**

(Municipal Corporation)

STATE OF NEW YORK       )  
   )  
 COUNTY OF WESTCHESTER) ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally came \_\_\_\_\_ to me known, and known to me to be the \_\_\_\_\_ of \_\_\_\_\_, the corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said \_\_\_\_\_ resides at \_\_\_\_\_ and that he/she is \_\_\_\_\_ of said corporation and knows the corporate seal of the said corporation; that the seal affixed to the within instrument is such corporate seal and that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his name thereto by like order.

\_\_\_\_\_  
 Notary Public

**CERTIFICATE OF AUTHORITY**  
(Municipality)

I, \_\_\_\_\_, certify that I am the  
(Officer other than officer signing contract)

\_\_\_\_\_ of the \_\_\_\_\_  
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the \_\_\_\_\_

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution

\_\_\_\_\_ of the Municipality,  
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

\_\_\_\_\_ thereunto duly authorized,  
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK )

COUNTY OF WESTCHESTER )

ss.:

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally came \_\_\_\_\_

\_\_\_\_\_ whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_,

(Title)

the municipal corporation described in and which executed the above certificate, who being by me  
duly sworn did depose and say that he, the said \_\_\_\_\_

resides at \_\_\_\_\_, and that he/she  
is the \_\_\_\_\_ of said municipal corporation.

(Title)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County

**SCHEDULE "A"**  
**SCOPE OF SERVICES**

DRAFT

**SCHEDULE "B"**  
**BUDGET**

DRAFT



**WESTCHESTER COUNTY YOUTH BUREAU**  
**FISCAL REQUIREMENTS AND POLICIES**

Westchester County Youth Bureau funds many different programs in each budget year. This material is designed to clarify the Bureau's fiscal requirements and policies regarding these programs. If questions arise, please contact the Youth Bureau at (914) 995-2755.

**Below is a list of current funding categories:**

All expenditures must be made in accordance with an approved budget, including any budget amendments. Programs funded by the Youth Bureau must file listings of all program expenses paid prior to receiving funds. A Program Expenditure Summary and applicable Program Expenditure Reports must be filed for each program. Listed below is a summary of the forms, which make up completed claim forms for reimbursement of program expenses:

<u>Type of Funding</u>	<u>Name of Form</u>	<u>Form Number</u>
NYS OCFS	Program Expenditure Summary	OCFS3125
	Salaries Report	OCFS3126
	Fringe Benefits Report	OCFS3127
	Consultants, Contracted Services & Stipends Report	OCFS3128
	Miscellaneous	OCFS3129
	Travel	OCFS3130

All claims should be submitted in original and must have original signature. The Contract Number must be entered on all the claim forms for Local Tax Levy Programs. The Executive Director or another authorized official of the agency must make the certification on the Program Expenditure Summary report.

All claims should be prepared and submitted quarterly. These quarterly claims should be submitted not later than the 20<sup>th</sup> date of the month following the end of the quarter, except the 4<sup>th</sup> quarter which is due on January 10<sup>th</sup> of the following year.

Copies of back-up documents should be submitted with the expenditure reports. Listed below is a summary of the back-up documents for various expenses:

<u>Type of Expense</u>	<u>Back-up Documents</u>
Salary & Wages	Payroll Register and Proof of Payment
Fringe Benefits	Invoice from the Vendor and Proof of Payment
Consultant/Contracted Services	Signed Agreement, Invoice and Proof of Payment
OTPS/Misc.	Invoice from the Vendor and Proof of Payment
Employee Exp. Reimbursement	Employee Exp. Request Form, Receipt, and Proof of Payment

The Youth Bureau audits each claim against appropriate Westchester County and NY State Finance Law, Rules & Regulations, Fiscal Policies & Procedures, and the approved budget of each program and any approved budget amendments. Claims with calculation errors, and not submitted in accordance with Fiscal Policies & Procedures and approved budget will be returned. All claims must be sent to:

Westchester County Youth Bureau  
 112 East Post Road, 3rd Floor  
 White Plains, NY 10601

**SCHEDULE "C"**  
**STANDARD INSURANCE PROVISIONS**  
 (Youth & Human Services)

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. The Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- i. Owned automobiles.
- ii. Hired automobiles.
- iii. Non-owned automobiles.

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/2,000,000 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

3. All policies of the Municipality shall be endorsed to contain the following clauses:

a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

**SCHEDULE "D"**  
**VENDOR DIRECT PROGRAM - ELECTRONIC FUNDS TRANSFER**

The Licensee shall complete the "Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form" as part of the County's 'Vendor Direct' program utilizing Electronic Funds Transfer ("EFT") payments.

The County will deposit payments via EFT two business days after the voucher/invoice is processed. Please note that Saturdays, Sundays, and legal holidays are not considered business days.

Under the Vendor Direct program, the Licensee will receive an e-mail notification one day prior to the day the payment will be credited to its designated account. The e-mail notification will come in the form of a remittance advice with the same information that would appear on a paper check stub, and will contain the date that the funds will be credited to its account.

The Licensee shall contact the County in the same manner for a discrepancy in the amount received via EFT as it would for a discrepancy in the amount received in a paper check.

In the unlikely event that the Licensee did not receive the money in its designated bank account on the date indicated in the e-mail, the Licensee shall contact the County's Finance Department's Accounts Payable Office at 914-995-2788.

The Licensee shall promptly notify the County whenever it changes any information regarding, or closes, the bank account that it enrolled in the Vendor Direct program for EFT payments. The Licensee shall then complete, and provide to the County, a new "Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form". The Licensee shall contact the County's Finance Department's Accounts Payable Office at 914-995-2788 to obtain a new form.

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[NO FURTHER TEXT ON THIS PAGE]

	<b>Westchester County • Department of Finance • Treasury Division</b> <b>Electronic Funds Transfer (EFT)</b> <b>Vendor Direct Payment Authorization Form</b>	Authorization is: <i>(check one)</i> <input type="checkbox"/> New <input type="checkbox"/> Change <input type="checkbox"/> No Change
<b>INSTRUCTIONS:</b> Please complete both sections of this Authorization form and attach a voided check. See the reverse for more information and instructions. If you previously submitted this form and there is no change to the information previously submitted, <b>ONLY</b> complete lines 1 through 6 of section 1.		

## Section I - Vendor Information

1. Vendor Name:		
2. Taxpayer ID Number or Social Security Number:		
3. Vendor Primary Address		
4. Contact Person Name:		
Contact Person Telephone Number:		
5. Vendor E-Mail Addresses for Remittance Notification:		
6. Vendor Certification: <i>I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.</i>		
_____ Authorized Signature	_____ Print Name/Title	_____ Date

## Section II- Financial Institution Information

7. Bank Name:		
8. Bank Address:		
9. Routing Transit Number:	10. Account Type: (check one)	<input type="checkbox"/> Checking <input type="checkbox"/> Savings
11. Bank Account Number:	12. Bank Account Title:	
13. Bank Contact Person Name:		Telephone Number:
14. FINANCIAL INSTITUTION CERTIFICATION (required <b>ONLY</b> if directing funds into a Savings Account <b>OR</b> if a voided check is not attached to this form): <i>I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial institution, I certify that this financial institution is ACH capable and agrees to receive and deposit payments to the account shown.</i>		
_____ Authorized Signature	_____ Print Name / Title	_____ Date

(Leave Blank - to be completed by  
Westchester County) - Vendor number assigned

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Westchester County • Department of Finance • Treasury Division

## Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

### GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

### Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

### Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.

NEW/CHANGE VEN EFT 9/08



che

**SCHEDULE "E"**  
**WESTCHESTER COUNTY YOUTH BUREAU**  
**SAMPLE CORRECTIVE ACTION REQUEST**

To: Program Contact: Organization Name:	From: Name of YB Program Monitor
Program Name:	Email:
Action Request Date:	
Action Due by:	

☐ 1<sup>st</sup> Notice

☐ 2<sup>nd</sup> Notice

☐ Final Notice

Monitoring of the abovementioned program has identified one or more areas where corrective action is required. Please see the item(s) checked below along with monitor notes for the appropriate plan of action. All requests for corrective action(s) must be addressed within 30 days of this notice.

- ☐ Monthly Statistical Report(s) are outstanding.
- ☐ Quarterly Statistical Report(s) are outstanding.
- ☐ Annual Report is outstanding.
- ☐ Failure to respond to site visit request(s).
- ☐ Failure to submit fiscal claim(s).

**Program Monitor Notes:**



RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

**WHEREAS**, the County Executive having on the 2<sup>nd</sup> day of December, 2024 recommended the reappointment of Richard Lyman of West Harrison, New York, as a member of the Westchester County Fire Advisory Board, for a term to commence on January 1, 2025 and expire on December 31, 2027, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

**WHEREAS**, the Committee on Appointments, having on the 13<sup>th</sup> day of January, 2025 approved the reappointment of Richard Lyman to the Westchester County Fire Advisory Board; NOW THEREFORE BE IT

**RESOLVED**, that said reappointment be and is hereby approved.

Dated: January 13, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

**WHEREAS**, the County Executive having on the 2<sup>nd</sup> day of December, 2024 recommended the reappointment of Chief Andrew J. Sandor of North Salem, New York, as a member of the Westchester County Fire Advisory Board, for a term to commence on January 1, 2025 and expire on December 31, 2027, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

**WHEREAS**, the Committee on Appointments, having on the 13<sup>th</sup> day of January, 2025 approved the reappointment of Chief Andrew J. Sandor to the Westchester County Fire Advisory Board; NOW THEREFORE BE IT **RESOLVED**, that said reappointment be and is hereby approved.

Dated: January 13, 2025  
White Plains, New York



The block contains five handwritten signatures in blue ink. The first signature is 'C. Pab'. The second is 'Miller'. The third is 'J. D.'. The fourth is 'Vicki Gauthi'. The fifth is a large, stylized signature that appears to be 'Terry'.

COMMITTEE ON APPOINTMENTS

RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

**WHEREAS**, the County Executive having on the 2<sup>nd</sup> day of January, 2024, recommended the reappointment of Cindy Kanusher of Irvington, New York, as a member of the Westchester County Domestic Violence Council for a term to commence January 1, 2025, and expire on December 31, 2027, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

**WHEREAS**, the Committee on Appointments, having on the 13<sup>th</sup> day of January, 2025 approved the reappointment of Cindy Kanusher to the Westchester County Domestic Violence Council; NOW THEREFORE BE IT

**RESOLVED**, that said reappointment be and is hereby approved.

Dated: January 13, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

**WHEREAS**, the County Executive having on the 2<sup>nd</sup> day of December, 2024, recommended the appointment of David Duarte of Mount Vernon, New York, as a member of the Westchester County Hispanic Advisory Board, for a term to commence on January 1, 2025 and expire on December 31, 2026, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

**WHEREAS**, the Committee on Appointments, having on the 13<sup>th</sup> day of January, 2025 approved the appointment of David Duarte to the Westchester County Hispanic Advisory Board; NOW THEREFORE BE IT

**RESOLVED**, that said appointment be and is hereby approved.

Dated: January 13, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an inter-municipal agreement (“IMA”) with Putnam Northern Westchester BOCES (“BOCES”), pursuant to which BOCES will coordinate a portion of the Bureau of Justice Assistance’s STOP School Violence Program by implementing Project Schools Transforming Real Interventions to Violence (“Project STRIV”) at various public, private, parochial and charter schools throughout Westchester County, for a term commencing retroactively on October 1, 2024 and continuing through September 30, 2025.

Your Committee is advised that Project STRIV, funded through a grant from the U.S. Department of Justice (“DOJ”), will expand and build upon existing school violence prevention initiatives and implement trainings to provide students, parents and school personnel with tools to recognize, respond quickly to, and prevent acts of violence. Training will be directed at the safety of the school communities to ensure the development of a positive school community climate and culture where students feel safe, accepted and respected regardless of their gender, race culture or sexual orientation.

Under the proposed IMA, BOCES will offer additional Comprehensive School Threat Assessment Guidelines (“CSTAG”) and Digital Threat Assessment trainings. The focused trainings will offer coordinated strategies to increase the levels of security and safety within the school environment. The digital training will help attendees get a better understanding of the social media world and online activity and what tools and methods are available to identify online threat related behavior to prevent tragedy and intervene when worrisome behavior is observed.

In consideration for providing these services, the County will pay BOCES a total amount not-to-exceed Two Hundred Twelve Thousand (\$212,000.00) Dollars, payable in four (4) installments of \$53,000 each, in accordance with an approved payment schedule.

Your Committee is advised that because the definition of “municipal corporation” under New York General Municipal Law § 119-n includes “boards of cooperative education services,” the proposed agreement constitutes an IMA requiring your Honorable Board’s approval.



Your Committee is further advised that the proposed IMA is exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a)xviii thereof, which exempts any procurement for the creation and support of youth service projects. In addition, these services are funded with Federal grant monies and are, pursuant to Section 11 of the County Procurement Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320) require that contracts in amounts equal to or less than \$250,000, be procured competitively, unless such contracts are deemed to be "non-competitive" procurements. In accordance with 2 CFR§ 200.320(c)(4), the County's STOP DWI Office contacted the DOJ requesting that it authorize a non-competitive proposal in this case. The DOJ subsequently approved BOCES as one of the sub awardees under the grant.

In addition, the proposed IMA does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

Your Committee has carefully considered this matter and has concluded that it is in the best interest of the County to adopt an Act to authorize the County to enter into this IMA. It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends approval of the annexed proposed Act.

Dated: 1/21, 2025  
White Plains, New York

*Benjamin Boykin*  
*Vedat Jaslin*  
COMMITTEE ON  
Public Safety  
s: JG/11-25-24

*Vedat Jaslin*  
Veterans, Seniors & Youth

Dated: January 21<sup>st</sup>, 2025  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

**Public Safety**

*Margaret A. Cunzio*

# FISCAL IMPACT STATEMENT

**SUBJECT: STOP-DWI Contract with PNW BOCES to help present and coordinate CSTAG (Comprehensive School Threat Assessment Guidelines) and Digital Threat Assessment trainings portion of the Project STRIV (Schools Transforming Real Interventions to Violence)**  
☒ **NO FISCAL IMPACT PROJECTED**

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☐ **GENERAL FUND**      ☐ **AIRPORT**      ☐ **SPECIAL REVENUE FUND (Districts)**

### B) EXPENSES AND REVENUES

Total Current Year Cost      \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one):      ☐ Current Appropriations

☐ Transfer of Existing Appropriations      ☐ Additional Appropriations      ☐ Other (explain)

Identify Accounts: Fund: 711; Dept. 71; Trust Account: T1016; Object: 9852  
(October 1, 2024-September 30, 2025)

Potential Related Operating Budget Expenses:      Annual Amount \$ 0

Describe: No impact to the Operating Budget

\_\_\_\_\_

\_\_\_\_\_

Potential Related Revenues:      Annual Amount \$ 0

Describe: No impact to the Operating Budget. Funding received from Department of Justice BJA (Bureau of Justice Assistance) STOP School Violence Prevention Program Grant. The total amount of the 3 year grant (10/1/2023-9/30/2026) is \$1,000,000 which will be accounted for in Department 71, Fund 711. This contract with PNW BOCES is for \$212,000 for 12 months (October 1, 2024-September 30, 2025)

\_\_\_\_\_

\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$ 0

No impact to the Operating Budget

\_\_\_\_\_

Next Four years: \$0

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Patricia McCarthy Tomassi

Title:      Program Administrator

Department: Public Safety  
Office of Drug Abuse Prevention & STOP DWI

Reviewed By: 

Budget Director

12/9/24

If you need more space, please attach additional sheets.



ACT NO. 2025 - \_\_\_\_\_

AN ACT authorizing the County of Westchester to enter into an inter-municipal Agreement with Putnam Northern Westchester BOCES pursuant to which BOCES will coordinate and present a portion of the Bureau of Justice Assistance's STOP School Violence Program by implementing Project Schools Transforming Real Interventions to Violence

**NOW, THEREFORE, BE IT ENACTED**, by the County Board of the County of Westchester as follows:

**Section 1.** The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal agreement (the "IMA") with Putnam Northern Westchester BOCES ("BOCES"), in substantially the form attached hereto, pursuant to which BOCES will coordinate and present a portion of the Bureau of Justice Assistance's STOP School Violence Program, by implementing Project Schools Transforming Real Interventions to Violence ("Project STRIV") at various public, private, parochial and charter schools throughout Westchester County, for a term commencing retroactively on October 1, 2024 and continuing through September 30, 2025.

**§2.** In consideration for services rendered, the County shall pay BOCES a total amount not-to-exceed Two Hundred Twelve Thousand (\$212,000.00) Dollars, payable in four (4) installments of \$53,000.00 each, in accordance with an approved payment schedule.

**§3.** The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

**§4.** This Act shall take effect immediately.

**THIS AGREEMENT**, made this      day of      , 2025 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

**PNW BOCES (Putnam Northern Westchester Boards of Cooperative Educational Services)**, a public organization that provides shared educational programs and services to school districts, having an office and principal place of business at 200 Boces Dr, Yorktown Heights, NY 10598 (hereinafter referred to as the “Agency” or “Contractor”)

**WHEREAS**, the County desires to obtain professional services in connection with coordinating the Bureau of Justice Assistance’s STOP School Violence Program by implementing Project Schools Transforming Real Interventions (“Project STRIV”) that will help improve school safety by providing students, parents and school personnel with tools to recognize, respond quickly, and prevent acts of violence and to help ensure a positive school climate; and

**WHEREAS**, the Agency helps to create, present and implement curriculum-based school violence prevention and early intervention programming, and training in schools, throughout Westchester County; and

**WHEREAS**, the County desires to retain the Agency to present and coordinate the CSTAG (Comprehensive School Threat Assessment Guidelines) and Digital Threat Assessment trainings portion of the Project STRIV program; and

**WHEREAS**, the Agency desires to provide such services for the compensation and on the terms herein provided.

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties agree as follows:

**FIRST:** The Agency shall coordinate and present the threat assessment trainings portion of the Project STRIV program, as more particularly described in the Agency’s Scope of Services which is attached hereto and made a part hereof as Schedule “A” (hereinafter the “Services”).

**SECOND:** For the Services rendered pursuant to Paragraph "FIRST," the Agency shall be paid an amount not to exceed TWO HUNDRED TWELVE THOUSAND DOLLARS (\$212,000.00), payable in accordance with the attached Budget and payment schedule set forth in Schedule "B."

Payment under this Agreement shall be made after submission by the Agency of an invoice, which shall be uniquely numbered and paid only after approval of the invoice by the Westchester County Commissioner of Public Safety or his duly authorized designee (the "Commissioner"). In no event shall *final* payment be made to the Agency prior to completion of all Services, the submission of reports and the approval of same by the Commissioner.

No payment shall be made by the County to the Agency for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

The Agency shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Services, unless specific additional charges are expressly permitted under this Agreement. It is recognized and understood that even if specific additional charges are expressly permitted under this Agreement, in no event shall total payment to the Contractor exceed the not-to-exceed amount set forth above.

Prior to the making of any payments hereunder, the County may, at its option, audit such books and records of the Agency as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County will not withhold payment pursuant to this paragraph for more than thirty (30) days after payment would otherwise be due pursuant to the provisions of this paragraph "SECOND," but the County shall not be restricted from withholding payment for cause found in the course of such audit or because of failure of the Agency to cooperate with such audit. The County shall, in addition, have the right to audit such books and records subsequent to payment.

**THIRD:** All Services rendered and work performed by the Agency shall be under the direction and subject to the complete approval of the Commissioner.

The Services to be performed pursuant to the terms of this Agreement shall commence promptly on October 1, 2024 and shall be completed no later than September 30, 2025, except as may be terminated sooner as hereinafter provided, or as may be extended by the Commissioner in writing, subject to all necessary legal approvals.

**FOURTH:** The Agency shall issue progress reports to the County as the Commissioner may direct and shall immediately inform the Commissioner in writing of any cause for delay in the performance of its obligations under this Agreement. The Commissioner shall receive a copy of all such progress reports and shall use said reports in determining the progress of this contract and in such evaluation in deciding to award future contracts. In addition, the County shall have the right to periodically monitor and record the Agency's performance during the term of the contract.

**FIFTH:** The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County's receipt of funding from the U.S. Department of Justice. The Agency agrees that the County shall not be liable for any of the payments hereunder unless and until the County Commissioner of Finance has received said funds.

If, for any reason, the full amount of said funds is not paid over or made available to the County by the U.S. Department of Justice, the County may terminate this Agreement immediately or reduce the amount payable to the Agency, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Agency. If the County subsequently offers to pay a reduced amount to the Agency, then the Agency shall have the right to terminate this Agreement upon reasonable prior written notice.

In addition, the parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County

Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Agency, then the Agency shall have the right to terminate this Agreement upon reasonable prior written notice.

Notwithstanding anything herein to the contrary, the parties hereto agree that should funding levels change or services not be performed by the Agency hereunder, the County's payment obligation will cease and any unexpended money owed the County shall be repaid by the Agency within thirty (30) days of notification by the County.

**SIXTH:** (a) The County, upon ten (10) days notice to the Agency, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Agency shall be compensated and the County shall be liable only for payment for Services already rendered under this Agreement prior to the effective date of termination in accordance with the payment schedule specified in Schedule "B," which payments shall be prorated to the actual date of termination. Upon receipt of notice that the County is terminating this Agreement in its best interests, the Agency shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Commissioner, and the Agency shall direct any approved subcontractors to do the same.

In the event of a dispute as to the value of the Services rendered by the Agency prior to the date of termination, it is understood and agreed that the Commissioner shall determine the value of such Services rendered by the Agency. The Agency shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Agency of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Agency of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Services provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Agency. Without limiting the foregoing, upon written notice to the Agency, repeated breaches by the Agency of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

**SEVENTH:** All records or recorded data of any kind compiled by the Contractor in completing the Services described in this Agreement, including but not limited to written reports, studies, drawings, blueprints, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Contractor may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Commissioner. The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

Notwithstanding the foregoing, all deliverables created under this Agreement by the Contractor are to be considered "works made for hire." If any of the deliverables do not qualify as "works made for hire," the Contractor hereby assigns to the County all right, title and interest (including ownership of copyright) in such deliverables and such assignment allows the County to obtain in its name copyrights, registrations and similar protections which may be available. The Contractor agrees to assist the County, if required, in perfecting these rights. The Contractor shall provide the County with at least one copy of each deliverable.

The Contractor agrees to defend, indemnify and hold harmless the County for all damages, liabilities, losses and expenses arising out of any claim that a deliverable infringes upon an intellectual property right of a third party. If such a claim is made, or appears likely to be made, the Contractor agrees to enable the County's continued use of the deliverable, or to modify or replace it. If the County determines that none of these alternatives is reasonably available, the deliverable may be returned.

**EIGHTH:** Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The Agency shall not subcontract any part of the Services without the prior written consent of the County. All such subcontracts that have received said prior written approval shall provide that subcontractors are subject to all terms and conditions set forth in the contract documents. All Services performed by a County-approved subcontractor shall be deemed Services performed by the Agency.

**NINTH:** The Agency represents and warrants that it has not employed or retained any person, other than a bona fide full-time salaried employee working solely for the Agency to solicit or secure this agreement, and that it has not paid or agreed to pay any person (other than payments of fixed salary to a bona fide full-time salaried employee working solely for the Agency) any fee,



commission, percentage, gift or other consideration, contingent upon or resulting from the award or making of this agreement. For the breach or violation of this provision, without limiting any other rights or remedies to which the County may be entitled or any civil or criminal penalty to which any violator may be liable, the County shall have the right, in its discretion, to terminate this agreement without liability, and to deduct from the contract price, or otherwise to recover, the full amount of such fee, commission percentage, gift or consideration.

**TENTH:** The Agency shall comply, at its own expense, with the provisions of all applicable federal, state and municipal laws, statutes and requirements and with all state and federal laws applicable to the Agency as an employer of labor or otherwise. The Agency shall further comply with all rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the services hereunder.

**ELEVENTH:** The Agency expressly agrees that neither it nor any Agency, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Agency acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

**TWELFTH:** In addition to, and not in limitation of the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions," attached hereto and made a part hereof, the Agency agrees:

(a.) that except for the amount, if any, of damage contributed to, caused by or resulting from the sole negligence of the County, the Agency shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Agency or third parties under the direction or control of the Agency; and

(b.) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c.) in the event the Agency does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Agency shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

**THIRTEENTH:** All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail postage pre-paid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the County:

Director,  
Office of Drug Abuse Prevention & STOP-DWI Program  
112 E. Post Road – 3<sup>rd</sup> Floor  
White Plains, New York 10601

With a copy to:

Commissioner-Sheriff  
Department of Public Safety  
Saw Mill River Parkway  
Hawthorne, New York 10532

And to:

Westchester County Attorney  
Westchester County  
148 Martine Avenue, Rm 600  
White Plains, New York 10605

To the Agency:

PNW BOCES  
200 Boces Drive  
Yorktown Heights, New York 10598



**FOURTEENTH:** This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

**FIFTEENTH:** In the event of a conflict between the terms of this Agreement and the provisions of any schedule attached hereto, the terms of this Agreement shall control with respect to any interpretation of the meaning and intent of the parties.

**SIXTEENTH:** This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

**SEVENTEENTH:** Attached hereto and forming parts hereof are the schedules listed below. Simultaneous with its execution of this Agreement, the Contractor shall provide the County with a completed copy of each schedule. The Contractor agrees that the terms of each of these schedules has been accepted and agreed-to by the Contractor by virtue of its execution of this Agreement, and the Contractor represents and warrants that it has completed each of these schedules accurately and completely.

- 1.) Schedule "D" — "Business Enterprises Owned and Controlled by Women or Persons of Color"

Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by women or persons of color in contracts and projects funded by all departments of the County.

- 2.) Schedule "E" — "Required Disclosure of Relationships to County"

In the event that any information provided in Schedule "E" must be changed during the term of this Agreement, the Contractor agrees to notify the County in writing within ten (10) business days and provide an updated version of the schedule. The Contractor shall also have each approved subcontractor complete a separate Schedule "E" and shall advise the subcontractor of the duty to report any changes to the information contained therein to the Contractor within ten (10) business days of such event and such information shall be forwarded by the Contractor to the County in the manner described above.

3.) Schedule "F" — "Criminal Background Disclosure"

This schedule is required pursuant to Executive Order No. 1-2008.

4.) Schedule "G" — "Certification Regarding Business Dealings with Northern Ireland"

Pursuant to Section 310.01 of the Laws of Westchester County, no County procuring officer may award or recommend for award any contract not subject to competitive bidding to a party that does not execute a certification in substantially the form contained in Schedule "G".

5.) Schedule "H" — "Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans"

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. This schedule is required as part of the County's program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 3 of the New York State Veterans' Service Law.

6.) Schedule "I" — "Vendor Direct Program - Electronic Funds Transfer"

All payments made by the County to the Contractor will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct Program. If the Contractor is not already enrolled in the Vendor Direct Program, the Contractor shall fill out and submit an EFT Authorization Form as part of this Agreement. (In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, the Contractor understands that it must contact the County's Finance Department.)

If the Contractor is already enrolled in the Vendor Direct Program, the Contractor hereby agrees to immediately notify the County's Finance Department in writing if the EFT Authorization Form on file must be changed, and provide an updated version of the document.

**EIGHTEENTH:** The Contractor agrees to complete and comply with all attached the schedules to this Agreement, including without limitation the following which are attached hereto and made a part hereof: "Certification Regarding Lobbying" (Schedule "J"); the "Certification Regarding Drug Free Workplace Requirements" (Schedule "K"); and "Certification Regarding Debarment and Suspension" (Schedule "L").

**NINETEENTH:** The Contractor hereby represents that, if operating under an assumed name, it has filed the necessary certificate pursuant to New York State General Business Law Section 130.

**IN WITNESS WHEREOF,** The County of Westchester and the Agency have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

By \_\_\_\_\_  
Terrance Raynor  
Commissioner-Sheriff,  
Department of Public Safety

**PNW BOCES (Putnam Northern Westchester  
Boards of Cooperative Educational Services)**

By \_\_\_\_\_  
Name:  
Title:

Approved by the Westchester County Board of Legislators by Act No. 2025 - \_\_\_\_\_ at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, 2025.

Approved:

\_\_\_\_\_  
Sr. Assistant County Attorney  
The County of Westchester

k/jpg/DPS/Project STRIV/Project STRIV-BOCES Contract (FINAL CLEAN) 11-25-24

**ACKNOWLEDGMENT**

STATE OF NEW YORK        }  
                                      } ss.:  
COUNTY OF                 }

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2025 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF AUTHORITY**  
**(CORPORATION)**

I, \_\_\_\_\_,  
(Officer other than officer signing contract)  
certify that I am the \_\_\_\_\_ of  
(Title)  
the \_\_\_\_\_  
(Name of Corporation)  
a corporation duly organized and in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the New York Business Corporation Law) named in the  
foregoing agreement; that  
\_\_\_\_\_  
(Person executing agreement)  
who signed said agreement on behalf of the \_\_\_\_\_  
(Name of Corporation)  
was, at the time of execution \_\_\_\_\_  
(Title of such person)  
of the Corporation and that said agreement was duly signed for and on behalf of said Corporation  
by authority of its Board of Directors, thereunto duly authorized and that such authority is in full  
force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK    }  
                                  } ss.:  
COUNTY OF            }

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2025 before me, the undersigned, a  
Notary Public in and for said State, \_\_\_\_\_ personally appeared, personally known  
to me or proved to me on the basis of satisfactory evidence to be the officer described in and who  
executed the above certificate, who being by me duly sworn did depose and say that he/she  
resides at \_\_\_\_\_, and he/she is an  
officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of  
said corporation, and that he/she signed his/her name thereto pursuant to such authority.

\_\_\_\_\_  
Notary Public  
Date

## **PUTNAM NORTHERN WESTCHESTER (PNW) BOCES**

### **PROJECT STRIV**

(Schools Transforming Real Intervention to Violence)

#### **SCHEDULE A**

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Schools Transforming Real Intervention to Violence (aka Project STRIV) will expand and build upon existing school violence prevention initiatives and implement trainings to provide students, parents and school personnel with tools to recognize, respond quickly to, and prevent acts of violence. Training will be directed at the safety of the school communities to ensure the development of a positive school community climate and culture where students feel safe, accepted and respected regardless of their gender, race culture or sexual orientation.

**PNW BOCES** (Boards of Cooperative Educational Services) will offer additional CSTAG (Comprehensive School Threat Assessment Guidelines) and Digital Threat Assessment trainings. The focused trainings will offer coordinated strategies to increase the levels of security and safety within the school environment. The digital training will help attendees get a better understanding of the social media world and online activity and what tools and methods are available to identify online threat related behavior to prevent tragedy and intervene when worrisome behavior is observed.

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**A. Continue with CSTAG (Comprehensive School Threat Assessment Guidelines) trainings and implement Digital Threat Assessment Training**

- Schedule and facilitate up to 5 trainings
- Provide additional focused school violence prevention trainings for school personnel – administration and support staff, law enforcement personnel and parents

**B. Work with the County RTC (Real Time Crime) Center to create a dedicated School Desk**

**C. Technical Assistance and Reporting**

- i. Collect baseline data for school violence
- ii. Create and analyze evaluation forms for the terms of the Program
- iii. Assist the County and Technical Assistance Coordinator and Evaluator in preparing all reports for the federal agency, Department of Justice, Bureau of Justice Assistance pertaining to the project, including the quarterly progress reports
- iv. Ensure that all required data are collected, tracked and submitted for reporting purposes on a timely basis

**D. Work with the Project Coordinator and Evaluator**

- i. Work with Student Assistance Services' Coordinator to ensure the CSTAG, Digital Threat Assessment and School Prevention Program trainings are coordinated and work in conjunction with each other to meet the standards and goals of the BJA Grant

## **SCHEDULE B**

### *PROGRAM BUDGET, 2024-2025*

The payment made to Putnam Northern Westchester BOCES for the Department of Public Safety through the Westchester County Alcohol and Drug Free Community's Department of Justice BJA STOP School Violence Program "Project Schools Transforming Real Interventions (STRIV) Program" Contract shall not exceed \$212,000.00 for the period October 1, 2024 through September 30, 2025.

Payments shall be made on Westchester County payment vouchers with a detailed invoice to the Office of Drug Abuse Prevention & STOP-DWI, 112 E. Post Road, White Plains, New York 10601.

Payments for services rendered hereunder shall be made according to the following schedule/and it is herein agreed by all parties that should funding levels change or that services are not performed payment will cease and any money owed the Office of Drug Abuse Prevention & STOP-DWI will be repaid within thirty (30) days of notification to the Office of Drug Abuse Prevention & STOP-DWI.

Payment not to exceed the following amounts upon execution and approval of this agreement.

January 2, 2025	<b><i>\$53,000</i></b>
April 1, 2025	<b><i>\$53,000</i></b>
July 1, 2025	<b><i>\$53,000</i></b>
September 30, 2025	<b><i>\$53,000</i></b>

## **SCHEDULE "C"**

### **STANDARD INSURANCE PROVISIONS** **(Contractor)**

1. Prior to commencing work, and throughout the term of the Agreement, the Contractor shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Contractor shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Contractor and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Contractor shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Contractor to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Contractor to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Contractor from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Contractor concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Contractor's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Contractor until such time as the Contractor shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Contractor maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.



2 The Contractor shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.l) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County for both on-going and completed operations.

All Contracts involving the use of explosives, demolition and/or underground work shall provide proof that XCU is covered.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

- 3. All policies of the Contractor shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Contractor.

DRAFT

## **SCHEDULE "D"**

### **QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR**

As part of the County's program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, and in furtherance of Section 308.01 of the Laws of Westchester County, completion of this form is required.

A "business enterprise owned and controlled by women or persons of color" means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability company, or corporation, that either:

- 1.) meets the following requirements:
  - a. is at least 51% owned by one or more persons of color or women;
  - b. is an enterprise in which such ownership by persons of color or women is real, substantial and continuing;
  - c. is an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
  - d. is an enterprise authorized to do business in this state which is independently owned and operated.
- 2.) is a business enterprise certified as a minority business enterprise ("MBE") or women business enterprise ("WBE") pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code of Rules and Regulations subtitle N Part 540 et seq., **OR**
- 3.) is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term "persons of color", as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

- (a) Black persons having origins in any of the Black African racial groups;
- (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
- (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

\_\_\_\_\_ No  
\_\_\_\_\_ Yes

**Please note: If you answered "yes" based upon certification by New York State and/or the Federal government, official documentation of the certification must be attached.**

2. If you answered "Yes" above, please check off below whether your business enterprise is owned and controlled by women, persons of color, or both.

\_\_\_\_\_ Women

\_\_\_\_\_ Persons of Color (*please check off below all that apply*)

- \_\_\_\_\_ Black persons having origins in any of the Black African racial groups
- \_\_\_\_\_ Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race
- \_\_\_\_\_ Native American or Alaskan native persons having origins in any of the original peoples of North America
- \_\_\_\_\_ Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands

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[NO FURTHER TEXT ON THIS PAGE]

**SCHEDULE "E"**

**REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY**

- 1.) Are any of the employees that the Contractor will use to carry out this contract also a County officer or employee, or the spouse, child, or dependent of a County officer or employee?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details (attach extra pages, if necessary): \_\_\_\_\_  
\_\_\_\_\_

- 2.) Are any of the owners of the Contractor or their spouses a County officer or employee?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details (attach extra pages, if necessary): \_\_\_\_\_  
\_\_\_\_\_

- 3.) Do any County officers or employees have an **interest**<sup>1</sup> in the Contractor or in any approved subcontractor that will be used for this contract?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details (attach extra pages, if necessary): \_\_\_\_\_  
\_\_\_\_\_

[NO FURTHER TEXT ON THIS PAGE]

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<sup>1</sup> "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer or employee, his/her spouse, child or dependent, whether as the result of a contract with the County or otherwise. For the purpose of this form, a County officer or employee shall be deemed to have an "interest" in the contract of:

- 1.) His/her spouse, children and dependents, except a contract of employment with the County;
- 2.) A firm, partnership or association of which such officer or employee is a member or employee;
- 3.) A corporation of which such officer or employee is an officer, director or employee; and
- 4.) A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

## **SCHEDULE "F"**

### **CRIMINAL BACKGROUND DISCLOSURE**

#### **INSTRUCTIONS**

Pursuant to Executive Order 1-2008, the County is required to maintain a record of criminal background disclosure from all persons providing work or services in connection with any County contract, including leases of County-owned real property and licenses:

- a.) If any of the persons providing work or services to the County in relation to a County contract are not subject to constant monitoring by County staff while performing tasks and/or while such persons are present on County property pursuant to the County contract; and
- b.) If any of the persons providing work or services to the County in relation to a County contract may, in the course of providing those services, have access to sensitive data (for example SSNs and other personal/secure data); facilities (secure facilities and/or communication equipment); and/or vulnerable populations (for example, children, seniors, and the infirm).

In those situations, the persons who must provide a criminal background disclosure ("Persons Subject to Disclosure") include the following:

- a.) Consultants, Contractors, Licensees, Lessees of County-owned real property, their principals, agents, employees, volunteers or any other person acting on behalf of said Contractor, Consultant, Licensee, or Lessee who is at least sixteen (16) years old, including but not limited to Subconsultants, Subcontractors, Sublessees, or Sublicensees who are providing services to the County, and
- b.) Any family member or other person, who is at least sixteen (16) years old, residing in the household of a County employee who lives in housing provided by the County located on County property.

Under Executive Order 1-2008, it is the duty of every County Consultant, Contractor, Licensee, or Lessee to inquire of each and every Person Subject to Disclosure and disclose whether they have been convicted of a crime or whether they are subject to pending criminal charges, and to submit this form with that information.<sup>1</sup> Accordingly, the attached Criminal Background Disclosure Form and Certification must be completed and agreed-to as part of this Agreement.

Please note that under no circumstances shall the existence of a language barrier serve as a basis for the waiver of or an exception from the disclosure requirements of Executive Order 1-2008. If translation services are required by the Consultant, Contractor, Licensee, or Lessee to fulfill this obligation, it shall be at the sole cost and expense of the Consultant, Contractor, Licensee, or Lessee.

Please also note that the conviction of a crime(s) and/or being subject to a pending criminal charge(s) will not automatically result in a denial of a person's right to work on a County contract, right to be on County property, or license, but may, if the County determines that the prior conviction(s) or

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<sup>1</sup> For these disclosures, a "crime" or "pending criminal charge" includes all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State.



pending criminal charge(s) create an unacceptable risk. However, if a person fails to list or falsifies any part of his/her conviction history or any pending criminal charge(s) for any reason, he/she may be prohibited from working or being on County property without any risk assessment. If it is later determined that a Person Subject to Disclosure failed to disclose a criminal conviction or pending criminal charge for any reason, his/her right to work on a County contract, be on County property, or license may be terminated at any time.

Please further note that, pursuant to Executive Order 1-2008, and subject to the applicable provisions of New York Correction Law §§ 752 and 753, the County has the right to bar a Person Subject to Disclosure from providing work or services to the County or from being on County property if any such person has:

- a.) A conviction of a crime(s);
- b.) A pending criminal proceeding for a crime(s); or
- c.) Refused to answer questions concerning his/her criminal background

Please finally note that any failure by a County Consultant, Contractor, Licensee, or Lessee to comply with the disclosure requirements of Executive Order 1-2008 may be considered by the County to be a material breach and shall be grounds for immediate termination by the County of the related County contract.

#### **Exemptions**

Executive Order 1-2008 exempts from the aforementioned disclosure requirements Persons Subject to Disclosure:

- a.) for whom the County has already conducted a background check and issued a security clearance that is in full force and effect; and
- b.) for whom another state or federal agency having appropriate jurisdiction has conducted a security and/or background clearance or has implemented other protocols or criteria for this purpose that apply to the subject matter of a County contract that is in full force and effect.

If you are claiming an exemption for one or more Persons Subject to Disclosure, you must notify the Procuring Officer<sup>2</sup>. The Procuring Officer will then determine whether the Person(s) Subject to Disclosure are actually exempt, and provide written notification of his/her determination. If the Procuring Officer determines that a Person Subject to Disclosure is not exempt, the Procuring Officer will notify you of that determination, and you will have to include disclosures for that person on your Criminal Background Disclosure Form and Certification.

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<sup>2</sup> Procuring Officer" shall mean the head of the department or the individual or individuals authorized by the head(s) of the department(s) undertaking the procurement and with respect to those matters delegated to the Bureau of Purchase and Supply pursuant to Section 161.11(1)(a) of the Laws of Westchester County, the Purchasing Agent.

### **Subconsultants, Subcontractors, Sublessees, or Sublicensees**

Under Executive Order 1-2008, it is your duty to ensure that any and all approved subconsultants, subcontractors, sublessees, or sublicensees complete and submit the attached Criminal Background Disclosure Form and Certification for all of their respective Persons Subject to Disclosure. This must be done before such a subconsultant, subcontractor, sublessees, or sublicensees can be approved to perform work on a contract.

### **New Persons Subject to Disclosure**

Under Executive Order 1-2008, you have a **CONTINUING OBLIGATION** to maintain the accuracy of the Criminal Background Disclosure Form and Certification (and any accompanying documentation) for the duration of this contract, including any amendments or extensions thereto. Accordingly, it is your duty to complete and submit an updated Criminal Background Disclosure Form and Certification whenever there is a new Person Subject to Disclosure for this contract. **NO NEW PERSON SUBJECT TO DISCLOSURE SHALL PERFORM WORK OR SERVICES OR ENTER ONTO COUNTY PREMISES UNTIL THE UPDATED CRIMINAL BACKGROUND DISCLOSURE FORM AND CERTIFICATION IS FILED WITH THE PROCURING OFFICER.** You shall also provide the County with any other updates that may be necessary to comply with the disclosures required by Executive Order 1-2008.

---

*PLEASE CONTINUE TO THE*

*Criminal Background Disclosure Form and Certification*

*BEGINNING ON THE NEXT PAGE*



## **CRIMINAL BACKGROUND DISCLOSURE**

### **FORM AND CERTIFICATION**

If this form is being completed by a subconsultant, subcontractor, sublessee, or sublicensee, please consider all references in this form to "consultant, contractor, lessee, or licensee" to mean "subconsultant, subcontractor, sublessee, or sublicensee" and check here: \_\_\_\_\_

By executing this Agreement, I, as the signatory for the Contractor, certify that I am a principal or a representative of the Consultant, Contractor, Lessee, or Licensee and I am authorized to agree to and provide this completed Criminal Background Disclosure Form and Certification. I certify that each Person Subject to Disclosure has been asked the following questions:

- **Have you or your company ever been convicted of a crime (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State) including, but not limited to, conviction for commission of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property?**
- **Are you or your company subject to any pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State)?**

I certify that the names and titles of Persons Subject to Disclosure who refused to answer **either** of the questions above are as follows:

If none, check this box: ☐

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(If more space is needed, please attach separate pages labeled "REFUSED to Answer - Continued.")

I certify that the names and titles of Persons Subject to Disclosure who answered "Yes" to **either** of the questions above are as follows:

If none, check this box: ☐

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(If more space is needed, please attach separate pages labeled "YES Answers - Continued")

Each Person Subject to Disclosure listed above who has either **been convicted of a crime(s)** and/or **is subject to a pending criminal charge(s)** must answer additional questions. Those questions are

below.

**A Person Subject to Disclosure who has been convicted of a crime(s) must respond to the following (please attach separate pages with responses for each person, with their name and title):**

- 1.) Describe the reason for being on County property if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please list all criminal convictions along with a brief description of the crime(s) (including all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please provide the date and place of each conviction.
- 4.) Please provide your age at the time of each crime for which you were convicted.
- 5.) Please provide the legal disposition of each case.
- 6.) Please provide any information either produced by yourself or someone on your behalf in regards to your rehabilitation and good conduct.

**A Person Subject to Disclosure who is subject to a pending criminal charge(s) must respond to the following (please attach separate pages with responses for each person, with their name and title):**

- 1.) Describe the reason for being on County property and if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please identify all pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please briefly describe the nature of the pending charges and the date upon which it is alleged that a crime was committed.

I hereby certify that all of the information provided herein (and in any and all attachments) is true and accurate and that all disclosures required by Executive Order 1-2008 and this Criminal Background Disclosure Form and Certification have been completed. By executing this Agreement, I hereby affirm that all of the facts, statements and answers contained herein (and in any and all attachments) are true and correct. I understand that providing false or incomplete information or withholding by omission or intention pertinent information will be cause for refusing further consideration of my being utilized under this contract.

**It is understood and agreed that no Person Subject to Disclosure shall perform work or services or enter onto County property until this required Criminal Background Disclosure Form and Certification is filed with the Procuring Officer.**

**It is understood and agreed that to the extent that new Persons Subject to Disclosure are proposed to perform work or provide services under this contract after filing of this Criminal Background Disclosure Form and Certification with the Procuring Officer, such new Persons Subject to Disclosure shall not perform work or provide services or enter into County property until an updated Criminal Background Disclosure Form and Certification has been filed with the Procuring Officer.**

**It is further understood and agreed that the consultant, contractor, lessee, or licensee has a continuing obligation to maintain the accuracy of the Criminal Background Disclosure Form and Certification for the duration of this contract, including any amendments or extensions thereto, and shall provide any updates to the information to the County as necessary to comply with the requirements of Executive Order 1-2008.**

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[NO FURTHER TEXT ON THIS PAGE]

## **SCHEDULE "G"**

### **CERTIFICATION REGARDING BUSINESS DEALINGS WITH NORTHERN IRELAND**

A. The Contractor and any individual or legal entity in which the Contractor holds a ten percent (10%) or greater ownership interest and any individual or legal entity that holds a ten percent (10%) or greater ownership interest in the Contractor (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles.

B. For purposes of this Certification, "MacBride Principles" shall mean those principles relating to nondiscrimination in employment and freedom of workplace opportunity which require employers doing business in Northern Ireland to:

- (1) increase the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs;
- (2) take steps to promote adequate security for the protection of employees from underrepresented religious groups both at the workplace and while traveling to and from work;
- (3) ban provocative religious or political emblems from the workplace;
- (4) publicly advertise all job openings and make special recruitment efforts to attract applicants from underrepresented religious groups;
- (5) establish layoff, recall and termination procedures which do not in practice favor a particular religious group;
- (6) abolish all job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion;
- (7) develop training programs that will prepare substantial numbers of current employees from underrepresented religious groups for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of workers from underrepresented religious groups;
- (8) establish procedures to assess, identify and actively recruit employees from underrepresented religious groups with potential for further advancement; and
- (9) appoint a senior management staff member to oversee affirmative action efforts and develop a timetable to ensure their full implementation.

C. For purposes of this Certification, "Northern Ireland" shall be understood to be the six counties partitioned from the Irish Province of Ulster, and administered from London and/or from Stormont.

D. The Contractor agrees that the warranties and representation in paragraph "A" are material conditions of this Agreement. If the County receives information that the Contractor is in violation of paragraph "A", the County shall review such information and give the Contractor opportunity to respond. If the County finds that such a violation has occurred, the County may declare the Contractor in default, and/or terminate this Agreement. In the event of any such termination, the County may procure the supplies, services or work from another source in accordance with applicable law. The Contractor shall pay to the County the difference between the contract price for the uncompleted portion of this Agreement and the cost to the County of completing performance of this Agreement either by itself or by engaging another contractor. If this

is a contract other than a construction contract, the Contractor shall be liable for the difference in price if the cost of procurement from another source is greater than what the County would have paid the Contractor plus any reasonable costs the County incurs in any new procurement and if this is a construction contract, the County shall also have the right to hold the Contractor in partial or total default in accordance with the default provisions of this Agreement. In addition, the Contractor may be declared not to be a responsible bidder or proposer for up to three (3) years, following written notice to the Contractor, giving the Contractor the opportunity for a hearing at which the Contractor may be represented by counsel. The rights and remedies of the County hereunder shall be in addition to, and not in lieu of, any rights and remedies the County has pursuant to this Agreement or by operation of law or in equity.

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[NO FURTHER TEXT ON THIS PAGE]

DRAFT

## **SCHEDULE "H"**

### **For Informational Purposes Only**

#### **QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS**

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. As part of the County's program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 17-B of the New York State Executive Law, we request that you answer the questions listed below.

The term "Certified Service-Disabled Veteran-Owned Business" shall mean a business that is a certified service-disabled veteran-owned business enterprise under the New York State Service-Disabled Veteran-Owned Business Act (Article 17-B of the Executive Law).

1. Are you a business enterprise that is owned and controlled by a service-disabled veteran in accordance with the standards listed above?

\_\_\_\_\_ No  
\_\_\_\_\_ Yes

2. Are you certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business?

\_\_\_\_\_ No  
\_\_\_\_\_ Yes

***If you are certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business, please attach a copy of the certification.***

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[NO FURTHER TEXT ON THIS PAGE]

## **SCHEDULE "I"**

### **Westchester County Vendor Direct Program Frequently Asked Questions**

**1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?**

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

**2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?**

Yes.

**3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?**

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

**4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?**

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

**5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?**

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

**6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?**

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

**7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?**

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

**8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?**

This is to ensure the authenticity of the account being set up to receive your payments.



**Electronic Funds Transfer (EFT)**Authorization is:  
(check one)

- ☐
- New
- 
- ☐
- Change

Westchester County • Department of Finance • Treasury Division

**Electronic Funds Transfer (EFT)  
Vendor Direct Payment Authorization Form****GENERAL INSTRUCTIONS**

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

**Section I - VENDOR INFORMATION**

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

**Section II - FINANCIAL INSTITUTION INFORMATION**

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.

NEW/CHANGE VEN EFT 9/08



**Schedule "J"**  
**Certification Regarding Lobbying**

**Certification for Contracts, Grants, Loans and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief,

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- 2) If any funds other than the Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
(Name of Organization)

\_\_\_\_\_  
(Signature of Responsible Official)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Grant Number)

**“Schedule “K”**

**Certification Regarding Drug Free Workplace Requirements**

**GRANTEES OTHER THAN INDIVIDUALS**

This certification is required by regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017, Subpart F, Section 3017.699 and 45 CFR Part 76, Subpart F. The January 31, 1989 regulations were amended and published as Part II of the May 25, 1990 Federal Register (Pages 21681-21691).

The grantee certifies that it will provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition:
- b) Establishing a drug-free awareness program to inform employees about:
  - 1) The dangers of drug abuse in the workplace;
  - 2) The grantee's policy of maintaining a drug-free workplace;
  - 3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  - 1) Abide by the terms of the statement; and
  - 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- e) Notifying the agency within ten days of receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2) with respect to any employee who is so convicted:
  - 1) Taking appropriate personnel action against such an employee, up to and including termination; or

- 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency;
- g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

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*(Organization)*

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*(Authorized Signature)*

**Schedule "L"**

**Certification Regarding Debarment and Suspension**

1) As required by Federal Executive Order 12549, and prescribed by federal regulations, including 40 CRF Part 32, the contractor certifies that it, and its principals:

- (a) Are not presently disbarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency;
- (b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, including any violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) above; and
- (d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the Contractor is unable to certify to any of the statements in this paragraph, the Contractor shall attach an explanation to this certification.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

**BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the Acting County Executive recommending approval of a Resolution, pursuant to Section 303-a of the New York Agriculture and Markets Law, commencing a review of Westchester County Agricultural District No. 1 (the “District”).

As your Honorable Board may know, by Resolution No. 223-2000, a proposal was submitted to the New York State Commissioner of Agriculture and Markets (the “Commissioner”) to establish the District and designate an eight-year review period. The Commissioner certified the lands designated in Resolution No. 223-2000 for districting effective July 19, 2001. Recertification of the District is once again necessary and is due to be completed on or before July 19, 2025.

Your Committee is advised that pursuant to Section 303-a of the Agriculture and Markets Law, your Honorable Board is required to take certain enumerated actions in relation to the review of the District, including (1) publishing notice that such a review is underway, which advises where comments on the review may be directed (the “Public Comment Notice”), (2) directing the Westchester County Agricultural and Farmland Protection Board to prepare a report on the agricultural review within forty-five (45) days, and (3) scheduling a Public Hearing and providing notice of the Public Hearing (the “Public Hearing Notice”) not less than thirty (30) days after the publication of the Public Comment Notice. After the Public Hearing, your Honorable Board is required to make a recommendation to the Commissioner to terminate, continue or modify the District. If the finding is that the District should be continued or modified, a District Review Plan must be submitted to the Commissioner.

Notice that a review of the District is in progress and that a Public Hearing will be scheduled at an appropriate time.

The Department of Planning has advised that based on its review, the proposed Resolution may be classified as a "Type II" action pursuant to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 ("SEQRA"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

Based upon the foregoing, your Committee recommends the adoption of the attached Resolution in order to commence the review of the District required by Section 303-a of the Agriculture and Markets Law.

Dated: January 22<sup>nd</sup>, 2025  
White Plains, New York

  
  
Nancy [unclear]  
  
David J. L. [unclear]

  
  
David J. L. [unclear]  


COMMITTEE ON

c: mcz 1.3.25

Parks & Environment

Housing & Planning

# FISCAL IMPACT STATEMENT

SUBJECT: 2025 Ag District Recertification

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses:

Annual Amount 0

Describe: No impact.

Potential Related Operating Budget Revenues:

Annual Amount 0

Describe: No impact.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Recertification of the District is required by NYS Ag and Markets Law every eight years and is performed by Planning Department staff.

Next Four Years: Annual application period is required by New York State Agricultural Districts Law and performed by Planning Department staff and the members of the County Agriculture and Farmland Protection Board.

Prepared by: David Kvinge

Title: Assistant Commissioner

Department: Department of Planning

Date: November 26, 2024

Reviewed By: 

Budget Director

Date: 11/26/24



TO: Maximillian Zorn, Junior Assistant County Attorney  
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM  
Assistant Commissioner



DATE: January 3, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
COMMENCEMENT OF AGRICULTURAL DISTRICT REVIEW**

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**PROJECT/ACTION:** The proposed actions consist of publication by the Board of Legislators (BOL) of a notice to commence the required public comment period for Westchester County Agricultural District No. 1, pursuant to New York State Agricultural Districts Law, and direction to the County Agriculture and Farmland Protection Board (AFPB) to collect the necessary data and develop a recommendation concerning the recertification of the district.

**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 because the project/action may be classified as a TYPE II action pursuant to section(s):**

- **617.5(c)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action

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**COMMENTS:** At this time, the action consists solely of commencement of the public review period and initiation of the preparation of a report by the AFBP. Further environmental review and documentation will be undertaken when recommendations considering the district are proposed for action by the BOL.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Blanca Lopez, Commissioner  
Matthew Castro, Principal Environmental Planner/District Manager, SWCD  
Claudia Maxwell, Principal Environmental Planner



**RESOLUTION NO.     – 2025**

**WHEREAS**, this Board is charged with the responsibility, pursuant to Section 303-a of the New York State Agriculture and Markets Law, of conducting a review of existing Agricultural Districts located within the County of Westchester; and

**WHEREAS**, this Board, by Resolution No. 223-2000 submitted a proposal to the New York State Commissioner of Agriculture and Markets to establish Westchester County Agricultural District No. 1 and also established an eight-year review period; and

**WHEREAS**, the certification of Westchester County Agricultural District No. 1 by the New York State Commissioner of Agriculture and Markets became effective on July 19, 2001; and

**WHEREAS**, pursuant to Section 303-a of the Agriculture and Markets Law, the County of Westchester adopted Resolution 161-2010, which authorized the first recertification of the Westchester County Agricultural District No. 1 and became effective on November 5, 2010 and Resolution 70-2017, which authorized the second recertification of the Westchester County Agricultural District No. 1 and became effective on May 15, 2017; and

**WHEREAS**, the recertification of Westchester County Agricultural District No. 1 is again necessary and due to be completed on or before July 19, 2025; and

**WHEREAS**, Section 303-a of the New York State Agricultural and Markets Law requires that this Board take certain enumerated actions in relation to the review of Westchester County Agricultural District No. 1;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Clerk of the Board is hereby directed to publish, in a newspaper of general circulation within Westchester County Agricultural District No. 1, a notice in the form annexed hereto; and be it further

**RESOLVED**, that the Clerk of the Board is hereby directed to post upon the home page of the County of Westchester website a notice in the form annexed hereto; and be it further

**RESOLVED**, that the Clerk of the Board is hereby directed to post a notice in the form annexed hereto in at least five conspicuous places within the Westchester County Agricultural District; and be it further

**RESOLVED**, that the Clerk of the Board is hereby directed to provide notice in the form annexed hereto by first class mail to those municipalities whose territory encompasses the Westchester County Agricultural District; and be it further

**RESOLVED**, that the Clerk of the Board is hereby directed to instruct the Westchester County Agricultural and Farmland Protection Board to prepare a report within forty-five (45) days in relation to Westchester County Agricultural District No. 1 concerning:

- (1) the nature and status of farming and farm resources within such district, including the total number of acres of land and the total number of acres of land in farm operations in the district;
- (2) the extent to which the district has achieved its original objectives;
- (3) the extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district;
- (4) the degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district and their influence on farming; and
- (5) recommendations to continue, terminate or modify such district.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

\*\*\*\*\* LEGAL NOTICE \*\*\*\*\*

**WESTCHESTER COUNTY BOARD OF LEGISLATORS  
RECERTIFICATION OF WESTCHESTER COUNTY  
AGRICULTURAL DISTRICT NUMBER ONE**

The Westchester County Board of Legislators hereby notices the commencement of the **recertification of Westchester County Agricultural District Number One**. The Westchester County Agricultural District consists of a total of 9,254 acres of land within the following municipalities (listed in order of the amount of farmland in each): Town of North Salem (3,832 acres), Town of Bedford (1,255 acres), Town of Somers (2,065 acres), Town of Yorktown (715 acres), Town of Mount Pleasant (384 acres), Town of Cortlandt (353 acres), Village of Sleepy Hollow (222 acres), Town of Lewisboro (428 acres). The District was originally created county-wide and was restricted during the first recertification to those municipalities listed above. During this recertification the County is considering the re-inclusion of the towns of Pound Ridge, North Castle, New Castle and Ossining as eligible municipalities.

Municipal officials, land owners and others may submit comments concerning the continuation, modification or termination of the district within thirty days of the publication and posting and mailing of this notice. After the close of the public comment period, the Westchester County Agriculture and Farmland Protection Board will prepare a report with recommendations to the County Board of Legislators to either continue the district as-is, modify the district, or terminate the district.

A list and map of farms currently in the district are available at the office of the County Clerk located at 110 Dr. Martin Luther King Jr. Blvd. in White Plains as well as on the County website at <https://planning.westchestergov.com/agriculture-and-farmland> and at the Department of Planning, Room 432 of the Michaelian Office Building, located at 148 Martine Avenue in White Plains. For more information, visit the County website or contact Matt Castro, Principal Environmental Planner, at (914) 995-4423 or [mvcl@WestchesterCountyNY.gov](mailto:mvcl@WestchesterCountyNY.gov).

Pursuant to New York State Agriculture and Markets Law, the recertification process includes a period, ending a minimum of 30 calendar days from the date this notice is published, in which municipalities, farm owners and the public may propose modifications to the district. All proposals must be submitted in writing to the following address and will be accepted until 4:00 P.M. on March 21, 2025:

Clerk of the Board of Legislators  
8<sup>th</sup> Floor, Michaelian Office Building  
148 Martine Avenue, White Plains, NY 10601  
FAX \_\_\_\_\_  
EMAIL \_\_\_\_\_

**A PUBLIC HEARING** will also be held at a regularly scheduled meeting of the Westchester County Board of Legislators at a subsequent date and time with notice of the same provided as set forth in Section 303-a(2)(c) of the Agriculture and Markets Law.

# Westchester County

Kenneth W. Jenkins  
County Executive

January 7, 2025

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Members of the Board of Legislators:

In accordance with Section 110.21 of the Laws of Westchester County, transmitted herewith for your confirmation is a resolution to appoint, effective January 7, 2025, Susan Spear as the Commissioner of the Westchester County Department of Emergency Services.

I have made a thorough review of Ms. Spear's credentials, experience and job performance, and have determined that her appointment as Commissioner of Emergency Services is in the best interests of the Department of Emergency Services and of the County, generally.

Therefore, I most respectfully recommend and urge your Honorable Board to confirm the attached resolution authorizing the appointment, effective January 7, 2025, of Susan Spear as Commissioner of Emergency Services.

Sincerely,

A handwritten signature in black ink, appearing to be 'KJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
County Executive

KJ/nn



Kenneth W. Jenkins  
County Executive

January 7, 2025

Susan Spear  
36 Astor Drive  
Mahopac, New York 10541

Dear Ms. Spear:

It is my pleasure to appoint you as the Commissioner of the Westchester County Department of Emergency Services, effective January 7, 2025. Please be advised that this position is subject to confirmation by the Westchester County Board of Legislators. Once confirmed by the Westchester County Board of Legislators, you will serve in that position unless otherwise terminated as provided by law.

As you know, the Department of Emergency Services is responsible for developing and maintaining programs for emergency medical, fire and disaster-related activities and training.

Pending your confirmation by the Board of Legislators and in accordance with New York State law, you must take and file an oath of office in the Office of the Westchester County Clerk. Please be advised that your failure to take and file such an oath within thirty days of the date of this appointment letter, or within thirty days after the commencement of your term, will result in the office of the Commissioner of Emergency Services being deemed vacant. If you have any questions with regard to these legal requirements, please contact the County Attorney.

Thank you for your previous service to Westchester and I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to be "KJ", with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins  
County Executive

KJ/nn

RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 7<sup>th</sup> day of January, 2025, appointed Susan Spear as the Commissioner of the Westchester County Department of Emergency Services in accordance with the terms and provisions of the Laws of Westchester County, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

**EXPERIENCE**

**Westchester County Dept. of Emergency Services**

**November 2020 - Current**

- **Deputy Commissioner**

**Westchester County Executive's Office**

**March 2018 – November 2020**

- **Assistant Director of Operations**
- **Assistant to the CE for Intergovernmental Affairs**

Served as liaison to Westchester's Congressional delegation and federal agencies, including the DHS/FEMA/TSA, FAA, HUD, EPA, DOT, etc.

- Coordinated COVID-19 response between DES and CE Operations, and all County Depts, municipalities, emergency service responders at the Emergency Operations Center and SSB supply distribution center and public call center; helped manage county participation at state testing and vaccination sites
- Identified and evaluated impacts of federal actions on the County such as potential loss of T-Band radio spectrum on emergency services communications, successfully advocated for legislative solution
- Worked with FEMA, DHSES, DES, and municipalities to respond to federally declared disasters

**Regional Director, U.S. Senator Kirsten Gillibrand**

**Dec 2010-March 2018**

Represented U.S. Senator Gillibrand (NY) in the Hudson Valley region, covering Westchester and 7 other counties, including outreach to elected officials, community organizations, advocacy groups, and business leaders to identify and resolve regional needs. Assisted municipalities and emergency responders in obtaining federal grants from the Statewide Hazard Mitigation Grant Program, FEMA Public Assistance for infrastructure damage due to federally declared disasters, and Assistance to Firefighter Grant and SAFER program for Fire and EMS safety equipment, vehicles, and staffing

**Congressman John Hall, U.S. House of Representatives**

**Nov 2006 – Dec 2010**

- **Chief of Staff**
- **District Director**

Managed all aspects of Congressional offices in Washington DC and two New York district offices covering part of Westchester; kept within a fixed budget; supervised staff; developed legislative advocacy, constituent services and events, and communications strategies. Delivered millions of dollars in federal appropriations and grants for local projects based on identified community needs - new municipal water systems, road and bridge upgrades, and social service programs

**Telecommunications**

- **Director, Consumer Affairs & Quality**
- **Senior Manager, State Government & Regulatory Affairs**

**New Hampshire State Legislature**

- **State Representative**

Elected to and served 4 terms in the N.H. House of Representatives; held several state and national legislative leadership positions. Sponsored and successfully enacted numerous legislative initiatives regarding environmental protection, public utility regulation, consumer protection, and domestic violence prevention; several became national model legislation

## **EDUCATION**

### **Master of Science in Resource Management and Administration**

Antioch New England Graduate School

Keene NH

### **Bachelor of Arts in Environmental Studies**

State University of New York at Binghamton, Harpur College

Binghamton NY

## **PREVIOUS VOLUNTEER ACTIVITIES**

### **New York:**

Team Leader, Best Friends Animal Society

Volunteer, Guiding Eyes for the Blind

Volunteer, Westchester and Putnam County Humane Society

Volunteer, Green Chimneys

Executive Committee, NYS Democratic Committee

Chair, Putnam County Democratic Committee

Organization Chair and District Leader, White Plains Democratic Committee

Westchester Democratic Committee

### **New Hampshire:**

Board of Directors, Keene Industrial Development Corporation

Board of Directors, Monadnock Region Women's Crisis Services

Board of Directors, New Hope New Horizons

VISTA (Volunteers in Service to America)



RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 7<sup>th</sup> day of January, 2025, appointed Susan Spear as the Commissioner of the Westchester County Department of Emergency Services in accordance with the terms and provisions of the Laws of Westchester County, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: January 13, 2025  
White Plains, New York



RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having appointed Richard Wishnie as the Deputy County Executive of Westchester County, effective January 7, 2025, in accordance with the terms and provisions of the Laws of Westchester County, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: January 13th, 2025  
White Plains, New York

Smith

Pat

Tony

Vedat

Ed Park

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends adoption of “An Act Providing Westchester County Parks Passes for Veterans Free of Charge.”

Your Committee is aware that veterans have made immense contributions to our nation, often at great personal cost, and should be recognized and honored for their dedication. By providing free Park Passes to Westchester County veterans, the financial barrier to accessing County Parks and the many programs they offer is lessened, and the County is given the opportunity to demonstrate its gratitude and commitment to their well-being.

Your Committee is informed that access to outdoor recreation can significantly improve mental health, reduce stress, and enhance physical fitness. This Act will allow U.S. veterans living in Westchester County to experience the numerous health and wellness benefits that come from spending time in nature. This Act may also aid veterans in their transition back to civilian life and help them engage with the broader community.

Your Committee is further informed that many veterans face financial hardships, and alleviating the cost of a County Park Pass may help ease their burden. Currently, the County provides free Park Passes to veterans with service-connected disabilities; this Act would extend that benefit to all U.S. veterans living in the County. In addition to requiring proof of residency—which is required for any County resident applying for a Park Pass—this Act requires veterans to provide documentation of their veteran status to receive a fee Park Pass. Ultimately, offering free Westchester County Parks Passes and all the benefits they provide to veterans is a small but important way to give

back to those who have given so much for our country. It is an investment in their well-being and a reminder that their service is deeply valued and appreciated.

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 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: January 27, 2025  
White Plains, New York

Margaret A. Cigno Democrat	Sig	Colin Park
[Signature]	[Signature]	[Signature]
Colin Park	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]
Benjamin Bragman Legislation		

SCM-01/24/25

COMMITTEE ON  
Parks & Environment

Veterans,  
Seniors & Youth

Dated: January 27, 2025  
White Plains, New York

*The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.*

Emiliana May

Joe Almonte

**COMMITTEES ON**

Legislation

Veterans, Seniors & Youth

# FISCAL IMPACT STATEMENT

SUBJECT: Free Park Passes for Veterans

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ (192,840)

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 165-42-1100-1100-9559 and 165-42-3010-3010-9559

Lost revenue to park pass revenue accounts

Potential Related Operating Budget Expenses: Annual Amount

Describe:

Potential Related Operating Budget Revenues: Annual Amount (\$192,840)

Describe: With a low projection of 20% of County Veterans seeking passes,

PRC would be giving away park passes valued at \$192,840 per year.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

Next Four Years: It is anticipated that the projected percentage of veterans seeking complimentary passes will increase over time thus increasing the revenue loss each year.

\*note - revenue loss is based on if these patrons would have paid for a park pass if they were not offered a complimentary one.

Prepared by: Kerry Riguzzi 

Title: Manager - Fiscal Operations

Department: Parks Department

Date: January 24, 2025

Reviewed By: 

Budget Director

Date: 1/27/25

An Act Providing  
Westchester County Parks  
Passes for Veterans Free of  
Charge.

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** U.S. veterans living in Westchester County shall be entitled to receive a Westchester County Park Pass free of charge. The Park Pass shall be valid for three years from the date of issue.

**Section 2.** To receive a free Park Pass from a Park Pass office location, a U.S. veteran must present:

- A. One of the following forms of proof of County residency: a New York State driver's license; or valid photo identification along with a document showing residency such as a lease, deed, or utility bill; and
- B. One of the following forms of identification: a Department of Veterans Affairs-issued Veteran Identification Card (VIC); a Veteran Health Identification Card (VHIC); a Department of Defense Identification Card (DD Form 2, DD Form 2765, or Next Generation Uniform Services ID replacement); a New York State driver's license or identification card with a Veteran designation; or other valid form of proof of U.S. veteran status, as determined by the Westchester County Veterans Service Agency.

**Section 3.** This Act shall take effect immediately.



**Vedat Gashi**

Chairman of the Board  
Legislator, 4th District



TO: Hon. Colin Smith  
Chair, Legislation

Hon. David Tubiolo  
Chair, Parks & Environment

Hon. James Nolan  
Chair, Veterans, Seniors & Youth

FROM: Hon. Vedat Gashi  
Chairman of the Board

DATE: January 24, 2025

RE: Item 2025-40 ACT – WC Parks Passes Free for Veterans

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As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Legislation, Parks & Environment and Veterans, Seniors & Youth.

Thank you.

(ID: 2025-40) LEGISLATORS PIERCE, NOLAN AND TUBIOLO: ACT - WC PARKS PASSES FREE FOR VETERANS

AN ACT providing Westchester County Parks Passes for Veterans free of charge.

CC: Jill Axelrod  
Marcello Figueroa  
Althema Goodson  
James Silverberg  
Dylan Tragni  
Sunday Vanderberg