

# 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, May 5, 2025**

**7:00 PM**

**Legislative Chambers**

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### Regular Meeting

## CALENDAR 10 (CONSENT)

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

## CALL TO ORDER

## MINUTES APPROVAL

April 21, 2025, 7pm - Regular Meeting  
April 23, 2025, 6:45pm - State of the County - Special Meeting

## PUBLIC COMMENT

## PUBLIC HEARING

## UNFINISHED BUSINESS

### I. COMMUNICATIONS

#### A. COUNTY EXECUTIVE

##### 1. [2025-165](#) **BOND ACT-RD017-MRF & Transfer Station Rehabilitation**

A BOND ACT authorizing the issuance of TEN MILLION (\$10,000,000) DOLLARS in bonds of Westchester County to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

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



2. [2025-166](#) **CBA-SY044-YJ WRRF Primary Sludge Gravity Thickener Piping Replace. & Process Improves.**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SY044 Yonkers Joint WRRF (Wastewater Resource Recovery Facility) Primary Sludge Gravity Thickener Piping Replacement and Process Improvements.

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

3. [2025-167](#) **BOND ACT(Amended)-SY044-YJ WRRF Primary Sludge Gravity Thickener Piping Replace. & Process Improves.**

A BOND ACT (Amended) authorizing the removal of ONE MILLION, SEVEN HUNDRED THOUSAND (\$1,700,000) DOLLARS allocable to Capital Project SY044 - Yonkers Joint Wastewater Resource Recovery Facility, and to decrease the estimated maximum amount of bonds authorized to SIX HUNDRED THOUSAND (\$600,000) DOLLARS.

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

4. [2025-168](#) **BOND ACT-SY044-YJ WRRF Primary Sludge Gravity Thickener Piping Replace. & Process Improves.**

A BOND ACT authorizing the issuance of bonds of Westchester County in the amount of FIFTEEN MILLION, SEVEN HUNDRED THOUSAND (\$15,700,000) DOLLARS to finance Capital Project SY044 - Yonkers Joint Wastewater Resource Recovery Facility.

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

5. [2025-169](#) **CBA-SY057-Replacement of Tarrytown Force Main-Phase II And Route 119 Gravity Sewer**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SY057 - Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer.

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

6. [2025-170](#) **BOND ACT(Amended)-SY057-Replacement of Tarrytown Force Main-Phase II-And Route 119 Gravity Sewer**

A BOND ACT (Amended) authorizing the issuance of EIGHTY-SEVEN MILLION (\$87,000,000) DOLLARS in bonds of Westchester County, which includes SEVEN MILLION (\$7,000,000) DOLLARS in previously authorized bonds to finance Capital Project SY057 - Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer.

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

7. [2025-171](#) **CBA-SBB36-Blind Brook WRRF Facility Evaluation**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SBB36 - Blind Brook Water Resource Recovery Facility (WRRF) Evaluation.

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

**8. [2025-172](#) BOND ACT-SBB36-Blind Brook WRRF Facility Evaluation**

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance a study to evaluate various systems and equipment at the Blind Brook Water Resource Recovery Facility.

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

**9. [2025-173](#) CBA-SM036-Mamaroneck WRRF Facility Evaluation**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SM036 - Mamaroneck Water Resource Facility Evaluation.

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

**10. [2025-174](#) BOND ACT-SM036-Mamaroneck WRRF Facility Evaluation**

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance the cost of a study to evaluate various systems and equipment at the Mamaroneck Water Resource Recovery Facility.

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

**11. [2025-175](#) CBA-SNR36-New Rochelle WRRF Facility Evaluation**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SNR36 - New Rochelle Water Resource Recovery Facility Evaluation.

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

**12. [2025-176](#) BOND ACT-SNR36-New Rochelle WRRF Facility Evaluation**

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance Capital Project SNR36 - New Rochelle Water Resource Recovery Facility Evaluation.

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

**13. [2025-177](#) CBA-SY036-Yonkers Joint WRRF Facility Evaluation**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project SY036 - Yonkers Joint Waste Water Resource Recovery Facility Evaluation.

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

**14. [2025-178](#) BOND ACT-SY036-Yonkers Joint WRRF Facility Evaluation**

A BOND ACT authorizing the issuance of ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance a study to evaluate various systems and equipment at the Yonkers Joint Water Resource Recovery Facility.

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

**15. [2025-179](#) RES-Year-End Transfers Within Various Departments**

A RESOLUTION authorizing the transfer of appropriations within various departments in the amount of TWENTY FIVE MILLION, SIX HUNDRED SEVENTY-SEVEN THOUSAND, SIX HUNDRED EIGHT (\$25,677,608) DOLLARS.

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

**16. [2025-180](#) ACT-Year-End Transfers Across County Departments**

AN ACT authorizing the transfer of appropriations across County departments in the amount of FIFTY MILLION, SIX HUNDRED SEVENTY-THREE THOUSAND, TWO HUNDRED SEVEN (\$50,673,207) DOLLARS.

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

**17. [2025-181](#) ACT-2024 Budget Amendment**

AN ACT authorizing the amendment of the 2024 County Special Districts budget in the amount of ONE HUNDRED THIRTY-FIVE THOUSAND, THREE HUNDRED FIFTY-NINE (\$135,359) DOLLARS.

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

**18. [2025-182](#) IMA-Volunteer Training Program-Putnam-Northern Westchester BOCES**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with Putnam/Northern Westchester Board of Cooperative Educational Services to enter upon County parkland for the purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings to supplement classroom instruction, for a period of five years, expiring on August 31, 2029.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PARKS & ENVIRONMENT AND LABOR & HUMAN RIGHTS**

**19. [2025-183](#) BOND ACT(Amended)-RBR07-Bronx River Pathway Reconstruction**

A BOND ACT (Amended) authorizing the County of Westchester to issue additional bonds in the amount of SEVEN HUNDRED THOUSAND (\$700,000) DOLLARS, making the amended total amount NINE MILLION, FOUR HUNDRED THIRTY THOUSAND (\$9,430,000) DOLLARS, to finance Capital Project RBR07 - Bronx River Pathway Reconstruction.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT****20. [2025-184](#) BOND ACT(Amended)-RB04B-Boston Post Road Bridge over Playland Parkway, Rye**

A BOND ACT (Amended) authorizing the County of Westchester to issue additional bonds in the amount of SIX MILLION (\$6,000,000) DOLLARS, making the total amended amount SIX MILLION, NINE HUNDRED TWENTY-FIVE THOUSAND (\$6,925,000) DOLLARS, to finance Capital Project RB04B - Boston Post Road Bridge over Playland Parkway, Rye.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT****21. [2025-185](#) CBA-B0115-Infrastructure Rehabilitation, Mount Vernon D.O. '21-'25**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project B0115 Infrastructure Rehabilitation , Mt. Vernon District Office (2021-2025).

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION****22. [2025-186](#) BOND ACT(Amended)-B0115-Infrastructure Rehabilitation, Mount Vernon D.O. '21-'25**

A BOND ACT (Amended) authorizing the removal of THREE MILLION, NINE HUNDRED THOUSAND (\$3,900,000) DOLLARS allocable to Capital Project B0115, and to decrease the estimated maximum amount of bonds authorized to EIGHT HUNDRED FIFTY THOUSAND (\$850,000) DOLLARS.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION****23. [2025-187](#) BOND ACT-B0115-Infrastructure Rehabilitation, Mount Vernon D.O. '21-'25**

A BOND ACT authorizing the issuance of bonds in the amount of EIGHT MILLION, TWO HUNDRED THOUSAND (\$8,200,000) DOLLARS to finance the cost of design, construction management and construction associated with the exterior rehabilitation of the building for Capital Project B0115 - Infrastructure Rehabilitation, Mt. Vernon District Office (2021-2025).

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION****24. [2025-188](#) CBA-RB212-Bryant Avenue, White Plains**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project RB212 - Bryant Avenue, CR 153, White Plains.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION****25. [2025-189](#) BOND ACT(Amended)-RB212-Bryant Avenue, White Plains**

A BOND ACT (Amended) to remove a TWO MILLION, FIVE HUNDRED THOUSAND

(\$2,500,000) DOLLAR authorization allocable to RB212, and decrease the estimated maximum amount of bonds authorized to FOURTEEN MILLION, ONE HUNDRED FORTY THOUSAND (\$14,140,000) DOLLARS. The Amending Bond Act is required to remove the approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound for Capital Project RB212 - Bryant Avenue, White Plains.

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

**26. [2025-190](#) BOND ACT-RB212-Bryant Avenue, White Plains**

A BOND ACT authorizing the issuance of THREE MILLION, TWO HUNDRED THOUSAND (\$3,200,000) DOLLARS in bonds of Westchester County to finance Capital Project RB212 - Bryant Avenue, White Plains.

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

**27. [2025-191](#) ENV RES-RP02A-Ice Casino Improvements II**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment in connection with Capital Project RP02A - Ice Casino Improvements II.

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

**28. [2025-192](#) BOND ACT(Amended)-RP02A-Ice Casino Improvements II**

A BOND ACT (Amended) authorizing the issuance of an additional FORTY MILLION, NINETY-TWO THOUSAND (\$40,092,000) DOLLARS in bonds of Westchester County to finance Capital Project RP02A - Ice Casino Improvements II.

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

**29. [2025-197](#) IMA-Tarrytown-Sleepy Hollow Summer Camp-Tarrytown**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Village of Tarrytown, pursuant to which the municipality will provide certain youth development services under its Youth Development Program, for the period commencing retroactively on January 1, 2025 and expiring on December 31, 2025 for a total amount not to exceed FORTY-EIGHT THOUSAND, SIX HUNDRED FIFTY-FIVE (\$48,655.00) DOLLARS.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH**

**SI. 30. [2025-202](#) HOME RULE-A7286-Allowing Westchester County to Require Bidders for Public Works, Construction or Purchase Contracts to Hire and Retain Persons Residing in Certain Targeted Communities**

Forwarding a New York State Home Rule Request Resolution requesting "AN ACT to amend

the general municipal law, in relation to allowing Westchester County to require bidders for public works, construction or purchase contracts to hire and retain persons residing in certain targeted communities."

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND LABOR & HUMAN RIGHTS**

**SI. 31. 2025-206      PH-Second Public Hearing-Westchester County Agricultural District No. 1**

A RESOLUTION authorizing the County of Westchester to schedule a second public hearing to consider the inclusion of three (3) additional parcels of County farmland to the Westchester County Agricultural District No. 1. [Public Hearing set for \_\_\_\_\_, 2025 at \_\_\_\_\_ .m.].

**COMMITTEE REFERRAL: COMMITTEES ON HOUSING & PLANNING AND PARKS & ENVIRONMENT**

**B. COUNTY ATTORNEY**

**1.      2025-194      ACT - Lawsuit Settlement - Neville v County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Laura Neville, as administrator of the Estate of Bryce Neville, the County of Westchester and William Johnson, in the amount of TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS, inclusive of attorney's fees.

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

**C. LEGISLATORS**

**SI. 1. 2025-199      HON. EMILJANA ULAJ: Memo of Legislation - Shelf to Soil Act**

Forwarding a Memo of Legislation titled "Shelf to Soil Act" requiring stores to offer commercially compostable bags to customers, rather than plastic bags, to package produce or meat.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PARKS & ENVIRONMENT**

**SI. 2. 2025-200      LEGISLATORS IMAMURA, SMITH, WOODSON-SAMUELS, TUBIOLO, ALVARADO, HOLSTEIN, CLEMENTS. WILLIAMS JOHNSON, WILLIAMS, PIERCE AND GASHI: PH - Amending the Westchester County Consumer Protection Code**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Westchester County Consumer Protection Code." [Public Hearing set for \_\_\_\_\_, 2025 at \_\_\_\_\_ .m.]. LL INTRO: 2025 - 201.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND ECONOMIC DEVELOPMENT**



**SI. 3. [2025-201](#)      LEGISLATORS IMAMURA, SMITH, WOODSON-SAMUELS, TUBIOLO, ALVARADO, HOLSTEIN, CLEMENTS. WILLIAMS JOHNSON, WILLIAMS, PIERCE AND GASHI: LL - Amending the County of Westchester Consumer Protection Code**

A LOCAL LAW amending the Westchester County Consumer Protection Code.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND ECONOMIC DEVELOPMENT**

**SI. 4. [2025-203](#)      HON. BENJAMIN BOYKIN - Memo of Legislation - Stoney Hill Cemetery**

Forwarding a Memo of Legislation to protect the historic Stoney Hill Cemetery located at the Mount Hope A.M.E. Zion Church.

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

**D. OTHERS**

**SI. 1. [2025-204](#)      CLERK OF THE BOARD - Emergency Declaration - Playland Park Ride Maintenance**

Forwarding correspondence received from Kathleen M. O'Connor, Commissioner of the Westchester County Department of Parks, Recreation & Conservation, an Emergency Declaration - Playland Park Ride Maintenance.

**COMMITTEE REFERRAL: COMMITTEE ON PARKS & ENVIRONMENT**

**II. NOTICES & PETITIONS**

**1.      [2025-198](#)      CLERK OF THE BOARD - Village of Port Chester IDA - 80 Main Street Members LLC Project**

Forwarded by the Clerk of the Board, a notice of Public Hearing and Delivery of Agency Initial Project Resolution from the Village of Port Chester IDA for 80 Main Street Members LLC Project.

\*Please note: This Standing Committee Item was placed directly into committee for immediate consideration.

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

**SI. 2. [2025-205](#)      CLERK OF THE BOARD - New Rochelle IDA, 550 Fifth Ave., Owners, L.P.**

Forwarding an Application for Real Property Tax Exemption for 550-590 Fifth Avenue, New Rochelle.

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

**SI. 3. [2025-207](#)      CLERK OF THE BOARD - NYSAC Correspondence**

Forwarding correspondence received from the New York State Association of Counties (NYSAC).

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

### III. STANDING COMMITTEES

1. [2025-93](#)      **APPT-Youth Board-Ferrara**

A RESOLUTION appointing JoAnne Ferrara as a member of the Westchester County Youth Board for the term January 29, 2025 to December 31, 2027.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

2. [2025-128](#)      **APPT-Council for Seniors-Miller**

A RESOLUTION appointing Sandra Miller as a member of the Westchester County Council for Seniors for the term January 14, 2025 to December 31, 2025.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

3. [2025-129](#)      **REAPPT-Domestic Violence Council-Castelli**

A RESOLUTION reappointing Chief Joseph P. Castelli as a member of the Westchester County Domestic Violence Council for the term January 21, 2025 to December 31, 2027.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

4. [2025-130](#)      **REAPPT-Asian American Advisory Board-Pahwa**

A RESOLUTION reappointing Dr. Bhavana Pahwa as a member of the Westchester County Asian American Advisory Board for the term January 1, 2025 to December 31, 2026.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

5. [2025-131](#)      **REAPPT-Asian American Advisory Board-Shih**

A RESOLUTION reappointing Howard Shih as a member of the Westchester County Asian American Advisory Board for the term March 4, 2025 to December 31, 2026.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

6. [2025-132](#)      **REAPPT-Asian American Advisory Board-Young**

A RESOLUTION reappointing Vincent S. Young as a member of the Westchester County Asian American Advisory Board for the term March 4, 2025 to December 31, 2026.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**



7. [2025-146](#) **PH-Amendment to Lease Agreement-Westchester Children's Museum**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement." [Public Hearing set for May 19, 2025 at 7:30 p.m.]. LOCAL LAW INTRO: 2025-147.

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

8. [2025-148](#) **PH-Sewer District Mod-Add-Cortlandt**

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt." [Public Hearing set for May 19, 2025 at 7:30 p.m.]. Act 2025-149.

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

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

VOTE \_\_\_\_\_

9. [2025-153](#) **CBA-T0046-Farebox Equipment**

A Capital Budget Amendment to amend the County's current-year Capital Budget to increase the County share for Capital Project T0046 - Farebox Equipment by TWELVE MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$12,750,000) DOLLARS TO SIXTEEN MILLION, TWO HUNDRED FIFTY THOUSAND (\$16,250,000) DOLLARS.

***SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND INFORMATION TECHNOLOGY & CYBERSECURITY***

10. [2025-154](#) **BOND ACT(Amended)-T0046-Farebox Equipment**

A BOND ACT (Amended) amending Bond Act No. 220-2021 to remove a THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLAR authorization allocable to T0046 (Farebox Equipment) and decrease the estimated maximum amount of bonds authorized to TEN MILLION, FOUR HUNDRED TWENTY-SIX THOUSAND (\$10,426,000) DOLLARS.

***SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND INFORMATION TECHNOLOGY & CYBERSECURITY***

11. [2025-155](#) **BOND ACT-T0046-Farebox Equipment**

A BOND ACT authorizing the issuance of bonds in the amount of SIXTEEN MILLION, TWO HUNDRED FIFTY THOUSAND (\$16,250,000) DOLLARS to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages and associated work. This SIXTEEN MILLION, TWO HUNDRED FIFTY

THOUSAND (\$16,250,000) DOLLAR proposed Bond Act represents a TWELVE MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$12,750,000) DOLLAR increase to the amount previously authorized for T0046 - Farebox Equipment and includes the THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) previously authorized for T0046 - Farebox Equipment by Bond Act 220-2021.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND INFORMATION TECHNOLOGY & CYBERSECURITY**

**12. [2025-163](#) RES - Rent Guidelines Board - Felsenfeld**

A RESOLUTION appointing Natalie Felsenfeld as a Public Member of the Westchester County Rent Guidelines Board for a term to commence upon approval by the State Division of Housing and Community Renewal (DHCR) and expire on December 31, 2029.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

**13. [2025-164](#) RES - Rent Guidelines Board - Smith**

A RESOLUTION appointing Gregory Robeson Smith as a Public Member of the Westchester County Rent Guidelines Board for a term to commence upon approval by the State Division of Housing and Community Renewal (DHCR) and expire on December 31, 2029.

**SUBMITTED BY: COMMITTEE ON APPOINTMENTS**

**SI. 14.[2025-133](#) PH-Membership Requirements for Refuse Disp. Dist. No. 1 Advisory Board**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 277 of the Laws of Westchester with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board." [Public Hearing set for May 19, 2025 at 7:30 p.m.]. LOCAL LAW INTRO: 2025-134.

**SUBMITTED BY: COMMITTEES ON LEGISLATION AND APPOINTMENTS**

**SI. 15.[2025-150](#) ACT - Assignment and Amendment of Outside Counsel Agreement**

AN ACT authorizing the County of Westchester to consent to the assignment and amendment of an agreement with Mondaire Jones, Esq. for the provision of legal counsel and advice to the Westchester County Charter Revision Commission, to the law firm of Friedman, Kaplan, Seiler, Adelman & Robbins LLP, effective April 2, 2025.

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

**SI. 16.[2025-196](#) HOME RULE-A8029-S7422-Amend Vehicle and Traffic Law**

Forwarding a New York State Home Rule Request Resolution requesting "AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic control signal photo violation monitoring devices in certain intersections in the county of Westchester."

**SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

## IV. SPECIAL ORDERS

**SI. 1. [2025-160](#)      ACT-Budget Amendment-Arbitration between County of Westchester and Standard Amusements LLC**

AN ACT authorizing the County of Westchester to amend its current year operating budget for up to THIRTY-SIX MILLION (\$36,000,000) DOLLARS.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND PARKS & ENVIRONMENT**

**SI. 2. [2025-161](#)      BOND ACT-Arbitration between County of Westchester and Standard Amusements LLC**

A BOND ACT authorizing the issuance of THIRTY SIX MILLION (\$36,000,000) DOLLARS in bonds of Westchester County to finance the cost of payment of compromised or settled claims against the County in the matter of arbitration between the County of Westchester and Standard Amusement LLC.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND PARKS & ENVIRONMENT**

## MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS

**2025-195      Memorial Resolutions 2025-8**

HON. MARGARET A. CUNZIO: Frank P. Rizzaro, Alexander S. Vogel, M.D., Stacy Surace

HON. VEDAT GASHI AND ALL LEGISLATORS: Zachary Kratochvil

HON. CATHERINE PARKER: Harvey Jay Geller

HON. ERIKA PIERCE: Dino J. Magaletto

HON. EMILJANA ULAJ: John Osgood

HON. TYRAE WOODSON-SAMUELS: Jeanette D. Hosang

## ADJOURNMENT

Next meeting: May 19, 2025, at 7pm.



Kenneth W. Jenkins  
Westchester County Executive

April 16, 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 additional amount of \$10,000,000 to finance the following capital project:

RD017 – Material Recovery Facility and Transfer Station Rehabilitation ("RD017").

The Bond Act, in the amount of \$10,000,000, would finance a portion of the \$28,760,000 estimated maximum cost of the design, construction management and construction for various improvements to the County's Refuse Disposal District No. 1 ("District") transfer stations and the Materials Recovery Facility in and for the District, including, but not limited to replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar panels, and incidental expenses.

The Department of Environmental Facilities ("Department") has advised that financing is required to continue upgrades to the facility and processing systems at the District transfer stations and Material Recovery Facility, for which design is and/or will be undertaken by a consultant, and procurement will be managed in-house. It is estimated that the projects will be completed in 2025.

It should be noted that pursuant to §268 of the New York State County Law, no obligations may be issued under the Bond Act until the County has completed proceedings and determined, after a public hearing, that undertaking the above-described improvements is in the public interest. No expenditure may be made unless the New York State Comptroller ("Comptroller") has consented thereto as required by §268. The Comptroller is currently reviewing the Department's November 4, 2024 request and accordingly, the authorization to be made by the Bond Act is subject to the Comptroller's approval.

It should also be noted that the plan of financing for RD017 includes the issuance of (i) \$18,760,000 bonds previously authorized by your Honorable Board as indicated in the annexed Capital Project Fact sheet, which prior authorization received Comptroller approval, and (ii) \$10,000,000 bonds to be issued pursuant to the proposed Bond Act, which is subject to the Comptroller's approval.

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 '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 transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the additional amount of \$10,000,000 to finance capital project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance a portion of the \$28,760,000 estimated maximum cost of the design, construction management and construction for various improvements to the County’s Refuse Disposal District No. 1 (“District”) transfer stations and the Materials Recovery Facility in and for the District, including, but not limited to replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar panels, and incidental expenses.

The Department of Environmental Facilities (“Department”) has advised that financing is required to continue upgrades to the facility and processing systems at the District transfer stations and Material Recovery Facility, for which design is and/or will be undertaken by a consultant, and procurement will be managed in-house. It is estimated that the projects will be completed in 2025.

It should be noted that pursuant to §268 of the New York State County Law, no obligations may be issued under the Bond Act until the County has completed proceedings and determined, after a public hearing, that undertaking the above-described improvements is in the public interest. No expenditure may be made unless the New York State Comptroller (“Comptroller”) has consented thereto as required by §268. The Comptroller is currently reviewing the Department’s November 4, 2024 request and accordingly, the authorization to be made by the Bond Act is subject to the Comptroller’s approval.

It should also be noted that the plan of financing for RD017 includes the issuance of (i) \$18,760,000 bonds previously authorized by your Honorable Board as indicated in the annexed Capital Project Fact sheet, which prior authorization received Comptroller approval, and (ii) \$10,000,000 bonds to be issued pursuant to the proposed Bond Act, which is subject to the Comptroller’s approval.

The Planning Department 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 (“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 #: 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

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 10,000,000 PPU 25 Anticipated Interest Rate 4.16%

Anticipated Annual Cost (Principal and Interest): \$ 620,567

Total Debt Service (Annual Cost x Term): \$ 15,514,175

Finance Department: Interest rates from April 9, 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: 109

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By:

*Dr 4/11/25  
CP 4/15/25*


Date:

Budget Director

4/15/25



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: March 10, 2025

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 02-12-2025 (Unique ID: 2836)

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/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  
Melissa-Jean Rotini, Assistant Commissioner, Department of Environmental Facilities  
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 AN ADDITIONAL \$10,000,000 BONDS TO PAY FOR A PORTION OF THE \$28,760,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, pursuant to Act No. 22-2025, dated January 27, 2025, the Board previously authorized the issuance of \$18,760,000 bonds to pay the 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; and

WHEREAS, it has now been determined that the estimated maximum cost for said project is now \$28,760,000 (an increase of \$10,000,000); and

WHEREAS, it has now been determined that an additional \$10,000,000 bonds shall be authorized to pay for such increased cost; and

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the 2025 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 costs of such capital project allocable to the County's Refuse Disposal District No. 1; NOW, THEREFORE,

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 \$10,000,000 bonds of the County to finance a portion of the \$28,760,000 estimated maximum cost of the design, construction management and construction 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 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 \$28,760,000, and that the plan for the financing thereof is by the issuance of (i) \$18,760,000 bonds of said County authorized to be issued pursuant to Act No. 22-2025, dated January 27, 2025 and (ii) \$10,000,000 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 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 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:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
--	-------------------

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 DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$10,000,000 BONDS TO PAY FOR A PORTION OF THE \$28,760,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

class of objects or purposes: costs of design, construction management and construction 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 solar panels

period of probable usefulness: twenty-five years

amount of obligations to be issued: \$10,000,000

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> RD017	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-31-2025
<b>Fact Sheet Year:*</b> 2025	<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> 2836

### Overall Project Description

Bonding authorization is requested to fund the design, construction management and construction costs for various improvements to the District Transfer 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.

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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>	73,680	37,680	6,000	10,000	0	0	0	20,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	73,680	37,680	6,000	10,000	0	0	0	20,000

**Expended/Obligated Amount (in thousands) as of :** 6,750

**Current Bond Description:** Bonding authorization is requested to fund the design, construction management and construction costs for various improvements to the District Transfer Stations and Material Recovery Facility, including replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for solar, as well as incidental expenses in connection therewith.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
<b>Total:</b>	<b>\$ 10,000,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

10,000,000

### 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 THE 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
2025	6,000,000	DESIGN AND CONSTRUCTION OF TRANSFER STATIONS INFRASTRUCTURE REPLACEMENT AND REHABILITATION

**Total Appropriation History:**

43,680,000

**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	4,005,147	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	0	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	234,234	234,234	MATERIALS RECOVERY FACILITY AND TRANSFER STATION
25	20	694,853	0	
25	21	170,000	0	
25	22	18,525,766	0	

**Total Financing History:**

27,679,998

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

MLLL

**Date**

02-12-2025

**Department of Public Works**

RJB4

**Date**

02-12-2025

**Budget Department**

DEV9

**Date**

02-18-2025

**Requesting Department**

JCL1

**Date**

02-18-2025

# 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	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	<b>73,680</b>	<b>37,680</b>	<b>6,750</b>	<b>6,000</b>	<b>10,000</b>				<b>20,000</b>
<b>Non County Share</b>									
<b>Total</b>	<b>73,680</b>	<b>37,680</b>	<b>6,750</b>	<b>6,000</b>	<b>10,000</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 continued transfer stations infrastructure replacement and rehabilitation. The Department will perform upgrades of the MRF and all the transfer stations, including the material sorting and handling equipment and the buildings.

## **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	6,000,000			6,000,000

## **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	DESIGN
2024	10,000,000	Design and construction of transfer stations' infrastructure replacement and rehabilitation	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>37,680,000</b>		

# MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION ( RD017 )

## Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	37,680,000	4,869,693	32,810,307
<b>Total</b>	<b>37,680,000</b>	<b>4,869,693</b>	<b>32,810,307</b>

## Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17				
99 19	4,005,147	12/10/19	398,154	
		12/10/19	29,471	
		04/30/20	669,372	
		12/01/21	2,643,072	
		12/01/21	100,731	
		11/30/23	149,964	
		11/30/23	14,383	
100 19				
85 20				
118 22	4,050,000	11/30/23	575,152	3,419,687
		11/30/23	55,161	
156 22				
215 23	234,234	11/30/23	213,735	
		11/30/23	20,499	
20 25	694,853			694,853
21 25	170,000			170,000
22 25	18,525,766			18,525,766
<b>Total</b>	<b>27,680,000</b>		<b>4,869,693</b>	<b>22,810,307</b>





Kenneth W. Jenkins  
Westchester County Executive

April 11, 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 the following acts in connection with Capital Project SY044 – YJ WRRF Primary Sludge Gravity Thickener Piping Replacement and Process Improvements (“SY044”):

- (1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);
- (2) a bond act amending, in part, prior Bond Act No. 69-2025 in order to remove \$1,700,000 allocable to Capital Project SY044, and to decrease the estimated maximum amount of bonds authorized to \$600,000 (the “Amending Bond Act”); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Wastewater Resource Recovery Facility (“YJ WRRF”) (the “Consolidated Bond Act”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$10,000,000. The increase is needed to fund design, construction management, and construction costs associated with the replacement of the primary sludge gravity thickener collectors at the Yonkers Joint Wastewater Resource Recovery Facility (“YJ WRRF”). The additional \$10,000,000 in appropriations will bring the total 2025 appropriations for this project to \$15,700,000.

The Amending Bond Act is required to remove the design and construction management bond authorization related to SY044 from Bond Act 69-2025 so that those authorizations may be included in the Consolidated Bond Act for SY044.

The Consolidated Bond Act would authorize the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the YJ WRRF. This \$15,700,000 proposed Consolidated Bond Act represents a \$14,000,000 increase to the amount previously authorized for SY044, and includes the \$1,700,000 previously authorized for SY044 by Bond Act 69-2025.

The Department of Environmental Facilities (“Department”) has advised that this project funds the replacement of the mechanical components of the primary sludge gravity thickener collection equipment, including, but not limited to, the piping and valves. The sludge gravity thickener collector equipment



consists of scrapers that remove thickened sludge from the bottom of a gravity thickener tank. This is a critical request, as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system has recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure.

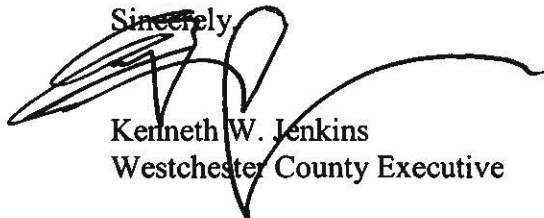
The design is currently underway and is anticipated to be completed by May 2025. Following bonding authorization and completion of design, it is estimated that construction will take two (2) years to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SY044 as indicated in the annexed fact sheet.

As your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY044 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Acts 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

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 the following Acts in connection Capital Project SY044 – YJ WRRF Primary Sludge Gravity Thickener Piping Replacement and Process Improvements (“SY044”):

- (1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);
- (2) a bond act amending, in part, prior Bond Act No. 69-2025 in order to remove \$1,700,000 allocable to Capital Project SY044, and to decrease the estimated maximum amount of bonds authorized to \$600,000 (the “Amending Bond Act”); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Wastewater Resource Recovery Facility (the “Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$10,000,000. The increase is needed to fund design, construction management, and construction costs associated with the replacement of the primary sludge gravity thickener collectors at the Yonkers Joint Wastewater Resource Recovery Facility (“YJ WRRF”). The additional \$10,000,000 in appropriations will bring the total 2025 appropriations for this project to \$15,700,000.

The Amending Bond Act, prepared by the law firm of Norton Rose Fulbright, is required to remove the design and construction management bond authorization related to SY044 from Bond Act 69-2025 so that those authorizations may be included in the Consolidated Bond Act for SY044.

The Consolidated Bond Act, prepared by the law firm of Norton Rose Fulbright, would authorize the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the YJ WRRF. This \$15,700,000 proposed Consolidated Bond Act represents a \$14,000,000

increase to the amount previously authorized for SY044, and includes the \$1,700,000 previously authorized for SY044 by Bond Act 69-2025.

The Department of Environmental Facilities (“Department”) has advised that this project funds the replacement of the mechanical components of the primary sludge gravity thickener collector equipment, including, but not limited to, the piping and valves. The sludge gravity thickener collector equipment consists of scrapers that remove thickened sludge from the bottom of a gravity thickener tank. This is a critical request, as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system has recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure.

Your Committee is advised that, design is underway and anticipated to be completed by May 2025. Following bonding authorization and completion of design, it is estimated that construction will take two (2) years 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 SY044 as indicated in the annexed fact sheet.

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.

Additionally, as your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY044 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.


It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

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

**COMMITTEE ON**

C:jpg/2-21-25

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: March 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SY044 YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING  
REPLACEMENT AND PROCESS IMPROVEMENTS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 02-12-2025 (Unique ID: 2754)

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/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





Memorandum

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in blue ink, appearing to be "SD", written over the name Susan Darling.

Date: March 31, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – SY044 Yonkers Joint WRRF Sludge Gravity Thickener Piping Replacement and Process Improvements (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **SY044 Yonkers Joint WRRF Sludge Gravity Thickener Piping Replacement and Process Improvements (2025 CBA)** will increase the County share by \$10,000,000 due to increase costs associated with the project. The existing appropriation amount of \$5.7M combined with 2025 CBA request will result in a total financing request of \$15.7M.

The Department of Environmental Facilities has advised that the Capital Budget Amendment is necessary to fund the improvements to the sludge thickener equipment including, but not limited to the piping and valves. The deterioration of this system have recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure. Because of the recent failures, an additional \$10M is being requested.

This project was classified as a PL2 in the Planning Board Report for the 2022 Capital Budget adopted July 6, 2021. There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project SY044 YJ WRRF  
PRIMARY SLUDGE GRAVITY  
THICKENER PIPING  
REPLACEMENT AND PROCESS  
IMPROVEMENTS

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$5,700,000	\$10,000,000	\$15,700,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$5,700,000	\$10,000,000	\$15,700,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$5,700,000	\$10,000,000	\$15,700,000

Section 3. The ACT shall take effect immediately.

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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 69-2025, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$1,700,000, LEAVING \$600,000 BONDS AUTHORIZED TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), AND (III) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

WHEREAS, pursuant to Bond Act No. 211-2021, dated November 22, 2021, the Board previously authorized the issuance of \$5,900,000 bonds to finance the cost of design and construction management costs for (i) the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District (SNY95), (ii) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (iii) replacement of roofs at the Port Chester Water Resource Recovery Facility (SPC11), (iv) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (v) the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill (SPK26), (vi) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (vii) the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery



Facility (SY045), and (viii) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), including incidental expenses in connection therewith;

WHEREAS, pursuant to Bond Act No. 147-2022, dated November 14, 2022, the Board amended Bond Act No. 211-2021 to remove the authorization for SPC11 (\$2,000,000); and

WHEREAS, pursuant to Bond Act No. 83-2023, dated May 15, 2023, the Board amended Bond Act No. 211-2021 to remove the authorization for SNY95 (\$600,000); and

WHEREAS, pursuant to Bond Act No. 95-2024, dated May 20, 2024, the Board amended Bond Act No. 83-2023 to remove the authorization for SPK26 (\$400,000); and

WHEREAS, pursuant to Bond Act No. 69-2025 (such bond act and, together with all the prior bond acts described above, the "Prior Bond Acts"), the Board amended and superseded Bond Act No. 95-2024 to remove the authorization for SY045 (\$600,000); and

WHEREAS, no obligations have been issued under the Prior Bond Acts described above for SY044; and

WHEREAS, it has now been determined that it would be beneficial to amend and supersede Bond Act No. 69-2025 with this Bond Act to remove the authorization for SY044 (\$1,700,000) and, accordingly, to decrease the estimated aggregate maximum cost and bonds authorized to an aggregate \$600,000 for the remaining projects SOS07, SPK23, SY044, and SY053; and

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 voting strength of said Board), as follows:

Section 1. For the specific objects or purposes of paying design and construction management costs of (i) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (ii) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), and (iii) the rehabilitation of several large diameter sewer

tunnels in the Yonkers Joint Sewer Districts (SY053), and including incidental expenses in connection therewith, each such specific object or purpose as described in Exhibit A constituting a "Project" herein, there are hereby authorized to be issued an aggregate amount of \$600,000 bonds of said County pursuant to the provisions of the Local Finance Law, in the amounts described in Exhibit A for each respective Project. Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified in Exhibit A for such Project. To the extent that the details of the Projects 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 each Project is as described in Exhibit A, and that the plan for the financing of each Project is by the issuance of bonds of said County in the amount described in Exhibit A and authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that each Project may include preliminary studies to determine feasibility, design parameters, costs and benefits and other work useful for determining the proposed timing and scope of the Project and whether the Project should be undertaken in the form proposed, and that the period of probable usefulness of each Project is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due

and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for the respective Project in the respective district(s) described in Exhibit A, 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 Projects 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 16. This bond act amends and supersedes the Prior Bond Acts, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

#### EXHIBIT A

**Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified below for such Project.**

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District or Districts to be Assessed for such Project
SOS07	the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility	\$200,000	Ossining Sanitary Sewer District
SPK23	the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility	\$200,000	Peekskill Sanitary Sewer Districts
SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts

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)

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY044

☐ 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

REDUCE BA 69-2025 BY \$1.7M TO NEW TOTAL \$600,000

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 600,000 PPU 5 Anticipated Interest Rate 3.18%

Anticipated Annual Cost (Principal and Interest): \$ 131,799

Total Debt Service (Annual Cost x Term): \$ 658,995

Finance Department: Interest rates from April 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: 7

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/16/25

Reviewed By: 

DV 4/16/25  
CD 4/16/25

Budget Director

Date: 4/16/25

## 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 (the "County"), is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

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

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 69-2025, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$1,700,000, LEAVING \$600,000 TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), AND (III) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

object or purpose:	financing design and construction management costs of the rehabilitation of various sewer conveyance and treatment facilities in and for the benefit of various County sanitary sewer districts
period of probable usefulness:	five (5) years
amount of obligations to be issued:	\$600,000 aggregate amount, for the benefit of: Ossining Sanitary Sewer District (\$200,000), Peekskill Sanitary Sewer District (\$200,000), and Yonkers Joint Sanitary Sewer Districts (\$200,000)

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

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

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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,700,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AND ASSOCIATED IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER RESOURCE RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

WHEREAS, pursuant to Act No. 69-2025, the Board previously authorized the issuance of \$1,700,000 to pay the cost of the design and construction management of the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility ("SY044"); and

WHEREAS, no obligations have been issued under Act No. 69-2025 for project SY044 or shall be issued to pay costs of SY044; and

WHEREAS, it has now been determined that (i) the description of the aforesaid project should be expanded to include construction costs, (ii) the estimated maximum cost of the project is now \$15,700,000 (an increase of \$14,000,000); and

WHEREAS, it would be beneficial to (i) authorize an additional \$14,000,000 bonds for said project and (ii) consolidate the \$1,700,000 bonds previously authorized in Bond Act No. 69-2025 for SY044 into this bond act, for a total authorized amount of \$15,700,000; and

WHEREAS, by separate amending bond act, the Board shall amend Act No. 69-2025, to remove the authorization therein of \$1,700,000 bonds for SY044; and

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

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

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

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

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

Section 1. For the class of objects or purposes of paying the cost of the design, construction management and construction for the replacement of the primary sludge gravity thickener collection equipment and associated improvements at the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith, for the joint benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill And Upper Bronx Sanitary Sewer Districts, in the County, there are hereby authorized to be issued \$15,700,000 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 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 \$15,700,000, and that the plan for the financing thereof is by the issuance of the \$15,700,000 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 forty 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 South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited



to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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

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

Section 10. The Commissioner of Finance is hereby further authorized, 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 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)

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY044

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 15,700,000 PPU 30 Anticipated Interest Rate 4.27%

Anticipated Annual Cost (Principal and Interest): \$ 877,226

Total Debt Service (Annual Cost x Term): \$ 26,316,780

Finance Department: Interest rates from April 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: 171

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/16/25

Reviewed By: 

DUV 4/16/25  
CD 4/16/25

Date: 4/16/25

Budget Director



## 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 \$15,700,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AND ASSOCIATED IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER RESOURCE RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

class of objects or purposes: design, construction management, and construction for the replacement of the primary sludge gravity thickener collection equipment and associated improvements at the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith

period of probable usefulness: forty years

amount of obligations to be issued: \$15,700,000

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> SY044	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 02-11-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS	<b>Legislative District ID:</b> 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2754

### Overall Project Description

This project funds the replacement of the mechanical components of the three primary sludge gravity thickener collection equipment including, but not limited to, the piping and valves. Other work to improve the sludge thickening process will include: installation of the associated electrical, instrumentation & controls systems for integration into SCADA system, and a spray water system.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	20,260	1,700	4,000	4,560	0	0	0	10,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	20,260	1,700	4,000	4,560	0	0	0	10,000

**Expended/Obligated Amount (in thousands) as of:** 1,582

**Current Bond Description:** This bond authorization request is to fund the Design, Construction, and Construction Management of the mechanical replacement of the three primary sludge gravity thickener and associated improvements.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	14,000,000
Cash:	0
<b>Total:</b>	<b>\$ 14,000,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

14,000,000

#### Expected Design Work Provider:

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

#### Comments:

Capital Budget Amendment is also requested to fund the Construction and Construction Administration costs of the primary sludge gravity thickener collection equipment. This is a critical request as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system have recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure. Being requested is an additional \$10 million in appropriations for year 2025, bringing the total appropriations to \$14 million for 2025.

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2022	1,700,000	DESIGN AND CONSTRUCTION MANAGEMENT
2025	4,000,000	CONSTRUCTION FOR REPLACEMENT OF GRAVITY THICKENER EQUIPMENT

**Total Appropriation History:**

5,700,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	211	0	0	YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
22	147	0	0	YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
23	83	0	0	YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
25	69	1,700,000	0	

**Total Financing History:**

1,700,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
02-12-2025

**Department of Public Works**  
RJB4

**Date**  
02-12-2025

**Budget Department**  
DEV9

**Date**  
02-18-2025

**Requesting Department**  
JCL1

**Date**  
02-18-2025

# YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS ( SY044 )

**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
<b>Gross</b>	<b>10,260</b>	<b>1,700</b>	<b>1,582</b>	<b>4,000</b>	<b>4,560</b>				
<b>Non County Share</b>									
<b>Total</b>	<b>10,260</b>	<b>1,700</b>	<b>1,582</b>	<b>4,000</b>	<b>4,560</b>				

## **Project Description**

This project funds the replacement of the primary sludge gravity thickener collection equipment.

## **Current Year Description**

The current year request funds construction for the interim solids train facility.

## **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	4,000,000			4,000,000

## **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
2022	1,700,000	Design and Construction Management	DESIGN
<b>Total</b>	<b>1,700,000</b>		

## **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>1,700,000</b>		<b>1,700,000</b>
<b>Total</b>	<b>1,700,000</b>		<b>1,700,000</b>

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
211 21				
147 22				
83 23				
95 24	1,700,000			1,700,000
<b>Total</b>	<b>1,700,000</b>			<b>1,700,000</b>

# Westchester County

**Kenneth W. Jenkins**  
County Executive

April 11, 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 Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well to as adopt a related amended bond act (the "Amended Bond Act") to finance the following capital project:

**SY057 – Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer ("SY057").**

The proposed Capital Budget Amendment will amend the County's 2025 capital budget to increase the County share for SY057 by \$80,000,000, for a total revised 2025 appropriation of \$87,000,000. The 2026 programmed amount will not be needed upon approval of the 2025 Capital Budget Amount requested.

The Amended Bond Act, in the total amount of \$87,000,000, which includes \$7,000,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction associated with the replacement of approximately 10,500 linear feet of 30-inch diameter force main and either the rehabilitation or replacement of the additional 1,300 linear feet section of the 30-inch gravity sewer at the downstream end of the force main.

The Department of Environmental Facilities ("Department") has advised that the Tarrytown force main carries sewage approximately 2.75 miles under pressure from the Tarrytown Pumping Station in the Village of Tarrytown to the approximately 0.25-mile Route 119 gravity sewer which connects to the Saw Mill trunk sewer in the Village of Elmsford. The first 4,200 linear feet of the Tarrytown force main were replaced under Capital Project SY020 and was completed in 2017. The remaining section of force main and gravity sewer have reached the end of their useful life. A break in an original section of force main occurred on September 2, 2021 during Hurricane Ida and was repaired. A second force main break occurred on January 26, 2022 and was repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation from the New York State Department of Environmental Conservation on July 13, 2023 which required the submission of a correction action plan. This CBA will help ensure the County meets the timelines specified in the corrective action plan.

Office of the County Executive

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

Telephone: (914) 995-2900      E-mail: [ceo@westchestercountyny.gov](mailto:ceo@westchestercountyny.gov)

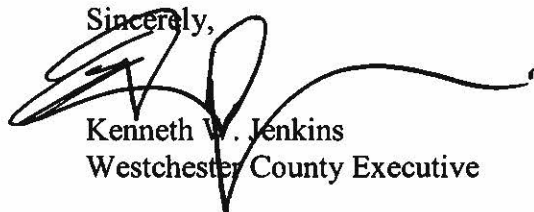
Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2025. It is estimated that construction will take forty-two (42) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for SY057 as follows: Bond Act No. 222-2023 in the amount of \$5,000,000 which financed design and construction management costs for the replacement or rehabilitation of portions of the Tarrytown force main, including incidental expenses, in and for the County's Saw Mill Sanitary Sewer District; and Bond Act No. 107-2024, which amended Bond Act No. 222-2023 by increasing the amount authorized thereunder by \$2,000,000, for a total authorized amount, as amended, of \$7,000,000, and which further revised the scope of Bond Act No. 222-2023 to include rehabilitation of portions of the Tarrytown force main and the Route 119 Gravity Sewer, including the construction of an emergency bypass to the Tarrytown force main, and which increased the period of probable usefulness of said bonds. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 222-2023, as amended by Bond Act No. 107-2024, be further amended to increase the total amount authorized by \$80,000,000, for a new total authorized amount, as amended, of \$87,000,000.

The Planning Department has advised that the Planning Board has previously reviewed SY057 and issued a report, and that since there are no substantial changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'KWJ', with a long, sweeping horizontal line extending to the right.

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 transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$80,000,000 in additional bonds of the County to finance capital project SY057 – Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer (“SY057”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for SY057 by \$80,000,000, for a total revised 2025 appropriation of \$87,000,000. The 2026 programmed amount will not be needed upon approval of the 2025 Capital Budget Amendment requested.

The Amended Bond Act, prepared by the law firm of Norton Rose Fulbright, in the total amount of \$87,000,000, which includes \$7,000,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction associated with the replacement of approximately 10,500 linear feet of 30-inch diameter force main and either the rehabilitation or replacement of the additional 1,300 linear feet section of the 30-inch gravity sewer at the downstream end of the force main.

The Department of Environmental Facilities (“Department”) has advised that the Tarrytown force main carries sewage approximately 2.75 miles under pressure from the Tarrytown Pumping Station in the Village of Tarrytown to the approximately 0.25-mile Route 119 gravity sewer which connects to the Saw Mill trunk sewer in the Village of Elmsford. The first 4,200 linear feet of the Tarrytown force main were replaced under Capital Project SY020 and was completed in 2017. The remaining section of force main and gravity sewer have reached the end of their useful life. A break in an original section of force main occurred on September 2, 2021 during Hurricane Ida and was repaired. A second force main break occurred on January 26, 2022 and was repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation from the New York State Department of Environmental



Conservation on July 13, 2023 which required the submission of a correction action plan. This CBA will help ensure the County meets the timelines specified in the corrective action plan.

Your Committee is advised that design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2025. It is estimated that construction will take forty-two (42) 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 SY057 as follows: Bond Act No. 222-2023 in the amount of \$5,000,000 which financed design and construction management costs for the replacement or rehabilitation of portions of the Tarrytown force main, including incidental expenses, in and for the County's Saw Mill Sanitary Sewer District; and Bond Act No. 107-2024, which amended Bond Act No. 222-2023 by increasing the amount authorized thereunder by \$2,000,000, for a total authorized amount, as amended, of \$7,000,000, and which further revised the scope of Bond Act No. 222-2023 to include rehabilitation of portions of the Tarrytown force main and the Route 119 Gravity Sewer, including the construction of an emergency bypass to the Tarrytown force main, and which increased the period of probable usefulness of said bonds. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 222-2023, as amended by Bond Act No. 107-2024, be further amended to increase the total amount authorized by \$80,000,000, for a new total authorized amount, as amended, of \$87,000,000.

The Planning Department has advised your Committee that based on its review, SY057 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

The Planning Department has further advised that the Planning Board has previously reviewed SY057 and issued a report, and that since there are no substantial changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts,

noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

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

**COMMITTEE ON**

s/jpg/3-14-25

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY057

☐ 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    \$            87,000,000            PPU    30            Anticipated Interest Rate    4.27%

Anticipated Annual Cost (Principal and Interest):            \$    4,861,063

Total Debt Service (Annual Cost x Term):            \$ 145,831,890

Finance Department:    Interest rates from April 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

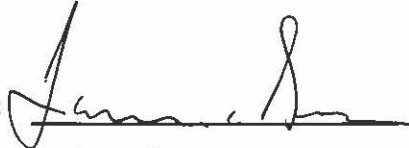
Number of Full Time Equivalent (FTE) Jobs Funded:            946

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/16/25

Reviewed By: 

Budget Director


Date: 4/16/25

DR 4/16/25  
EP 4/16/25



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: March 24, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SY057 REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND  
ROUTE 119 GRAVITY SEWER**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
03-10-2025 (Unique ID: 2855)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(6):** street openings and right-of-way openings for the purpose of repair or maintenance of existing utility 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

Department of Planning

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner



Date: March 27, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – SY057 Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **SY057 Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer (2025 CBA)** will fund the replacement of a section of the Tarrytown force main. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer.

The capital budget amendment (CBA) in the amount of \$80M in FY 2025 is needed because portions of this force main are experiencing frequent line breaks. The critical area has been expedited as part of an emergency contract. The 2026 programmed amount of \$85M will be removed with the submission of the 2026 capital budget and show a corrected estimated cost of \$87M.

Over time, the force main has experienced several pipeline failures. More recently, there have been three (3) force main breaks since September 2021. The most notable and recent incident occurred on July 10, 2023, resulting in a sewage spill into the Hudson River. Due to these incidents, a Notice of Violation from the New York State Department of Environmental Conservation (NYSDEC) was received by WCDEF, which prompted the need for the force main and gravity sewer rehabilitation and/or replacement.

This project was classified as a PL2 in the Planning Board Report for the 2023 Capital Budget Amendment (CBA) adopted by the Planning Board on September 6, 2023 as well as a 2024 Capital Budget Amendment (CBA) adopted by the Board on April 19, 2024.

There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project SY057  
REPLACEMENT OF TARRYTOWN  
FORCEMAIN (PHASE II) AND  
ROUTE 119 GRAVITY SEWER

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$7,000,000	\$80,000,000	\$87,000,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$7,000,000	\$80,000,000	\$87,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$7,000,000	\$80,000,000	\$87,000,000

Section 3. The ACT shall take effect immediately.



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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING ACT NO. 107-2024, WHICH PROVIDED FOR THE ISSUANCE OF \$7,000,000 BONDS TO PAY THE COSTS OF DESIGN CONSTRUCTION MANAGEMENT, AND CONSTRUCTION FOR THE REPLACEMENT OR REHABILITATION OF PORTIONS OF THE TARRYTOWN FORCE MAIN AND THE ROUTE 119 GRAVITY SEWER, INCLUDING CONSTRUCTION OF AN EMERGENCY BYPASS TO THE TARRYTOWN FORCE MAIN, IN AND FOR THE COUNTY'S SAW MILL SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$87,000,000, AN INCREASE OF \$80,000,000.

WHEREAS, pursuant to Act No. 222-2023, dated October 16, 2023 (the "2023 Bond Act"), the Board previously authorized the issuance of \$5,000,000 bonds to pay the cost of design and construction management for the replacement or rehabilitation of portions of the Tarrytown force main, including incidental expenses in connection therewith, in and for the County's Saw Mill Sanitary Sewer District; and

WHEREAS, pursuant to Act No. 107-2024, dated June 3, 2024 (the "2024 Bond Act" and together with the 2023 Bond Act, the "Prior Bond Acts"), the Board amended and restated Act No. 222-2023 to expand the scope of the above-mentioned project to include construction cost and to include the rehabilitation of portions of the gravity sewer and an emergency bypass to the Tarrytown force main, and to increase the estimated maximum cost and the amount of bonds authorized to \$7,000,000 (an increase of \$2,000,000); and

WHEREAS, no obligations have been issued under the Prior Bond Acts; and

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid project thereof is now \$87,000,000, an increase of \$80,000,000; and

WHEREAS, it is now desired to authorize a total of \$87,000,000 bonds to pay for such revised cost, an increase of \$80,000,000 over the \$7,000,000 bonds previously authorized under the Prior Bond Acts; and



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

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:

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 costs of design, construction management and construction for the replacement or rehabilitation of portions of the Tarrytown force main and Route 119 gravity sewer, including construction of an emergency bypass to the Tarrytown force main, replacement or rehabilitation of associated manholes, air release vents and other appurtenances, and incidental expenses in connection therewith, there are hereby authorized to be issued \$87,000,000 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 \$87,000,000, and that the plan for the financing thereof is by the

issuance of the \$87,000,000 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 forty 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 Saw Mill 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 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 portions 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 amends and supersedes the Prior Bond Acts, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

Section 16. 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: \_\_\_\_\_, 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 Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2025.

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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 OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING ACT NO. 107-2024, WHICH PROVIDED FOR THE ISSUANCE OF \$7,000,000 BONDS TO PAY THE COSTS OF DESIGN CONSTRUCTION MANAGEMENT, AND CONSTRUCTION FOR THE REPLACEMENT OR REHABILITATION OF PORTIONS OF THE TARRYTOWN FORCE MAIN AND THE ROUTE 119 GRAVITY SEWER, INCLUDING CONSTRUCTION OF AN EMERGENCY BYPASS TO THE TARRYTOWN FORCE MAIN, IN AND FOR THE COUNTY'S SAW MILL SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$87,000,000, AN INCREASE OF \$80,000,000.

class of objects or purposes:

cost of design, construction management and construction for the replacement or rehabilitation of portions of the Tarrytown force main and Route 119 gravity sewer, including construction of an emergency bypass to the Tarrytown force main, replacement or rehabilitation of associated manholes, air release vents and other appurtenances, and incidental expenses in connection therewith

period of probable usefulness:

forty years

amount of obligations to be issued:

\$87,000,000

Dated: \_\_\_\_\_, 2025  
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> SY057	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 02-26-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER	<b>Legislative District ID:</b> 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2855

### Overall Project Description

This multi-phased project provides for the replacement of the section of the Tarrytown force main that was not replaced in the previous project under Capital Project SY020. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a ¼ mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford. Portions of this forcemain are experiencing frequent line breaks. The critical area has been expedited as part of an emergency contract.

<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	172,000	7,000	0	85,000	0	0	0	80,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	172,000	7,000	0	85,000	0	0	0	80,000

**Expended/Obligated Amount (in thousands) as of :** 4,537

**Current Bond Description:** This bond authorization request will fund the Design, Construction, and Construction Management of the replacement of approximately 10,500 linear feet of 30-inch diameter force main and either the rehabilitation or replacement of the additional 1,300 linear feet section of the 30-inch gravity sewer at the downstream end of the force main.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	80,000,000
Cash:	0
<b>Total:</b>	<b>\$ 80,000,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

80,000,000

### Expected Design Work Provider:

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

A 2025 Capital Budget Amendment is requested to fund the Design, Construction, and Construction Management costs of the Tarrytown Force Main project. The additional funds needed are shown in "Under Review". The 2026 programmed amount shown above will not be needed upon approval of the 2025 CBA requested. The 2026 programmed amount will be removed with the submission of the 2026 capital budget and show a corrected estimated ultimate cost of \$87M. Over time, the Force Main has experienced several pipeline failures. More recently, there have been three (3) Force Main breaks since September 2021. The most notable and recent incident occurred on July 10th 2023, resulting in a sewage spill into the Hudson River. Due to these incidents, a Notice of Violation from the New York State Department of Environmental Conservation (NYSDEC) was received by WCDEF, which prompted the need for the force main and gravity sewer rehabilitation and/or replacement.

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2023	5,000,000	DESIGN AND CONSTRUCTION MANAGEMENT
2024	2,000,000	DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION.

**Total Appropriation History:**

7,000,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	222	0	0	REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER
24	107	7,000,000	0	

**Total Financing History:**

7,000,000

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

MLLL

**Date**

03-10-2025

**Department of Public Works**

RJB4

**Date**

03-10-2025

**Budget Department**

DEV9

**Date**

03-13-2025

**Requesting Department**

JCL1

**Date**

03-14-2025

# REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER ( SY057 )

**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	92,000	7,000	4,537		85,000				
Non County Share									
Total	92,000	7,000	4,537		85,000				

## **Project Description**

This multi-phased project provides for the replacement of the section of the Tarrytown force main that was not replaced in the previous project under Capital Project SY020. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a ¼ mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford. Portions of this forcemain are experiencing frequent line breaks. The critical area is being expedited as part of an emergency contract.

## **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
2023	5,000,000	Design and construction management	DESIGN
2024	2,000,000	Design, construction management, and construction.	DESIGN
Total	7,000,000		

## **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	7,000,000		7,000,000
Total	7,000,000		7,000,000

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
222 23				
107 24	7,000,000			7,000,000
Total	7,000,000			7,000,000





**Kenneth W. Jenkins**  
County Executive

April 11, 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 are four (4) Acts which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget for each of the following capital projects (the "Capital Budget Amendments"), as well as adopt related bond acts (the "Bond Acts") in the amounts set forth below:

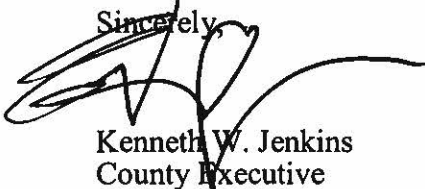
\$600,000	Serial Bonds for	Blind Brook WRRF Facility Evaluation (SBB36)
\$600,000	Serial Bonds for	Mamaroneck WRRF Facility Evaluation (SM036)
\$600,000	Serial Bonds for	New Rochelle WRRF Facility Evaluation (SNR36)
\$1,000,000	Serial Bonds for	Yonkers Joint WRRF Facility Evaluation (SY036)

The proposed Capital Budget Amendments will create new appropriations for each of the above projects corresponding with the amount of bonds to be issued for each.

Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for each of the above projects is annexed.

I recommend your Board's favorable action on the annexed proposed Capital Budget Amendments and Bond Acts.

Sincerely,



Kenneth W. Jenkins  
County Executive

KWJ/VK/jpg  
Attachments

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SBB36 – Blind Brook WRRF Facility Evaluation (“SBB36”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SBB36.

The Bond Act, in the amount of \$600,000.00, prepared by the firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the Blink Brook Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Blind Brook sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with



respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SBB36 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

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

**COMMITTEE ON**

k/jpg/03-25-25

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB36

☐ 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    \$                    600,000            PPU    5            Anticipated Interest Rate    3.12%

Anticipated Annual Cost (Principal and Interest):                    \$    131,587

Total Debt Service (Annual Cost x Term):                    \$    657,935

Finance Department:            Interest rates from April 9, 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:                    7

Prepared by:            Jazmin Logan

Title:            Environmental Project Director

Department:            Environmental Facilities

Date:            4/11/25


Reviewed By: 

*DU 4/14/25*  
*ED 4/15/25*

Budget Director

Date:            4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SBB36 BLIND BROOK WRRF FACILITY EVALUATION**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2890)

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:** None.

DSK/oav

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

RESOLUTION 25-4  
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment  
Amendment of Planning Board Report on the 2025 Capital Projects  
**Westchester County Sanitary Sewer District Studies  
Four Districts**

**WHEREAS**, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

**WHEREAS**, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

**WHEREAS**, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study


**WHEREAS**, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

**WHEREAS**, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1<sup>st</sup> day of April 2025.

  
Bernard Thombs, Chair

## **SBB36 Blind Brook WRRF Facility Evaluation**

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

	<b>Estimated Ultimate Cost</b>	<b>Approp- riated</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>Under Review</b>
<b>Gross</b>	<b>600</b>							<b>600</b>
<b>Non-County Share</b>								
<b>County</b>								
<b>Share</b>	<b>600</b>							<b>600</b>

### **Project Description**

This project aims to assess the Blind Brook Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Blind Brook sanitary sewer district.

### **Appropriation Requests**

2025: \$600,000 for Study.

### **Justification**

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the Blind Brook sanitary sewer district.

### **Consistency with Programs or Plans**

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

### **Planning Board Analysis**

**PL1:** The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project SBB36 BLIND  
BROOK WRRF FACILITY  
EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$600,000	\$600,000

Section 3. The ACT shall take effect immediately.

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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE BLIND BROOK WATER RESOURCE RECOVERY FACILITY.

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

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

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

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

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, 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 a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Blind Brook Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$600,000 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 \$600,000, and that the plan for the financing thereof is by the issuance of the \$600,000 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 Blind Brook Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County 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 his or her 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.

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 Notice

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 \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE BLIND BROOK WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Blind Brook Water Resource Recovery Facility, and including incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$600,000

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> SBB36	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-18-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> BLIND BROOK WRRF FACILITY EVALUATION	<b>Legislative District ID:</b> 3, 7, 6, 4,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2890

### Overall Project Description

This project aims to assess the Blind Brook Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following: the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Blind Brook sanitary sewer district.

- |   |  |  |
|---|--|--|
| <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	600	0	0	0	0	0	0	600
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	0	0	0	0	0	600

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

**Current Bond Description:** This bond authorization request will fund a Study which includes an evaluation of the following: the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Blind Brook sanitary sewer district.

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

600,000

### Expected Design Work Provider:

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

### Comments:

A 2025 Capital Budget Amendment is requested to fund the Blind Brook WRRF Facility Evaluation. The funds needed are shown in "Under Review."

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

03-20-2025

**Department of Public Works**

RJB4

**Date**

03-20-2025

**Budget Department**

DEV9

**Date**

03-25-2025

**Requesting Department**

JCL1

**Date**

03-25-2025

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SM036 – Mamaroneck WRRF Facility Evaluation (“SM036”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SM036.

The Bond Act, in the amount of \$600,000.00, prepared by the firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the Mamaroneck Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Mamaroneck sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SM036 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

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

**COMMITTEE ON**

k/jpg/03-25-25

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SM036

☐ 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 \$ 600,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 131,587

Total Debt Service (Annual Cost x Term): \$ 657,935

Finance Department: Interest rates from April 9, 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: 7

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25


Reviewed By: 

*04/11/25  
04/15/25*

Budget Director

Date: 4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SM036 MAMRONECK WRRF FACILITY EVALUATION**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2891)

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:** None.

DSK/oav

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



RESOLUTION 25- 4  
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment  
Amendment of Planning Board Report on the 2025 Capital Projects  
**Westchester County Sanitary Sewer District Studies  
Four Districts**

**WHEREAS**, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

**WHEREAS**, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

**WHEREAS**, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study


**WHEREAS**, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

**WHEREAS**, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1<sup>st</sup> day of April 2025.

  
Bernard Thombs, Chair

## SM036 Mamaroneck WRRF Facility Evaluation

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross	600							600
Non-County Share								
County Share	600							600

### Project Description

This project aims to assess the Mamaroneck Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Mamaroneck sanitary sewer district.

### Appropriation Requests

2025: \$600,000 for Study.

### Justification

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the Mamaroneck sanitary sewer district.

### Consistency with Programs or Plans

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

### Planning Board Analysis

PL1: The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project SM036  
MAMARONECK WRRF FACILITY  
EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$600,000	\$600,000

Section 3. The ACT shall take effect immediately.

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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY.

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

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

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

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

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, 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 a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Mamaroneck Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$600,000 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 \$600,000, and that the plan for the financing thereof is by the issuance of the \$600,000 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 Mamaroneck 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 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 his or her 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.

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 Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2025.

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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 \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY.

objects or purposes:	financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Mamaroneck Water Resource Recovery Facility, and including incidental expenses in connection therewith
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period of probable usefulness:	five years
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amount of obligations to be issued:	\$600,000
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Dated: \_\_\_\_\_, 2025  
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> SM036	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 03-18-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> MAMARONECK WRRF FACILITY EVALUATION	<b>Legislative District ID:</b> 3, 7, 6, 5,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2891

### Overall Project Description

This project aims to assess the Mamaroneck Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Mamaroneck sanitary sewer district.

- |   |  |  |
|---|--|--|
| <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	600	0	0	0	0	0	0	600
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	0	0	0	0	0	600

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

**Current Bond Description:** This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Mamaroneck sanitary sewer district.

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

600,000

### Expected Design Work Provider:

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

### Comments:

A 2025 Capital Budget Amendment is requested to fund the Mamaroneck WRRF Facility Evaluation. The funds needed are shown in "Under Review."

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

03-20-2025

**Department of Public Works**

RJB4

**Date**

03-20-2025

**Budget Department**

DEV9

**Date**

03-25-2025

**Requesting Department**

JCL1

**Date**

03-25-2025



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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$600,000.00 in bonds to finance capital project SNR36 – New Rochelle WRRF Facility Evaluation (“SNR36”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$600,000.00 to fund SNR36.

The Bond Act, in the amount of \$600,000.00, prepared by the law firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the New Rochelle Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the New Rochelle sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SNR36 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

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

**COMMITTEE ON**

k/jpg/03-25-25

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNR36

☐ 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 \$ 600,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 131,587

Total Debt Service (Annual Cost x Term): \$ 657,935

Finance Department: Interest rates from April 9, 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: 7

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By: 


04/14/25  
@ 4/15/25

Budget Director

Date: 4/15/25

4/15/25

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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SNR36 NEW ROCHELLE WRRF FACILITY EVALUATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 3/20/2025 (Unique ID: 2892)

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:** None.

DSK/oav

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

RESOLUTION 25- 4  
WESTCHESTER COUNTY PLANNING BOARD

2025 Capital Budget Amendment  
Amendment of Planning Board Report on the 2025 Capital Projects  
**Westchester County Sanitary Sewer District Studies  
Four Districts**

**WHEREAS**, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

**WHEREAS**, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

**WHEREAS**, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study


**WHEREAS**, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

**WHEREAS**, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1<sup>st</sup> day of April 2025.

  
Bernard Thombs, Chair

## **SNR36 New Rochelle WRRF Facility Evaluation**

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

	<b>Estimated Ultimate Cost</b>	<b>Approp- riated</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>Under Review</b>
<b>Gross</b>	<b>600</b>							<b>600</b>
<b>Non-County Share</b>								
<b>County Share</b>	<b>600</b>							<b>600</b>

### **Project Description**

This project aims to assess the New Rochelle Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

### **Appropriation Requests**

2025: \$600,000 for Study.

### **Justification**

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the New Rochelle sanitary sewer district.

### **Consistency with Programs or Plans**

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

### **Planning Board Analysis**

**PL1:** The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project SNR36 NEW  
ROCHELLE WRRF FACILITY  
EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$600,000	\$600,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$0	\$600,000	\$600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$600,000	\$600,000

Section 3. The ACT shall take effect immediately.



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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE NEW ROCHELLE WATER RESOURCE RECOVERY FACILITY.

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

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

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

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

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

Section 1. For paying the cost of a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the New Rochelle Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$600,000 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 \$600,000, and that the plan for the financing thereof is by the issuance of the \$600,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's New Rochelle 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 his or her 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.

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 Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2025.

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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 \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE NEW ROCHELLE WATER RESOURCE RECOVERY FACILITY.

objects or purposes:	financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the New Rochelle Water Resource Recovery Facility, and including incidental expenses in connection therewith
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period of probable usefulness:	five years
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amount of obligations to be issued:	\$600,000
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Dated: \_\_\_\_\_, 2025  
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> SNR36	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-18-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> NEW ROCHELLE WRRF FACILITY EVALUATION	<b>Legislative District ID:</b> 7, 11, 10,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2892

## Overall Project Description

This project aims to assess the New Rochelle Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

- |   |  |  |
|---|--|--|
| <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	600	0	0	0	0	0	0	600
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	600	0	0	0	0	0	0	600

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

**Current Bond Description:** This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the New Rochelle sanitary sewer district.

### Financing Plan for Current Request:

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

### SEQR Classification:

TYPE II

### Amount Requested:

600,000

### Expected Design Work Provider:

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

### Comments:

A 2025 Capital Budget Amendment is requested to fund the New Rochelle WRRF Facility Evaluation. The funds needed are shown in "Under Review."

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

03-20-2025

**Department of Public Works**

RJB4

**Date**

03-20-2025

**Budget Department**

DEV9

**Date**

03-25-2025

**Requesting Department**

JCL1

**Date**

03-25-2025

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (the “Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue \$1,000,000.00 in bonds to finance capital project SY036 – Yonkers Joint WRRF Facility Evaluation (“SY036”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to create a new appropriation in the amount of \$1,000,000.00 to fund SY036.

The Bond Act, in the amount of \$1,000,000.00, prepared by the firm of Norton Rose Fulbright, would finance the cost of a study to assess the condition of the Yonkers Joint Water Resource Recovery Facility. The study will evaluate the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design /construction, future planned projects and flow capacity. The evaluation will determine what additional short term, midterm, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Yonkers sanitary sewer district.

The Department of Environmental Facilities has advised that following bonding authorization, the study will begin, will be performed by a consultant, and will take approximately eighteen (18) months to complete.

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

The Planning Department has further advised that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with

respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for SY036 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

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

**COMMITTEE ON**

k/jpg/03-25-25

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY036

☐ 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 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 219,312

Total Debt Service (Annual Cost x Term): \$ 1,096,560

Finance Department: Interest rates from April 9, 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: 11

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/11/25

Reviewed By: 


04/11/25  
04/15/25

Budget Director

Date: 4/15/25



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: April 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SY036 YONKERS JOINT WRRF FACILITY EVALUATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 3/25/2025 (Unique ID: 2906)

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:** None.

DSK/oav

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

**RESOLUTION 25-4**  
**WESTCHESTER COUNTY PLANNING BOARD**

**2025 Capital Budget Amendment**  
**Amendment of Planning Board Report on the 2025 Capital Projects**  
**Westchester County Sanitary Sewer District Studies**  
**Four Districts**

**WHEREAS**, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

**WHEREAS**, the Department of Environmental Facilities is requesting capital funding for comprehensive studies for four of the sanitary sewer districts; and

**WHEREAS**, the studies will include an evaluation of the following five listed items to determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the district(s):

- 1) the physical facility (structural, electrical, HVAC, plumbing, process)
- 2) recently completed projects
- 3) projects currently in design / construction
- 4) future planned projects
- 5) flow capacity study

**WHEREAS**, the capital project and cost of these studies of the sanitary sewer districts are listed below; and

Sewer District	Capital Project ID	Project Cost
Blind Brook Sanitary Sewer District	SBB36	\$600,000
Mamaroneck Sanitary Sewer District	SM036	\$600,000
New Rochelle Sanitary Sewer District	SNR36	\$600,000
Yonkers Joint Sanitary Sewer District	SY036	\$1,000,000
Total		\$2,800,000

**WHEREAS**, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2025 Capital Budget appropriations for **Westchester County Sanitary Sewer District Studies - Four Districts**.

Adopted this 1<sup>st</sup> day of April 2025.

  
Bernard Thombs, Chair

## **SY036 Yonkers Joint WRRF Facility Evaluation**

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

	<b>Estimated Ultimate Cost</b>	<b>Approp- riated</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>Under Review</b>
<b>Gross Non-County Share</b>	<b>1,000</b>							<b>1,000</b>
<b>County Share</b>	<b>1,000</b>							<b>1,000</b>

### **Project Description**

This project aims to assess the Yonkers Joint Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Yonkers Joint sanitary sewer district.

### **Appropriation Requests**

2025: \$1,000,000 for Study.

### **Justification**

This study includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations and maintain a safe and functional facility and continue to serve the Yonkers Joint sanitary sewer district.

### **Consistency with Programs or Plans**

This project is generally consistent with the policies of "Westchester 2025" in that it is a capital improvement for physical facilities that enables the County to deliver services in an economic and humane manner.

### **Planning Board Analysis**

**PL1:** The Planning Board supports the proposed study. Planning Department staff will monitor the progress of the study to address safety, aesthetic and environmental planning concerns. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. The study should incorporate the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project SY036 YONKERS  
JOINT WRRF FACILITY EVALUATION

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$0	\$1,000,000	\$1,000,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$0	\$1,000,000	\$1,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$1,000,000	\$1,000,000

Section 3. The ACT shall take effect immediately.

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

BOND ACT DATED \_\_\_\_\_, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY.

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

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

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

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

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, 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 a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Yonkers Joint Water Resource Recovery Facility, and including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$1,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this 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 \$1,000,000, and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County 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 South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, 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, 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 his or her 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.

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 Notice

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 \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF A STUDY TO EVALUATE VARIOUS SYSTEMS AND EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing a study to evaluate various systems and equipment, including mechanical, HVAC, plumbing, instrumentation, electrical, architectural, and structural systems and appurtenances, at the Yonkers Joint Water Resource Recovery Facility, and including incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$1,000,000

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> SY036	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 03-24-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> YONKERS JOINT WRRF FACILITY EVALUATION	<b>Legislative District ID:</b> 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2906

### Overall Project Description

This project aims to assess the Yonkers Joint Water Resource Recovery Facility (WRRF). The assessment will include an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environmental and continue to serve the Yonkers Joint sanitary sewer district.

- |   |  |  |
|---|--|--|
| <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	0	0	0	0	0	1,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,000	0	0	0	0	0	0	1,000

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

**Current Bond Description:** This bond authorization request will fund a Study which includes an evaluation of the following; the physical facility (structural, electrical, HVAC, plumbing, process), recently completed projects, projects currently in design / construction, future planned projects and a flow capacity study. The evaluation will determine what additional short term, mid-term, and long-term projects should be planned for the facility in order to meet all regulations, maintain a safe working environment and continue to serve the Yonkers Joint Sanitary Sewer District.

### 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:

A 2025 Capital Budget Amendment is requested to fund the Yonkers Joint Facility Evaluation. The funds needed are shown in "Under Review."

### Energy Efficiencies:

### Total Financing History:

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

03-25-2025

**Department of Public Works**

RJB4

**Date**

03-25-2025

**Budget Department**

DEV9

**Date**

03-27-2025

**Requesting Department**

JCL1

**Date**

03-27-2025





April 22, 2025

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

Members of the Board of Legislators:

Transmitted herein is a Resolution authorizing the transfer of appropriations within various departments in the amount of \$25,677,608. These transfers are required to fund expenses in several departments, primarily for a higher than anticipated Disproportionate Share Medicaid transfer to Westchester Medical Center, and increased Employee Health Insurance costs. These transfers are fully funded by expenditure savings within each department.

Pursuant to Section 167.121 of the Laws of Westchester County, this resolution requires Committee approval for transfers within the same department.

Therefore, upon the recommendation of the Budget Director, I recommend approval of the attached Resolution in the amount of \$25,677,608 for the 2024 County Budget.

Respectfully submitted,

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

Kenneth W. Jenkins  
County Executive

Attachment

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

Your Committee is in receipt of a Resolution authorizing the transfer of appropriations within various departments in the amount of \$25,677,608. These transfers are required to fund expenses in several departments, primarily for a higher than anticipated Disproportionate Share Medicaid transfer to Westchester Medical Center, and increased Employee Health Insurance costs. These transfers are fully funded by expenditure savings within each department.

Pursuant to Section 167.121 of the Laws of Westchester County, only Committee approval is required for transfers within the same department.

Your Committee is informed that the proposed act 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.

Therefore, the Committee on Budget and Appropriation approves the attached Resolution in the amount of \$25,677,608 for the 2024 County Budget.

**COMMITTEE ON BUDGET AND APPROPRIATIONS**

Dated:

# FISCAL IMPACT STATEMENT

SUBJECT: 2024 Committee Transfers

☒ 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: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: April 21, 2025

Reviewed By: 

Budget Director

Date: 4/21/25

"Transfer Resolution No. - 2025"

WHEREAS, the County Executive and the Budget Director have informed this Committee that they are in receipt of a transfer request, attached herein as accompanying Schedule "A", and;

WHEREAS, the Budget Director has assured the Committee that said transfers are in order and may be accomplished without requirement of any additional appropriations to the 2024 County Budget, and said transfers are necessary to fund expenses within several departments, and;

WHEREAS, the County Executive has requested, on the recommendation of the Budget Director, that these transfers of appropriations be approved by this Committee of the County Board of Legislators, and;

WHEREAS, your Committee has reviewed these transfers and concurs in the need for same; therefore, be it

RESOLVED, that in accordance with the provision of Section 167.121 of the Laws of Westchester County, and based upon the recommendation of the Budget Director, and the authorization of the County Executive, this Committee of the County Board of Legislators approves and hereby authorizes the Budget Director to make transfers of funds between general classifications of accounts in the 2024 County Budget in the amount of \$25,677,608 as set forth on the Schedule "A" which is attached hereto and made a part hereof.

Dated:

White Plains, New York

**2024 YEAR END TRANSFERS BY COMMITTEE RESOLUTION - SCHEDULE A**

	FUND	DEPT	UNIT	OBJECT	AMOUNT
<b>Human Resources (101-12)</b>					
Equipment Service & Rental	101	12	6010	4070 \$	(7,345)
Service By Dept Of Law	101	12	6010	5325 \$	7,345
<b>Budget (101-13)</b>					
Annual Regular Salaries	1010	13	1000	1010 \$	(11,031)
Service By Dept Of Law	101	13	1000	5325 \$	11,031
<b>Board of Elections (101-14)</b>					
Automotive Supplies	101	14	1000	3010 \$	(291,248)
Contractual Services	101	14	1000	4380 \$	110,016
Technical Services	101	14	1000	4420 \$	89,492
Svc Information Support Servcs	101	14	1000	5205 \$	38,647
Services By Public Works Dept	101	14	1000	5280 \$	15,667
Service By Dept Of Law	101	14	1000	5325 \$	36,313
Services By Public Safety Dept	101	14	1000	5390 \$	1,113
<b>Finance (101-15)</b>					
Annual Regular Salaries	101	15	1000	1010 \$	(199,413)
Service By Dept Of Law	101	15	1000	5325 \$	199,413
<b>Information Technology (101-16)</b>					
Annual Regular Salaries	101	16	2000	1010 \$	(593,472)
Replacement Equipment	101	16	2500	2300 \$	(12,359)
Services By Public Works Dept	101	16	2500	5280 \$	(132,523)
Equipment Service & Rental	101	16	6000	4070 \$	738,354
<b>Board of Acquisition &amp; Contract (101-17)</b>					
Annual Regular Salary	101	17	1000	1010 \$	1
Printing & Office Supplies	101	17	1000	3600 \$	(1)
<b>Law (101-18)</b>					
Annual Regular Salary	101	18	1000	1010 \$	161,323
Overtime	101	18	1000	1400 \$	41,569
Litigation	101	18	1000	4923 \$	(202,892)
<b>Planning (101-19)</b>					
Community Services	101	19	100	5125 \$	(175,400)
Service By Dept Of Law	101	19	100	5325 \$	175,400
<b>Emergency Services (101-20)</b>					
Annual Regular Salary	101	20	1000	1010 \$	27,224
Hourly Wages	101	20	1000	1200 \$	59,075
Replacement Equipment	101	20	1000	2300 \$	(30,218)
Additional Equipment	101	20	1000	2400 \$	(56,081)
<b>Social Services (101-22)</b>					
Hourly Wages	101	22	1000	1200 \$	(275,475)
Printing and Office Supplies	101	22	1000	3600 \$	(165,102)
Svc Information Support Servcs	101	22	1000	5205 \$	(209,915)
Education & Transportation Prg	101	22	4500	4532 \$	(5,844,102)
Annual Regular Salaries	101	22	5000	1010 \$	(2,757,675)
Additional Equipment	101	22	5000	2400 \$	(93,185)
Child Welfare	101	22	8900	5880 \$	(115)
Equipment Service & Rental	101	22	8000	4070 \$	9

**2024 YEAR END TRANSFERS BY COMMITTEE RESOLUTION - SCHEDULE A**

	FUND	DEPT	UNIT	OBJECT		AMOUNT
Medicaid - Disproportionate Share	101	22	8900	5761	\$	9,345,560
<b>Consumer Protection (101-25)</b>						
Automotive Supplies	101	25	200	3010	\$	(14,154)
Svc Information Support Servcs	101	25	200	5205	\$	14,154
<b>Mental Health (101-26)</b>						
Additional Equipment	101	26	2000	2400	\$	(77,378)
Criminal Law Procedure	101	26	2000	4940	\$	38,514
Svc Information Support Servcs	101	26	2000	5205	\$	22,268
Service By Dept Of Law	101	26	2000	5325	\$	16,596
<b>Health (101-27)</b>						
Hourly Wages	101	27	0010	1200	\$	(20)
Overtime	101	27	0010	1400	\$	(220,669)
Additional Equipment	101	27	0010	2400	\$	(82,877)
Services By Public Works Dept	101	27	0010	5280	\$	(515,631)
Annual Regular Salaries	101	27	2700	1010	\$	(1,186,984)
Printing and Office Supplies	101	27	2700	3600	\$	(123,586)
Related Services Sch Year	101	27	2700	4535	\$	2,089,875
Tuition	101	27	2700	4538	\$	39,892
<b>Labs &amp; Research (101-31)</b>						
Annual Regular Salaries	101	31	0010	1010	\$	386,137
Overtime	101	31	0010	1400	\$	25,727
Replacement Equipment	101	31	0010	2300	\$	(63,166)
Additional Equipment	101	31	0010	2400	\$	(15,940)
Services By Public Works Dept	101	31	0010	5280	\$	(332,758)
<b>Public Safety (101-38)</b>						
Contractual Services	101	39	2000	4380	\$	(362,384)
Services By Public Works Dept	101	39	2000	5280	\$	362,384
<b>Probation (101-39)</b>						
Overtime	101	39	1000	1400	\$	57,211
General Supplies	101	39	1000	3240	\$	(57,211)
<b>Public Administrator (101-40)</b>						
Annual Regular Salary	101	40	1000	1010	\$	(245)
Replacement Equipment	101	40	1000	2300	\$	245
<b>Solid Waste (101-41)</b>						
Employee Health Insurance	101	41	1000	1680	\$	68,516
Equipment Service & Rental	101	41	1000	4070	\$	(68,516)
<b>Parks, Recreation and Conservation (101-42)</b>						
Annual Regular Salaries	101	42	1100	1010	\$	210,701
Repairs and Maintenance	101	42	1100	4200	\$	(25,325)
Non-Recurr Repairs/Replacement	101	42	1100	4310	\$	(105,410)
Contractual Services	101	42	1100	4380	\$	(75,327)
Hourly Wages	101	42	4250	1200	\$	305,606
Water Service	101	42	4950	3180	\$	(252,989)
Public Utilities Fuel & Power	101	42	5100	3200	\$	(20,950)
Contractual Services	101	42	5510	4380	\$	(36,306)

2024 YEAR END TRANSFERS BY COMMITTEE RESOLUTION - SCHEDULE A

	FUND	DEPT	UNIT	OBJECT	AMOUNT
Office of Assigned Counsel (101-43)					
Annual Regular Salaries	101	43	1000	1010 \$	(51,099)
Additional Equipment	101	43	1000	2400 \$	(210)
Printing and Office Supplies	101	43	1000	3600 \$	19,041
Equipment Service & Rental	101	43	1000	4070 \$	(8,534)
Indigent Defendant Legal Svcs - Felony	101	43	1000	4090 \$	28,462
Svc Information Support Svcs	101	43	1000	5205 \$	4,805
Services By Public Works Dept	101	43	1000	5280 \$	89
Service By Dept Of Law	101	43	1000	5325 \$	7,446
Miscellaneous Budgets (101-52)					
Retirement Services	101	52	1500	1650 \$	411,505
FICA/Medicare	101	52	1500	1651 \$	128,946
Employee Health Insurance	101	52	1500	1680 \$	4,930,796
MCTD Mobility Tax	101	52	1500	1710 \$	(68,366)
Employee Benefit Fund	101	52	1500	1715 \$	45,809
Unemployment Insurance	101	52	1500	1720 \$	42,559
Arts In Westchester	101	52	2010	5100 \$	(51)
Hudson River Museum	101	52	2015	5100 \$	(51)
Tax Certioraris	101	52	2020	5100 \$	(2,220,339)
County Membership Fees	101	52	2030	5100 \$	(2,316)
Court Ordered Medical Exams	101	52	2050	5100 \$	(1,000)
Board of Ethics	101	52	2062	5100 \$	(10,000)
Independent Audit	101	52	2065	5100 \$	(7,000)
In Rem Proceedings	101	52	2075	5100 \$	(1,000)
Int Income Distribution	101	52	2080	5100 \$	104,687
Legal Aid Society of Westchester	101	52	2085	5100 \$	3,485,024
Legal Svcs-of Hudson Valley	101	52	2092	5100 \$	(1,560)
Legal Svcs-Peekskill	101	52	2093	5100 \$	(51)
Municipal Sales Tax Disribution	101	52	2102	5100 \$	(2,255,157)
Public Employee Relations Bd	101	52	2105	5100 \$	(1,000)
Resident Tuition-Other College	101	52	2115	5100 \$	845,239
Services to WCHCC	101	52	2124	5100 \$	(4,104,500)
Statutory Charges	101	52	2125	5100 \$	(102,059)
Taxes on County Property	101	52	2130	5100 \$	(94,384)
Tourism	101	52	2135	5100 \$	275,110
Tuition Reimbursement Program	101	52	2140	5100 \$	(9,274)
NYS Court Facilities	101	52	2151	5100 \$	(525)
NYS Court Facilities	101	52	2151	5280 \$	(962,157)
Cornell Cooperative Extension	101	52	2170	5100 \$	(199,728)
West Historical Society	101	52	2175	5100 \$	(51)
West Library System	101	52	2180	5100 \$	(51)
Community Based Orgs	101	52	2508	5100 \$	(117,526)
Not for Profit Programs	101	52	2509	5100 \$	(111,529)

2024 YEAR END TRANSFERS BY COMMITTEE RESOLUTION - SCHEDULE A

	FUND	DEPT	UNIT	OBJECT	AMOUNT
Environmental Facilities - Sewer Operations (221-60)					
Employee Health Insurance	221	60	0110	1680 \$	322,221
Utilities	221	60	0110	3200 \$	(322,221)
Environmental Facilities - Water District #1 (241-60)					
Chemicals	241	60	5110	3090 \$	140,539
Technical Services	241	60	5110	4420 \$	(140,539)
Environmental Facilities - Water District #3 (243-60)					
Additional Equipment	243	60	5310	2400 \$	2,285
Water Service	243	60	5310	3180 \$	47,382
Non-Recurring Repairs	243	60	5310	4310 \$	(49,667)
Environmental Facilities - Refuse Disposal District #1 (251-60)					
Employee Health Insurance	251	60	7700	1680 \$	140,285
Contractual Services	251	60	7100	4380 \$	(140,285)
TOTAL TRANSFER AUTHORITY REQUESTED GENERAL					\$ 25,024,896
TOTAL TRANSFER AUTHORITY REQUESTED DEF					\$ 652,712
TOTAL TRANSFER AUTHORITY REQUESTED					<u>\$ 25,677,608</u>





April 22, 2025

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

Members of the Board of Legislators:

Transmitted herein is an Act authorizing the transfer of appropriations across County departments in the amount of \$50,673,207. These transfers are required to complete the 2024 fiscal year on a sound financial basis, and are fully funded by savings within the 2024 Operating Budget.

Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The attached Act contains an increase in the appropriations for various departments. Increased appropriations are needed primarily for higher than anticipated Disproportionate Share Medicaid transfer to Westchester Medical Center, increased Tuition for Children with Special Needs and increased Employee Health Insurance costs. These increases are fully funded by savings from other departments during fiscal year 2024.

Therefore, I recommend approval of the attached Act in the amount of \$50,673,207 for the 2024 County Operating Budget.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Jenkins", written over a horizontal line.

Kenneth W. Jenkins  
County Executive

Attachment

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

Your Committee is in receipt of an Act authorizing the transfer of appropriations across County departments in the amount of \$50,673,207. These transfers are required to complete the 2024 fiscal year on a sound financial basis, and are fully funded by savings within the 2024 Operating Budget.

Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The attached Act contains an increase in the appropriations for various departments. Increased appropriations are needed primarily for higher than anticipated Disproportionate Share Medicaid transfer to Westchester Medical Center, increased Tuition for Children with Special Needs and increased Employee Health Insurance costs. These increases are fully funded by savings from other departments during fiscal year 2024.

Your Committee is informed that the proposed act 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.

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

**COMMITTEE ON**

Dated:

# FISCAL IMPACT STATEMENT

SUBJECT: 2024 BOL Transfers

☒ 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: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: April 21, 2025

Reviewed By: 

Budget Director

Date: 4/21/25

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

SECTION 1. The following transfers in 2024 County Operating Budget are hereby authorized:

	UNIT	OBJECT	AMOUNT
Board of Legislators (101-10)			
Hourly Wages	1000	1200 \$	(50,916)
County Executive (101-11)			
Annual Regular Salaries	0100	1010 \$	(74,213)
Annual Regular Salaries	0400	1010 \$	(175,174)
Contractual Services	0400	4380 \$	(460,461)
Youth Service Project	0400	5430 \$	(24,749)
Membership Fees	0710	4100 \$	(24,025)
Contractual Services	0710	4380 \$	(974,642)
Community Services	0710	5125 \$	(102,043)
Community Services	0720	5125 \$	(1,106,448)
Contractual Services	0900	4380 \$	(423,743)
Human Resources (101-12)			
Annual Regular Salaries	6010	1010 \$	(137,450)
Equipment Service & Rental	6010	4070 \$	(368,679)
Budget (101-13)			
Annual Regular Salaries	1000	1010 \$	(259,064)
Elections (101-14)			
Annual Regular Salaries	1000	1010 \$	(512,665)
Replacement Equipment	1000	2300 \$	(31,967)
Automotive Supplies	1000	3010 \$	(641,034)
Information Technology (101-16)			
Replacement Equipment	2500	2300 \$	(33,219)
General Supplies	2000	3240 \$	(55,815)
Law (101-18)			
Litigation	1000	4923 \$	(811,067)
Osha Safety Program	2000	4225 \$	(38,460)
Insurance	2000	4280 \$	(101,019)
Planning (101-19)			
Annual Regular Salaries	0100	1010 \$	(287,434)
Printing and Office Supplies	0100	3600 \$	(20,511)
Contractual Services	0100	4380 \$	(1,458,208)
Technical Services	0100	4420 \$	(1,005,781)
Advance To Grants	0100	4912 \$	(239,449)
Community Services	0100	5125 \$	(726,242)
Emergency Services (101-20)			
Replacement Equipment	1000	2300 \$	(40,716)
Water Service	1000	3180 \$	(30,000)
Public Utilities Fuel & Power	1000	3200 \$	(59,154)
General Supplies	1000	3240 \$	(225,209)
Equipment Service & Rental	1000	4070 \$	(23,916)
Repairs and Maintenance	1000	4200 \$	(146,435)

	UNIT	OBJECT	AMOUNT
Educational Training	1000	4360 \$	(27,873)
Contractual Services	1000	4380 \$	(114,597)
Svc Information Support Servcs	1000	5205 \$	(50,756)
<b>County Clerk (101-21)</b>			
Annual Regular Salaries	0300	1010 \$	(311,151)
Postage Cost	0300	3700 \$	(22,095)
Svc Information Support Servcs	0300	5205 \$	(37,594)
<b>Social Services (101-22)</b>			
Medicaid - Disproportionate Share (DSH)	8900	5761 \$	28,501,686
<b>Seniors (101-24)</b>			
Svc Information Support Servcs	1000	5205 \$	(95,613)
<b>Consumer Protection (101-25)</b>			
Annual Regular Salaries	0200	1010 \$	(28,477)
Equipment Service & Rental	0200	4070 \$	(52,383)
<b>Mental Health (101-26)</b>			
Annual Regular Salaries	2000	1010 \$	(950,242)
Additional Equipment	2000	2400 \$	(22,367)
<b>Health (101-27)</b>			
Tuition	2700	4538 \$	6,404,688
<b>Human Rights Commission (101-33)</b>			
Annual Regular Salaries	1000	1010 \$	(83,392)
Contractual Services	1000	4380 \$	(64,201)
<b>Correction (101-35)</b>			
Contractual Services	1000	4380 \$	(3,419,185)
Replacement Equipment	2000	2300 \$	(512,255)
General Supplies	2000	3240 \$	(355,997)
Annual Regular Salaries	3000	1010 \$	(118,013)
Services By Public Works Dept	3000	5280 \$	(2,055,279)
<b>District Attorney (101-37)</b>			
Annual Regular Salaries	0010	1010 \$	(1,165,462)
Overtime	0010	1400 \$	(69,719)
Replacement Equipment	0010	2300 \$	(43,513)
General Supplies	0010	3240 \$	(37,003)
Technical Services	0010	4420 \$	(358,546)
Services By Public Works Dept	0010	5280 \$	(43,211)
<b>Public Safety (101-38)</b>			
Equipment Service & Rental	1000	4070 \$	(21,944)
Annual Regular Salaries	2000	1010 \$	(1,359,098)
Holiday Overtime	2000	1490 \$	(1,693,498)
Replacement Equipment	2000	2300 \$	(2,227,612)
General Supplies	2000	3240 \$	(435,908)
Equipment Service & Rental	2000	4070 \$	(531,836)
Employee Travel Expenses	2000	4110 \$	(56,028)
Repairs and Maintenance	2000	4200 \$	(67,840)
Educational Training	2000	4360 \$	(253,050)
Contractual Services	2000	4380 \$	(52,458)
Equipment Service & Rental	3000	4070 \$	(45,074)

	UNIT	OBJECT	AMOUNT
Educational Training	3000	4360 \$	(181,167)
Annual Regular Salaries	4000	1010 \$	(33,894)
Contractual Services	4000	4380 \$	(20,150)
Probation (101-39)			
Annual Regular Salaries	1000	1010 \$	(1,506,989)
Replacement Equipment	1000	2300 \$	(27,790)
Equipment Service & Rental	1000	4070 \$	(19,617)
Electronic Home Device	1000	4130 \$	(24,464)
Repairs and Maintenance	1000	4200 \$	(229,804)
Annual Regular Salaries	2000	1010 \$	(243,887)
Repairs and Maintenance	2000	4200 \$	(40,308)
Contractual Services	2000	4380 \$	(6,958,704)
Services By Public Works Dept	2000	5280 \$	(150,128)
Services By Public Safety Dept	2000	5390 \$	(27,049)
Solid Waste (101-41)			
Equipment Service & Rental	1000	4070 \$	(30,615)
Services By Public Safety Dept	1000	5390 \$	(29,195)
Office of Assigned Counsel (101-43)			
Indigent Defendant Legal Svcs - Felony	1000	4090 \$	396,695
Indigent Defendant Legal Svcs - Misdemeanor	1000	4091 \$	1,492,480
Transportation (101-44)			
Annual Regular Salaries	1000	1010 \$	(144,825)
Replacement Equipment	2100	2300 \$	(115,182)
Public Utilities Fuel & Power	2100	3200 \$	(510,412)
Bus Operating Assist	2100	4924 \$	(1,723,089)
Services By Public Works Dept	2100	5280 \$	(78,083)
Public Works (101-46)			
Overtime	2000	1400 \$	(25,344)
Equipment Service & Rental	2000	4070 \$	(20,209)
Additional Equipment	6000	2400 \$	(18,825)
Annual Regular Salaries	6700	1010 \$	(41,451)
Replacement Equipment	6700	2300 \$	(20,086)
Printing and Office Supplies	6700	3600 \$	(4,600,410)
Contractual Services	6700	4380 \$	(2,689,880)
Services By Public Works Dept	6700	5280 \$	(457,880)
Debt Service (101-51)			
New Issue Expense	2100	4468 \$	(1,413,339)
Miscellaneous Budgets (101-52)			
Employee Health Insurance	1500	1680 \$	13,877,658

	UNIT	OBJECT	AMOUNT
Parks, Recreation and Conservation (165-42)			
Replacement Equipment	1100	2300 \$	(39,527)
Emergency Contractual	1100	4998 \$	(34,286)
Services By Public Works Dept	1100	5280 \$	(26,228)
Service By Dept Of Law	1100	5325 \$	(50,982)
Services By Public Safety Dept	1100	5390 \$	(296,797)
Public Utilities Fuel & Power	2000	3200 \$	(26,838)
Contractual Services	2000	4380 \$	(173,036)
Contractual Services	3010	4380 \$	(32,180)
Water Service	3100	3180 \$	(137,459)
Water Service	3250	3180 \$	(85,977)
Public Utilities Fuel & Power	4175	3200 \$	(465)
Contractual Services	4175	4380 \$	(24,744)
Water Service	4250	3180 \$	(29,862)
Water Service	4500	3180 \$	(40,000)
Public Utilities Fuel & Power	4750	3200 \$	(20,788)
Contractual Services	4750	4380 \$	(21,230)
Repairs and Maintenance	4775	4200 \$	(21,251)
Debt Service: Bond Principal	5520	4461 \$	(307,382)
Debt Service: Bond Interest	5520	4463 \$	(278,808)
Contractual Services	6100	4380 \$	(45,696)
Public Utilities Fuel & Power	7150	3200 \$	(40,328)
Contractual Services	7150	4380 \$	(103,389)
TOTAL TRANSFER AUTHORITY REQUEST		\$	<u>50,673,207</u>

SECTION 2. This ACT shall take effect immediately.





April 22, 2025

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

Honorable Members of The Board of Legislators:

Transmitted herein is an act authorizing the amendment of the 2024 County Special Districts Budget in the amount of \$135,359.

Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The attached Act contains an increase of \$135,359 in the appropriations for increases for debt service within the County's sanitary sewer district funds. This increase is funded by additional revenues received within Fiscal Year 2024 and fund balance from the sanitary sewer districts.

Therefore, I recommend the approval of the attached Act amending the 2024 County Special Districts Budget in the amount of \$135,359.

Respectfully submitted,

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

Kenneth W. Jenkins  
County Executive

Attachment



THE HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of an act authorizing the amendment of the 2024 County Special Districts Budget in the amount of \$135,359.

Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The attached Act contains an increase of \$135,359 in the appropriations for increases for debt service within the County's sanitary sewer district funds. This increase is funded by additional revenues received within Fiscal Year 2024 and fund balance from the sanitary sewer districts.

Your Committee is informed that the proposed act 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.

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

Dated:

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

SUBJECT: 2024 Budget Amendment

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 135,359

Total Current Year Revenue \$ 135,359

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

☒ Additional Appropriations

☐ Other (explain)

Identify Accounts: SEE ATTACHED ACT

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: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: April 21, 2025

Reviewed By: 

Budget Director

Date: 4/21/25

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

SECTION 1. The 2024 County Special Districts Budget shall be amended as follows:

**EXPENDITURES:**

Central Yonkers SSD (225-60)		
Share of Debt Service (225-60-0510-4465)	+ \$	28,902.00
Saw Mill Valley SSD (231-60)		
Share of Debt Service (231-60-1010-4465)	+ \$	9,382.00
Peekskill SSD (236-60)		
Certiorari Expenses (236-60-1610-5101)	+ \$	97,075.00
TOTAL DISTRICT EXPENDITURES	\$	135,359.00

**REVENUES:**

Central Yonkers SSD (225-60)		
Interest and Investment 225-60-0510-9522	+ \$	28,902.00
Saw Mill Valley SSD (231-60)		
Interest and Investment 231-60-1010-9522	+ \$	9,382.00
Peekskill SSD (236-60)		
Interest and Investment 236-60-1610-9522	+ \$	31,883.00
Appropriated Fund Balance 236-60-1610-9652	+ \$	65,192.00
TOTAL DISTRICT REVENUES	\$	135,359.00

SECTION 2. This ACT shall take effect immediately.



Kenneth W. Jenkins  
Westchester County Executive

April 14, 2025

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into an intermunicipal agreement ("Agreement") with Putnam/Northern Westchester Board of Cooperative Educational Services ("Putnam/NW BOCES"), a municipal corporation as defined in Article 5-G of the New York State General Municipal Law, pursuant to which the County grants Putnam/NW BOCES permission to enter into and upon County parkland located throughout Westchester, for the sole purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, (collectively, the "Permitted Activities"), in order to supplement classroom instruction. The Agreement will be for a term of five (5) years, commencing retroactively on September 1, 2024 and expiring on August 31, 2029.

As consideration for the grant of this Agreement, Putnam/NW BOCES will contribute to community projects wherein students will volunteer to assist County personnel to complete said projects at various County locations, subject to the mutual approval of the parties, it being understood that the true consideration for the grant of this Agreement is the value of the on-the-job experience the students receive by volunteering at County park facilities.

Putnam/NW BOCES will supervise the students when volunteering on County property, and provide all necessary specialty type equipment and supplies to complete the Permitted Activities. In order to prepare the students for volunteering on County property, Putnam/NW BOCES, at its sole cost and expense, will also do the following:

- a) provide all necessary mutually agreed teaching, administrative and other personnel, together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;

c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program; and

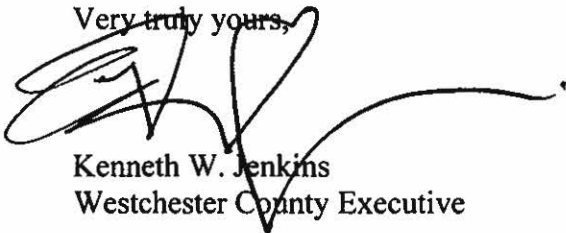
d) provide required materials and supplies for the instructional programs and administrative overhead.

Pursuant to the Agreement, the County may assist Putnam/NW BOCES with any equipment and supplies that the County has available for the completion of the Permitted Activities. In addition, the County may, but it is not obligated to, supervise students while volunteering at County park facilities. Students may be provided the opportunity to learn about Department careers through personnel supervision at parks, career days, and may also participate at job fairs and may also participate in instruction on Putnam/NW BOCES's campus i.e., greenhouse production and ecological restoration projects. Furthermore, the County will assist Putnam/NW BOCES with the planning and scheduling of the Permitted Activities to be performed at the County park facilities.

In addition, the County will indemnify and hold harmless Putnam/NW BOCES, its officers, employees and student volunteers from liability arising out of the County's sole negligence in connection with the Permitted Activities. Furthermore, pursuant to the proposed Agreement, any promotional materials will emphasize the public nature of the program.

I believe this Agreement to be in the best interest of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Very truly yours,

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

Kenneth W. Jenkins  
Westchester County Executive

KWJ/KO/cmc  
Attachments

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

Your Committee is in receipt of a communication from the County Executive forwarding for your Honorable Board's consideration an Act which, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into an intermunicipal agreement ("Agreement") with Putnam/Northern Westchester Board of Cooperative Educational Services ("Putnam/NW BOCES"), a municipal corporation as defined in Article 5-G of the New York State General Municipal Law, pursuant to which the County grants Putnam/NW BOCES permission to enter into and upon County parkland located throughout Westchester, for the sole purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, (collectively, the "Permitted Activities"), in order to supplement classroom instruction. The Agreement will be for a term of five (5) years, commencing retroactively on September 1, 2024 and expiring on August 31, 2029.

Your Committee is advised that, as consideration for the grant of this Agreement, Putnam/NW BOCES will contribute to community projects wherein students will volunteer to assist County personnel to complete said projects at various County locations, subject to the mutual approval of the parties, it being understood that the true consideration for the grant of this Agreement is the value of the on-the-job experience the students receive by volunteering at County park facilities.

Your Committee is also advised that Putnam/NW BOCES will supervise the students when volunteering on County property, and provide all necessary specialty type equipment and supplies to complete the Permitted Activities. In order to prepare the students for volunteering on County property, Putnam/NW BOCES, at its sole cost and expense, will also do the following:

- a) provide all necessary mutually agreed teaching, administrative and other personnel, together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;

- c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program; and
- d) provide required materials and supplies for the instructional programs and administrative overhead.

Your Committee is advised that, pursuant to the Agreement, the County may assist Putnam/NW BOCES with any equipment and supplies that the County has available for the completion of the Permitted Activities. In addition, the County may, but it is not obligated to, supervise students while volunteering at County park facilities. Students may be provided the opportunity to learn about Department careers through personnel supervision at parks, career days, and may also participate at job fairs and participate in instruction on Putnam/NW BOCES's campus i.e., greenhouse production and ecological restoration projects.

Furthermore, your Committee is further advised that, pursuant to the Agreement, the County will assist Putnam/NW BOCES with the planning and scheduling of the Permitted Activities to be performed at the County park facilities.

In addition, the County will indemnify and hold harmless Putnam/NW BOCES, its officers, employees and student volunteers from liability arising out of the County's sole negligence in connection with the Permitted Activities. Furthermore, pursuant to the proposed Agreement, any promotional materials will emphasize the public nature of the program.

The Department of Planning has advised your Committee that based on its review, the proposed project does 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 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of the attached Act.

Your Committee has carefully considered the proposed Act and believes it to be in the best interest of the County and, therefore, recommends your Honorable Board's favorable action on the annexed proposed Act.

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

**COMMITTEE ON**

C:cmc.04.10.2025



# FISCAL IMPACT STATEMENT

SUBJECT: Agmt with Putnam/NW BOCES

☒ 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, Recreation & Conservation

Date:

April 11, 2025

Reviewed By: \_\_\_\_\_

Budget Director

Date:

4/15/25

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with Putnam/Northern Westchester Board of Cooperative Educational Services to enter upon County parkland for the purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, to supplement classroom instruction, for a period of five years, expiring on August 31, 2029.

**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 (“Agreement”) with Putnam/Northern Westchester Board of Cooperative Educational Services (“Putnam/NW BOCES”), a municipal corporation as defined in Article 5-G of the New York State General Municipal Law, pursuant to which the County grants Putnam/NW BOCES permission to enter into and upon County parkland located throughout Westchester, for the sole purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, (collectively, the “Permitted Activities”), in order to supplement classroom instruction. The Agreement shall be for a term of five (5) years, commencing retroactively on September 1, 2024 and expiring on August 31, 2029.

§2. As consideration for the grant of this Agreement, Putnam/NW BOCES shall contribute to community projects wherein students will volunteer to assist County personnel to complete said projects at various County locations, subject to the mutual approval of the parties, it being understood that the true consideration for the grant of this Agreement is the value of the on-the-job experience the students receive by volunteering at County park facilities.

§3. Putnam/NW BOCES shall supervise the students when volunteering on County property, and provide all necessary specialty type equipment and supplies to complete the Permitted Activities. In order

to prepare the students for volunteering on County property. Putnam/NW BOCES, at its sole cost and expense, shall also do the following:

- a) provide all necessary mutually agreed teaching, administrative and other personnel, together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;
- c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program; and
- d) provide required materials and supplies for the instructional programs and administrative overhead.

§4. The County may assist Putnam/NW BOCES with any equipment and supplies that the County has available for the completion of the Permitted Activities. In addition, the County may, but it is not obligated to, supervise students while volunteering at County park facilities. Students may be provided the opportunity to learn about Department careers through personnel supervision at parks, career days, and may also participate in job fairs and participate in instruction on Putnam/NW BOCES's campus i.e., greenhouse production and ecological restoration projects.

§5. The County shall assist Putnam/NW BOCES with the planning and scheduling of the Permitted Activities to be performed at the County park facilities and such Permitted Activities shall be previously approved by the Department.

§6. The County shall indemnify and hold harmless Putnam/NW BOCES, its officers, employees and student volunteers from liability arising out of the County's sole negligence in connection with the Permitted Activities.

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

§8. This Act shall take effect immediately.

## **INTERMUNICIPAL COOPERATIVE AGREEMENT**

**THIS AGREEMENT** ("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, acting by and through the Department of Parks, Recreation and Conservation (hereinafter the "County")

and

**PUTNAM/NORTHERN WESTCHESTER BOARD OF COOPERATIVE EDUCATIONAL SERVICES**, with offices at 200 BOCES Drive, Yorktown Heights, New York 10598 (hereinafter the "BOCES").

### **WITNESSETH:**

**WHEREAS**, the County, acting by and through its Department of Parks, Conservation and Recreation ("Department"), owns certain parkland throughout the County of Westchester, including property located at 51 Route 100, Katonah, New York 10530, commonly known as the "Muscoot Farm" and property located at 2610 NY-35, Katonah, NY 10536, commonly known as "Lasdon Park" (collectively, the "Property" or "County property"); and

**WHEREAS**, municipal corporations are authorized, pursuant to both Article 9, §1 of the State Constitution and Article 5-G of the General Municipal Law to enter into intergovernmental agreements; and

**WHEREAS**, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide cooperatively, jointly, or by contract any facility, service, activity, or undertaking which each participating municipal corporation has the power to provide separately; and

**WHEREAS**, the BOCES provides a wide range of training opportunities to middle and high school students, including its Career Academies, which integrate academics with state-of-the-art technical training for hundreds of students from Putnam and Northern Westchester counties; and

**WHEREAS**, BOCES desires to undertake a volunteer training program at the County property wherein students will volunteer at the Department's facilities in order to supplement classroom instruction; and

**WHEREAS**, the County desires to cooperate with BOCES by permitting BOCES access to the County property to undertake such volunteer training program, on the terms herein provided.

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

**FIRST**: The County hereby grants to the BOCES and the BOCES hereby accepts from the County a non-exclusive revocable license to enter in and upon the Property for the purpose of allowing students to volunteer at various County park facilities, including but not limited to landscape maintenance, painting, other general maintenance of grounds and buildings, in order to supplement classroom instruction ("Activities"). The County shall assist the BOCES with planning and scheduling the Activities to be performed at County park facilities and such Activities shall be previously approved by the Commissioner (as defined below). The BOCES shall provide supervision of the students when volunteering on County property, as well as all necessary specialty type equipment and supplies to complete the Activities. It is hereby understood by the parties that the County may assist the BOCES with any equipment and supplies readily available for the completion of the Activities.

The BOCES shall furnish volunteer registration services, teaching and other personnel for the Activities. The Schedule of Instruction for the 2024-25 Academic Year is annexed hereto and made a part hereof as Schedule "A." Schedule "A" may be modified based upon student needs and programmatic offerings, consistent with standard scheduling and approval procedures set forth herein. Proposed amendments to Schedule "A" will be submitted to the County for approval as soon as possible after the need for the same are known, with constructive written notice to the County that in the event the County does not approve the proposed amendment(s) to Schedule "A" within twenty (20) days of receipt of same, such Schedule "A" amendment(s) shall be deemed approved, and, in the event the County fails to approve such amendment(s), such amendments(s) will be deemed approved within 20 days after the County's receipt of the same. BOCES shall prepare an updated Schedule of Instruction for the 2025-2026 academic year and any subsequent academic years, in accordance with the standard scheduling and approval procedures set forth above to reflect the courses actually provided for any applicable academic year. BOCES shall provide the tentative written updated Schedules of Instruction to the County for approval by May 31<sup>st</sup> of each year, with constructive written notice to the County that in the event the County does not approve the updated Schedule of Instruction within twenty (20) days of receipt of same, such updated Schedule of Instruction shall be deemed approved provided, however, that such written updated Schedules of Instruction may be updated thereafter in accordance with the standard scheduling and approval procedures set forth above. The County shall not unreasonably withhold, condition or delay its approval of any updated schedule or any amendments thereof.

Any promotional materials shall emphasize the public nature of the program. The BOCES, BOCES' personnel and anyone else authorized by the terms of the Agreement to enter upon and use the County property shall not display any signs, cards or advertising on the County property, except upon the prior written approval of the County.

In connection with the program, and in order to prepare the students for volunteering on County property, the BOCES shall:

- a) provide all necessary mutually agreed teaching, administrative and other personnel (to be hired, supervised and paid by BOCES) together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;
- c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program;
- d) order and pay for reasonably required materials and supplies for the instructional programs and administrative overhead, unless such equipment and supplies are readily available through the County as set forth above.

The County may, but it is not obligated to, supervise students while volunteering at the County property. The County may also expose students to Department of Parks, Conservation and Recreation careers through personnel supervision at parks, career days, and job fairs and to participate in instruction on the BOCES' campus i.e., greenhouse production and ecological restoration projects, subject to the prior approval of the Commissioner.

**SECOND:** The term of this Agreement shall commence on September 1, 2024 and shall terminate on August 31, 2029, unless terminated earlier pursuant to the provisions of this Agreement.

**THIRD:** In consideration for the use of the Property by the BOCES for the volunteer training program, the BOCES agrees to contribute to community projects wherein students will volunteer to assist County personnel to complete said projects in County property that will stay in said County property, and are subject to the mutual approval of the parties, it being recognized that the true consideration is the value of the on-the-job experience the students receive by volunteering at County park facilities. It is expressly understood and agreed that where students are assisting County personnel to complete community projects, that the County will provide supplies and equipment necessary to undertake such activities at no cost to BOCES.

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the BOCES for out-of-pocket expenses or disbursements made in connection with the activities undertaken pursuant to this Agreement.

Any and all requests for payment to be made, if any, including any request for partial payment, shall be submitted by BOCES on properly executed payment vouchers of the County and paid only after approval by the President. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall final payment be made to BOCES prior to completion of all Activities and the approval of same by the Commissioner.

The BOCES shall, at no additional charge, furnish all services, materials, tools, equipment and other appliances necessary to complete the Activities, except for readily available equipment and supplies the County may provide to the BOCES to complete the Activities and except as otherwise set forth hereinabove.



The BOCES shall permit the County or any of its authorized representatives to visit and inspect the Program, including, but not limited to, reasonable on-site inspections.

**FOURTH:** (a) Either party, upon sixty (60) days' notice to the other party, may terminate this Agreement in whole or in part when such party deems it to be in its best interest.

(b) In the event the County determines that there has been a material breach by BOCES of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on BOCES of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement. In such an event, the BOCES shall immediately withdraw all students from volunteering on County property.

**FIFTH:** BOCES agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "B", 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 "B", BOCES agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, BOCES shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by BOCES or third parties under the direction or control of BOCES;

(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 of BOCES and to bear all other costs and expenses related thereto; and

(c) In the event the BOCES 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 BOCES 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:** The County agrees to indemnify and hold harmless the BOCES, its officers, agents, employees and student volunteers from liability arising out of its sole negligence in connection with the permitted activities set forth in this Agreement. The County further agrees to name the BOCES as an additional insured on its general liability insurance policy and hold the following Minimum Required Insurance:

- a. Commercial General Liability Insurance
- \$1,000,000 per Occurrence/ \$2,000,000 Aggregate
- \$2,000,000 Products and Completed Operations
- \$1,000,000 Personal and Advertising Injury
- \$100,000 Fire Damage
- \$10,000 Medical Expense

In addition, the County agrees to hold a policy Umbrella/Excess Insurance in the amount of \$3,000,000 for each Occurrence and in the Aggregate. The County further agrees to hold insurance for 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 misconduct, abuse (including both physical and sexual) molestation.

In lieu of the aforementioned insurance, the County agrees to self-insure all liability for bodily injury and death and/or property damage under the County's self-insurance program in accordance with Local Law 6-1986 and Chapter 295 of the Laws of Westchester County. Further, if the County changes from a self-insurance program to a traditional insurance program then the County shall forward certificates of General Liability coverage naming the Contractor as an additional insured.

**SEVENTH:** BOCES expressly agrees that neither it nor any volunteer, student, 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. BOCES 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. BOCES and the County both acknowledge that they have a policy that prohibits discrimination, including sexual harassment prevention, consistent with New York State Labor Law Section 201-g.

**EIGHTH:** BOCES 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 BOCES as an employer of labor. BOCES 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 Activities hereunder.

**NINTH:** BOCES shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. BOCES shall not subcontract any part of the Activities without the written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Activities 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 BOCES that for the purposes of this Agreement, all Activities performed by a County-approved subcontractor shall be deemed Activities performed by BOCES and BOCES shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement.

**TENTH:** BOCES and the County agree that the students, BOCES and its officers, employees, agents, contractors, subcontractors and/or consultants are not employees of the County



or any department, agency or unit thereof. BOCES covenants and agrees that neither the students, BOCES nor any of its officers, employees, agents, contractors, subcontractors and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

**ELEVENTH:** 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 Activities 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.

**TWELFTH:** 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:           Commissioner of Parks, Recreation and Conservation  
450 Saw Mill River Road  
Ardsley, New York 10502

with a copy to:       County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue  
White Plains, New York 10601

To BOCES:            Ronald Clamser, Jr.  
Assistant Superintendent for Business  
Putnam | Northern Westchester Board of Cooperative Educational Services  
200 BOCES Drive  
Yorktown Heights, New York 10598

**THIRTEENTH:** 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.

**FOURTEENTH:** 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.

**FIFTEENTH:** BOCES recognizes that this Agreement does not grant BOCES the exclusive right to perform the Activities for the County and that the County may enter into similar agreements with other contractors on an "as needed" basis.

**SIXTEENTH:** BOCES 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. BOCES shall also use all reasonable means to avoid any appearance of impropriety.

**SEVENTEENTH:** Attached hereto and forming a part hereof as Schedule "C" is a questionnaire entitled "Required Disclosure of Relationships to County." The BOCES agrees to complete said questionnaire as part of this Agreement. In the event that any information provided in the completed questionnaire changes during the term of this Agreement, BOCES agrees to notify County in writing within ten (10) business days of such event.

**EIGHTEENTH:** The BOCES represents, warrants and covenants that the students volunteering at County property will not be left unattended and will be subject to constant monitoring by the BOCES personnel and/or County staff.

**NINETEENTH:** 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 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:** This Agreement shall not be enforceable until signed by both parties, approved by the Office of the County Attorney and approved by the County and the BOCES Board, respectively.

[NO FURTHER TEXT/SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the County and the BOCES have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Kathleen O'Connor  
Commissioner of Parks, Recreation  
and Conservation

**PUTNAM - NORTHERN WESTCHESTER  
BOARD OF COOPERATIVE EDUCATIONAL  
SERVICES**

By: \_\_\_\_\_  
Neil Boyle  
District Superintendent

By: \_\_\_\_\_  
Richard Kreps  
Board President

Approved:

\_\_\_\_\_  
Senior Assistant County Attorney  
The County of Westchester  
IMA PutnamNorthWest.BOCES.Agreement.cmc.02.04.2025

## 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

RPL § 309-a; NY CPLR § 4538

**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 2024, before me, the undersigned, a  
Notary Public in and for said State, \_\_\_\_\_ personally appeared,  
personally known to me or proved to me on the basis of satisfactory evidence to be the officer  
described in and who executed the above certificate, who being by me duly sworn did depose  
and say that he/she resides at \_\_\_\_\_,  
and he/she is an officer of said corporation; that he/she is duly authorized to execute said  
certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to  
such authority.

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

**SCHEDULE "A"****SCHEDULE OF INSTRUCTION\***

<b>2024</b>	<b>Times</b>	<b>Location</b>
Thursday, September 26	8:00-11:00	Muscoot Farm
Monday, September 30	8:00-12:00	Muscoot Farm
Thursday, October 3	NO SCHOOL	
Monday, October 7	8:00-12:00	Muscoot Farm
Thursday, October 10	8:00-11:00	Muscoot Farm
Monday, October 14	NO SCHOOL	
Thursday, October 17	8:00-11:00	Muscoot Farm
Monday, October 21	8:00-12:00	Muscoot Farm
Thursday, October 24	8:00-11:00	Muscoot Farm
Monday, October 28	8:00-12:00	Muscoot Farm
Thursday, October 31	8:00-11:00	Muscoot Farm
Monday, November 4	8:00-12:00	Muscoot Farm
Thursday, November 7	8:00-11:00	Muscoot Farm
Monday, November 11	NO SCHOOL	
Thursday, November 14	8:00-11:00	Muscoot Farm
Monday, November 18	8:00-12:00	Muscoot Farm
Thursday, November 21	8:00-11:00	Muscoot Farm
Monday, November 25	8:00-12:00	Muscoot Farm
Thursday, November 28	NO SCHOOL	
Monday, December 2	8:00-12:00	Muscoot Farm
Thursday, December 5	8:00-11:00	Muscoot Farm
Monday, December 9	8:00-12:00	Muscoot Farm
Thursday, December 12	8:00-11:00	Muscoot Farm
Monday, December 16	8:00-12:00	Muscoot Farm
Thursday, December 19	8:00-11:00	Muscoot Farm
Monday, December 23	NO SCHOOL	
Thursday, December 26	NO SCHOOL	
Monday, December 30	NO SCHOOL	
<b>2025</b>		Muscoot Farm
Thursday, January 2	8:00-11:00	Muscoot Farm
Monday, January 6	8:00-12:00	Muscoot Farm
Thursday, January 9	8:00-11:00	Muscoot Farm
Monday, January 13	8:00-12:00	Muscoot Farm
Thursday, January 16	NO SCHOOL	
Monday, January 20	NO SCHOOL	
Thursday, January 23	8:00-11:00	Muscoot Farm
Monday, January 27	8:00-12:00	Muscoot Farm
Thursday, January 30	8:00-11:00	Muscoot Farm
Monday, February 3	8:00-12:00	Muscoot Farm

Thursday, February 6	8:00-11:00	Muscoot Farm
Monday, February 10	8:00-12:00	Muscoot Farm
Thursday, February 13	8:00-11:00	Muscoot Farm
Monday, February 17	NO SCHOOL	
Thursday, February 20	NO SCHOOL	
Monday, February 24	8:00-12:00	Muscoot Farm
Thursday February 27	8:00-11:00	Muscoot Farm
Monday, March 3	8:00-12:00	Muscoot Farm
Thursday, March 6	8:00-11:00	Muscoot Farm
Monday, March 10	8:00-12:00	Muscoot Farm
Thursday, March 13	8:00-11:00	Muscoot Farm
Monday, March 17	8:00-12:00	Muscoot Farm
Thursday, March 20	8:00-11:00	Muscoot Farm
Monday, March 24	8:00-12:00	Muscoot Farm
Thursday, March 27	8:00-11:00	Muscoot Farm
Monday March 31	8:00-12:00	Muscoot Farm
Thursday, April 3	8:00-11:00	Muscoot Farm
Monday, April 7	8:00-12:00	Muscoot Farm
Thursday, April 10	8:00-11:00	Muscoot Farm
Monday April 14	NO SCHOOL	
Thursday, April 17	NO SCHOOL	
Monday, April 21	8:00-12:00	Muscoot Farm
Thursday, April 24	8:00-11:00	Muscoot Farm
Monday, April 28	8:00-12:00	Muscoot Farm
Thursday, May 1	8:00-11:00	Muscoot Farm
Monday, May 5	8:00-12:00	Muscoot Farm
Thursday, May 8	8:00-11:00	Muscoot Farm
Monday, May 12	8:00-12:00	Muscoot Farm
Thursday, May 15	8:00-11:00	Muscoot Farm
Monday, May 19	8:00-12:00	Muscoot Farm
Thursday, May 22	8:00-11:00	Muscoot Farm
Monday, May 26	NO SCHOOL	
Thursday, May 29	8:00-11:00	Muscoot Farm

Schedule "A" may be modified based upon student needs and programmatic offerings, consistent with standard scheduling and approval procedures set forth herein. Proposed amendments to Schedule "A" will be submitted to the County for approval as soon as possible after the need for the same are known, with constructive written notice to the County that in the event the County does not approve the proposed amendment(s) to Schedule "A" within twenty (20) days of receipt of constructive written notice of the same, such Schedule "A" amendment(s) shall be deemed approved. In the event the County fails to approve such amendment(s), such amendments(s) will be deemed approved within 20 days after the County's receipt of the same.

\* BOCES shall prepare an updated Schedule of Instruction for the 2025-2026 academic year and any subsequent academic years, by May 31<sup>st</sup> of each year, in accordance with the standard scheduling and approval procedures set forth above to reflect the courses actually provided for any applicable academic year. BOCES shall provide the tentative written updated Schedules of Instruction to the

County for approval by May 31<sup>st</sup> of each year, with constructive written notice to the County that in the event the County does not approve the updated Schedule of Instruction within twenty (20) days of receipt of same, such updated Schedule of Instruction shall be deemed approved, provided, however, that such written updated Schedules of Instruction may be updated thereafter in accordance with the standard scheduling and approval procedures set forth above. Approval of any updated schedule will not be unreasonably withheld.



## **SCHEDULE "B"**

### **INSURANCE PROVISIONS** **(BOCES)**

1. Prior to commencing activities pursuant to this Agreement, and throughout the term of the Agreement, the BOCES 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, or from New York Schools Insurance Reciprocal (NYSIR). The BOCES 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 BOCES 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 BOCES 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 BOCES 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 BOCES to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the BOCES from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the BOCES 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 BOCES until such time as the BOCES shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the BOCES 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 BOCES. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2. The BOCES 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 BOCES and Sub-BOCES.
- 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.

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 BOCES 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 BOCES.

**SCHEDULE "C"**  
**REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY**

- 1.) Are any of the employees that the BOCES 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 BOCES 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 BOCES or in any approved sub-consultant 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.

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

Your Committee is in receipt of a communication from the County Executive forwarding for your Honorable Board's consideration an Act which, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into an intermunicipal agreement ("Agreement") with Putnam/Northern Westchester Board of Cooperative Educational Services ("Putnam/NW BOCES"), a municipal corporation as defined in Article 5-G of the New York State General Municipal Law, pursuant to which the County grants Putnam/NW BOCES permission to enter into and upon County parkland located throughout Westchester, for the sole purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, (collectively, the "Permitted Activities"), in order to supplement classroom instruction. The Agreement will be for a term of five (5) years, commencing retroactively on September 1, 2024 and expiring on August 31, 2029.

Your Committee is advised that, as consideration for the grant of this Agreement, Putnam/NW BOCES will contribute to community projects wherein students will volunteer to assist County personnel to complete said projects at various County locations, subject to the mutual approval of the parties, it being understood that the true consideration for the grant of this Agreement is the value of the on-the-job experience the students receive by volunteering at County park facilities.

Your Committee is also advised that Putnam/NW BOCES will supervise the students when volunteering on County property, and provide all necessary specialty type equipment and supplies to complete the Permitted Activities. In order to prepare the students for volunteering on County property, Putnam/NW BOCES, at its sole cost and expense, will also do the following:

- a) provide all necessary mutually agreed teaching, administrative and other personnel, together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;

- c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program; and
- d) provide required materials and supplies for the instructional programs and administrative overhead.

Your Committee is advised that, pursuant to the Agreement, the County may assist Putnam/NW BOCES with any equipment and supplies that the County has available for the completion of the Permitted Activities. In addition, the County may, but it is not obligated to, supervise students while volunteering at County park facilities. Students may be provided the opportunity to learn about Department careers through personnel supervision at parks, career days, and may also participate at job fairs and participate in instruction on Putnam/NW BOCES's campus i.e., greenhouse production and ecological restoration projects.

Furthermore, your Committee is further advised that, pursuant to the Agreement, the County will assist Putnam/NW BOCES with the planning and scheduling of the Permitted Activities to be performed at the County park facilities.

In addition, the County will indemnify and hold harmless Putnam/NW BOCES, its officers, employees and student volunteers from liability arising out of the County's sole negligence in connection with the Permitted Activities. Furthermore, pursuant to the proposed Agreement, any promotional materials will emphasize the public nature of the program.

The Department of Planning has advised your Committee that based on its review, the proposed project does 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 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of the attached Act.

Your Committee has carefully considered the proposed Act and believes it to be in the best interest of the County and, therefore, recommends your Honorable Board's favorable action on the annexed proposed Act.

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

**COMMITTEE ON**

C:cmc.04.10.2025

# FISCAL IMPACT STATEMENT

SUBJECT: Agmt with Putnam/NW BOCES

☒ 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 *KR*

Title:

Manager - Fiscal Operations

Reviewed By: \_\_\_\_\_

Department:

Parks, Recreation & Conservation

Budget Director

Date:

April 11, 2025

Date: \_\_\_\_\_



AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with Putnam/Northern Westchester Board of Cooperative Educational Services to enter upon County parkland for the purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, to supplement classroom instruction, for a period of five years, expiring on August 31, 2029.

**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 ("Agreement") with Putnam/Northern Westchester Board of Cooperative Educational Services ("Putnam/NW BOCES"), a municipal corporation as defined in Article 5-G of the New York State General Municipal Law, pursuant to which the County grants Putnam/NW BOCES permission to enter into and upon County parkland located throughout Westchester, for the sole purpose of implementing a volunteer training program wherein middle and high school students volunteer at various County park facilities to conduct certain activities, including but not limited to landscape maintenance, painting and other general maintenance of grounds and buildings, (collectively, the "Permitted Activities"), in order to supplement classroom instruction. The Agreement shall be for a term of five (5) years, commencing retroactively on September 1, 2024 and expiring on August 31, 2029.

§2. As consideration for the grant of this Agreement, Putnam/NW BOCES shall contribute to community projects wherein students will volunteer to assist County personnel to complete said projects at various County locations, subject to the mutual approval of the parties, it being understood that the true consideration for the grant of this Agreement is the value of the on-the-job experience the students receive by volunteering at County park facilities.

§3. Putnam/NW BOCES shall supervise the students when volunteering on County property, and provide all necessary specialty type equipment and supplies to complete the Permitted Activities. In order

to prepare the students for volunteering on County property. Putnam/NW BOCES, at its sole cost and expense, shall also do the following:

- a) provide all necessary mutually agreed teaching, administrative and other personnel, together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;
- c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program; and
- d) provide required materials and supplies for the instructional programs and administrative overhead.

§4. The County may assist Putnam/NW BOCES with any equipment and supplies that the County has available for the completion of the Permitted Activities. In addition, the County may, but it is not obligated to, supervise students while volunteering at County park facilities. Students may be provided the opportunity to learn about Department careers through personnel supervision at parks, career days, and may also participate in job fairs and participate in instruction on Putnam/NW BOCES's campus i.e., greenhouse production and ecological restoration projects.

§5. The County shall assist Putnam/NW BOCES with the planning and scheduling of the Permitted Activities to be performed at the County park facilities and such Permitted Activities shall be previously approved by the Department.

§6. The County shall indemnify and hold harmless Putnam/NW BOCES, its officers, employees and student volunteers from liability arising out of the County's sole negligence in connection with the Permitted Activities.

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

§8. This Act shall take effect immediately.

## INTERMUNICIPAL COOPERATIVE AGREEMENT

**THIS AGREEMENT** ("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, acting by and through the Department of Parks, Recreation and Conservation (hereinafter the "County")

and

**PUTNAM/NORTHERN WESTCHESTER BOARD OF COOPERATIVE EDUCATIONAL SERVICES**, with offices at 200 BOCES Drive, Yorktown Heights, New York 10598 (hereinafter the "BOCES").

### WITNESSETH:

**WHEREAS**, the County, acting by and through its Department of Parks, Conservation and Recreation ("Department"), owns certain parkland throughout the County of Westchester, including property located at 51 Route 100, Katonah, New York 10530, commonly known as the "Muscoot Farm" and property located at 2610 NY-35, Katonah, NY 10536, commonly known as "Lasdon Park" (collectively, the "Property" or "County property"); and

**WHEREAS**, municipal corporations are authorized, pursuant to both Article 9, §1 of the State Constitution and Article 5-G of the General Municipal Law to enter into intergovernmental agreements; and

**WHEREAS**, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide cooperatively, jointly, or by contract any facility, service, activity, or undertaking which each participating municipal corporation has the power to provide separately; and

**WHEREAS**, the BOCES provides a wide range of training opportunities to middle and high school students, including its Career Academies, which integrate academics with state-of-the-art technical training for hundreds of students from Putnam and Northern Westchester counties; and

**WHEREAS**, BOCES desires to undertake a volunteer training program at the County property wherein students will volunteer at the Department's facilities in order to supplement classroom instruction; and

**WHEREAS**, the County desires to cooperate with BOCES by permitting BOCES access to the County property to undertake such volunteer training program, on the terms herein provided.

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

**FIRST:** The County hereby grants to the BOCES and the BOCES hereby accepts from the County a non-exclusive revocable license to enter in and upon the Property for the purpose of allowing students to volunteer at various County park facilities, including but not limited to landscape maintenance, painting, other general maintenance of grounds and buildings, in order to supplement classroom instruction ("Activities"). The County shall assist the BOCES with planning and scheduling the Activities to be performed at County park facilities and such Activities shall be previously approved by the Commissioner (as defined below). The BOCES shall provide supervision of the students when volunteering on County property, as well as all necessary specialty type equipment and supplies to complete the Activities. It is hereby understood by the parties that the County may assist the BOCES with any equipment and supplies readily available for the completion of the Activities.

The BOCES shall furnish volunteer registration services, teaching and other personnel for the Activities. The Schedule of Instruction for the 2024-25 Academic Year is annexed hereto and made a part hereof as Schedule "A." Schedule "A" may be modified based upon student needs and programmatic offerings, consistent with standard scheduling and approval procedures set forth herein. Proposed amendments to Schedule "A" will be submitted to the County for approval as soon as possible after the need for the same are known, with constructive written notice to the County that in the event the County does not approve the proposed amendment(s) to Schedule "A" within twenty (20) days of receipt of same, such Schedule "A" amendment(s) shall be deemed approved, and, in the event the County fails to approve such amendment(s), such amendments(s) will be deemed approved within 20 days after the County's receipt of the same. BOCES shall prepare an updated Schedule of Instruction for the 2025-2026 academic year and any subsequent academic years, in accordance with the standard scheduling and approval procedures set forth above to reflect the courses actually provided for any applicable academic year. BOCES shall provide the tentative written updated Schedules of Instruction to the County for approval by May 31<sup>st</sup> of each year, with constructive written notice to the County that in the event the County does not approve the updated Schedule of Instruction within twenty (20) days of receipt of same, such updated Schedule of Instruction shall be deemed approved provided, however, that such written updated Schedules of Instruction may be updated thereafter in accordance with the standard scheduling and approval procedures set forth above. The County shall not unreasonably withhold, condition or delay its approval of any updated schedule or any amendments thereof.

Any promotional materials shall emphasize the public nature of the program. The BOCES, BOCES' personnel and anyone else authorized by the terms of the Agreement to enter upon and use the County property shall not display any signs, cards or advertising on the County property, except upon the prior written approval of the County.

In connection with the program, and in order to prepare the students for volunteering on County property, the BOCES shall:

- a) provide all necessary mutually agreed teaching, administrative and other personnel (to be hired, supervised and paid by BOCES) together with necessary specialty type equipment and supplies, as applicable;
- b) provide registration services for students enrolling in the program;
- c) provide appropriate course information and class rosters on a timely basis prior to and subsequent to the beginning of the program;
- d) order and pay for reasonably required materials and supplies for the instructional programs and administrative overhead, unless such equipment and supplies are readily available through the County as set forth above.

The County may, but it is not obligated to, supervise students while volunteering at the County property. The County may also expose students to Department of Parks, Conservation and Recreation careers through personnel supervision at parks, career days, and job fairs and to participate in instruction on the BOCES' campus i.e., greenhouse production and ecological restoration projects, subject to the prior approval of the Commissioner.

**SECOND:** The term of this Agreement shall commence on September 1, 2024 and shall terminate on August 31, 2029, unless terminated earlier pursuant to the provisions of this Agreement.

**THIRD:** In consideration for the use of the Property by the BOCES for the volunteer training program, the BOCES agrees to contribute to community projects wherein students will volunteer to assist County personnel to complete said projects in County property that will stay in said County property, and are subject to the mutual approval of the parties, it being recognized that the true consideration is the value of the on-the-job experience the students receive by volunteering at County park facilities. It is expressly understood and agreed that where students are assisting County personnel to complete community projects, that the County will provide supplies and equipment necessary to undertake such activities at no cost to BOCES.

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the BOCES for out-of-pocket expenses or disbursements made in connection with the activities undertaken pursuant to this Agreement.

Any and all requests for payment to be made, if any, including any request for partial payment, shall be submitted by BOCES on properly executed payment vouchers of the County and paid only after approval by the President. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall final payment be made to BOCES prior to completion of all Activities and the approval of same by the Commissioner.

The BOCES shall, at no additional charge, furnish all services, materials, tools, equipment and other appliances necessary to complete the Activities, except for readily available equipment and supplies the County may provide to the BOCES to complete the Activities and except as otherwise set forth hereinabove.

The BOCES shall permit the County or any of its authorized representatives to visit and inspect the Program, including, but not limited to, reasonable on-site inspections.

**FOURTH:** (a) Either party, upon sixty (60) days' notice to the other party, may terminate this Agreement in whole or in part when such party deems it to be in its best interest.

(b) In the event the County determines that there has been a material breach by BOCES of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on BOCES of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement. In such an event, the BOCES shall immediately withdraw all students from volunteering on County property.

**FIFTH:** BOCES agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "B", 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 "B", BOCES agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, BOCES shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by BOCES or third parties under the direction or control of BOCES;

(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 of BOCES and to bear all other costs and expenses related thereto; and

(c) In the event the BOCES 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 BOCES 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:** The County agrees to indemnify and hold harmless the BOCES, its officers, agents, employees and student volunteers from liability arising out of its sole negligence in connection with the permitted activities set forth in this Agreement. The County further agrees to name the BOCES as an additional insured on its general liability insurance policy and hold the following Minimum Required Insurance:

- a. Commercial General Liability Insurance
- \$1,000,000 per Occurrence/ \$2,000,000 Aggregate
- \$2,000,000 Products and Completed Operations
- \$1,000,000 Personal and Advertising Injury
- \$100,000 Fire Damage
- \$10,000 Medical Expense



In addition, the County agrees to hold a policy Umbrella/Excess Insurance in the amount of \$3,000,000 for each Occurrence and in the Aggregate. The County further agrees to hold insurance for 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 misconduct, abuse (including both physical and sexual) molestation.

In lieu of the aforementioned insurance, the County agrees to self-insure all liability for bodily injury and death and/or property damage under the County's self-insurance program in accordance with Local Law 6-1986 and Chapter 295 of the Laws of Westchester County. Further, if the County changes from a self-insurance program to a traditional insurance program then the County shall forward certificates of General Liability coverage naming the Contractor as an additional insured.

**SEVENTH:** BOCES expressly agrees that neither it nor any volunteer, student, 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. BOCES 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. BOCES and the County both acknowledge that they have a policy that prohibits discrimination, including sexual harassment prevention, consistent with New York State Labor Law Section 201-g.

**EIGHTH:** BOCES 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 BOCES as an employer of labor. BOCES 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 Activities hereunder.

**NINTH:** BOCES shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. BOCES shall not subcontract any part of the Activities without the written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Activities 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 BOCES that for the purposes of this Agreement, all Activities performed by a County-approved subcontractor shall be deemed Activities performed by BOCES and BOCES shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement.

**TENTH:** BOCES and the County agree that the students, BOCES and its officers, employees, agents, contractors, subcontractors and/or consultants are not employees of the County

or any department, agency or unit thereof. BOCES covenants and agrees that neither the students, BOCES nor any of its officers, employees, agents, contractors, subcontractors and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

**ELEVENTH:** 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 Activities 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.

**TWELFTH:** 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:           Commissioner of Parks, Recreation and Conservation  
450 Saw Mill River Road  
Ardsley, New York 10502

with a copy to:       County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue  
White Plains, New York 10601

To BOCES:           Ronald Clamser, Jr.  
Assistant Superintendent for Business  
Putnam | Northern Westchester Board of Cooperative Educational Services  
200 BOCES Drive  
Yorktown Heights, New York 10598

**THIRTEENTH:** 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.



**FOURTEENTH:** 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.

**FIFTEENTH:** BOCES recognizes that this Agreement does not grant BOCES the exclusive right to perform the Activities for the County and that the County may enter into similar agreements with other contractors on an "as needed" basis.

**SIXTEENTH:** BOCES 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. BOCES shall also use all reasonable means to avoid any appearance of impropriety.

**SEVENTEENTH:** Attached hereto and forming a part hereof as Schedule "C" is a questionnaire entitled "Required Disclosure of Relationships to County." The BOCES agrees to complete said questionnaire as part of this Agreement. In the event that any information provided in the completed questionnaire changes during the term of this Agreement, BOCES agrees to notify County in writing within ten (10) business days of such event.

**EIGHTEENTH:** The BOCES represents, warrants and covenants that the students volunteering at County property will not be left unattended and will be subject to constant monitoring by the BOCES personnel and/or County staff.

**NINETEENTH:** 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 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:** This Agreement shall not be enforceable until signed by both parties, approved by the Office of the County Attorney and approved by the County and the BOCES Board, respectively.

[NO FURTHER TEXT/SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the County and the BOCES have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Kathleen O'Connor  
Commissioner of Parks, Recreation  
and Conservation

**PUTNAM - NORTHERN WESTCHESTER  
BOARD OF COOPERATIVE EDUCATIONAL  
SERVICES**

By: \_\_\_\_\_  
Neil Boyle  
District Superintendent

By: \_\_\_\_\_  
Richard Kreps  
Board President

Approved:

\_\_\_\_\_  
Senior Assistant County Attorney  
The County of Westchester  
IMA PutnamNorthWest BOCES Agreement.cmc.02.04.2025

## 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

RPL § 309-a; NY CPLR § 4538

**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 2024, before me, the undersigned, a  
Notary Public in and for said State, \_\_\_\_\_ personally appeared,  
personally known to me or proved to me on the basis of satisfactory evidence to be the officer  
described in and who executed the above certificate, who being by me duly sworn did depose  
and say that he/she resides at \_\_\_\_\_,  
and he/she is an officer of said corporation; that he/she is duly authorized to execute said  
certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to  
such authority.

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

## SCHEDULE "A"

### SCHEDULE OF INSTRUCTION\*

<b>2024</b>	<b>Times</b>	<b>Location</b>
Thursday, September 26	8:00-11:00	Muscoot Farm
Monday, September 30	8:00-12:00	Muscoot Farm
<b>Thursday, October 3</b>	<b>NO SCHOOL</b>	
Monday, October 7	8:00-12:00	Muscoot Farm
Thursday, October 10	8:00-11:00	Muscoot Farm
<b>Monday, October 14</b>	<b>NO SCHOOL</b>	
Thursday, October 17	8:00-11:00	Muscoot Farm
Monday, October 21	8:00-12:00	Muscoot Farm
Thursday, October 24	8:00-11:00	Muscoot Farm
Monday, October 28	8:00-12:00	Muscoot Farm
Thursday, October 31	8:00-11:00	Muscoot Farm
Monday, November 4	8:00-12:00	Muscoot Farm
Thursday, November 7	8:00-11:00	Muscoot Farm
<b>Monday, November 11</b>	<b>NO SCHOOL</b>	
Thursday, November 14	8:00-11:00	Muscoot Farm
Monday, November 18	8:00-12:00	Muscoot Farm
Thursday, November 21	8:00-11:00	Muscoot Farm
Monday, November 25	8:00-12:00	Muscoot Farm
<b>Thursday, November 28</b>	<b>NO SCHOOL</b>	
Monday, December 2	8:00-12:00	Muscoot Farm
Thursday, December 5	8:00-11:00	Muscoot Farm
Monday, December 9	8:00-12:00	Muscoot Farm
Thursday, December 12	8:00-11:00	Muscoot Farm
Monday, December 16	8:00-12:00	Muscoot Farm
Thursday, December 19	8:00-11:00	Muscoot Farm
<b>Monday, December 23</b>	<b>NO SCHOOL</b>	
<b>Thursday, December 26</b>	<b>NO SCHOOL</b>	
<b>Monday, December 30</b>	<b>NO SCHOOL</b>	
<b>2025</b>		Muscoot Farm
Thursday, January 2	8:00-11:00	Muscoot Farm
Monday, January 6	8:00-12:00	Muscoot Farm
Thursday, January 9	8:00-11:00	Muscoot Farm
Monday, January 13	8:00-12:00	Muscoot Farm
<b>Thursday, January 16</b>	<b>NO SCHOOL</b>	
<b>Monday, January 20</b>	<b>NO SCHOOL</b>	
Thursday, January 23	8:00-11:00	Muscoot Farm
Monday, January 27	8:00-12:00	Muscoot Farm
Thursday, January 30	8:00-11:00	Muscoot Farm
Monday, February 3	8:00-12:00	Muscoot Farm

Thursday, February 6	8:00-11:00	Muscoot Farm
Monday, February 10	8:00-12:00	Muscoot Farm
Thursday, February 13	8:00-11:00	Muscoot Farm
Monday, February 17	NO SCHOOL	
Thursday, February 20	NO SCHOOL	
Monday, February 24	8:00-12:00	Muscoot Farm
Thursday February 27	8:00-11:00	Muscoot Farm
Monday, March 3	8:00-12:00	Muscoot Farm
Thursday, March 6	8:00-11:00	Muscoot Farm
Monday, March 10	8:00-12:00	Muscoot Farm
Thursday, March 13	8:00-11:00	Muscoot Farm
Monday, March 17	8:00-12:00	Muscoot Farm
Thursday, March 20	8:00-11:00	Muscoot Farm
Monday, March 24	8:00-12:00	Muscoot Farm
Thursday, March 27	8:00-11:00	Muscoot Farm
Monday March 31	8:00-12:00	Muscoot Farm
Thursday, April 3	8:00-11:00	Muscoot Farm
Monday, April 7	8:00-12:00	Muscoot Farm
Thursday, April 10	8:00-11:00	Muscoot Farm
Monday April 14	NO SCHOOL	
Thursday, April 17	NO SCHOOL	
Monday, April 21	8:00-12:00	Muscoot Farm
Thursday, April 24	8:00-11:00	Muscoot Farm
Monday, April 28	8:00-12:00	Muscoot Farm
Thursday, May 1	8:00-11:00	Muscoot Farm
Monday, May 5	8:00-12:00	Muscoot Farm
Thursday, May 8	8:00-11:00	Muscoot Farm
Monday, May 12	8:00-12:00	Muscoot Farm
Thursday, May 15	8:00-11:00	Muscoot Farm
Monday, May 19	8:00-12:00	Muscoot Farm
Thursday, May 22	8:00-11:00	Muscoot Farm
Monday, May 26	NO SCHOOL	
Thursday, May 29	8:00-11:00	Muscoot Farm

Schedule "A" may be modified based upon student needs and programmatic offerings, consistent with standard scheduling and approval procedures set forth herein. Proposed amendments to Schedule "A" will be submitted to the County for approval as soon as possible after the need for the same are known, with constructive written notice to the County that in the event the County does not approve the proposed amendment(s) to Schedule "A" within twenty (20) days of receipt of constructive written notice of the same, such Schedule "A" amendment(s) shall be deemed approved. In the event the County fails to approve such amendment(s), such amendments(s) will be deemed approved within 20 days after the County's receipt of the same.

\* BOCES shall prepare an updated Schedule of Instruction for the 2025-2026 academic year and any subsequent academic years, by May 31<sup>st</sup> of each year, in accordance with the standard scheduling and approval procedures set forth above to reflect the courses actually provided for any applicable academic year. BOCES shall provide the tentative written updated Schedules of Instruction to the

County for approval by May 31<sup>st</sup> of each year, with constructive written notice to the County that in the event the County does not approve the updated Schedule of Instruction within twenty (20) days of receipt of same, such updated Schedule of Instruction shall be deemed approved, provided, however, that such written updated Schedules of Instruction may be updated thereafter in accordance with the standard scheduling and approval procedures set forth above. Approval of any updated schedule will not be unreasonably withheld.

## **SCHEDULE "B"**

### **INSURANCE PROVISIONS** **(BOCES)**

1. Prior to commencing activities pursuant to this Agreement, and throughout the term of the Agreement, the BOCES 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, or from New York Schools Insurance Reciprocal (NYSIR). The BOCES 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 BOCES 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 BOCES 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 BOCES 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 BOCES to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the BOCES from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the BOCES 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 BOCES until such time as the BOCES shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the BOCES 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 BOCES. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2. The BOCES 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 BOCES and Sub-BOCES.
- 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.

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 BOCES 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 BOCES.

**SCHEDULE "C"**  
**REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY**

- 1.) Are any of the employees that the BOCES 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 BOCES 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 BOCES or in any approved sub-consultant 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.



Kenneth W. Jenkins  
Westchester County Executive

April 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 review and approval is an amended bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$700,000 to finance the following capital project:

RBR07 – Bronx River Pathway Reconstruction ("RBR07").

The proposed Amended Bond Act, in the total amount of \$9,430,000 dollars, which includes \$8,730,000 in previously authorized bonds of the County, is necessary to finance the cost of design associated with the reconstruction of the Bronx River Pathway from Crane Road South to Scout Field.

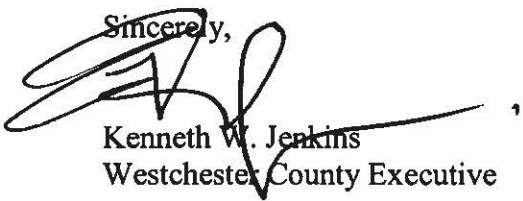
The Department of Parks Recreation and Conservation ("Department") has advised that according to a recent recreation preference survey, walking and bicycling continue to rank high among the top recreation activities enjoyed by Westchester County residents. The Bronx River Pathway, being the most heavily used pathway in the parks system, plays a critical role in supporting these activities. To maintain its popularity and usability, the Department is addressing the deterioration of older sections as part of a multi-year phased program aimed at rehabilitating the pathway.

Following bond authorization, design is anticipated to take eighteen (18) months to complete and will be performed by in-house staff and consultants. It is anticipated that construction will take approximately eighteen (18) 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 for this section of the pathway.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for RBR07 as follows: Bond Act No. 225-2024 in the amount of \$8,730,000, which financed the cost of design, construction and construction management of improvements to the Bronx River Reservation pathway from the Kensico Dam Plaza to Green Acres Avenue, including rehabilitation and improvements to all pathway infrastructure. No bonds have been issued under Bond Act No. 225-2024. Accordingly, it is now requested that Bond Act No. 225-2024 be amended to increase the amount authorized by \$700,000, for a total authorized amount, as amended, of \$9,430,000, and to expand the scope of services to include design associated with the reconstruction of the pathway from Crane Road South to Scout Field.

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

Sincerely,

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

Kenneth W. Jenkins  
Westchester County Executive

KWJ/KOC/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 by the County of Westchester (“County”) of an amended bond act (the “Amended Bond Act”) in the total amount of \$9,430,000, which includes \$8,730,000 in previously authorized bonds of the County, to finance capital project RBR07 – Bronx River Pathway Reconstruction (“RBR07”). The Amended Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, is required to finance the cost of design associated with the reconstruction of the Bronx River Pathway from Crane Road South to Scout Field.

The Department of Parks Recreation and Conservation (“Department”) has advised that according to a recent recreation preference survey, walking and bicycling continue to rank high among the top recreation activities enjoyed by Westchester County residents. The Bronx River Pathway, being the most heavily used pathway in the parks system, plays a critical role in supporting these activities. To maintain its popularity and usability, the Department is addressing the deterioration of older sections as part of a multi-year phased program aimed at rehabilitating the pathway.

Following bond authorization, design is anticipated to take eighteen (18) months to complete and will be performed by in-house staff and a consultant. It is anticipated that construction will take approximately eighteen (18) 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 for this section of the pathway.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for RBR07 as follows: Bond Act No. 225-2024 in the amount of \$8,730,000, which financed the cost of design, construction and construction management of improvements to the Bronx River Reservation pathway from the Kensico Dam Plaza to Green Acres Avenue, including rehabilitation and improvements to all pathway infrastructure. No bonds have been issued under Bond Act No. 225-2024. Accordingly, it is now requested that Bond Act No. 225-2024 be amended to increase the amount authorized by \$700,000, for a total authorized amount, as amended, of \$9,430,000, and to expand the scope of services to include design associated with the reconstruction of the pathway from Crane Road South to Scout Field.

The Department of Planning has advised your Committee that based on its review, RBR07 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.

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 has carefully considered the Amended Bond Act and recommends approval of same.

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

**COMMITTEE ON**



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RBR07

☐ 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 \$ 9,430,000 PPU 15 Anticipated Interest Rate 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 815,460

Total Debt Service (Annual Cost x Term): \$ 12,231,900

Finance Department: Interest rates from April 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: 103

Prepared by: Robert Lopane, RLA

Title: Director of Development II - PRC Planni

Department: Parks, Recreation & Conservation

Date: 4/16/25

Reviewed By: 


04/17/25  
@4/17/25

Budget Director

Date: 4/17/25



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: April 11, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RBR07 BRONX RIVER PATHWAY RECONSTRUCTION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03/25/2025 (Unique ID: 2897)

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:** The current request is for design only.

DSK/oav

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

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

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 7, 2021 AND AMENDED ON DECEMBER 11, 2023, AND FURTHER AMENDED ON OCTOBER 21, 2024 IN RELATION TO THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO THE BRONX RIVER RESERVATION PATHWAY, AT THE MAXIMUM ESTIMATED COST OF \$9,430,000. (Adopted \_\_\_\_\_, 20\_\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$8,730,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the reconstruction of the Bronx River Pathway, pursuant to Act No. 219-2021 duly adopted on December 7, 2021, as amended by Bond Act 248-2023 duly adopted on December 11, 2023 and further amended by Bond Act 225-2024 duly adopted on October 21, 2024; and

WHEREAS, it has been determined that additional funds are required for to pay for the cost of the Project, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such planning, now therefore

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

**Section (A).** The bond act duly adopted by this Board on December 7, 2021 and amended on December 11, 2023 further amended on October 21, 2024, entitled:

“ACT NO. 225-2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$8,730,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO THE BRONX RIVER RESERVATION PATHWAY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$8,730,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,730,000 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 \$9,430,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO THE BRONX RIVER RESERVATION PATHWAY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,430,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$9,430,000 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; \$9,430,000 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, construction and construction management of improvements to the Bronx River Reservation pathway and related infrastructure from the Kensico Dam Plaza to Green Acres Avenue, including rehabilitation and improvements to all pathway infrastructure including pathway pavement, footbridges, railings, stone walls, site furnishings, signage, pavement markings, grading, drainage, planting and other associated site work, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$9,430,000. The plan of financing includes the issuance of \$9,430,000 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 \$9,430,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends

to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$9,430,000. 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 \$9,430,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

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

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit

of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

(SEAL)

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



## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on December 7, 2021, amended on December 11, 2023 and further amended on October 21, 2024 and on \_\_\_\_\_, 20\_\_\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

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

**BOND ACT AUTHORIZING THE ISSUANCE OF \$9,430,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO THE BRONX RIVER RESERVATION PATHWAY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,430,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$9,430,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 7, 2021 and amended on December 11, 2023 and on \_\_\_\_\_, 20\_\_\_\_)**

**object or purpose:** to finance the cost of the planning, construction and construction management of improvements to the Bronx River Reservation pathway and related infrastructure from the Kensico Dam Plaza to Green Acres Avenue, including rehabilitation and improvements to all pathway infrastructure including pathway pavement, footbridges, railings, stone walls, site furnishings, signage, pavement markings, grading, drainage, planting and other associated site work, all as set forth in the County's Current Year Capital Budget, as amended.

**amount of obligations to be issued:**

**and period of probable usefulness:** \$9,430,000; 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> <b>RBR07</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-19-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> BRONX RIVER PATHWAY RECONSTRUCTION	<b>Legislative District ID:</b> 3, 10, 5,
<b>Category*</b> RECREATION FACILITIES	<b>Department:*</b> PARKS, RECREATION & CONSERVATION	<b>CP Unique ID:</b> 2897

### Overall Project Description

This project will reconstruct approximately 10 miles of asphalt pathway from Kensico Dam Plaza to Greenacres Avenue and Crane Road to Scout Field. The project will also include reconstruction of just over 1 mile of stone dust pathway, pedestrian footbridge renovations, crosswalk improvements, fencing and guiderail improvements, culvert replacement, swale construction, stone masonry, signage, benches and associated site work and landscaping.

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

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

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
<b>Gross</b>	18,630	8,730	700	0	9,200	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	18,630	8,730	700	0	9,200	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 495

**Current Bond Description:** This request will fund design for the reconstruction of the Bronx River Pathway from Crane Road South to Scout Field.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	700,000
Cash:	0
<b>Total:</b>	<b>\$ 700,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

700,000

#### Expected Design Work Provider:

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

#### Comments:

#### Energy Efficiencies:

#### Appropriation History:

Year	Amount	Description
2022	1,800,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2024	6,930,000	FUNDS PHASE 1 CONSTRUCTION

#### Total Appropriation History:

8,730,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	219	0	0	BRONX RIVER PATHWAY RECONSTRUCTION
23	248	0	0	
24	224	0	0	
24	225	8,730,000	0	

**Total Financing History:**

8,730,000

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

MLLL

**Date**

03-25-2025

**Department of Public Works**

RJB4

**Date**

03-26-2025

**Budget Department**

DEV9

**Date**

03-28-2025

**Requesting Department**

RCL3

**Date**

03-28-2025

## BRONX RIVER PATHWAY RECONSTRUCTION ( RBR07 )

**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	18,630	8,730	486	700		9,200			
Non County Share									
Total	18,630	8,730	486	700		9,200			

### Project Description

This project will reconstruct approximately 10 miles of asphalt pathway from Kensico Dam Plaza to Greenacres Avenue and Crane Road to Scout Field. The project will also include reconstruction of just over 1 mile of stone dust pathway, pedestrian footbridge renovations, crosswalk improvements, fencing and guiderail improvements, culvert replacement, swale construction, stone masonry, signage, benches and associated site work and landscaping.

### Current Year Description

The current year request funds Phase 2 design.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	700,000			700,000

### Impact on Operating Budget

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

### Appropriation History

Year	Amount	Description	Status
2022	1,800,000	Design, construction and construction management	DESIGN
2024	6,930,000	Funds Phase 1 construction	DESIGN
Total	8,730,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	8,730,000		8,730,000
Total	8,730,000		8,730,000

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
219 21				
248 23				
224 24				
225 24	8,730,000			8,730,000
Total	8,730,000			8,730,000



**Kenneth W. Jenkins**  
County Executive

April 15, 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 (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$6,000,000 to finance the following capital project:

**RB04B – Boston Post Road Bridge over Playland Parkway, Rye (BIN 2000050) ("RB04B").**

The Bond Act, in the total amount of \$6,925,000, which includes \$925,000 in previously authorized bonds of the County, would finance the cost of construction and construction management associated with the rehabilitation of the existing Boston Post Road bridge over Playland Parkway in the City of Rye, including the removal and replacement of the pavement, fill, sidewalks, and waterproofing membrane; rehabilitation of the concrete arch and stone facing; and associated work.

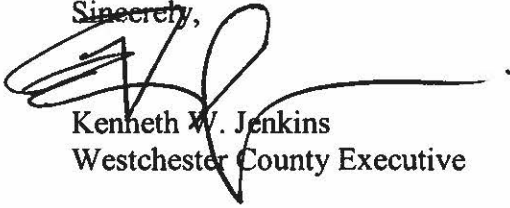
The Department of Public Works and Transportation ("Department") has advised that this bridge, which was built in 1941 and has an annual daily traffic count ("AADT") of 5,640, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2023, the New York State Department of Transportation gave the bridge a condition rating of 4.8 and the roadway has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently underway using outside consultants and is expected to be completed by the second quarter of 2025. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for RB04B as follows: Bond Act No. 6-2020 in the amount of \$925,000, which financed the cost of design for the replacement of this bridge. No bonds have been issued under Bond Act No. 6-2020. Accordingly, it is now requested that Bond Act No. 6-2020 be amended to increase the initial amount authorized by \$6,000,000, for a total authorized amount, as amended, of \$6,925,000, to modify and expand the scope of services to include construction and construction management associated with the rehabilitation of the bridge, and to increase the period of probable usefulness of said bonds.

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

Sincerely,

A handwritten signature in black ink, appearing to be "KWJ", with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/HJG/jpg/nn



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

Your Committee is in receipt of a transmittal from the Westchester County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (the “Amended Bond Act”) in the total amount of \$6,925,000, which includes \$6,000,000 in previously authorized bond of the County, to finance capital project RB04B – Boston Post Road Bridge over Playland Parkway, Rye (BIN 2000050) (“RB04B”). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the cost of construction and construction management associated with the rehabilitation of the existing Boston Post Road bridge over Playland Parkway in the City of Rye, including the removal and replacement of the pavement, fill, sidewalks, and waterproofing membrane; rehabilitation of the concrete arch and stone facing; and associated work.

The Department of Public Works and Transportation (“Department”) has advised that this bridge, which was built in 1941 and has an annual daily traffic count (“AADT”) of 5,640, is in need of rehabilitation 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 4.8 and the roadway has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently underway using outside consultants and is expected to be completed by the second quarter of 2025. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds for RB04B as follows: Bond Act No. 6-2020 in the amount of \$925,000, which financed the cost of design for the replacement of this bridge. No bonds have been issued under Bond Act No. 6-2020. Accordingly, it is now requested that Bond Act No. 6-2020 be amended to increase the initial amount authorized by \$6,000,000, for a total authorized amount, as amended, of \$6,925,000, to modify and expand the scope of services to include construction and construction management associated with the rehabilitation of the bridge, and to increase the period of probable usefulness of said bonds.

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

It should be noted that an affirmative vote of two-thirds of the members of 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: \_\_\_\_\_, 20\_\_\_\_.  
White Plains, New York

**COMMITTEE ON**

c/jpg/04-04-25



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB04B

☐ 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 \$ 6,925,000 PPU 30 Anticipated Interest Rate 4.27%

Anticipated Annual Cost (Principal and Interest): \$ 386,930

Total Debt Service (Annual Cost x Term): \$ 11,607,900

Finance Department: Interest rates from April 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: 75

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works and Transportation

Date: 4/16/25


Reviewed By: 

04/17/25  
CD 4/17/25

Budget Director

Date: 4/17/25

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: April 9, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB04B Boston Post Road Bridge Over Playland Parkway, Rye (BIN 2000050)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
04/03/2025 (Unique ID: 2718)

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/oav

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

ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST FOR THE RECONSTRUCTION OF THE BOSTON POST ROAD BRIDGE OVER PLAYLAND PARKWAY IN THE CITY OF RYE; AT THE TOTAL ESTIMATED COST OF \$6,925,000. (Adopted , 20\_\_).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for the reconstruction of the Boston Post Road Bridge over Playland Parkway in the City of Rye, at the estimated maximum cost of \$925,000 (the "Original Project"), pursuant to Act No. 6-2020, duly adopted on February 3, 2020, and it has now been determined that (i) the costs for the reconstruction of the Boston Post Road Bridge over Playland Parkway in the City of Rye in the amount of \$6,000,000 shall be added to the costs of the Original Project (collectively, the "Project"), (ii) the maximum cost of the Project shall now total \$6,925,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

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

**Section (A).** The bond act duly adopted by this Board on February 3, 2020, entitled:

"(BOND) ACT NO. 6-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$925,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF PLANNING RECONSTRUCTION OF THE RECONSTRUCTION OF THE BOSTON POST ROAD BRIDGE OVER PLAYLAND PARKWAY IN THE CITY OF RYE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$925,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$925,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF THE RECONSTRUCTION OF THE BOSTON POST ROAD BRIDGE OVER PLAYLAND PARKWAY IN THE CITY OF RYE; AT THE TOTAL ESTIMATED COST OF \$6,925,000. (Adopted           , 20\_\_).

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$6,925,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost for the reconstruction of the Boston Post Road Bridge over Playland Parkway in the City of Rye, including the construction and construction management associated with the rehabilitation of the bridge, removal and replacement of the pavement, fill, sidewalks, and waterproofing membrane; rehabilitation of the concrete arch and stone facing; and all associated work; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing

thereof, is \$6,925,000. The plan of financing includes the issuance of \$6,925,000 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. 10 of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$6,925,000. 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.

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

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

\* \* \*



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

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

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

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

## LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on February 3, 2020 and amended on \_\_\_\_\_, 20\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

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

**BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST FOR THE RECONSTRUCTION OF THE BOSTON POST ROAD BRIDGE OVER PLAYLAND PARKWAY IN THE CITY OF RYE; AT THE TOTAL ESTIMATED COST OF \$6,925,000. (Adopted \_\_\_\_\_, 20\_\_).**

object or purpose: to finance the cost for the reconstruction of the Boston Post Road Bridge over Playland Parkway in the City of Rye, including the construction and construction management associated with the rehabilitation of the bridge, removal and replacement of the pavement, fill, sidewalks, and waterproofing membrane; rehabilitation of the concrete arch and stone facing; and all associated work; all as set forth in the County's 20\_\_ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$6,925,000; forty (40) years

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



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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>RB04B</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> BOSTON POST ROAD BRIDGE OVER 7, PLAYLAND PARKWAY, RYE (BIN 2000050)	<b>Legislative District ID:</b>
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2718

### Overall Project Description

This project funds the replacement of the existing structure with a precast rigid frame to allow for improved clearance. The feasibility of rehabilitating the existing bridge as an option will be investigated during design. The structure was built in 1941 and is 60' long by 70' wide.

- |   |  |  |
|---|--|--|
| <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	10,150	10,150	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	10,150	10,150	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 653

**Current Bond Description:** Funding is requested for construction and construction management associated with the rehabilitation of the bridge, including the removal and replacement of the pavement, fill, sidewalks, and waterproofing membrane; rehabilitation of the concrete arch and stone facing; and associated work.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,000,000
Cash:	0
<b>Total:</b>	<b>\$ 6,000,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

6,000,000

#### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

#### Comments:

BCR: 4.8 (2023); AADT: 5,640

#### Energy Efficiencies:

#### Appropriation History:

Year	Amount	Description
2020	1,600,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	8,550,000	CONSTRUCTION

#### Total Appropriation History:

10,150,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
20	6	925,000	0	DESIGN FOR REPLACEMENT OF THE EXISTING BOSTON POST ROAD BRIDGE OVER PLAYLAND PARKWAY

**Total Financing History:**

925,000

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

MLLL

**Date**

04-03-2025

**Department of Public Works**

RJB4

**Date**

04-03-2025

**Budget Department**

DEV9

**Date**

04-04-2025

**Requesting Department**

RJB4

**Date**

04-04-2025

# BOSTON POST ROAD BRIDGE OVER PLAYLAND PARKWAY, RYE (BIN 2000050) ( RB04B )

**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	10,150	10,150	663						
Non County Share									
<b>Total</b>	<b>10,150</b>	<b>10,150</b>	<b>663</b>						

## **Project Description**

This project funds the replacement of the existing structure with a precast rigid frame to allow for improved clearance. The structure was built in 1941 and is 60' long by 70' wide.

## **Current Year Description**

There is no current year request.

## **Impact on Operating Budget**

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

## **Appropriation History**

Year	Amount	Description	Status
2020	1,600,000	Design and construction management	\$925,000 - DESIGN; \$675,000 - AWAITING BOND AUTHORIZATION AWAITING BOND AUTHORIZATION
2021	8,550,000	Construction	
<b>Total</b>	<b>10,150,000</b>		

## **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	10,150,000		10,150,000
<b>Total</b>	<b>10,150,000</b>		<b>10,150,000</b>

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
6 20	925,000			925,000
<b>Total</b>	<b>925,000</b>			<b>925,000</b>



Kenneth W. Jenkins  
Westchester County Executive

April 11, 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 the following acts in connection with Capital Project B0115 – Infrastructure Rehabilitation, Mount Vernon District Office (2021 - 2025) (“B0115”):

- (1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);
- (2) a bond act amending, in part, prior Bond Act No. 241-2023 in order to remove \$3,900,000 allocable to Capital Project B0115, and to decrease the estimated maximum amount of bonds authorized to \$850,000 (the “Amending Bond Act”); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$8,200,000 to finance the cost of design, construction management, and construction associated with the exterior rehabilitation of the building. (the “Consolidated Bond Act”).

The proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$4,300,000. The increase is needed to address additional areas that were identified during construction. In addition, exterior facade probes revealed deteriorated steel that requires reinforcement or replacement. The work is necessary to maintain the integrity of the building and prevent future water infiltration. The additional \$4,300,000 in appropriations will bring the total 2025 appropriations for this project to \$8,800,000.

The Amending Bond Act is required to remove the bond authorization related to B0115 from Bond Act 241-2023 so that those authorizations may be included in the Consolidated Bond Act for B0115.

The Consolidated Bond Act will address exterior rehabilitation of the building. Work will include rehabilitation of the masonry and structural steel reinforcement and replacement. This \$8,200,000 proposed Consolidated Bond Act represents a \$4,300,000 increase to the amount previously authorized for B0115, and includes the \$3,900,000 previously authorized for B0115 by Bond Act 241-2023.

Design is currently underway by outside consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

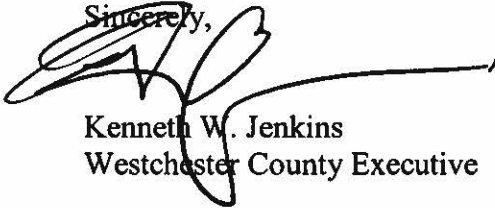


It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance B0115 as indicated in the annexed fact sheet.

As your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed B0115 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Acts 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

HJG/RA/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 the following Acts in connection Capital Project B0115 – Infrastructure Rehabilitation, Mount Vernon District Office (2021 - 2025) (“B0115”):

- (1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);
- (2) a bond act amending, in part, prior Bond Act No. 241-2023 in order to remove \$3,900,000 allocable to Capital Project B0115, and to decrease the estimated maximum amount of bonds authorized to \$850,000 (the “Amending Bond Act”); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$8,200,000 to finance the cost of design, construction management, and construction associated with the exterior rehabilitation of the building (the “Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$4,300,000. The increase is needed to address additional areas that were identified during construction. In addition, exterior facade probes revealed deteriorated steel that requires reinforcement or replacement. The work is necessary to maintain the integrity of the building and prevent future water infiltration. The additional \$4,300,000 in appropriations will bring the total 2025 appropriations for this project to \$8,800,000.

The Amending Bond Act, prepared by the law firm of Norton Rose Fulbright, is required to remove the bond authorization related to B0115 from Bond Act 241-2023 so that those authorizations may be included in the Consolidated Bond Act for B0115.

The Consolidated Bond Act, prepared by the law firm of Norton Rose Fulbright, will address exterior rehabilitation of the building. Work will include rehabilitation of the masonry and structural steel reinforcement and replacement. This \$8,200,000 proposed Consolidated Bond Act represents a \$4,300,000 increase to the amount previously authorized for B0115, and includes the \$3,900,000 previously authorized for B0115 by Bond Act 241-2023.



Your Committee is advised that the design is currently underway by outside consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take eighteen (18) 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 B0115 as indicated in the annexed fact sheet.

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.

Additionally, as your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY044 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.


Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

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

**COMMITTEE ON**

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

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

DATE: April 9, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
B0115 INFRASTRUCTURE REHABILITATION, MOUNT VERNON  
DISTRICT OFFICE (2021-2025)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03/20/2025 (Unique ID: 2870)

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/oav

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

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project B0115  
INFRASTRUCTURE  
REHABILITATION, MOUNT  
VERNON DISTRICT OFFICE (2021-  
2025)

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$4,500,000	\$4,300,000	\$8,800,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$4,500,000	\$4,300,000	\$8,800,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$4,500,000	\$4,300,000	\$8,800,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 6, 2023 IN RELATION TO THE CONSTRUCTION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE COUNTY AT THE TOTAL ESTIMATED COST OF \$850,000. (Adopted \_\_, 20\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the cost of the design, construction management and construction associated with the replacement of the roof, installation of new flashing, bulkhead rehabilitation and associated work at the Mount Vernon District Office (Project B0115), the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at 450 Saw Mill River Road, in Ardsley, and the cost of the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at the Record Center in Elmsford, at the estimated maximum cost of \$4,750,000, pursuant to Act No. 241-2023 duly adopted on December 6, 2023; and

WHEREAS, this Board has determined to revise the scope of work of said Bond Act, and remove the \$3,900,000 authorization for Project B0115; and

WHEREAS, it has now been determined that such bond act shall be amended to decrease the amount of bonds authorized for such scope of work; and

WHEREAS, such \$3,900,000 has been or will be authorized pursuant to another Bond Act authorizing the construction associated with the rehabilitation of the building exterior,

including the rehabilitation of the masonry and structural steel reinforcement and replacement, and that it is necessary to reduce the amount of bonds Authorized pursuant to Bond Act 241-2023 now therefore

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

**Section (A).** The bond act duly adopted by this Board on December 6, 2023, entitled:

“(BOND) ACT NO. 241-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 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 \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS

\$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 6, 2023 and amended on \_\_\_\_\_, 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$850,000. The plan of financing includes the issuance of \$850,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

A	B
\$475,000	the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at 450

	Saw Mill River Road, in Ardsley
\$375,000	for design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at the Record Center in Elmsford

Section 2. The periods of probable usefulness ("PPU") of the objects or purposes for which said \$850,000 bonds authorized by this Act are to be issued, within the limitations of the respective subdivisions 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 total amount of \$850,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$850,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

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



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

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

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

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

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

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

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

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

**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.

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0115

☐ 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

REDUCE BA 241-2023 BY \$3.9M TO \$850,000

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 850,000 PPU 15 Anticipated Interest Rate 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 73,504

Total Debt Service (Annual Cost x Term): \$ 1,102,560

Finance Department: Interest rates from April 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 Abbamont

Title: Director of Operations (Capital)

Department: Public Works and Transportation

Date: 4/16/25

Reviewed By: 

04/17/25  
4/17/25

Budget Director

Date:

4/17/25

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

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

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

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on December 6, 2023 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 \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 6, 2023 and amended on \_\_\_\_\_, 20\_\_\_\_)**

object or purpose:       to finance the cost of the design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at 450 Saw Mill River Road, in Ardsley, and the cost of the for design, construction management and construction associated with the installation of parapet safety railings at all open roof perimeters at the Record Center in Elmsford.

amount of obligations to be issued  
and period of probable usefulness:       \$850,000; fifteen (15) years

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$8,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF EXTERIOR BUILDING IMPROVEMENTS TO THE MOUNT VERNON DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

WHEREAS, this Board has heretofore duly authorized the issuance of \$3,900,000 bonds to finance the cost the design, construction management and construction associated with the replacement of the roof, installation of new flashing, bulkhead rehabilitation and associated work at the Mount Vernon District Office (the "Project"), pursuant to Act No. 241-2023 duly adopted on December 6, 2023; and

WHEREAS, it is now appropriate to authorize the Project, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$8,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the construction associated with the rehabilitation of the building exterior, including the rehabilitation of the masonry and structural steel reinforcement and replacement, 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 \$8,200,000. The plan of financing includes the issuance of \$8,200,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$8,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) years;

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



\$8,200,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$8,200,000 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.

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0115

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 8,200,000 PPU 15 Anticipated Interest Rate 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 690,896

Total Debt Service (Annual Cost x Term): \$ 10,363,440

Finance Department: Interest rates from April 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: 89

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works and Transportation

Date: 4/16/25

Reviewed By: 

DV4/17/25  
@ 4/17/25

Budget Director

Date: 4/17/25

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

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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$8,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF EXTERIOR BUILDING IMPROVEMENTS TO THE MOUNT VERNON DISTRICT OFFICE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the construction associated with the rehabilitation of the building exterior, including the rehabilitation of the masonry and structural steel reinforcement and replacement, 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: \$8,200,000; 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> <b>B0115</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 03-05-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025)	<b>Legislative District ID:</b> 13,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2870

### Overall Project Description

This project funds rehabilitation and upgrades of the exterior, interior and site infrastructure of this building.

- |   |  |  |
|---|--|--|
| <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>	9,750	4,500	0	950	0	0	0	4,300
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	9,750	4,500	0	950	0	0	0	4,300

**Expended/Obligated Amount (in thousands) as of :** 566

**Current Bond Description:** Additional funding is requested for the exterior rehabilitation of the building. The work will address rehabilitation of the masonry and structural steel reinforcement and replacement.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,300,000
Cash:	0
<b>Total:</b>	<b>\$ 4,300,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

4,300,000

### Expected Design Work Provider:

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

### Comments:

A capital budget amendment (CBA) in the amount of \$4,300,000, shown under review, is requested for additional areas to be addressed that were identified during construction. In addition, exterior facade probes revealed deteriorated steel that requires reinforcement or replacement. The work is necessary to maintain the integrity of the building and prevent future water infiltration into the structure.

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2021	600,000	UPGRADES TO THE WATER STORAGE TANK SYSTEM AND REHABILITATION OF SIDEWALKS
2024	3,900,000	FUNDS ROOF REPLACEMENT WITH INSTALLATION OF NEW FLASHING AND BULKHEAD REHABILITATION

**Total Appropriation History:**

4,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	20	200,000	0	INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025)
21	21	400,000	0	INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025)
23	241	3,900,000	0	REHAB TO REGINALD A LAFAYETTE COUNTY BUILDING

**Total Financing History:**

4,500,000

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

MLLL

**Date**

03-20-2025

**Department of Public Works**

RJB4

**Date**

03-20-2025

**Budget Department**

DEV9

**Date**

03-25-2025

**Requesting Department**

RJB4

**Date**

03-25-2025



# INFRASTRUCTURE REHABILITATION, MOUNT VERNON DISTRICT OFFICE (2021-2025) ( B0115 )

**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	5,450	4,500	566		950				
Non County Share									
Total	5,450	4,500	566		950				

## **Project Description**

This project funds rehabilitation and upgrades of the exterior, interior and site infrastructure of this building.

## **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
2021	600,000	Upgrades to the water storage tank system and rehabilitation of sidewalks	\$200,000 DESIGN; \$400,000 CONSTRUCTION
2024	3,900,000	Funds roof replacement with installation of new flashing and bulkhead rehabilitation	DESIGN
Total	4,500,000		

## **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	4,500,000		4,500,000
Total	4,500,000		4,500,000

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
20 21	200,000			200,000
21 21	400,000			400,000
241 23	3,900,000			3,900,000
Total	4,500,000			4,500,000



Kenneth W. Jenkins  
Westchester County Executive

April 25, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act to amend the current-year capital budget ("Capital Budget Amendment"), as well as two bond acts ("Bond Acts"), of the County of Westchester ("County") as follows:

- (1) the proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for Capital Project RB212 – Bryant Ave, CR 153, White Plains ("RB212") by \$700,000 to \$3,200,000; and
- (2) a bond act amending, in part, prior Bond Act No. 7-2023 to remove a \$2,500,000 authorization allocable to RB212, and decrease the estimated maximum amount of bonds authorized to \$14,140,000 ("Amending Bond Act"). The Amending Bond Act is required to remove the approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work related to RB212; and
- (3) a bond act authorizing the issuance of bonds in the amount of \$3,200,000 to finance the cost of design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection with RB212. This \$3,200,000 proposed bond act represents a \$700,000 increase to the amount previously authorized for RB212 and includes the \$2,500,000 previously authorized for RB212 by Bond Act 7-2023 ("Consolidated Bond Act").

The Department of Public Works and Transportation ("Department") has advised that this road has an average annual daily traffic count of 7,129 and is in need of rehabilitation to maintain a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2022 was 61 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

The Department has advised that design was completed by a consultant and it is anticipated that construction will take approximately six months to complete. The Department has further advised that bids received for

construction of RB212 exceed the available funding. The increase in construction costs and materials is due to the length of time that has transpired since the project's 2023 inception.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB212 as indicated in the annexed fact sheet.

As your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed RB212 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long, sweeping horizontal line 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 by the County of Westchester (“County”) of the following Acts in connection Capital Project RB212 – Bryant Ave, CR 153, White Plains (“RB212”):

(1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);

(2) a bond act amending, in part, prior Bond Act No. 7-2023 to remove a \$2,500,000 authorization allocable to RB212, and decrease the estimated maximum amount of bonds authorized to \$14,140,000 (“Amending Bond Act”). The Amending Bond Act was prepared by the law firm Hawkins Delafield & Wood and is required to remove the approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work related to RB212; and

(3) a bond act authorizing the issuance of bonds in the amount of \$3,200,000 to finance the cost of design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection with RB212. This \$3,200,000 proposed bond act represents a \$700,000 increase to the amount previously authorized for RB212 and includes the \$2,500,000 previously authorized for RB212 by Bond Act 7-2023 (“Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RB212 by \$700,000 to \$3,200,000.

The \$3,200,000 Consolidated Bond Act represents a \$700,000 increase to the amount previously authorized for RB212 and includes the \$2,500,000 previously authorized for RB212 by Bond Act 7-2023. The Consolidated Bond Act would finance the cost of design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection with RB212.

The Department of Public Works and Transportation (“Department”) has advised that this road has an average annual daily traffic count of 7,129 and is in need of rehabilitation to maintain a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2022 was 61 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

The Department has advised that design was completed by a consultant and it is anticipated that construction will take approximately six months to complete. The Department has further advised that bids received for construction of RB212 exceed the available funding. The increase in construction costs and materials is due to the length of time that has transpired since the project's 2023 inception.

The design was completed by a consultant and it is anticipated that construction will take approximately six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB212 as indicated in the annexed fact sheet.

The Department of Planning has advised your Committee that based on its review, RB212 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.

Additionally, as your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed RB212 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.


It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

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

**COMMITTEE ON**

CMG/3-18-25

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: April 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB212 BRYANT AVENUE, CR 153, WHITE PLAINS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03/20/2025 (Unique ID: 2840)

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)(5):** repaving of existing highways not involving the addition of new travel lanes; and
  - **617.5(c)(6):** street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities; and
  - **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.
- 

**COMMENTS:** None.

DSK/oav

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





Memorandum

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in dark ink, appearing to be "SD" or similar initials, written over the name Susan Darling.

Date: March 27, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – RB212 Bryant Avenue, CR 153, White Plains (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **RB212 Bryant Avenue, CR 153, White Plains (2025 CBA)** will fund the construction and construction management for the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

The capital budget amendment is needed because of the increased costs associated with this project. This increase is due to the length of time that has transpired since the project's initial inception in 2023 including construction costs and particularly costs associated with materials. These additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction.

The 2023 appropriation was \$2,500,000. The additional request is for \$700,000.

This project was classified as a PL2 in the Planning Board Report on the 2023 Capital Project Requests adopted July 5, 2022.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

## RB212 Bryant Avenue, CR 153, White Plains

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross	2,500		2,500					
Non-County Share								
County Share	2,500		2,500					

### Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

### Appropriation Requests

2023: Design, Construction and Construction Management.

### Justification

To maintain a safe travelway.

AADT: 7,129

PCI: 64 (2019)

### Consistency with Programs or Plans

This is a programmed project. The proposed project is consistent with "*Westchester 2025*", the County Planning Board's long-range planning policy document, as it will maintain existing transportation infrastructure and ease movement on travel routes.

As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. Designs should comply with the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

### Planning Board Analysis

**PL2:** The Planning Board supports the proposed improvements. Planning Department staff will monitor the progress of design to address physical and environmental planning concerns including pedestrian and bicycle safety as well as stormwater management. The Planning Board recommends this project incorporate Complete Streets design features which consider the safe, convenient access, and mobility of all roadway users of all ages and abilities. The Planning Board recommends that the design of this project include consideration of future bus service needs. This divided highway has a relatively low AADT of about 7,000, and lacks sidewalks or bicycle facilities. Its location near a school makes it a prime candidate for a road diet. The expectation of the Planning Department is that the adjacent office parks will one day be repurposed with residential and retail uses. New concrete curb could provide an opportunity to use space for a curb-raised trail with pedestrian/bicycle separation. This will also provide for safe pedestrian/bicycle connectivity if adjacent office parks continue to see residential development.

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project RB212 BRYANT  
AVENUE, CR 153, WHITE PLAINS

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$2,500,000	\$700,000	\$3,200,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$2,500,000	\$700,000	\$3,200,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$2,500,000	\$700,000	\$3,200,000

Section 3. The ACT shall take effect immediately.

REFERENCE P0032  
RB210  
RB214  
RB233  
RB234  
RB235  
RB236  
RB237

ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JANUARY 9, 2023 IN RELATION TO THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY AT THE TOTAL ESTIMATED COST OF \$14,140,000. (Adopted , 20\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the cost of the design, construction and construction management associated with the rehabilitation of the following respective County roadways as set forth in column B of the schedule below:

<b>A</b>	<b>B</b>
\$3,350,000	approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
800,000	approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb

	replacement; drainage repairs; new traffic loops; new pavement markings and related work
2,500,000	approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
425,000	approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
600,000	approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
775,000	approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work
420,000	approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

1,620,000	approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
6,150,000	approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

at the estimated maximum cost of \$16,640,000, pursuant to Act No. 7-2023 duly adopted on January 9, 2023, and

WHEREAS, this Board has determined to revise the scope of work of said Bond Act, and remove the \$2,500,000 authorization for project RB212, and

WHEREAS, it has now been determined that such bond act shall be amended to revise said scope of work and decrease the amount of bonds authorized; 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 January 9, 2023, entitled:

“(BOND) ACT NO. 7-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,640,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,640,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,640,000 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 \$14,140,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$14,140,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$14,140,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(adopted on January 9, 2023 and amended on \_\_\_\_\_, 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction and construction management associated with the rehabilitation of the following respective County roadways as set forth in column B of the schedule below; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$14,140,000. The plan of financing includes the issuance of \$14,140,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

A	B
\$3,350,000	approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
800,000	approximately 0.32 miles of roadway from Pelham Manor/New Rochelle line to Bronx line including milling; resurfacing; concrete curb



	replacement; drainage repairs; new traffic loops; new pavement markings and related work
425,000	approximately 0.23 miles of roadway from the entrance to Delfino Park to Harrison Boulevard including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work
600,000	approximately 0.26 miles of roadway from the Bronx River Parkway to 270' north of the Bronx River Parkway and from North Broadway to Washington's Headquarters including milling; resurfacing; guide rail replacement; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
775,000	approximately 0.61 miles of roadway from the pedestrian overpass to Secor Road including milling; resurfacing; guide rail replacement; drainage work; new traffic signal loops; new pavement markings and related work
420,000	approximately 0.11 miles of roadway from Irving Avenue to King Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
1,620,000	approximately 0.54 miles of roadway from Highland Avenue to Washington Avenue including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work

6,150,000	approximately 1.4 miles of East Main Street from the Cortlandt/Peekskill Line to Broad Street and approximately 0.5 miles of West Main Street from North Division Street to Route 9 including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work
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Section 2. The period of probable usefulness of the class of objects or purposes for which said \$14,140,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.20(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$14,140,000. 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 \$14,140,000 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.

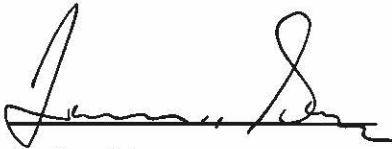
Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

**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.

\* \* \*

# FISCAL IMPACT STATEMENT

<b>CAPITAL PROJECT #:</b> <u>RB212</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>REDUCE BA 7-2023 BY \$2.5M TO \$14.14M</b>			
<b>SECTION B - BONDING AUTHORIZATIONS</b> To Be Completed by Finance			
<b>Total Principal</b>	\$	14,140,000	<b>PPU</b> 15 <b>Anticipated Interest Rate</b> 3.65%
<b>Anticipated Annual Cost (Principal and Interest):</b>		\$	1,222,758
<b>Total Debt Service (Annual Cost x Term):</b>		\$	18,341,370
<b>Finance Department:</b> Interest rates from April 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):			
<hr/>			
<hr/>			
<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>		154	
<b>Prepared by:</b>	<u>Robert Abbamont</u>	<b>Reviewed By:</b>  <b>Budget Director</b> <b>Date:</b> <u>4/16/25</u>	
<b>Title:</b>	<u>Director of Operations (Capital)</u>		
<b>Department:</b>	<u>Public Works and Transportation</u>		
<b>Date:</b>	<u>4/16/25</u>		

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 January 9, 2023 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 \$14,140,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS COUNTY ROADWAY IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$14,140,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$14,140,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.**  
(adopted on January 9, 2023 and amended on \_\_\_\_\_, 20\_\_)

object or purpose:       to finance the design, construction management and construction associated with the rehabilitation of various County roadways in and for the County; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness:       \$14,140,000; 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

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO BRYANT AVENUE; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$2,500,000 bonds to finance the cost of the design, construction and construction management associated with the rehabilitation of Bryant Avenue, pursuant to Bond Act No. 7-2023 duly adopted on January 9, 2023; and

WHEREAS, it is now appropriate to authorize such purposes, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the



provisions of other laws applicable thereto; \$3,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection therewith, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such 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 \$3,200,000. The plan of financing includes the issuance of \$3,200,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the object or purpose for which said \$3,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years;

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

\$3,200,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$3,200,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

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

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

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

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

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

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

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

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

Section 8. This Act shall take effect not earlier than January 1, 2024 and in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK )

: ss.:

COUNTY OF NEW YORK )

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

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

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

(SEAL)

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB212

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,200,000 PPU 15 Anticipated Interest Rate 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 276,720

Total Debt Service (Annual Cost x Term): \$ 4,150,800

Finance Department: Interest rates from April 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: 35

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works and Transportation

Date: 4/16/25

Reviewed By: 

DM 4/16/25  
CP 4/16/25

Budget Director

Date: 4/16/25

## 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 \$3,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO BRYANT AVENUE; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the cost of the design, construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings, and related work in connection therewith, 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: \$3,200,000; 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> <b>RB212</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 02-05-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> BRYANT AVENUE, CR 153, WHITE PLAINS	<b>Legislative District ID:</b> 5,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2840

### Overall Project Description

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

- |   |  |  |
|---|--|--|
| <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	3,200	2,500	0	0	0	0	0	700
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,200	2,500	0	0	0	0	0	700

**Expended/Obligated Amount (in thousands) as of :** 265

**Current Bond Description:** Additional funding is requested for construction and construction management associated with the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound including milling; resurfacing; concrete curb replacement; drainage repairs; new traffic loops; new pavement markings and related work.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	700,000
Cash:	0
Total:	<b>\$ 700,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

700,000

#### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

#### Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) in the amount of \$700,000, shown under review, is requested to award the construction contract.

PCI: 61 (2022); AADT: 7,129

#### Energy Efficiencies:

#### Appropriation History:

Year	Amount	Description
2023	2,500,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

#### Total Appropriation History:

2,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	7	2,500,000	0	BRYANT AVENUE, CR 153, WHITE PLAINS

**Total Financing History:**

2,500,000

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

MLLL

**Date**

03-20-2025

**Department of Public Works**

RJB4

**Date**

03-20-2025

**Budget Department**

DEV9

**Date**

03-25-2025

**Requesting Department**

RJB4

**Date**

03-25-2025



# BRYANT AVENUE, CR 153, WHITE PLAINS ( RB212 )

**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
<b>Gross</b>	<b>2,500</b>	<b>2,500</b>	<b>265</b>						
<b>Non County Share</b>									
<b>Total</b>	<b>2,500</b>	<b>2,500</b>	<b>265</b>						

### **Project Description**

This project will fund the rehabilitation of approximately 0.64 miles of roadway from North Street to Westchester Avenue eastbound.

### **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
2023	2,500,000	Design, construction and construction management	DESIGN
<b>Total</b>	<b>2,500,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>2,500,000</b>		<b>2,500,000</b>
<b>Total</b>	<b>2,500,000</b>		<b>2,500,000</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
<b>7 23</b>	<b>2,500,000</b>			<b>2,500,000</b>
<b>Total</b>	<b>2,500,000</b>			<b>2,500,000</b>



**Kenneth W. Jenkins**  
**County Executive**

April 11, 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 (the "Amended Bond Act"), which, if adopted, would authorize the County of Westchester (the "County") to issue an additional \$40,092,000 in bonds of the County to finance the following capital project:

RP02A – Ice Casino Improvements II ("RP02A").

The Amended Bond Act, in the total amount of \$58,789,000, which includes \$18,697,000 in previously authorized bonds of the County, would fund the cost of construction and construction management associated with the complete rehabilitation of the Ice Casino Building at Playland Park in Rye.

The Department of Parks, Recreation & Conservation (the "Department") has advised that the improvements to the Ice Casino will include structural rehabilitation of the facility's second floor Studio Rink, replacement of roofing over the Studio Rink, rehabilitation of the facility's locker room wing, replacement of roofing over the locker rooms, along with associated mechanical, electrical and ADA improvements. The project will also include restoration of the building's historic front façade, as well as rehabilitation of the building's rear and side façades.

The Department has advised that the Ice Casino is an integral contributing historic element of Playland Park and helps define Playland's landmark status. Furthermore, the structure is in dire need of exterior restoration along with structural, weather tightness and mechanical rehabilitation and upgrades in order to continue to serve the public.

Your Honorable Board is advised that design, which was performed by an outside consultant, is complete. It is estimated that construction will take twenty-eight (28) months to complete and will begin after award and execution of the construction contracts.

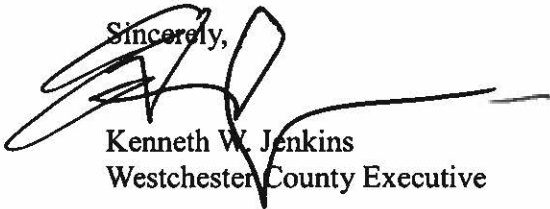
It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with RP02A, as follows: Bond Act No. 2022-30 in the amount of \$18,697,000, which financed the cost of design, construction and construction management associated with the first phase of the building improvements for the Ice Casino, as well as the cost of design for the second phase of the building improvements for the Ice Casino. \$1,355,472 in bonds have been issued under Bond Act

No. 2022-30. Accordingly, authority of your Honorable Board is now requested to amend Bond Act No. 2022-30 to increase the initial amount authorized by \$40,092,000, for a new total authorized bonding amount of \$58,789,000.

It should be noted that in addition to the amount financed under the Amended Bond Act, the County has received \$350,000 in Federal COVID-19 grant funding for this project.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'KWJ', with a long horizontal line extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/KOC/RL/jpg  
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 an amended bond act (the “Amended Bond Act”), in the total amount of \$58,789,000, which includes \$18,697,000 in previously authorized bonds of the County of Westchester (the “County”), to finance capital project RP02A – Ice Casino Improvements II (“RP02A”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield and Wood, LLP, would fund the cost of construction and construction management associated with the complete rehabilitation of the Ice Casino Building at Playland Park in Rye.

The Department of Parks, Recreation & Conservation (the “Department”) has advised that the improvements to the Ice Casino will include structural rehabilitation of the facility’s second floor Studio Rink, replacement of roofing over the Studio Rink, rehabilitation of the facility’s locker room wing, replacement of roofing over the locker rooms, along with associated mechanical, electrical and ADA improvements. The project will also include restoration of the building’s historic front façade, as well as rehabilitation of the building’s rear and side façades.

Your Committee is advised that the Ice Casino is an integral contributing historic element of Playland Park and helps define Playland’s landmark status. Furthermore, the structure is in dire need of exterior restoration along with structural, weather tightness and mechanical rehabilitation and upgrades in order to continue to serve the public.

Your Committee is further advised that design, which was performed by an outside consultant, is complete. It is estimated that construction will take twenty-eight (28) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with RP02A, as follows: Bond Act No. 2022-30 in the amount of \$18,697,000, which financed the cost of design, construction and construction management associated with the first phase of the building improvements for the Ice Casino, as well as the cost of design for the second phase of the building improvements for the Ice Casino. \$1,355,472

in bonds have been issued under Bond Act No. 2022-30. Accordingly, authority of your Honorable Board is now requested to amend Bond Act No. 2022-30 to increase the initial amount authorized by \$40,092,000, for a new total authorized bonding amount of \$58,789,000.

Your Committee is advised that in addition to the amount financed under the Amended Bond Act, the County has received \$350,000 in Federal COVID-19 grant funding for this project.

The Planning Department has advised that RP02A would constitute a “Type I” Action under the State Environmental Quality Review Act and its implementing regulations 6 NYCRR, Part 617 (“SEQR”), which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Full Environmental Assessment Form (Full EAF) and the criteria contained in Section 617.7 of Title 6 of the New York Codes, Rules and Regulations, the SEQR regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached Full EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Amended Bond Act.

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

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

**COMMITTEE ON**

s.jpg/12-16-2025

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RP02A

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 58,789,000 PPU 15 Anticipated Interest Rate 3.65%

Anticipated Annual Cost (Principal and Interest): \$ 5,083,785

Total Debt Service (Annual Cost x Term): \$ 76,256,775

Finance Department: Interest rates from April 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: 639

Prepared by: Robert C. Lopane, RLA

Title: Director of Development II - PRC Planni

Department: Parks, Recreation & Conservation

Date: 4/16/25

Reviewed By:

04/17/25  
@ 4/17/25

  
Budget Director

Date:

4/17/25



**RESOLUTION NO. 2025 - \_\_\_\_\_**

**WHEREAS**, there is pending before this Honorable Board a Bond Act to authorize the County of Westchester (the “County”) to issue bonds in connection with capital project RP02A – Ice Casino Improvements II (Unique ID# 2772) (the “Project”); and

**WHEREAS**, this Honorable Board has determined that the proposed Project would constitute an action under Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), this project is classified as a “Type I” action, which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

**WHEREAS**, the County is the only involved agency with discretionary authority for this action and, therefore, is assuming the role of Lead Agency; and

**WHEREAS**, in accordance with SEQRA and its implementing regulations, a Full Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

**WHEREAS**, this Honorable Board has carefully considered the proposed action and has reviewed the attached Full Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Full Environmental Assessment Form, to determine if this proposed action will have a significant adverse impact on the environment.

**NOW, THEREFORE**, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

**RESOLVED**, that based upon this Honorable Board’s review of the Full Environmental Assessment Form and the reasons set forth therein, this Board finds that there will

be no significant adverse impact on the environment in connection with the Project; and be it further

**RESOLVED**, the Clerk of the Board of Legislators is authorized and directed to sign the Determination of Significance in the Full Environmental Assessment Form, which is attached and made a part hereof, as responsible officer in Lead Agency; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQRA; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further


**RESOLVED**, that this Resolution shall take effect immediately.





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: April 9, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT  
RP02A ICE CASINO IMPROVEMENTS II**

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The Planning Department has reviewed the above referenced project (Fact Sheet Unique ID: 2772) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, this project has been classified as a Type I action. The County is the only involved agency with discretionary authority and, therefore, must serve as lead agency. As such, a Full Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm

Att.

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

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Playland Ice Casino Improvements (RP02A)		
Project Location (describe, and attach a general location map): Playland Amusement Park, 100 Playland Parkway, Rye, Westchester County, New York		
Brief Description of Proposed Action (include purpose or need): The project provides for a comprehensive rehabilitation of the Ice Casino building. Interior renovations will include lighting, walls, ceilings, windows, restrooms, locker rooms, lobby, dining and lounge areas, replacement of the elevator, and installation of a new elevator which will allow access to the third floor. It will also provide for the replacement of the ice mats and dasher boards in the Main Rink, Studio Rink, and Beginner Rink as well as replacement of the refrigeration system including the chillers, piping, and controls. Utility improvements include replacement of HVAC units, upgrading of all mechanical, electrical, plumbing, communication, and security systems. Exterior work will include facade restoration and roof replacements. A 2,770 square-foot, one-story addition with a 325 square-foot covered loading dock is also proposed on the north side of the casino to house a generator and other mechanical equipment that are currently exposed to the elements. Approximately 800 square feet of new asphalt pavement will be added next to the addition as well as repaving of approximately 7,700 square feet of existing asphalt pavement on this side of the building.		
Name of Applicant/Sponsor: County of Westchester		Telephone: 914-995-2800
		E-Mail:
Address: 148 Martine Avenue		
City/PO: White Plains	State: NY	Zip Code: 10601
Project Contact (if not same as sponsor; give name and title/role): David S. Kvinge, Assistant Commissioner		Telephone: 914-995-4400
		E-Mail: dsk2@westchestercountyny.gov
Address: 148 Martine Avenue, Room 432		
City/PO: White Plains	State: NY	Zip Code: 10601
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

### B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester Co. Board of Legislators (funding) Westchester Co. PRC Board (tree review)	Spring 2025
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NYS Office of Parks, Recreation and Historic Preservation (SHPO consultation)	No concern response 12/23/2024
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No  
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Local Waterfront Revitalization Plan, Greenway Community

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>WR - Waterfront Recreation</u>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, i. What is the proposed new zoning for the site? _____	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located?	<u>Rye City School District</u>
b. What police or other public protection forces serve the project site?	<u>Westchester County Public Safety and Rye City Police</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Rye Fire Department; Port Chester/Rye/Rye Brook EMS</u>
d. What parks serve the project site?	<u>N/A. The facility is part of the County's park system.</u>

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Recreation</u>	
b. a. Total acreage of the site of the proposed action?	<u>+/-2</u> acres
b. Total acreage to be physically disturbed?	<u>+/-0.3</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>+/-313</u> acres
c. Is the proposed action an expansion of an existing project or use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % <u>0.03</u> Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: <u>18</u> months	
ii. If Yes:	
• Total number of phases anticipated	_____
• Anticipated commencement date of phase 1 (including demolition)	_____ month _____ year
• Anticipated completion date of final phase	_____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

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

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>21.85'</u> height; <u>55.2'</u> width; and <u>55.2'</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>3,050</u> square feet	

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

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

---

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

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

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

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

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

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

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

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

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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

i. Total anticipated liquid waste generation per day: 7,650 (no increase) gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater only; there will be no industrial wastewater discharge as a result of the renovations.

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

- Name of wastewater treatment plant to be used: Blind Brook Water Resource Recovery Facility
- Name of district: Blind Brook Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No



<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will a line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>The proposed renovations do not include plans to capture, recycle or reuse liquid waste. _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or <u>0.07</u> acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or <u>143</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Additional roof runoff from building addition and surface runoff from additional asphalt pavement.</u></p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>Stormwater runoff shall be directed to existing on-site storm water management facility/structures.</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> </ul> <p>_____</p> <ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

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

If Yes:

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

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

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

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

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

If Yes:

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

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

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iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? ☐ Yes ☐ No

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
1776 kVa

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

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:30 AM - 4:00 PM</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 9:30 AM - 4:00 PM</li> <li>• Saturday: _____ 9:30-12:00 AM</li> <li>• Sunday: _____ 9:30 AM - 4:00 PM</li> <li>• Holidays: _____ 9:30 AM - 4:00 PM</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Construction of the addition and exterior improvements may contribute some additional noise, most notably during winter when the amusement park is closed, but this will be very temporary; most work is internal. Noise during operations will decrease due to the enclosure of the generator and chillers.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No

Describe: No, the proposed action does not remove natural barriers that could act as a noise barrier or screen. A new screen is being incorporated into the new addition to mask rooftop equipment.

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n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Lighting is replacement in kind with more efficient fixtures. Exterior lighting is around the perimeter of the building, spaced no more than 70 feet apart, and above egress doors at 10 feet above grade. Lighting will be full cutoff and is greater than 100 feet from nearest occupied structure.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No

Describe: Three large trees will be removed to accommodate the exterior improvements. They are located between existing park facilities on the north side of the ice casino and would offer only overhead screening.

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o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☒ Yes ☐ No

If Yes:

i. Product(s) to be stored Diesel

ii. Volume(s) 1232 gal. per unit time 6 months (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

The proposed fuel storage would be located in the emergency generator sub-base tank (part of generator assembly). Old generator tank will be removed.

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No

If Yes:

i. Describe proposed treatment(s):

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ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 400 tons per year (one time total) (unit of time)
- Operation: no change tons per (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Separation of reinforcing steel for recycling.
- Operation: The park facility provides for the recycling of paper/cardboard and commingled glass/plastic/metal containers.

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Concrete is recycled into subbase; asphalt is recycled at an asphalt plant; everything else is disposed of at a landfill.
- Operation: Park refuse is taken to the County's Resource Recovery Facility in Peekskill. Recyclable materials are taken to the County's Material Recovery Facility in Yonkers.

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

#### E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Recreational

ii. If mix of uses, generally describe:

The ice casino is within a County park, bordering the Long Island Sound.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.92	1.99	+0.07
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.08	0.01	-0.07
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No  
i. If Yes: explain: Ice skating rink is open to the public and available for rent by school and local hockey teams

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam? ☐ Yes ☒ No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No  
If Yes:  
i. Has the facility been formally closed? ☐ Yes ☐ No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No  
☒ Yes – Spills Incidents database Provide DEC ID number(s): 9003947 (1992); 9501217 (1995)  
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
#9003947 - #2 fuel oil spill - closed 1992. #9501217 - unknown petroleum - closed 1995.

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 10 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Urban Land (Uf)	_____	100 %
Fill and sand over glacial till	_____	%
(52% sand, 38% fines, 27% fine sand)	_____	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 4 feet

e. Drainage status of project site soils: ☐ Well Drained: \_\_\_\_\_ % of site Undefined  
☐ Moderately Well Drained: \_\_\_\_\_ % of site  
☐ Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: \_\_\_\_\_ 100 % of site  
☐ 10-15%: \_\_\_\_\_ % of site  
☐ 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? (EAF Mapper generated this answer; but no wetlands or waterbodies actually in project site.) ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No  
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name Tidal Wetlands, Federal Waters	Approximate Size (Long Island Sound)
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">           Urban wildlife commonly seen on developed sites, such as squirrel, chipmunk, raccoon. Also deer.         </div> <div style="width: 30%;">           Various birds, including: Waterfowl (Canada Goose, various ducks); Shore birds (various gulls);         </div> <div style="width: 30%;">           Red-tailed hawk; European Starling; and various Sparrows.         </div> </div>		
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: <div style="margin-left: 20px;">           i. Describe the habitat/community (composition, function, and basis for designation): _____            ii. Source(s) of description or evaluation: _____            iii. Extent of community/habitat:           <div style="margin-left: 20px;">             • Currently: _____ acres              • Following completion of project as proposed: _____ acres              • Gain or loss (indicate + or -): _____ acres           </div> </div>		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <div style="margin-left: 20px;">           i. Species and listing (endangered or threatened): _____            Common Tern [The project is within the developed area of the amusement park; it contains no habitat for the Common Tern.]         </div>		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: <div style="margin-left: 20px;">           i. Species and listing: _____         </div>		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ This project will have no effect to the fishing activities on the pier.		
<b>E.3. Designated Public Resources On or Near Project Site</b>		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: <div style="margin-left: 20px;">           i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature            ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____            _____            _____         </div>		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <div style="margin-left: 20px;">           i. CEA name: Long Island Sound, County &amp; State Park Lands            ii. Basis for designation: Exceptional or unique character            iii. Designating agency and date: Agency: Westchester County, Date: 1-31-90         </div>		



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District</li> <li>ii. Name: <u>Eligible property: Ice Casino, Playland Amusement Park</u></li> <li>iii. Brief description of attributes on which listing is based: <u>Entertainment/Recreation - first planned amusement park in the country. Architectural - Art Deco style/designed by Walker and Gillette.</u></li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): <u>High to moderate potential for prehistoric and historic resources for overall park.</u></li> <li>ii. Basis for identification: <u>Phase IA (Tracker Archaeology Services, 1998)</u></li> </ul>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: <u>Long Island Sound shoreline</u></li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>County park, waterfront scenic views.</u></li> <li>iii. Distance between project and resource: <u>0</u> miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

#### F. Additional Information

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

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

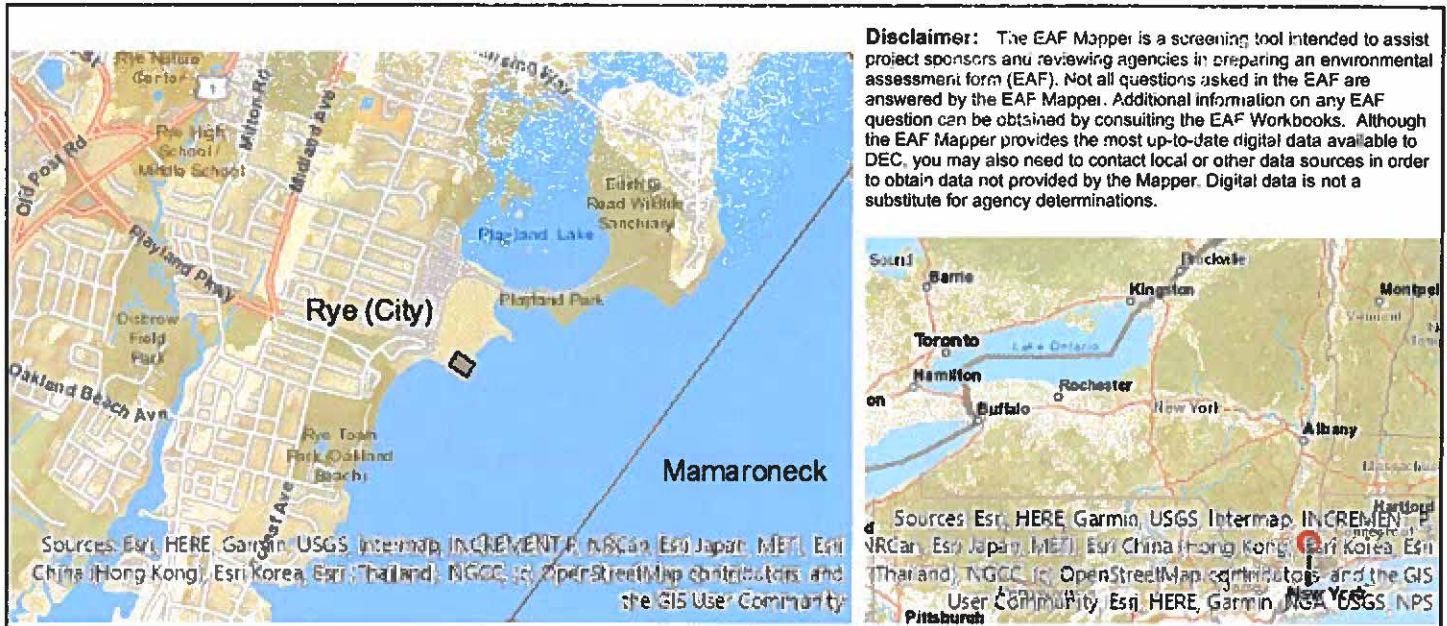
#### G. Verification

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

Applicant/Sponsor Name County of Westchester Date April 9, 2025

Signature  Title Assistant Commissioner of Planning

**PRINT FORM**



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Tidal Wetlands, Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes



E.2.o. [Endangered or Threatened Species - Name]	Common Tern
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Long Island Sound, County & State Park Lands
E.3.d.ii [Critical Environmental Area - Reason]	Exceptional or unique character
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Westchester County, Date:1-31-90
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Ice Casino, Playland Amusement Park
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

<b>Agency Use Only [If applicable]</b>	
Project:	Playland Ice Casino Improvements (RP02A)
Date:	April 2023

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

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

**Tips for completing Part 2:**

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

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

**2. Impact on Geological Features**

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

☒ NO☐ YES

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

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

**3. Impacts on Surface Water**

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

☒ NO☐ YES

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

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

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

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

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

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

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: <u>Three trees in excess of 30 inches DBH will be removed on the north side of the building to accommodate the addition and pavement improvements.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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



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

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



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

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

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

**13. Impact on Transportation**

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

☒ NO☐ YES

(See Part 1. D.2.j)

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

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

**14. Impact on Energy**

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

☒ NO☐ YES

(See Part 1. D.2.k)

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

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

**15. Impact on Noise, Odor, and Light**

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

☒ NO☐ YES

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

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

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

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

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

☒ NO

☐ YES

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

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

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

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

**PRINT FULL FORM**

## Full Environmental Assessment Form

### Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

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

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

#### Reasons Supporting This Determination:

To complete this section:

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

As the project involves primarily renovations to an existing building at a highly-developed/active recreational facility, there will be minimal impacts on the environment.

**IMPACT ON LAND:** Land disturbance will be limited to a small area on the north side of the building, which has already been disturbed and is surrounded by existing park-related development. Site work will not take more than a year.

**IMPACTS ON WATER:** Long Island Sound is located to the rear of the building and is set apart by a boardwalk and sea wall that will not be disturbed. Appropriate best management practices will be followed during construction to prevent any offsite contamination.

**IMPACT ON FLOODING:** All of Playland park is within the 100-year floodplain. The addition will serve to protect the facility's equipment from floodwaters by elevating it several feet above grade. The minor addition in the floodplain will have no downstream impacts since the facility is located on the coastline. Basement pumps will be replaced and another pump added to minimize flood impacts to the facility.

**IMPACT ON PLANTS AND ANIMALS:** Three of five trees that presently exist on the north side of the building will need to be removed to accommodate the proposed site improvements. As these are mature trees, the loss of tree canopy in the immediate area would be apparent. However, the park and adjoining Edith Read Sanctuary contain many mature trees. Nevertheless, nine new trees will be planted within the amusement park, as close to the project site as possible, to offset the proposed tree removals. The project will not have a significant impact on wildlife as it does not affect natural habitat.

**IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES:** In addition to being on the National Register of Historic Places, Playland Amusement Park has been designated a National Historic Landmark. The project will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and will serve to restore and protect this historic facility. Restoration in place of in-kind replacement will be considered when viable, as requested by SHPO. No archaeological impacts are anticipated since ground disturbance will be minimal and affected areas have already been disturbed.

**IMPACT ON OPEN SPACE AND RECREATION:** The project will necessitate temporary closure of the ice casino for construction, which is anticipated to impact one ice skating season. The amusement park, beach, pool and boardwalk will not be affected by this project.

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS:** Playland Amusement Park lies within two Critical Environmental Areas--Long Island Sound Shoreline and County and State Park Lands, which were designated by the County for a host of benefits, including: scenic, historical, recreational, ecological, cultural, social and educational. The project will serve to support most of these benefits.

Overall, the project will serve to restore/protect a prominent historic structure and popular recreational asset, while updating all systems including heating, plumbing, electrical, communication and fire suppression, improving energy efficiency, safety and accessibility. Replacement of the generator and oil tank and enclosure of the mechanical equipment will reduce exposure to the environment and extend the life of the equipment, minimizing consumption and waste.

#### Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

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



Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
County of Westchester, acting by and through its Board of Legislators. as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Playland Ice Casino Improvements (RP02A)

Name of Lead Agency: County of Westchester

Name of Responsible Officer in Lead Agency: Malika Vanderberg

Title of Responsible Officer: Clerk and Chief Administrative Officer of the Board of Legislators

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

*DarKusge*

Date:

April 9, 2025

**For Further Information:**

Contact Person: David S. Kvinge

Address: 148 Martine Avenue, White Plains, NY 10601

Telephone Number: 914-995-2089

E-mail: [dsk2@westchestercountyny.gov](mailto:dsk2@westchestercountyny.gov)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

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

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 25, 2022, IN RELATION TO THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE REHABILITATION OF THE ICE CASINO BUILDING AT PLAYLAND AND FOR THE DESIGN OF THE GENERAL BUILDING IMPROVEMENT PROJECT, AT THE MAXIMUM ESTIMATED COST OF \$59,139,000. (Adopted \_\_\_\_\_, 20\_\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$18,697,000 bonds to finance the design, construction and construction management of the studio rink project at the Ice Casino at Playland and for the design of the general building improvement project (the "Project"), pursuant to Act No. 30-2022 duly adopted on April 25, 2022; and

WHEREAS, it has now been determined that the cost of the Project has increased and it is necessary to increase the amount of bonds to be issued and the appropriation for such Project;

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

**Section (A).** The bond act duly adopted by this Board on April 25, 2022, entitled:

"ACT NO. 30-2022



BOND ACT AUTHORIZING THE ISSUANCE OF \$18,697,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE STUDIO RINK PROJECT AT THE ICE CASINO AT PLAYLAND AND FOR THE DESIGN OF THE GENERAL BUILDING IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$19,047,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$18,697,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$350,000 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED FOR SUCH 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."

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$58,789,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT ASSOCIATED WITH THE COMPLETE REHABILITATION OF THE ICE CASINO BUILDING AT PLAYLAND PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$59,139,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$58,789,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$350,000 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED FOR SUCH

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, \$58,789,000 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 and construction management associated with the complete rehabilitation of the Ice Casino Building at Playland Park, 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 \$59,139,000. The plan of financing includes the issuance of \$58,789,000 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 \$350,000 expected to be received from the United State of America 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 specific object or purpose for which the \$58,789,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$58,789,000. 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 \$59,139,000 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.

**Section (B).** The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken

pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

\* \* \*

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

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

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

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on April 25, 2022 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 \$58,789,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION AND CONSTRUCTION MANAGEMENT ASSOCIATED WITH THE COMPLETE REHABILITATION OF THE ICE CASINO BUILDING AT PLAYLAND PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$59,139,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$58,789,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$350,000 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED FOR SUCH 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 on April 25, 2022 and amended on \_\_\_\_\_, 20\_\_\_\_)**

**object or purpose:** to finance the cost of the construction and construction management associated with the complete rehabilitation of the Ice Casino Building at Playland Park, all as set forth in the County's Current Year Capital Budget, as amended.

**amount of obligations to be issued:**

**and period of probable usefulness:** \$58,789,000; 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> <b>RP02A</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> ICE CASINO IMPROVEMENTS II	<b>Legislative District ID:</b> 7,
<b>Category*</b> PLAYLAND	<b>Department:*</b> PARKS, RECREATION & CONSERVATION	<b>CP Unique ID:</b> 2772

### Overall Project Description

The project funds the rehabilitation of the Ice Casino.

- |   |   |  |
|---|---|--|
| <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
<b>Gross</b>	59,370	37,870	21,500	0	0	0	0	0
<b>Less Non-County Shares</b>	350	350	0	0	0	0	0	0
<b>Net</b>	59,020	37,520	21,500	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 5,806

**Current Bond Description:** This project will fund construction and construction management associated with the complete rehabilitation of the Ice Casino Building at Playland Park.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	40,092,000
Cash:	0
<b>Total:</b>	<b>\$ 40,092,000</b>

### SEQR Classification:

TYPE I

### Amount Requested:

40,092,000

### Expected Design Work Provider:

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

### Comments:

#### Energy Efficiencies:

THE PROJECT INCORPORATES ADVANCED TECHNOLOGIES TO IMPROVE ENERGY EFFICIENCY IN LIGHTING, ROOFING, WINDOWS, DOORS, PLUMBING FIXTURES, AND HVAC SYSTEMS.

**Appropriation History:**

Year	Amount	Description
2008	300,000	DESIGN STUDIO RINK
2010	3,000,000	CONSTRUCTION
2022	16,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR THE STUDIO RINK AND DESIGN OF GENERAL BUILDING IMPROVEMENTS. THE NON-COUNTY SHARES REPRESENT FEDERAL FUNDS RECEIVED FOR HVAC MITIGATION FOR COVID-19
2023	18,570,000	CONSTRUCTION
2025	21,500,000	ADDITIONAL CONSTRUCTION

**Total Appropriation History:**

59,370,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
08	204	300,000	230,534	DESIGN OF REHAB. OF ICE CASINO AT PLAYLAND
08	E-204	-69,000	0	
22	30	18,697,000	1,355,472	ICE CASINO AT PLAYLAND IMPROVEMENTS II

**Total Financing History:**

18,928,000

**Recommended By:**

Department of Planning  
MLLL

Date  
12-12-2024

Department of Public Works  
RJB4

Date  
12-12-2024

Budget Department  
DEV9

Date  
12-13-2024

Requesting Department  
RCL3

Date  
12-16-2024

## ICE CASINO IMPROVEMENTS II ( RP02A )

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

**Managing Department(s) :** Parks, Recreation & Conservation ; Planning ; 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	59,370	37,870	5,768	21,500					
Non County Share	(350)	(350)							
Total	59,020	37,520	5,768	21,500					

### **Project Description**

The project funds the rehabilitation of the Ice Casino.

### **Current Year Description**

The current year request provides additional construction funds to accomplish the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2025	21,500,000			21,500,000

### **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
2008	300,000	Design Studio Rink	DESIGN
2010	3,000,000	Construction	DESIGN
2022	16,000,000	Design, construction and construction management for the studio rink and design of general building improvements. The non-county shares represent Federal Funds received for HVAC mitigation for COVID-19	DESIGN
2023	18,570,000	Construction	AWAITING BOND AUTHORIZATION
Total	37,870,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	37,520,000	1,586,006	35,933,994
Federal Funds	350,000		350,000
Total	37,870,000	1,586,006	36,283,994

# **ICE CASINO IMPROVEMENTS II ( RP02A )**

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 08	300,000	11/19/15	183,066	69,466
		11/19/15	1,934	
		11/19/15	879	
		12/15/17	44,495	
		12/15/17	160	
E-204 08	(69,000)			(69,000)
30 22	18,697,000	12/01/22	199,657	17,341,528
		12/01/22	1,719	
		12/01/22	15,435	
		12/01/22	133	
		11/30/23	1,137,393	
		11/30/23	1,135	
<b>Total</b>	<b>18,928,000</b>		<b>1,586,006</b>	<b>17,341,994</b>



Kenneth W. Jenkins  
County Executive

April 30, 2025

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

Dear Honorable Members:

Transmitted herewith for your review and approval is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Youth Bureau, to enter into an inter-municipal agreement ("IMA") with the Village of Tarrytown (the "Village") pursuant to which the Village will operate its positive youth development program known as the Tarrytown/Sleepy Hollow Summer Camp (the "Program") for youth ages 3 through 11 years, for a term commencing retroactively on January 1, 2025 and continuing through December 31, 2025. Activities offered at the camp will include arts and crafts, sports, swimming, and other summer activities. In consideration for the positive youth development program offered, the County will pay the Village an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars, pursuant to an approved budget. This Program and its components have been very successful in the past.

I have been advised that the IMA is exempt from the Westchester County Procurement Policy and Procedures pursuant to section 3(a) xviii thereof, which exempts agreements for the creation and support of youth services and recreation projects.

Based on the importance of these Programs to the County, your favorable action on the proposed Act is respectfully requested.

Sincerely,

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

Kenneth W. Jenkins  
Westchester County Executive

KWJ/jmq  
Attachment

**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"), acting by and through its Youth Bureau, to enter into an inter-municipal agreement ("IMA") with the Village of Tarrytown (the "Village") pursuant to which the Village will operate the Tarrytown/Sleepy Hollow Summer Camp (the "Program") for youth ages 3 through 11 years, for a term commencing retroactively on January 1, 2025 and continuing through December 31, 2025. Activities offered at the camp will include arts and crafts, sports, swimming, and other summer activities. In consideration for services rendered, the County will pay the Village an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars, pursuant to an approved budget. This Program and its components have been very successful in the past.

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.

Your Committee has been advised that the IMA is exempt from the Westchester County Procurement Policy and Procedures pursuant to section 3(a) xviii thereof which exempts agreements for the creation and support of youth services and recreation projects.

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.

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

**COMMITTEE ON**

K: SJC 4/1/2025



# FISCAL IMPACT STATEMENT

SUBJECT: TARRYTOWN/SLEEPY HOLLOW SUMMER DAY CAMP

☐ 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 \$ 48655

Total Current Year Revenue \$ 0

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 101-52-2508-5100

Potential Related Operating Budget Expenses: Annual Amount \$ 48655

Describe: The Village will operate its positive youth development program know as the Tarrytown/Sleepy Hollow Summer Day Camp for youth ages 3 through 11 years.

\_\_\_\_\_

\_\_\_\_\_

Potential Related Revenues: Annual Amount \$ 0

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

\_\_\_\_\_

\_\_\_\_\_

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

Current Year: \$0

\_\_\_\_\_

\_\_\_\_\_

Next Four years: NA

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Gregg Peterson 

Title: Financial Coordinator

Department: CEO/Youth Bureau

Reviewed By: 

Deputy Budget Director

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Village of Tarrytown, pursuant to which the municipality will provide certain youth development services under its Youth Development Program, for the period commencing retroactively on January 1, 2025 and expiring on December 31, 2025 for a total amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five Dollars (\$48,655.00)

**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 enter into an inter-municipal agreement (the "IMA") with the Village of Tarrytown (the "Village") pursuant to which the Village will operate its Tarrytown/Sleepy Hollow Summer Camp for youth ages 3 through 11 years, for a term commencing retroactively on January 1, 2025 and continuing through December 31, 2025.

**§2.** In consideration for services rendered, the County will pay the Village an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars, pursuant to an approved budget.

**§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 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

**VILLAGE OF TARRYTOWN**, a municipal corporation of the State of New York, having an office and place of business at One Depot Plaza, Tarrytown, New York 10591 (hereinafter referred to as the "Municipality").

**WITNESSETH:**

**WHEREAS**, the County desires that the Municipality provide its positive youth development program known as the TARRYTOWN/ SLEEPY HOLLOW CAMP (the "Program"); and

**WHEREAS**, the Municipality is willing to provide the 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," which is attached hereto and made a part hereof (the "Work"). The Work shall be carried out by the Municipality in accordance with current industry standards and trade practices.

**SECOND:** The term of this Agreement shall commence retroactively on January 1, 2025 and shall terminate on December 31, 2025 unless terminated earlier pursuant to the provisions of this Agreement.

The Municipality shall report to the County on its progress toward completing the Work, as the Executive Director of the Westchester County Youth Bureau (the "Executive Director") may request, and shall immediately inform the Executive Director in writing of any cause for delay in the performance of its obligations under this Agreement.

**THIRD:** The *total* cost of the Work, shall not exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100 (\$48,655.00) Dollars. The County shall pay the Municipality for performance of the Work hereunder, an amount not to exceed Forty-Eight Thousand Six Hundred Fifty-Five and 00/100

(\$48,655.00) Dollars, for expenses actually incurred and paid by the Municipality after receipt of vouchers and/or reports forms in the manner prescribed by the County in accordance with the Budget which is attached hereto and made a part hereof as Schedule "B".

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.

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

The County shall have the right, at its option and at its sole cost and expense, to audit such books and records of the Municipality as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County may withhold payment of funds hereunder 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.

**FIFTH:** 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 and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) in the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with enforcing this provision of the Agreement.

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

**SEVENTH:** The Agreement shall not be enforceable unless signed by the parties and approved by the Office of the County Attorney.

**EIGHTH:** The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such



release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

**NINTH:** 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.

**TENTH:** 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.

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

To the County:           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:     Village of Tarrytown  
                                  One Depot Plaza  
                                  Tarrytown, NY 10591



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

**TWELVETH:** 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.

**THIRTEENTH:** 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.

**FOURTEENTH:** 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.

**FIFTEENTH:** 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.

**SIXTEENTH:** 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.

**SEVENTEENTH:** 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.

**EIGHTEENTH:** This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no

way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

[NO FURTHER TEXT/ SIGNATURE PAGE FOLLOWS]

DRAFT

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

**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Name: Kenneth W. Jenkins  
Title: County Executive

**VILLAGE OF TARRYTOWN**

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

Approved by the Westchester County Board of Legislators of the County of Westchester by Act No. 2025-XX on the XX day of XXX, 2025.

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

DRAFT

**MUNICIPAL ACKNOWLEDGMENT**  
(Municipal Corporation)

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 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 \_\_\_\_\_, 2025, 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"**

<b>Implementing Agency:</b> Village of Tarrytown	<b>Program Title:</b> Tarrytown/Sleepy Hollow Camp
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**FUND AMOUNTS:**

<b>Total Program Amount:</b> \$126,300	<b>Funds Requested:</b> \$48,655	<b>Cost Per Youth:</b> \$842
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**AUTHORIZED VOUCHER SIGNEES:**

1.	<b>Last Name:</b> Walczewski	<b>First Name:</b> Dan	<b>Title:</b> Recreation Superintendent
2.	<b>Last Name:</b> Slingerland	<b>First Name:</b> Richard	<b>Title:</b> Village Administrator

**AGENCY /MUNICIPALITY INFORMATION:**

Implementing Agency is: (check box)		Not For Profit <input type="checkbox"/>		Public <input checked="" type="checkbox"/>
Federal ID Number: 13-600-7334				
Agency Website: www.tarrytownny.gov		Implementing Agency/Municipality: Village of Tarrytown		
Mailing Street Address: 1 Depot Plaza				
Suite/Floor/Room # / P.O. Box:	City: Tarrytown		State: NY	Zip Code: 10591

**AGENCY /MUNICIPALITY EXECUTIVE DIRECTOR :**

<b>Last Name:</b> Slingerland	<b>First Name:</b> Richard	<b>Title:</b> Village Administrator		
<b>Phone Number:</b> 914-862-1802	<b>Extension:</b> 1802	<b>Fax:</b>	<b>Email:</b> rslingerland@tarrytowngov.com	

**PROGRAM CONTACT PERSON:**

<b>Last Name:</b> Walczewski	<b>First Name:</b> Dan	<b>Title:</b> Recreation Superintendent		
<b>Phone Number:</b> 914-631-8347	<b>Extension:</b> 1095	<b>Fax:</b>	<b>Email:</b> dwalczewski@tarrytownny.gov	

**PERIOD OF ACTUAL PROGRAM OPERATION :**

<b>HOURS OF OPERATION:</b> 8:30 AM-4:00 PM	<b>Days of operation</b> M-F	<b>From:</b> June 30, 2025	<b>To:</b> Aug 8, 2025
<b>Other</b> <input type="checkbox"/> <b>explain:</b>			



<b>PROJECTED TOTAL PROGRAM ENROLLMENT 150</b>	
<b>PROGRAM SUMMARY:</b> The Recreation Department provides Day Camp activities to residents of both Tarrytown & Sleepy Hollow. The program runs for 6 weeks and includes activities for youth ages 3-11. Campers participate in Arts & Crafts, sports, & swimming. Camp entertainment includes themed days, on site entertainers, music, special events, and offsite camp trips.	

PROGRAM SITES- Most significant (3 Maximum)					
Type	Address (Street, City, State, Zip)	Assembly District #	NYS Senate District #	Local Planning Board	City Council District
TBD	TBD	92	35		
Comm Ctr	Tarrytown Senior Center 240 W Main St, Tarrytown, NY 10591	92	35		
Pool	Tarrytown Rec Center 238 W Main St, Tarrytown, NY 10591	92	35		

Use whole numbers when entering information for Gender, Ethnicity, Age, Target Population, NOT percentages.

<b>GENDER OF PROGRAM PARTICIPANTS</b> (enter number of participants per gender)	<b># Male 85</b>	<b># Female 65</b>
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ETHNICITY (Enter number of participants per ethnic group)			
White	Black or African American	Two or more races	Hispanic or Latino
American Indian or Alaskan Native	Asian	Native Hawaiian or other Pacific Islander	

<b>IS TARGET POPULATION SERVING DISCONNECTED YOUTH?</b> (check no or yes)						No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
Ages: (enter # of participants in population described)	0-6 60	7-9 80	10-13 10	14-17	18-20	21+	
If "Yes," indicate number of youth:	Youth aging out of foster care:		Children of incarcerated parents:				
Youth in the juvenile justice system who re-enter the community			Runaway and homeless youth				

**1. Physical & Psychological Safety:** Safe and health-promoting facilities; practices that increase safe peer group interaction and decrease unsafe or confrontational peer interactions.

The program will adhere to the NYS DOH physical safety requirements as required. Staff will conduct camper orientations every Monday for all campers which will include rules especially pertaining to physical and psychological safety.

**2. Appropriate Structure:** Limit setting; clear and consistent rules and expectations; firm enough control; continuity and predictability; clear boundaries; age appropriate monitoring.

Staff will receive training prior to camp starting on how to be clear and consistent while abiding by rules and expectations. They will also be trained on how to deal with camper's behaviors and the chain of command.

**3. Supportive Relationship:** Warmth; closeness; connectedness; good communication; caring; support; guidance; secure attachment; responsiveness.

Staff will be trained as caring, responsible, adult role models and will address youth and family concerns and issues as they arise.

**4. Opportunities to Belong:** Opportunities for meaningful inclusion, regardless of one's gender; ethnicity; sexual orientation, or disabilities; social inclusion; social engagement, and integration; opportunities for socio-cultural identity formation; support for cultural and bicultural competence.

Program offerings will be relevant, age, and culturally appropriate. Staff will encourage participation by all young people in various activities.

**5. Positive Social Norms:** Rules of behavior; expectations; injunctions; ways of doing things; values and morals; obligations for service.

Trained staff and supervisors will ensure appropriate boundaries and expectations for youth and for staff. Staff will model appropriate pro-social behavior and interactions between youth and staff. Staff will intervene as necessary to correct inappropriate behavior and will acknowledge positive social norms.

**6. Support for Efficacy & Mattering:** Youth-based; empowerment practices that support autonomy; making a real difference in one's community, and being taken seriously. Practices that include enabling, responsibility granting, and meaningful challenge. Practices that focus on improvement rather than on relative current performance levels.

Staff will provide support and encouragement to young people engaged in various program activities.

**7. Opportunities for Skill Building:** Opportunities to learn physical, intellectual, psychological, emotional, and social skills; exposure to intentional learning experiences, opportunities to learn cultural literacy, communication skills and good habits of mind; preparation for adult employment, and opportunities to develop social and cultural capital.

Throughout the program staff will be trained to help encourage their campers in all aspects of learning as well as to help them build upon their skills.

**8. Integration of Family, School, & Community Efforts:** Concordance; coordination and synergy among family, school, and community.

Staff will interact with youth and families as needed to address concerns. Staff will provide feedback to families as requested.

### **Monitoring and Evaluation Methods**

**9. Monitoring Methods:** Monitoring is defined as a systematic review of a funded program based upon the requirements of a contract, rules, regulations, policies, and/or State and Local Laws. It identifies the degree to which a program or operation accomplishes the activities specified in a contract/ application, and how it complies with requirements. Describe your process to be used to monitor on a regular basis. Include who will be responsible, frequency, and documentation of monitoring activities.

Attendance is the primary source of monitoring to ensure that the programs are being used by as many youth in the community as possible.

**10. Evaluation Methods:** Evaluation methods are the process to determine the value or amount of success in achieving a pre-determined program or operational goal. Evaluations can identify program strengths and weaknesses in order to improve the program. Evaluations can verify if the program is really running as originally planned. Describe the process to be used to evaluate the attainment of the objectives. Include what will be measured, who will conduct the evaluation, when it will be conducted, and how the results will be used.

If the program popularity dips (as measured by attendance) the program will be refined in order to attract a larger group of youth.



**TOUCHSTONES  
FORM 5003  
(ADAPTED FROM OCFS)  
INDIVIDUAL PROGRAM APPLICATION**  
Program Summary-Program Components

*Refer to Touchstones Coding Document to complete.  
Choose 1 code for each category listed below.*

**IMPLEMENTING CONTRACTOR:**  
Village of Tarrytown

**PROGRAM TITLE:**  
Tarrytown/Sleepy Hollow Camp

<b>LIFE AREA:</b> (Enter Code & Description)	2PEH
<b>GOAL:</b> (Enter Code & Description)	21
<b>OBJECTIVE:</b> (Enter Code & Description)	211
<b>SOS:</b> (Enter Code & Description)	0232
<b>HOW MUCH:</b> (Enter Code & Description)	0232A.1 # of youth enrolled
<b>HOW WELL:</b> (Enter Code & Description)	0232B.1 % of program staff trained in a feature of positive youth development
<b>BETTER OFF:</b> (Enter Code & Description)	0232C.1 # of youth that have demonstrated an increase in positive youth development outcomes (physical fitness and activity, nutrition, healthy decision making, social/emotional skills)

Use whole numbers when entering information for Gender, Ethnicity, Ages, and Target Population areas, **NOT** percentages. Please provide the best estimate in the spaces provided below.

<b>PARTICIPANT GENDER:</b>	MALE <u>85</u> FEMALE <u>64</u> TRANS-FEMALE (MALE TO FEMALE) _____ TRANS-MALE (FEMALE TO MALE) _____ GNC/NON-BINARY <u>1</u> CHOSE NOT TO ANSWER _____
<b>ETHNICITY:</b> (Enter number of participants per ethnic group)	WHITE _____ BLACK OR AFRICAN AMERICAN _____ HISPANIC OR LATINO _____ AMERICAN INDIAN OR ALASKAN NATIVE _____ ASIAN _____ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER _____ TWO OR MORE RACES _____ OTHER/NOT LISTED _____
<b>AGES:</b>	0-4 <u>60</u> 5-9 <u>80</u> 10-14 <u>10</u> 15-17 _____ 18-20 _____ 21+ _____
<b>IS TARGET POPULATION SERVING DISCONNECTED YOUTH?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
IF "YES," PLEASE DESCRIBE: _____	

**SCHEDULE "B"**

For the Period of Operation: Jan 1, 2025 - Dec 31, 2025	Contract #: "To Be Assigned"
Agency/Municipality Name: Village of Tarrytown	Program Title: Tarrytown/Sleepy Hollow Camp

**1. PERSONAL SERVICES**

Position Title	Rate of Pay	Basis (H,W,BW, SM)	Total Program Amount	Total Funds Requested for this Program
[16] counselors X 30 hrs. X 6 weeks X 13.25/hr.	13.25/hr	30 hrs. / week	\$38,160	
directors salary	35.00/hr	30 hrs./week	\$6,300	
[2] camp specialist directors	17.48/hr.	20 hrs. / week	\$4,195	
<b>TOTAL SALARIES AND WAGES</b>			48,655	
<b>TOTAL FRINGE BENEFITS</b>				
<b>TOTAL PERSONNEL SERVICES (1)</b>			\$ 48,655	

**2. CONTRACTED SERVICES AND STIPENDS**

Type of Service or Consultant Title	Rate of Pay	Base (S,M,HR)	Total Program Amount	
<b>TOTAL CONTRACTED SERVICES AND STIPENDS (2)</b>			\$ -	

**3. MAINTENANCE & OPERATION**

Complete Attachment "E"	Total Program Amount	
<b>TOTAL MAINTENANCE AND OPERATION (3)</b>		

**TOTAL PROGRAM AMOUNT** \$ 48,655**TOTAL WCYB FUNDS REQUESTED** \$ 48,655

List Other Funding Sources	\$ 48,655	Reimbursable Total
	\$ -	Municipal Funding
	\$ -	Other Sources

**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.

DRAFT

**SCHEDULE "D"**  
**ELECTRONIC FUNDS TRANSFER (EFT)**

	Westchester County • Department of Finance • Treasury Division	Authorization is: (check one)
	<b>Electronic Funds Transfer (EFT)</b> <b>Vendor Direct Payment Authorization Form</b>	<input type="checkbox"/> New <input type="checkbox"/> Change <input type="checkbox"/> No Change

**INSTRUCTIONS:** 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, ONLY 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 ONLY if directing funds into a Savings Account OR 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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## 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:

### Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

### Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.

**SCHEDULE "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  
Notice☐ Final

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:

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May 5, 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: **HOME RULE – A7286  
– Allowing Westchester County to Require Bidders for Public Works,  
Construction or Purchase Contracts to Hire and Retain Persons  
Residing in Certain Targeted Communities.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 5, 2025 Agenda.

Transmitted herewith for your review and approval is legislation 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 May 5, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

**HOME RULE REQUEST RESOLUTION NO. \_\_\_\_-2025**

RESOLVED, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

*To the Legislature:*

Pursuant to Article IX of the Constitution, the County of Westchester requests the enactment of Assembly Bill No. 7286 entitled "AN ACT to amend the general municipal law, in relation to allowing Westchester county to require bidders for public works, construction or purchase contracts to hire and retain persons residing in certain targeted communities"

A necessity exists for the enactment of this legislation because the local government does not have the power to enact such legislation by local law.

Dated: 2025  
White Plains, New York

Committee on Legislation



# STATE OF NEW YORK

7286

2025-2026 Regular Sessions

## IN ASSEMBLY

March 25, 2025

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to allowing Westchester county to require bidders for public works, construction or purchase contracts to hire and retain persons residing in certain targeted communities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The general municipal law is amended by adding a new  
2 section 103-h to read as follows:  
3 § 103-h. Contracts for public works in Westchester county; targeted  
4 communities. 1. For the purposes of this section, a "targeted community"  
5 shall mean any city, town, or village or census tract within a municipi-  
6 pality, within a county where the combined average of the unemployment  
7 rate and the poverty rate of such community is greater than the combined  
8 countywide average of unemployment and poverty rate by ten percent.  
9 2. Notwithstanding any provision of law, the county of Westchester may  
10 require the lowest responsible bidder for all public works, construction  
11 or purchase contracts to hire and retain persons residing in certain  
12 targeted communities having the highest rates of unemployment within  
13 such county.  
14 3. The county may require that:  
15 a. at least ten percent of the labor costs of construction contracts  
16 awarded by the county be spent to hire persons residing in the targeted  
17 communities within that county;  
18 b. at least twenty percent of the labor costs of construction  
19 contracts be spent to hire persons residing in the targeted communities,  
20 if the combined average unemployment and poverty rate for a targeted  
21 community is greater than twenty percent of the combined countywide  
22 average of unemployment rate and the poverty rate; and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD11005-01-5



PRINTED ON RECYCLED PAPER

1 c. at least thirty percent of the labor costs of construction  
2 contracts cost be spent to hire persons residing in the targeted commu-  
3 nities if the combined average community unemployment and poverty rate  
4 is greater than thirty percent of the combined countywide average of  
5 unemployment rate and the poverty rate.

6 4. The combined average unemployment rate and poverty rate shall be  
7 computed annually based on statistics published by the New York state  
8 bureau of labor statistics or similar government agencies for the period  
9 ending December thirty-first of the year preceding the year in which the  
10 contract is awarded. The county, in its sole discretion, may use the  
11 most recent United States census data in determining the unemployment  
12 rate and poverty rate of a targeted community or combined countywide  
13 unemployment rate and poverty rate instead of data published by the New  
14 York state bureau of labor statistics. The combined average shall be the  
15 sum of the preceding year end unemployment rate plus the preceding year  
16 end poverty rate divided by two.

17 5. The combined average unemployment rate and poverty rate shall be  
18 established annually by resolution or local law of the county. The  
19 county may require bidders to hire and retain persons who were previous-  
20 ly incarcerated and who are participating in a re-entry program in such  
21 county.

22 6. The county may require the lowest responsible bidder to establish  
23 apprenticeship and training programs for workers residing within the  
24 targeted communities in certain construction trades specified in a  
25 resolution or local law passed by such county.

26 § 2. This act shall take effect on the thirtieth day after it shall  
27 have become a law.



**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A7286

**SPONSOR:** Pretlow

**TITLE OF BILL:**

An act to amend the general municipal law, in relation to allowing Westchester county to require bidders for public works, construction or purchase contracts to hire and retain persons residing in certain targeted communities

**PURPOSE OR GENERAL IDEA OF BILL:**

This legislation will allow municipalities in Westchester County-with disproportionately high rates of unemployment to obtain construction' jobs.

**SUMMARY OF SPECIFIC PROVISIONS:**

An amendment to General Municipal Law section 103(1): A County may require the lowest responsible bidder for all contracts for public works, construct and purchase contracts to hire and retain persons residing in certain targeted communities having the highest rates of unemployment within such county.

A targeted community is any city, town, village or census tract within a

municipality within a county where the combined average of the unemployment rate and the poverty rate of such community is greater than the combined countywide average of unemployment and poverty rate by ten percent. A county may require that at least ten percent of the labor costs of construction contracts awarded by the county to the lowest responsible bidder be spent to hire persons residing in the targeted communities within that county.

If the combined average unemployment and poverty rate for a targeted community is greater than twenty percent of the combined countywide average of unemployment rate and the poverty rate, then a county may require that at least twenty percent of the labor costs of construction contracts awarded must be spent to hire persons residing in the targeted communities.

If the combined average community unemployment and poverty rate is greater than thirty percent of the combined countywide average of unemployment rate and the poverty rate, then a county may require that at least thirty percent of the labor costs of the contract cost must be spent to hire persons residing in the targeted communities. The combined average unemployment rate and poverty rate shall be computed annually based on statistics published by the New York State Bureau of Labor Statistics or similar government agencies for the period ending December 31-of the year preceding the year in which the contract is awarded. The combined average unemployment rate and poverty rate shall be established annually by resolution or local law of the county.

The combined average shall be the sum of the preceding year end unemployment rate plus the preceding year end poverty rate divided by two.

A county may require the lowest responsible bidder to establish apprenticeship and training programs for workers residing within the targeted communities in certain construction trades specified in a resolution or local law of such county.

#### **JUSTIFICATION:**

This bill will allow the county of Westchester to provide employment in communities that are faced with disproportionately high unemployment and poverty. It's only right to provide opportunities for the poor and unemployed. It's only right to uplift the people in the communities whom are products of their environment. Investing in them will allow the economic climate in that community to rise. This in turn will benefit everyone.

#### **FISCAL IMPLICATIONS:**

None to the State.

#### **LEGISLATIVE HISTORY:**

2023-2024 A4776 Local Governments

2021-2022 A1797 Local Governments

2019-2020 A3268- local governments

04/19/18 A3887-B print number 3887b

01/09/13 referred to local governments

01/08/14 referred to local governments

01/20/15 A2793 referred to local governments

01/06/16 A2793 referred to local governments

**EFFECTIVE DATE:**

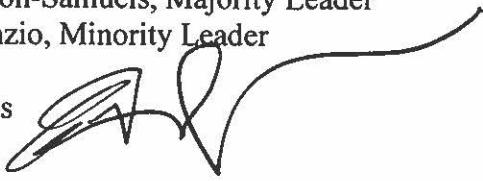
This act shall take effect on the thirtieth day after it shall have become a law.

[Go to top](#)

20150120  
Referred to Local Govt

May 5, 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: **RES – Second Public Hearing – Westchester County Agricultural District No. 1.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 5, 2025 Agenda.

Transmitted herewith for your review and approval is legislation 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 May 5, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.





Kenneth W. Jenkins  
County Executive

May 5, 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 consideration is a Resolution, which if adopted, would authorize the County of Westchester (the "County") to schedule a second public hearing (the "Second Public Hearing") to consider the inclusion of three (3) additional parcels of County farmland to the Westchester County Agricultural District No. 1 (the "District").

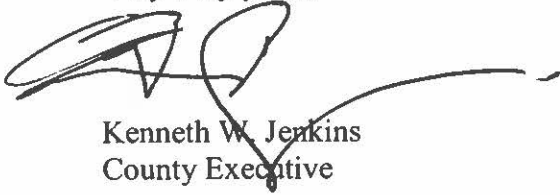
As your Honorable Board will recall, in accordance with Section 303-a of the New York State Agriculture and Markets Law, two (2) Resolutions were approved in connection with the recertification of the District, Resolution 13-2025 and Resolution 21-2025. A third Resolution is currently pending before your Honorable Board, which if approved, would adopt the March 11, 2025 report and recommendation of the Westchester County Agricultural and Farmland Protection Board ("AFPB") to modify the District.

After the submission of the third Resolution for your Board's consideration, the AFPB met and adopted an amended report dated April 15, 2025 (the "April 15<sup>th</sup> Revised Report") and now seeks to submit the revised report and recommendation to recertify the District. The AFPB now proposes, in addition to the six (6) parcels of land initially recommended to be added to the District, which totaled approximately fifty-four and eight tenths ( $\pm 54.8$ ) acres, the addition of three (3) more parcels of land. This will bring the total number of acres to be added to the District to approximately seventy-seven and seven tenths ( $\pm 77.7$ ) acres with the re-inclusion of the Towns of New Castle, North Castle, Ossining and Pound Ridge as eligible municipalities.

In order for your Honorable Board to consider these revisions, I have been advised that it is necessary to hold a Second Public Hearing. Adoption of the proposed Resolution will authorize the County to schedule an additional public hearing to consider the revised review of the District and any proposed modifications and recommendations to the District submitted by the AFPB in its April 15<sup>th</sup> Revised Report.

I most respectfully recommend the adoption of the proposed Resolution in order to schedule a Second Public Hearing to consider the April 15<sup>th</sup> Revised Report.

Very truly yours,

A handwritten signature in black ink, appearing to be "KWJ", with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
County Executive

KWJ/BL/mcz

**HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of a Resolution, which if adopted, would authorize the County of Westchester (the “County”) to schedule a second public hearing (the “Second Public Hearing”) to consider the inclusion of three (3) additional parcels of County farmland to the Westchester County Agricultural District No. 1 (the “District”).

As your Honorable Board will recall, in accordance with Section 303-a of the New York State Agriculture and Markets Law, two (2) Resolutions were approved in connection with the recertification of the District, Resolution 13-2025 and Resolution 21-2025. A third Resolution is currently pending before your Honorable Board, which if approved, would adopt the March 11, 2025 report and recommendation of the Westchester County Agricultural and Farmland Protection Board (“AFPB”) to modify the District.

After the submission of the third Resolution for your Board’s consideration, the AFBP met and adopted an amended report dated April 15, 2025 (the “April 15<sup>th</sup> Revised Report”) and now seeks to submit the revised report and recommendation to recertify the District. The AFBP now proposes, in addition to the six (6) parcels of land initially recommended to be added to the District, which totaled approximately fifty-four and eight tenths ( $\pm 54.8$ ) acres, the addition of three (3) more parcels of land. This will bring the total number of acres to be added to the District to approximately seventy-seven and seven tenths ( $\pm 77.7$ ) acres with the re-inclusion of the Towns of New Castle, North Castle, Ossining and Pound Ridge as eligible municipalities.

In order for your Honorable Board to consider these revisions, your Committee is advised that it is necessary to hold a Second Public Hearing. Adoption of the proposed Resolution will authorize the County to schedule an additional public hearing to consider the revised review of the District and any proposed modifications and recommendations to the District submitted by the AFPB in its April 15<sup>th</sup> Revised Report.

The Department of Planning has advised that, based on its review, the proposed public hearing does not meet the definition of an “action” under the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”). As such, 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 the Board of Legislators.

Based upon the foregoing, your Committee recommends the adoption of the attached Resolution in order to schedule a Second Public Hearing to consider the April 15<sup>th</sup> Revised Report.

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

**COMMITTEE ON**

c: mcz 5.1.25

**RESOLUTION NO.     – 2025**

**WHEREAS**, pursuant to Section 303-a of the New York State Agriculture and Markets Law, two (2) Resolutions were previously approved by the Board of Legislators in connection with the recertification of Westchester County Agricultural District No. 1 (the “District”), Resolution 13-2025 and Resolution 21-2025. A third Resolution is currently pending before the Board of Legislators, which if approved, would adopt the March 11, 2025 report and recommendation of the Westchester County Agricultural and Farmland Protection Board (“AFPB”) to modify the District; and

**WHEREAS**, after submission of the third Resolution, the AFPB met and adopted an amended report dated April 15, 2025 (the “April 15<sup>th</sup> Revised Report”) and now seeks to submit this revised report and recommendation to your Honorable Board to recertify the District. The AFPB now seeks, in addition to the six (6) parcels of land initially recommended to be added to the District which totaled approximately fifty-four and eight tenths ( $\pm 54.8$ ) acres, the addition of three (3) more parcels of land. This will bring the total number of acres to be added to the District to approximately seventy-seven and seven tenths ( $\pm 77.7$ ) acres with the re-inclusion of the Towns of New Castle, North Castle, Ossining and Pound Ridge as eligible municipalities; and

**WHEREAS**, the proposed action, at this time, is limited to scheduling a second public hearing (the “Second Public Hearing”) to consider the revised review of the District and any proposed modifications and recommendations to the District submitted by the AFPB in its April 15<sup>th</sup> Revised Report.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Clerk of the Board is hereby directed to publish, in a newspaper of general circulation within the District, 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 provide notice in the form annexed hereto by first class mail to those municipalities whose territory encompasses the District; and be it further

**RESOLVED**, that the Clerk of the Board is hereby directed to provide, in writing, any proposed modifications to the District; to persons, as listed on the most recent assessment roll, whose land is the subject of a proposed modification; and to the New York State Commissioner of Agriculture and Markets.

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



**\*\*\*\*\* LEGAL NOTICE \*\*\*\*\***

**PUBLIC HEARING**

**REVIEW OF WESTCHESTER AGRICULTURAL DISTRICT  
NUMBER ONE**

The Westchester County Board of Legislators, pursuant to Section 303-a of the New York State Agriculture and Markets Law shall hold a public hearing to consider the review of Westchester County Agricultural District No. 1, the proposed modifications as recommended by the Westchester County Agricultural and Farmland Protection Board (“AFPB”) as described in a report adopted by the AFPB, and any other proposed modifications submitted in writing to the Westchester County Board of Legislators during the comment period. The public hearing will be held at 7:00 p.m. on the 2<sup>nd</sup> day of June, 2025 in the Chambers of the Board of Legislators, 8<sup>th</sup> Floor, Michaelian Office Building, White Plains, New York. Please contact the Board of Legislators at (914) 995-2800 if you require special arrangements for access to the public hearing. After the close of the public hearing, no additional comments will be received.

The Westchester County Agricultural District No. 1 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 (3,888 acres), Town of Bedford (1,255 acres), Town of Somers (2,085 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).

Modifications to the agricultural district proposed by the AFPB consists of the re-inclusion of the towns of New Castle, North Castle, Ossining and Pound Ridge as eligible municipalities as described in the AFPB report.

Copies of the AFPB report, a list and map of farms proposed to be included in the district and modifications proposed by the public are available on the County website at [www.westchestercountyny.gov](http://www.westchestercountyny.gov) and at the Department of Planning, Room 432 of the Michaelian Office Building, located at 148 Martine Avenue in White Plains and the Office of the County Clerk. 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).





Kenneth Jenkins  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

April 17, 2025

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

Re: Request for authorization to settle the lawsuit of Laura Neville, As Administrator of the Estate of Bryce Neville v County of Westchester and William Johnson, in Supreme Court Westchester County, Index No. 64253/2020, in the amount of \$250,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Laura Neville, As Administrator of the Estate of Bryce Neville v County of Westchester and William Johnson, in Supreme Court Westchester County, Index No. 64253/2020, in the amount of \$250,000.00, inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The lawsuit tentatively settled, pending this Board's approval and approval by the Westchester County Surrogate's Court for a total amount of \$250,000.00 inclusive of attorney's fees.

Michael Sussman, Esq. of Sussman & Associates, 1 Railroad Avenue, Goshen New York 10924, is representing the plaintiff, Laura Neville.

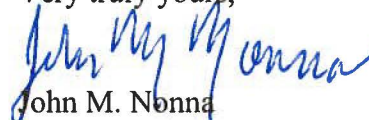
This matter arises out of an altercation that took place on January 30, 2020 at the Westchester County Department of Correction. The plaintiff's decedent, Bryce Neville ("Neville") and Co-defendant, William Johnson, ("Johnson") were housed in the Youth Offenders Program ("YOP") in the New Jail. Johnson entered the program in July 2019 and Neville entered the program on January 24, 2020. On January 30, 2020 at approximately 6:36 p.m. Johnson struck Neville with a single punch to the head, causing Neville to fall to the ground and strike his head. A second inmate was standing nearby with the apparent task of distracting Neville so that he didn't see the punch before it landed. Neville was transported to the Westchester County Medical Center where he was treated for his injuries and later died on February 3, 2020. The cause of death was determined to be blunt force trauma to the head and the manner of death was determined to be homicide.



Plaintiff claims that the County should have known that Johnson posed a risk of harm to Neville as well as other members of the YOP and that the County was negligent in failing to protect Neville. Finally, Plaintiff claims that it was the County's negligence that was the proximate cause of the plaintiffs' injuries and death. The County has denied these allegations.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Laura Neville, As Administrator of the Estate of Bryce Neville v The County of Westchester and William Johnson, in the amount of \$250,000.00 inclusive of attorney's fees.

Very truly yours,

  
John M. Nonna  
County Attorney

JMN/jhf

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Laura Neville, As Administrator of the Estate of Bryce Neville v The County of Westchester and William Johnson, in the amount of \$250,000.00, inclusive of attorney's fees.

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Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Laura Neville, As Administrator of the Estate of Bryce Neville v The County of

Westchester and William Johnson, in the amount of \$250,000.00, inclusive of attorney's fees.

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

Dated: White Plains, New York

, 2025

COMMITTEE ON

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit of Laura Neville, As Administrator of the Estate of Bryce Neville The County of Westchester and William Johnson, Westchester County Supreme Court Index No. 64253/2020, in the amount of \$250,000.00, inclusive of attorney's fees

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

Section 1. The County Attorney is authorized to settle the lawsuit of Laura Neville, As Administrator of the Estate of Bryce Neville v The County of Westchester and William Johnson, in the amount of \$250,000.00, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Neville, Bryce

☐ 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 \$ 250,000

Total Current Year Revenue \$ -

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

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0700 4450 4280 04

Potential Related Operating Budget Expenses:

Annual Amount N/A

Describe: Settlement of the Law suit of Laura Neville As Admin of the Estate  
of Bryce Neville G200019

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: Jane Hogan-Felix

Title: Assistant Chief Deputy County Attorney

Department: Law

Date: April 21, 2025

Reviewed By: PH

Deputy Budget Director

Date:

4/22/25



**Emiljana Ulaj**

Legislator, 9th District  
Chair, Labor & Human Rights

**Committee Assignments:**

Legislation  
Economic Development  
Law & Major Contracts

**MEMORANDUM OF LEGISLATION**

**DATE:** May 05, 2025

**TITLE:** Shelf to Soil Act

**SPONSORS:** Legislator Emiljana Ulaj

**PURPOSE OR GENERAL IDEA OF BILL:** A law to require grocery stores and supermarkets throughout Westchester County to offer commercially compostable bags to customers, rather than plastic bags, to package produce or meat.

**INTENT:** To reduce the use of plastic bags during grocery shopping and to offer customers commercially compostable bags.

**JUSTIFICATION:** When Westchester residents go grocery shopping, most establishments offer them thin, single-use plastic bags at the produce and poultry departments to package their chosen items during their trip. Unfortunately, these bags represent an outdated and unsustainable practice that contradicts Westchester County's commitment to environmental stewardship.

Westchester County's Residential Food Scrap Transportation and Disposal (RFSTAD) Program offers an opportunity to synergize. Since its inception in the Fall of 2020, RFSTAF has been tremendously successful with nearly [30 municipalities](#) throughout the County—representing a super majority of the population—living in a municipality that participates in a food scrap recovery program. This widespread adoption of RFSTAF underscores our commitment to diverting organic waste from waste streams, reducing greenhouse gas emissions, and creating valuable compost.

Participants of the local municipal programs usually gather their food scraps on their kitchen counter in a small bin lined by a commercially compostable bag until they are ready to drop it off at a designated site. Requiring that grocery stores offer commercially compostable bags to customers rather than plastic bags encourages Westchester residents to participate in their local food scrap recovery program all the while further reducing the use of plastic bags.

The mandated use of commercially compostable bags in grocery stores will raise public awareness about composting. It also serves as a tangible and consistent reminder of the County's environmental goals and encourages residents to adopt more eco-conscious habits.

This legislation is a practical measure that will contribute to a cleaner, healthier, and more sustainable Westchester County for all.

**PRESENT LAW:** NONE.

cc: Dylan Tragni, Chief of Staff  
Marcello Figueroa, Legislative Director  
Lisa Hochman, legislative Counsel

**LOCAL LAW INTRO. NO. 2025**

A LOCAL LAW amending the  
Westchester County Consumer  
Protection Code.

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

**Section 1.** Chapter 182 of the Laws of Westchester County is hereby amended to read as follows:

**Chapter 182 - CONSUMER PROTECTION**

...

**Sec. 182.61. - Powers and duties of the Director and Sealer.**

In addition to any powers and duties set forth in the Administrative Code or the Consumer Code, the Director and Sealer shall have the following powers and duties:

1. To authorize the issuance of subpoenas to compel the attendance of witnesses and require the production of books, records, papers, documents, physical exhibits and other evidence which the Director or Sealer deems relevant in connection with an investigation or hearing. Such subpoena shall be issued in the manner and form approved by the County Attorney;
2. In connection with any investigation, to administer oaths and affirmations, take testimony, examine witnesses, receive evidence and preside over or conduct such investigation;
3. In connection with any hearing before a hearing officer, to prosecute any claim of violation of the Consumer Code at such hearing and to request the assistance of the County Attorney pursuant to Section 158.11 of this Charter in connection therewith;
4. To act upon consumer complaints presented to him or her pursuant to procedures set forth in Chapter 277, Article VIII, of the Administrative Code or recommended by the board; to issue summonses and participate in hearings before the hearing officer;

5. To make such investigations concerning consumer affairs as the Board may direct or as the Director or Sealer may determine pursuant to Chapter 277, Article VIII, of the Administrative Code, including but not limited to the rights of the Director or Sealer, or their duly authorized agents, to enter any retail or commercial establishment for the purpose of making any investigation, examination or inspection that he may deem necessary to carry out the duties of his office, including the enforcement of the provisions of Chapter 863 of the Laws of Westchester County;
6. To request the County Attorney to maintain an action or proceeding in the name of the county in a court of competent jurisdiction to compel compliance with an order of the Director or Sealer or a hearing officer, to enforce a consent decree or agreement pursuant to Section 277.201 of Article VIII of the Administrative Code, and/or to restrain by injunction a violation of the Consumer Code. The foregoing relief shall be in addition to but not in limitation of any other provisions provided herein or in the Administrative Code or the Consumer Code for a penalty or any other punishment for such violation;
7. To negotiate, subject to Chapter 277, Article VIII, of the Administrative Code, the settlement of consumer complaints including consent decrees or agreements;
8. To enforce all the provisions of the Consumer Code, without limiting the power granted hereunder or in Chapter 277, Article VIII, of the Administrative Code, the Director or Sealer may request the County Attorney to file a civil complaint in the name of the county in the court of competent jurisdiction or refer any evidence gathered by the Director or Sealer to the appropriate federal, state or local law enforcement office or agency;
9. To conduct hearings, fix penalties and make other dispositions upon a finding of a Consumer Code violation, or make referrals to other appropriate agencies or officers, as authorized by the Administrative Code;

10. To collect on behalf of the county all penalties imposed by order of the Director or Sealer or a hearing officer upon any person found to have violated any provision of the Consumer Code. The term "person," as used in this chapter, shall include, without limitation any individual firm, association, joint venture, copartnership, group or corporation, or any other legal entity whatsoever;
11. To assist, develop and conduct programs of consumer education and information.
12. To establish administrative rules and procedures to carry out the provisions of this Chapter, Chapter 277, and Chapter 863 in conformity with the provisions thereof.

**Section 2.** Chapter 277 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 277.151. - Complaints, hearings and appeals.**

1. The Director or Sealer shall have the power at his own initiative or upon direction of the Consumer Policy Board to investigate and issue a summons to any person for violating the Consumer Code or any other local law relating to consumer protection. Such summons in the form of an appearance ticket shall give notice of the alleged violation and shall set forth the time and place of the hearing on such complaints, which shall not be less than eight days following service of the summons. Such hearing shall be held before the Director or Sealer unless the person complained of shall request a hearing before a hearing officer as provided in subdivision of this section. However, the Director or Sealer shall have the right, in his or her discretion, to proceed directly to a hearing before a hearing officer if notice of the Director's or Sealer's intention to do so is given in the summons.

2. The person complained of shall have the right: (1) to subpoena witnesses to attend at any hearing held pursuant to this section using process issued by the Director or Sealer as provided in Section 182.61 of the County Charter; and (2) to request a hearing before a hearing officer. Such hearing officer shall be an attorney or a person with appropriate experience in consumer affairs and appointed by the Director or Sealer from a list of hearing officers previously approved by the board. Such hearing officer shall be compensated at a rate of \$125.00 per hour, not to exceed \$750.00 per day. Notwithstanding the provisions of this section, a hearing on a complaint alleging a violation of Subdivision 1 of Section 863.328 of the Consumer Code shall be held before the Director or Sealer or the designee of the Director or Sealer in accordance with Subdivision 3 of Section 863.328 of the Consumer Code.

3. The Director or Sealer may, where no hearing before a hearing officer is requested, conduct a hearing and, in addition to his or her other powers, including but not limited to the right to commence a criminal proceeding pursuant to Section 277.181 hereof, either dismiss the complaint as not proven by a preponderance of evidence, seek an adjustment or consent agreement or decree, fix a penalty or provide, among other things, for restitution, replacement, repair, cessation of harassment, or disapproved business conduct, upon a finding of a Consumer Code violation; to request the County Attorney to institute appropriate proceedings in a court of competent jurisdiction as provided in Chapters 182 and 277, Article VIII of the Laws of Westchester County; to refer the complaint to a hearing before a hearing officer; or refer the matter to the District Attorney or other proper officer or agency for appropriate action in the Director's or Sealer's discretion.

4. Whenever a hearing is to be held before a hearing officer, such officer shall have the power to dismiss the complaint as not proven by a preponderance of evidence, fix a penalty or provide,

among other things, for restitution, replacement, repair, cessation of harassment, or of disapproved business conduct, upon a finding of violation of the Consumer Code.

5. In any hearing conducted hereunder, the Director, Sealer or hearing officer shall, consistent with the requirements of due process, hear testimony and examine such exhibits as may be offered and received in evidence, but shall not be required to follow strict rules of evidence. At the close of the hearing and after full opportunity to be heard has been afforded all parties, the Director, Sealer or hearing officer shall file a decision with the board setting forth findings and conclusions, as well as the reasons or basis thereof, and an appropriate order. In addition to the requirements of this section, all hearings shall be conducted in accordance with such other rules and regulations as may be recommended by the Consumer Policy Board, as provided in Section 182.31 of the County Charter. The final order of the Director, sealer or hearing officer may be appealed to a court of competent jurisdiction by the commencement of a proceeding within 30 days after service of said order upon the aggrieved party.

6. The provisions of this section shall apply to any proceedings to enforce or compel compliance with the various consumer provisions of the Laws of Westchester County heretofore or hereafter enacted.

...

#### **Sec. 277.171. Enforcement, violations and civil penalties.**

1. The hearing officer may impose for each proven violation of the code or for failure to comply with any order made pursuant thereto a civil penalty not to exceed \$5,000.00.~~\$1,000.00~~. Each day that such violation or failure continues shall constitute a separate offense for which a penalty may be assessed. Any person found by the Director or Sealer or the designee of the Director or Sealer to be in violation of subdivision 1 of Section

863.313 of the Consumer Code shall be liable for a civil penalty not to exceed ~~\$5,000.00~~ ~~\$1,000.00~~ for the first violation; not more than \$10,000 ~~\$5,000.00~~ for the second violation within a five-year period; and not more than ~~\$15,000.00~~ ~~\$10,000.00~~ for the third and all subsequent violations within a ten-year period. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty imposed by law. The penalty imposed hereunder and the reasonable costs and expenses attendant to its collection shall be recoverable from the offender in the same civil action brought by the County Attorney in the name of the County of Westchester;

2. The County Attorney in the name of the county may, upon request of the Consumer Policy Board, the Director or the Sealer, in addition to any other action authorized hereunder, maintain an action or proceeding in a court of competent jurisdiction to compel compliance with an order of the Director, Sealer or a hearing officer, to enforce a consent decree or agreement pursuant to Section 277.201 of this Chapter, or to restrain by injunction a violation of the Consumer Code. The foregoing relief shall be in addition to but not in limitation of any other provision of the Laws of Westchester County authorizing a penalty or other punishment for such violation;
3. Failure to comply with a subpoena duly issued as provided in section 182.61 of the County Charter shall be punishable by a civil penalty not to exceed \$500.00.

#### **Sec. 277.181. Criminal procedures and penalties.**

The Director or Sealer may commence a criminal proceeding for a violation of the Consumer Code by filing a criminal complaint in a court of competent jurisdiction. Conviction for violation of any provision of the Consumer Code in the case of a first offense shall constitute a violation punishable by a fine of not less than \$100.00 ~~\$25.00~~ and not more than ~~\$5,000.00~~ ~~\$1,000.00~~. Conviction for violation of any provision of the Consumer Code committed by a person (including,



without limitation any individual, firm, association, joint venture, partnership, group or corporation or any other legal entity whatsoever) previously convicted of a violation of said code shall constitute a violation punishable by a fine of not less than ~~\$250.00~~ ~~\$400.00~~ nor more than ~~\$10,000~~ ~~\$2,500.00~~ or by imprisonment for a term not to exceed 15 days, or by both fine and imprisonment.

**Section 3.** Chapter 863 of the Laws of Westchester County is hereby amended to read as follows:

### **Chapter 863 CONSUMER PROTECTION CODE**

#### **ARTICLE I. SHORT TITLE, DEFINITIONS, APPLICATIONS, MISCELLANEOUS**

##### **Sec. 863.01. Short title.**

This Code shall be known as the “County of Westchester Consumer Protection” Code and is also referred to in the laws of Westchester County as “Consumer Protection Code” or “Consumer Code.”

##### **Sec. 863.11. Definitions.**

As used in this code, unless the context otherwise requires, the term:

1. *Consumer goods* means goods sold by retail merchants and which are intended to be used by consumers primarily for personal, household or family purposes, and includes, but is not limited to, furniture, household furnishings, items commonly known as appliances and automobiles.
2. *Consumer services* means services which are primarily for personal, household or family purposes, including home improvement repairs and additions.

3. *Consumer credit and debt* shall include but not be limited to, consumer loans, retail charge accounts, credit cards, home mortgages and retail installment contracts, obligations and agreements.
4. *Consumer* means a purchaser, lessee or borrower or a prospective purchaser, lessee or borrower of consumer goods, services or credit, including a co-obligor or surety or a person for whose use or benefit a consumer acquired or obtains such goods, services or credit.
5. *Merchant* means a seller, lessor, creditor or an agent or employee of any seller, lessor or creditor or any other person who makes available, either directly or indirectly, goods, services or credit to consumers. "Merchant" includes, without limitation, manufacturers, wholesalers and any other person who is responsible for any act or practice prohibited by this code.
6. *Person* shall include without limitation any individual, firm, association, joint venture, co-partnership, group or corporation or any other legal entity or combination of entities whatsoever.
7. *Deceptive trade practices.* Any false, falsely disparaging or misleading oral or written statement, visual description or other representation of any kind made in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in the extension of consumer credit, or in the collection of consumer debts, which has the capacity, tendency or effect of deceiving or misleading consumers. Deceptive trade practices include but are not limited to:
  - a. Representations that goods or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or qualities that they do not have; the merchant has a sponsorship, approval, status, affiliation or connection that he does

not have; goods are original or new if they are deteriorated, altered, reconditioned, reclaimed or secondhand; or, goods or services are of a particular standard, quality, grade, style or model, if they are of another;

- b. Disparaging the goods, services or business of another by false or misleading representations of material facts or by failure to state a material fact;
- c. Offering goods or services with intent not to sell them as offered;
- d. Advertising goods or services for sale when a merchant does not have available a sufficient quantity thereof to supply reasonably anticipated public demand except upon compliance with section 863.191 hereof, unless the offer discloses limitations of quantity by stating the specific number of each item offered or, in the case of a bona fide “closeout” sale, the purpose of which is to sell out an existing inventory of non-replaceable goods, by stating the nature and purpose of such sale, together with a statement that quantities are limited;
- e. Making false or misleading representations of fact concerning the reasons for, existence of or amount of price reductions or price in comparison to prices of competitors, the manufacturer’s suggested price, wholesale price, generally accepted price or one's own price at a past or future time;
- f. Making false or misleading representations of fact or failing to state a material fact concerning the warranties, consumer rights, remedies or obligations involved in a consumer transactions;
- g. Falsely stating that services, replacements or repairs are needed;
- h. Making false or misleading representations of fact, or, except, upon compliance with section 863.191 hereof, failing to state a material fact concerning the existence of,

amount of, or supplying of goods or services at sale of discount prices or at no additional cost;

- i. Representations of the selling price of consumer goods or services in written or printed displays or advertisements which appear on signs placed in windows facing, or otherwise visible from, the outside of the business to which they refer which do not state the unit of measure in written or printed figures which are clearly visible and which occupy, in no case, less than twenty-five (25) percent of the area used to indicate the selling price on such signs;
- j. ~~Failing to disclose on each~~ Failing to provide a sales slip, receipt, contract or other memorandum of sales for goods or services that disclose the true full name or names or the legally registered name and legal address under which a merchant transacts business, the service provided, and the total amount charged therefor. All sales slips, receipts, contracts or other memoranda of sales shall be legible and clear to the consumer;
- k. Displaying gasoline prices in a manner which fails to include and make plainly visible to the consumer of the difference, if any, between the price per gallon for payment by cash, debit or credit. For example, a sign which only reveals the price per gallon for a cash payment, but fails to include and make plainly visible the price per gallon for payment by debit or credit when a difference in price exists, shall constitute a deceptive trade practice. However, a sign which does not distinguish between the price per gallon for payment by cash and payment by debit or credit shall not be considered a deceptive trade practice only if the price per gallon is the same regardless of the form of payment.

8. *Unconscionable trade practice.* Any act or practices in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in connection with the extension of any consumer credit, or in the collection of consumer debts which takes unfair advantage of the lack of knowledge, ability, experience or capacity of a consumer, or results in a gross disparity between the value received by a consumer and the price paid to the consumer's detriment or results in gross disparity between the rights and remedies of a consumer and the rights and remedies of the merchant to the consumer's detriment. In determining whether a trade practice is unconscionable, the following factors among others shall be considered:
- a. Knowledge by a merchant who engages in the act or practice that the consumer will not receive reasonably anticipated benefits from the goods or services involved.
  - b. Gross disparity between the price of goods or services and their value measured by the price at which similar goods or services are readily obtained from another merchant.
  - c. The fact that the acts or practices may enable a merchant to take advantage of the inability of a consumer reasonably to protect his interests by reason of physical or mental infirmities, illiteracy or inability to understand the language of the agreement, ignorance or lack of education or other similar factors.
  - d. The degree to which terms of the transaction require consumers to waive legal rights.
  - e. The degree to which terms of the transaction require consumers to jeopardize money or property in addition to the price of goods or services or the amount of credit or debts which are the subject of the transaction.

9. Abusive trade practice. An act or practice that materially interferes with the ability of a consumer to understand a term or condition, in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in the extension of consumer credit, or in the collection of consumer debts, or takes unreasonable advantage of (a) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service; (b) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or (c) the reasonable reliance by the consumer on a merchant to act in the interests of the consumer.
10. Unfair trade practice. An act or practice that causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers, in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental or loan of consumer goods or services, or in the extension of consumer credit, or in the collection of consumer debts; and such substantial injury is not outweighed by countervailing benefits to consumers or to competition. In determining whether an act or practice is unfair, the Director or the Sealer may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.
11. 9. Sealer. The Westchester County sealer of Weights and Measures or County Director of Weights and Measures.
12. 10. Director. The Westchester County Director of the Office of Weights and Measures-Consumer Protection.

- ~~13.11:~~ *Computer-assisted checkout system* means any electronic device, computer system or machine which determines the selling price of a stock-keeping item by interpreting its universal product code, or by use of its price look-up function.
- ~~14.12:~~ *Department* means the Westchester County Department of Weights and Measures-Consumer Protection.
- ~~15.13:~~ *Retail store* means a store which sells consumer commodities at retail, which store is not primarily engaged in the sale of food for consumption on the premises. An establishment which sells consumer commodities only to its members shall be deemed to be included within this definition unless the members pay a direct fee to qualify for membership and the establishment is not required to collect sales tax on transactions with members, pursuant to Article 28 of the Tax Law.
- ~~16.14:~~ *Shelf price* means the tag or sign placed by an authorized person at each point of display of a stock keeping unit, which clearly sets forth the true and actual price of the stock keeping item.
- ~~17.15:~~ *Retail area* means the area designated in a retail store to display and sell products, provide customer service and checkout. The retail area does not include the storage area, back rooms, stock area, maintenance areas or other locations which are not intended to be accessible to consumers.

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## **ARTICLE II. DECEPTIVE, ~~OR UNCONSCIONABLE, ABUSIVE, OR UNFAIR~~ TRADE PRACTICES**

### **Sec. 863.61. Practices prohibited.**



It shall be a violation for any merchant to engage in any deceptive, ~~or~~ unconscionable, abusive, or unfair trade practices as defined in Article I of this Code.

### **ARTICLE III. LABELING/POSTED PRICES**

#### **Sec. 863.71. Item price marking—Advertised prices.**

1. The selling price shall be clearly stamped, tagged, labeled or otherwise marked in arabic numerals on each item of consumer goods offered for sale within Westchester County unless a waiver is granted pursuant to terms and conditions set forth in § 863.72 below.
2. The provisions of subdivision 1. of this section shall not apply to the following consumer goods provided the selling price and the unit of measure is plainly and clearly displayed in arabic numerals on a sign, clearly designating the particular consumer goods to which it refers, located as close as practicable, and closer than any other sign, to the location at which the goods are displayed:
  - a. Fresh milk.
  - b. Fresh eggs.
  - c. Items such as gum, candy and cigarettes offered for sale in single packages.
  - d. Food sold for consumption on premises.
  - e. Food or other goods sold from vending machines operated by the consumer.
  - f. Fresh produce which is not packaged prior to sale; displayed for sale in bulk; and is either packaged for or by the consumer at the time of sale.
  - g. Nonfood consumer goods which are not packaged prior to sale; displayed for sale in bulk; and are either packaged for or by the consumer at the time of sale.
  - h. Nonfood consumer goods offered for a period of seven days or less on sale in good faith at a price below the price such commodities are usually sold for in the store, provided

that the sale price is clearly indicated to the consumer at both the point of display of such goods and at the point of sale.

- i. Nonfood consumer goods which are subject to uniform, across-the-board price changes in the ordinary course of business, and which are customarily marked in good faith with either an alphabetic or color code referring directly to the corresponding numerical prices displayed on signs; provided, however, that such corresponding price signs are clearly visible to the consumer at both the point of display and at the point of sale of said goods.
3. It shall be a violation of this code:
- a. To stamp, tag, label or otherwise mark any item of consumer goods at a selling price greater than the selling price advertised or displayed for that item.
  - b. To stamp, tag, label or otherwise mark more than one selling price upon an item of consumer goods offered for sale in Westchester County unless the prior selling price is unmistakably deleted or obliterated or is otherwise marked so as to indicate clearly the prior selling price is not the current selling price.
  - c. To sell or offer for sale any consumer goods or services at a greater price than the price displayed or advertised therefor.
  - d. To sell or offer for sale any consumer goods which do not have a selling price marked thereon or which do not have a selling price displayed in conformity with subdivisions 1. or 2. of this section.
  - e. To offer services without a posted selling price at a retail location. All services offered shall have a selling price clearly and conspicuously posted near the point of sale and on any printed or electronic advertisement for said services.

ef. To add an additional fee to any transaction for consumer goods or services, beyond sales tax, and fail to provide adequate and reasonable notice of said fee during the transaction, including but not limited to the point of sale, price displays, signage and menus, and further, only adding said fee to bill or receipt at end of the transaction shall not be deemed adequate notice.

g. Any additional fee beyond sales tax, including fees for non-cash transactions must be disclosed within the posted or labeled selling price of any commodity or service to which the surcharge may apply.

#### **Sec. 863.72. Waiver from Item Price Marking.**

1. Every retail store which uses a computer-assisted checkout system and which would otherwise be required to price mark each item as provided in § 863.71 above may make an application, in writing, to the Department of Weights and Measures - Consumer Protection for a waiver of the item pricing requirement. Retail stores that are required by the law of their local jurisdiction to price mark each item are not qualified to apply for a waiver. A separate application shall be required for each qualified retail store. Each application shall be subject to a non-refundable waiver fee based upon the square footage of the retail area of each store as set according to the following schedule:

Store's Square Footage of Retail Area	Waiver Fee
Under 3,000 square feet	\$500.00
Between 3,001 and 10,000 square feet	\$1,000.00
Between 10,001 and 30,000 square feet	\$3,000.00
Between 30,001 and 90,000 square feet	\$5,000.00
Over 90,000 square feet	\$15,000.00

2. Upon receipt of an application and fee as provided in subsection 1 above, the Department shall cause to be conducted a scanner count, location and accuracy inspection of the store for which the application has been submitted. At stores with a retail area in excess of 10,000 square feet, a minimum of 100 stock keeping units shall be checked at inspection. At stores with a retail area of 10,000 square feet or less, a minimum of fifty stock keeping units shall be checked. If the number of stock keeping units found to be in violation does not exceed 2% of those stock keeping units inspected, the Department shall grant to the applicant a one-year revocable waiver from the item pricing requirement set forth in § 863.71 above.
3. In the event that total violations in excess of 2% are discovered in the inspection process, the Department shall not grant a waiver to the applicant. Such a store may, within 10 business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed 2% of those stock keeping units inspected, the Department shall grant to the applicant a one-year revocable waiver for the item pricing requirement.
4. Stores whose waivers are revoked pursuant to subsection 8 or stores which, upon renewal for a waiver, fail the scanner accuracy inspection(s) twice must comply with item pricing as set forth in § 863.71 within 30 days from the final date of failure. Such a store will be prohibited from applying for a new waiver for one year from the date of revocation or second inspection failure.
5. Waivers shall be valid for a period of one year from the date of issuance, at which time the waiver shall expire. Stores must reapply annually for renewal. The waiver fee and inspection shall be required for each annual renewal application, as required for an original waiver application.

6. In the event that the Department is unable to conduct an inspection within 45 days of receipt of a completed application with the appropriate fee, then the Department will issue a temporary waiver pending the completion of the inspection process. The Department shall cause an inspection to be completed as soon as practicable. If, upon completion of an inspection, there is a violation rate not to exceed 2%, then the Department shall issue a permanent waiver with an expiration date of one year from the date of the issuance of the temporary waiver. If, upon completion of an inspection, there is a violation rate in excess of 2%, the temporary waiver shall be immediately revoked. Nevertheless, the store may, within 10 business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed 2% of those stock keeping units inspected, the Department shall grant to the applicant a one year revocable waiver for the item pricing requirement from the date of the issuance of the temporary waiver. If the store does not request a second inspection or if the store fails the second inspection, then the store must comply with the item pricing requirements set forth in § 863.71 above.
7. As a condition of the waiver from item pricing, each store must agree to meet all of the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:
  - a. In addition to scanners at the point of sale, the store shall make available price check scanners to enable consumers to confirm the price of stock keeping items. These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering to identify the units to the consumers. Stores will submit their proposed sign and device locations to the sealer for approval. In stores with multiple floors, there shall be at least one price check scanner conveniently located on each floor of the store.

The number of conveniently located price check scanners shall also be dependent on the store's retail area:

Store's Retail Area	Price Check Scanner
Under 1,500 square feet	No price check scanners necessary but only if an item will be scanned for the price, upon the request of a consumer.
Under 3,000 square feet	1
Between 3,001 and 10,000 square feet	2
Between 10,001 and 30,000 square feet	3
Over 30,001 square feet	<del>Minimum of three and such additional price check scanners as the sealer may deem appropriate; and</del>
<u>Between 30,001 and 90,000 Square feet</u>	<u>4</u>
<u>Over 90,001 square feet</u>	<u>6</u>

- b. Stores must also have a shelf price for each stock keeping item which is visible to the consumer and which is located directly under the item on the shelf on which the item is displayed; or if the item is not conspicuously visible to the consumer, by a sign or list conspicuously placed near the point of procurement. Failure to display the shelf price for a stock keeping item shall constitute a violation. The sealer may specify standard shape, typeface, placement and format of shelf prices and may set other requirements to ensure the readability of shelf prices and the ability of consumers to identify which shelf price

applies to each stock keeping item. This subdivision shall not be construed to diminish the requirements of section 214-h of the New York State Agriculture and Markets Law, but shall be in addition thereto. In the event of a conflict, the provisions of the New York State Agriculture and Markets Law shall control.

- c. The store shall not charge any customer a price for any stock keeping items which exceeds the item, shelf, sale or advertised price, whichever is less; and
  - d. The store shall make prompt payment to consumers who have been overcharged and shall correct all pricing errors identified by consumers.
8. The Director or sealer may revoke a waiver from item pricing for any of the following reasons:
- a. Failure to comply with any provisions of this Chapter;
  - b. Deliberate overcharging of any consumer; or
  - c. Material misrepresentation in the application for a waiver.

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#### **ARTICLE IV. RETAIL SALE, RENTAL AND REPAIR OF GOODS**

##### **Sec. 863.91. Concealment of prices, defects, etc., prohibited.**

Each of the following shall be a violation of this code in the sale, rental or repair of consumer goods and/or the sale of consumer services:

- 1. To sell or deliver any defective consumer goods with knowledge of such defect or in circumstances in which the merchant should have known thereof, unless each item is plainly marked as defective and the nature of the defect is clearly shown or stated;
- 2. In any sale or lease or offering for sale or lease of consumer goods which are not new, to advertise such goods without disclosing that they are not new. Words such as "used," or,



where applicable, "antique," "demonstrator's floor model," "rebuilt," "renovated," "restyled" or "remodeled" may be used to indicate that the goods are not new. "Floor model" shall be defined as any item which is sold from the floor or a display in a particular case but which is not regularly sold from the floor or from such a display. (Example, a sofa which is displayed but which is not regularly sold from the display must in that case be disclosed to be a "floor model". A pair of pliers or other similar tool which is regularly sold from the display in a hardware store need not be described as a "floor model");

3. It shall be a violation of this code:

- a. To utilize any register, machine or any other device for the purpose of itemizing or totaling consumer sales which does not display on at least one side visible to the consumer, of said register, machine or device, the cost of each item purchased plus the tax and total cost of all items purchased;
- b. To cause, allow or approve the blockage, obstruction or concealment from the view of a consumer of any display required in subdivision 3.a. of this section;
- ~~c. No violation of subdivision 3.a. of this section shall be found in any case of any register, machine or device which was either located within the County of Westchester prior to September 8, 1975, or contracted for prior to said date for location within the County of Westchester and thereafter installed in the county, and only if the merchant gives to each consumer at the time of the transaction utilizing such register, machine or device an itemized sales slip designating in words each item purchased and the cost thereof, plus the tax and the total cost of all items purchased;~~

~~c.d.~~ The requirements of this section shall not apply to consumer sales totaling under \$2.00;

4. To cause, allow or approve the blockage, obstruction or concealment from the view of the consumer of any scale, machine, weighing device or part thereof used to weigh or indicate

the weight of consumer goods offered for sale to consumers in Westchester County. As used herein, the meaning of the terms “blockage, obstruction, concealment” shall include but not be limited to: the placing of any merchandise, display, partition, or counter within 18 inches of the top or side of a weighing device; or any act which prevents the consumer from viewing the items weighed and the indication of the weight of that item. This subdivision shall not apply to weighing devices used to indicate the weight of consumer goods packaged by the merchant in advance of being sold, offered for sale or exposed for sale, where such consumer goods have affixed to the package a label clearly indicating the weight of the goods;

5. When food or food products are packaged or wrapped for sale by the retailer in advance of being sold, offered for sale or exposed for sale, or whenever meat, poultry or fish in containers are sold, offered for sale or exposed for sale, to fail to provide and maintain an accurate computing scale of adequate capacity for use by the consumer. This computing scale shall be sealed by the Director or the Westchester County sealer of Weights-Measures according to the provisions of the Agriculture and Markets Law of the State of New York; ~~and shall not be placed or set more than 30 feet from the prepackage display counter so as to be easily available to consumers.~~ A prominent and conspicuous sign, clear of all obstructions, shall be displayed as close as practicable, and closer than any other sign, to the location of said scale, such sign to read “For Customer Use”;
6. To fail to give notice by a sign prominently displayed at each cash register, totalizer or at the place where the transaction or sale is culminated of the existence of any present policy regarding refunds, credit or exchange on unused goods. This section shall not apply to the sale of food items, perishable items, items sold “as is” or special sale items;

7. To sell or offer for sale any milk product or other perishable foods sold in containers, but excluding therefrom packaged fresh fruit and fresh vegetables, unless there is stamped, printed or otherwise plainly and conspicuously marked on the top cover or principal panel of its container, or any label affixed thereto, a statement that it is not to be sold after a clearly specified date. In all cases where such date is mandated by this section, the only date which shall be affixed to the product is the date of the final day of sale and shall consist of the month and the day;
8. To sell or offer for sale any milk product or other perishable foods sold in containers, excluding packaged fresh fruit and fresh vegetables on a date after that marked as the final day of sale, except that outdated perishable food products may continue to be sold provided that they are physically separated from perishable food products which are not outdated and are identified as outdated perishable food products by a sign posted conspicuously at the point of sale;
9. To sell or offer for sale fresh ground beef unless the percentage of beef fat is stated; ~~meat as hamburger unless it shall consist of chopped fresh or frozen beef with or without the addition of beef fat. Hamburger designated ground sirloin or ground round shall contain no more than 20 percent beef fat and hamburger designated ground beef, ground meat or ground chuck shall contain no more than 25 percent beef fat;~~
10. To refuse reasonable requests to sell to a consumer, when practicable, food items in smaller quantities than those that are prepackaged by the retailer.

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## ARTICLE V. FUTURE SERVICE CONTRACTS

### Sec. 863.141. Definition of contracts.

A “contract for future consumer services” is any contract which includes a provision for consumer services to be rendered in the future on a continuing basis including, but not limited to, computer ~~classes~~schools, technology classes, or schools, health spas or gyms, home study school and courses or dance studios, except that future services shall not mean, nor include:

1. Boarding accommodations; or
2. Travel arrangements contracted for less than a year in advance; or
3. Contracts which incorporate warranties of service or repair given in conjunction with appliances or other goods, where the sale of goods is the primary object of the contract; or
4. Services by a public or private nonprofit educational institution, i.e., a college or university chartered by the University of the State of New York or the Board of Regents of New York State, secondary school and elementary school, a nursery school or kindergarten.

**Sec. 863.151. Cancellation clauses.**

It shall be a violation for any merchant to communicate orally or in writing to the consumer that any contract for future consumer services sold by him is noncancellable or not subject to cancellation or to use words of similar meaning or import. Nothing in this section or in section 863.161 shall preclude any person from communicating to a consumer that the consumer may be liable to the merchant for damages if he breaches or cancels a contract.

**Sec. 863.161. Collection of fees limited; cancellation requirements.**

1. It shall be a violation for any merchant who sells future consumer services or collects consumer debts to contract for, receive or demand, in the event of cancellation by the consumer of such a contract for future service, more than a total of:
  - a. Ten percent of the cash price, but not to exceed ~~\$250.00~~\$100.00; and
  - b. A pro rata portion of the total price, representing the proportion of services used or completed up to 25 percent of the time or lessons contracted for. The proportion of

services used or completed shall include the time or lessons missed prior to cancellation;  
and

- c. The cost to the merchant of any ancillary goods which the consumer has used or has retained after cancellation of the contract.

2. Cancellation shall occur:

- a. When the consumer mails to the merchant notice of his intention to cancel; or
- b. Where the consumer fails to attend consecutive scheduled classes or lessons constituting at least 25 percent of the total lessons or time contracted for, without informing the merchant in writing that he intends to remain enrolled.

3. The contract forms used by the merchant shall conspicuously disclose the merchant's cancellation provisions in compliance herewith.

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## ARTICLE VII. CONSUMER CREDIT

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### **Sec. 863.216. Removal of vehicles.**

1. Where the operator of a towing truck removes an unattended motor vehicle from privately-owned real property under the direction of the owner or an individual acting on behalf of the owner of such property, said operator shall immediately notify the police agency having jurisdiction at the site of such removal. Said towing truck operator shall be entitled to charge the owner of such motor vehicle for removal and any storage in accordance with the following rate schedule:
  - a. A charge of up to \$65.00 may be imposed if vehicle is towed for distance of one mile or part thereof.

- b. An additional charge of up to \$1.50 per mile may be imposed for each additional mile or part thereof.
  - c. Storage charges shall be at the rate of not more than \$5.00 for each 24 hours or part thereof. All vehicles must be stored on the premises of the towing operator, unless a waiver is granted by the County Department of Weights and Measures-Consumer Protection.
- 2. This section shall apply to any vehicle registered as a passenger vehicle and to any commercial vehicle not exceeding three tons gross weight, as determined by the vehicle's registration document. The towing of those commercial vehicles, for which the maximum permitted towing and storage charges do not apply, remains subject to Article II, § 863.61 of the Consumer Protection Code prohibiting deceptive or unconscionable trade practices.
  - 3. A receipt reflecting all charges shall be provided to the vehicle owner or person(s) to whom the vehicle is released.

**Sec. 863.217. Booting of vehicles.**

- 1. Where the operator of a booting service places a booting device on an unattended motor vehicle parked without authorization on privately-owned real property under the direction of the owner or an individual acting on behalf of the owner of such property, said operator shall immediately notify the police agency having jurisdiction at the site where such booting device was affixed, clamped or locked on a motor vehicle, in the manner prescribed by subsection (2) of this section. Said operator shall only be entitled to charge the owner of such motor vehicle the maximum fee of \$65.00 for the placement and removal of such booting device.
- 2. The operator of a booting service shall immediately notify such police agency as required by subsection (1) of this section, by either of the following means at the discretion of said

operator: by personal appearance at a station house or other office of such police agency; or by telephone. Such notification may also be made by facsimile transmission or electronic mail, provided that such police agency, in its discretion, provides the information necessary to receive notification by facsimile transmission or electronic mail. Said operator shall provide such police agency with all relevant information, including, but not limited to: the name and address of the booting service operator; the description and license plate number of the motor vehicle upon which the booting device was placed; and the time and location of booting.

3. A receipt reflecting all charges shall be provided to the vehicle owner or person(s) to whom the vehicle is released.

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## ARTICLE XI. CONTROL AND REGULATION OF DEALERS OF SECONDHAND GOODS

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### **Sec. 863.244. Application for license or renewal; fee required.**

1. An application for a license to be a secondhand dealer shall be made by the owner, or operator if different from the owner, on forms provided by and filed with the office of sealer or Director (hereinafter referred to in this Article as the "office"). The application shall contain the following information:
  - a. Name and description of the applicant's business enterprise. Individuals operating under a trade name shall present a certified copy of the trade name certificate filed with the New York State Department of State. A partnership conducting business, whether or not under a trade name, shall submit a certified copy of the partnership certificate which was filed in the New York State Department of State's office when the partnership was formed. A corporation shall furnish a copy of its certificate of incorporation, as well as



- its certificate of good standing and, if a foreign corporation, its application for authority to do business in New York State;
- b. The applicant's legal address and address of all places of business within Westchester County and the name and address of a designated agent for service of process;
  - c. A description of the nature of the business to be conducted and/or being conducted by the applicant in Westchester County;
  - d. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to the use of said premises;
  - e. A statement that the applicant is at least 18 years of age; and
  - f. A statement as to whether or not the applicant has, within the past ten years, been convicted of a crime, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.
2. Such application for a license shall be accompanied by a non-refundable application fee of \$250.00. If a license hereunder shall be lost, stolen, or destroyed; a duplicate may be issued by the office upon; (a) the filing of an affidavit satisfactorily explaining the facts of such loss or theft; and (b) the payment of a \$50.00 fee for each duplicate copy.
  3. The process to obtain a duplicate license for an additional establishment owned or operated by the applicant shall be the same as described in subsections 1. and 2. of this section.
  4. Licenses shall expire annually after the date of issuance. Every license may be renewed upon payment of the required renewal fee in the amount of \$200.00, and filing a renewal application with the office no earlier than 60 days, and no later than 15 days before the license is due to expire.

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## **ARTICLE XV. LICENSING OF PERSONS ENGAGED IN THE ALARM SYSTEMS BUSINESS**

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### **Sec. 863.307. Miscellaneous.**

1. Nothing set forth in this Article shall subject the County of Westchester or its officials, agents or employees to liability for damages or otherwise arising out of or related to the conduct of any alarm agent or alarm business.
2. Applicants already doing business in the county on the effective date of this Article may continue to do business while their license applications are being processed. An applicant not previously doing business in Westchester County on the effective date of this Article may commence doing business upon filing an application in accordance with section 863.293 of this Article.
3. Notwithstanding any provision of this Article to the contrary, this Article shall not apply to persons installing their own alarm system components.
4. ~~The sealer is empowered to establish administrative procedures to carry out the provisions of this Article in conformity with the provisions thereof.~~

## **ARTICLE XVI. LICENSING OF PERSONS ENGAGED IN HOME IMPROVEMENT BUSINESS**

### **Sec. 863.311. Legislative findings.**

It is hereby declared and found that because of the increase in complaints by residential dwellers in the County of Westchester about abuses on the part of home improvement contractors, it has

become desirable to safeguard and protect such residents by regulating the home improvement, remodeling and repair business and by licensing persons engaged in such business. Such licensing will protect and promote the health, safety and welfare of the residents of the County of Westchester.

**Sec. 863.312. Definitions.**

Unless the context otherwise specifically requires, the following terms, when used in this Article, shall have the following meanings:

1. “Contractor” means any person who owns, operates, maintains, controls, transacts or conducts a home improvement business or who undertakes, facilitates or advertises a home improvement service or offers to undertake, facilitate or agrees to perform any home improvement. A person shall be deemed to facilitate a home improvement service when, for a fee, they organize, oversee, or arrange for other contractors to perform home improvement services.
2. “Home improvement” means a repair, replacement, remodeling, installation, construction, alteration, conversion, modernization made to, in or upon a private residence, townhouse, condominium, apartment, or dwelling place of not more than three units, or residential property that is a part of one of the foregoing, including, but not limited to the following:
  - a. Waterproofing;
  - b. Exterior siding, awnings, leaders and gutters;
  - c. Decks, patios, garages, carports and additional rooms;
  - d. Storm and/or replacement windows and doors;
  - e. Roofs;
  - f. Driveways and walkways;
  - g. Kitchens and bathrooms;

- h. Masonry;
  - i. Fence installations;
  - j. Chimney maintenance;
  - k. Exterior and interior painting;
  - l. Landscaping and gardening;
  - m. Arboriculture;
  - n. Tile setters;
  - o. Swimming pools;
  - p. Underground sprinkler systems;
  - q. Excavation; ~~and~~
  - r. HVAC;
  - s. Power washing or pressure washing; and
  - ~~t.~~ Other similar improvements.
3. "Home improvement business" means the business of providing for a profit, a home improvement to an owner, provided, however, the term shall not include labor or services performed by an employee for a contractor.
  4. "Home improvement contract" means an agreement between a contractor and an owner for the performance of a home improvement, and includes all labor, services and materials to be furnished and performed thereunder, either directly by the contractor or by another person under separate agreement with the contractor.
  5. "Leaf blower" means any portable device powered by a self-contained internal combustion engine, which is commonly used in landscaping and property maintenance to blow, disperse or redistribute dust, dirt, leaves, grass clippings, cuttings, trimmings from trees or shrubs, or other debris on sidewalks, driveways, lawns, or other surfaces.

6. "Licensee" means a person licensed to engage in the home improvement business under the provisions of this Article.
7. "Owner" means a homeowner, tenant, or any other residential dweller who orders, contracts for, or purchases a home improvement.
8. "Person" means an individual, firm, company, partnership, association, corporation or other business entity.
9. "Affiliate" shall mean any person controlling, controlled by, or under common control with a licensee or contractor. The terms "control", "controlled" or "controlling" shall mean the possession, direct or indirect, of the power to cause the direction of management and policies of such controlled person. The ownership, directly or indirectly, of at least 51 percent of the voting securities of, or the possession of the right to vote, in the ordinary direction of its affairs, of 51 percent of the voting interest in, any person shall be presumed to constitute such control.

**Sec. 863.313. License required.**

1. No person shall maintain, conduct, advertise, operate, or engage in the home improvement business within the County of Westchester, or hold himself or herself out as being able to do so, unless such person is licensed pursuant to this Article.
2. Upon issuance of a home improvement license under the provisions of this Chapter, the Director or sealer shall issue a vehicle decal for each vehicle identified by the licensee as a vehicle which will be used in connection with the licensed activities. Such vehicle decals shall be conspicuously displayed in or on the vehicle(s) used in connection with the licensed activities during the term of the license, in addition to displaying the name and address of the licensed contractor pursuant to Sec. 863.326.

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**Sec. 863.316. Grant or denial of license or renewal.**

1. Within 90 days after receipt of a complete application in proper form, the Director or sealer shall grant or deny a license, or renewal thereof, under this Article. The Director or sealer shall grant the license or renewal unless the Director or sealer determines that applicant:
  - a. Is not financially responsible. In making such a determination the Director or sealer shall take into consideration all final non-appealable determinations of liability in any civil, criminal or administrative actions including, but not limited to, those involving nonpayment or underpayment of wages rendered by any local, state, or federal government court, agency, or division, including any such determinations rendered against any business for which the applicant was an owner, director, officer, member, or otherwise exercised control over the business;
  - b. Is unqualified to engage in the home improvement business;
  - c. Has made a false statement of a material fact in the application for a license under this Article;
  - d. Has outstanding against it unsatisfied home improvement business-related judgments. In making such a determination the Director or sealer shall take into consideration all final non-appealable determinations of liability in any civil, criminal or administrative actions including, but not limited to, those involving nonpayment or underpayment of wages rendered by any local, state, or federal government court, agency, or division, including any such determinations rendered against any business for which the applicant was an owner, director, officer, member, or otherwise exercised control over the business;
  - e. Has against it an unacceptable amount of home improvement complaints as determined by the Director or sealer.

A denial of a license or renewal shall be made by the Director or sealer in writing and shall set forth a statement of the reason or reasons therefor and shall be subject to administrative and judicial review in accordance with subsection 2. of this section.

2. Within 30 days after a denial of an application for a license or a renewal thereof, the applicant shall be entitled to demand a hearing before the Director or sealer by making a written demand therefor. Following receipt of such written demand, a hearing shall be held by the Director or sealer, or by a deputy designated by the Director or sealer, or by such other person or persons designated by the Director or sealer. A record of such hearing shall be made. At such hearing the applicant may be represented by counsel and may offer evidence in his or her behalf to demonstrate that a license or renewal should be granted. Compliance with technical rules of evidence shall not be required. If a deputy or other person or persons is designated to hold the hearing, such deputy or other designated person or persons shall refer the record and recommendations to the Director or sealer for determination. The determination made by the Director or sealer shall be subject to judicial review in accordance with Article 78 of the Civil Practice Law and Rules in a proceeding brought within four months after the determination is rendered.
3. The 90 days within which the Director or sealer shall either deny or renew a license may be extended if there are unresolved open civil, criminal, administrative actions, or consumer complaints that relate to the qualifications or fitness of the applicant, until such actions or complaints are resolved or closed.

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**Sec. 863.324. Liability; applicability.**



1. Nothing set forth in this Article shall subject the County of Westchester or its officials, agents or employees to liability for damages or otherwise arising out of or related to the conduct of any home improvement business by a licensee.
2. The provisions of this Article shall not apply to any home improvement to be performed under a home improvement contract made prior to the effective date of this Article.
3. Persons engaged in the home improvement business in Westchester County on the effective date of this Article who have applied for licenses hereunder may continue to engage in such business while their license applications are processed. Persons not engaged in the home improvement business in Westchester County on the effective date of this Article may commence such business upon filing a license application in accordance with section 863.314 of this Article.
4. Notwithstanding any provision of this Article to the contrary, this Article shall not apply to:
  - a. Plumbing work;
  - b. Electrical work;
  - c. Architectural services;
  - d. Work or services performed by a person within the scope of an occupation, craft or profession in which such person has met standards of competency or experience established by state law as a condition to engaging in the occupation, craft or profession;
  - e. Full-time students under the age of 22 engaged in seasonal or part-time employment;
  - f. The construction of a new home building;
  - g. The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials;

- h. Work performed upon a residence or building owned by or controlled by the state or any municipality;
  - i. The sale, leasing, maintaining, installing, repairing, altering, moving, replacing or servicing of an alarm device or system by a county-licensed alarm business or alarm agent;
  - j. The installation of photovoltaic devices by an individual who is licensed as a master electrician pursuant to Article XVII of Chapter 277 of the Laws of Westchester County and who is also certified as an installer of photovoltaic devices by the North American Board of Certified Energy Practitioners. For the purposes of this paragraph "photovoltaic device" means a device that absorbs infrared, visible and/or ultraviolet light and produces an electric potential;
  - k. The installation of solar heating devices by an individual licensed as a master plumber pursuant to Article XV of Chapter 277 of the Laws of Westchester County and who is also certified as an installer of solar heating devices by the North American Board of Certified Energy Practitioners. For the purposes of this paragraph "solar heating device" means a device that uses flat collector plates to harness the sun's energy to heat water.
5. ~~The Director or sealer is empowered to establish administrative procedures to carry out the provisions of this Article in conformity with the provisions thereof.~~ The Director or sealer shall require proof of liability and property damage insurance in an amount to be set by the Director or sealer.
6. The Director or sealer may require an application for a license to be accompanied by a bond, approved as to form by the County Attorney, executed by a bonding or surety company authorized to do business in the State of New York or cash security in an amount to be set by the Director or sealer not to exceed \$50,000.00, conditioned upon the assurance that

during the term of such license, the contractor will continue to comply with the provisions of this Article, to assure that, upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of the contract in the event of noncompletion thereof, will be refunded to the consumer, owner or lessee with whom such contract was made. Such bond shall run to the County of Westchester for the use and benefit of any person or persons intended to be protected thereby. The required bond, after the aforementioned approval by the County Attorney, shall be filed in the office of the Director or sealer. The Director or sealer may require a bond at any time during the term of the license based on the licensee's performance during such term.

7. Any licensee using chemicals regulated or controlled by the New York State Department of Environmental Conservation shall show proof of certification for use of said chemicals.

...

**Sec. 863.326. Vehicles to display name and address of contractor. ~~landscaper or gardener.~~**

1. All motor vehicles which are used in the normal course of business by ~~landscapers or gardeners~~ a contractor or their employees to deliver tools, materials or workers to a job site in Westchester County shall, while such vehicle is parked at the job site, display on both sides of the vehicle the name and address of the ~~contractor landscaper or gardener~~ in letters and numerals readily legible from a distance of fifty (50) feet during daylight hours and while the motor vehicle is stationary.
2. The requirements of this section may be complied with by permanently affixing the ~~landscaper or gardener's name and address~~ of the contractor or the contractor's company, licensed pursuant to this Article, to the motor vehicle or by affixing removable signs to the

motor vehicle to be displayed while such vehicle is parked at a job site and the ~~landscapers or~~  
~~gardeners~~ contractors or their employees are engaged in the normal course of business in  
Westchester County.

...

**Sec. 863.329. Contract provisions.**

Every home improvement contract and all amendments thereto, shall be in writing and shall be signed by all the parties to the contract. The writing shall be legible, in plain English, and shall be in such form to describe clearly any other document which is to be incorporated into the contract. Before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor. The writing may also contain other matters agreed to by the parties to the contract.

The writing shall contain the following:

- (a) The name, address, telephone number and license number of the contractor.
- (b) The approximate dates, or estimated dates, when the work will begin and be substantially completed.
- (c) A description of the work to be performed, the materials to be provided to the owner, including make, model number or any other identifying information.
- (d) A notice to the owner purchasing the home improvement that the contractor or subcontractor who performs on the contract or the material person who provides home improvement goods or services and is not paid may have a claim against the owner which may be enforced against the property in accordance with the applicable lien laws.
- (e) A notice to the owner purchasing the home improvement that, except as otherwise provided by law, the home improvement contractor is legally required to deposit all payments received prior to completion in accordance with Subdivision 4 of Section 71-a of

the New York State Lien Law and that, in lieu of such deposit, the home improvement contractor may post a bond, contract of indemnity or irrevocable letter of credit with the owner guaranteeing the return or proper application of such payments to the purposes of the contract.

- (f) If the contract provides for one or more progress payments to be paid to the home improvement contractor by the owner before substantial completion of the work, a schedule of such progress payments showing the amount of each payment, as a sum in dollars and cents, and specifically identifying the state of completion of the work or services to be performed, including any materials to be supplied before each such progress payment is due. The amount of any such progress payments shall bear a reasonable relationship to the amount of work to be performed, materials to be purchased, or expenses for which the contractor would be obligated at the time of payment.
- (g) Before a contractor or subcontractor begins work on a home, such writing shall disclose to the homeowner the existence of a property and/or casualty insurance policy that covers the scope of such contractor or subcontractor's employment should an insurance claim be filed resulting from losses arising from work at such property. Such disclosure shall also include the contact information of the insurance company providing such property and/or casualty insurance, including phone number and address.

...

## ARTICLE XIX. INSTALLATION AND REPAIR OF OVERHEAD GARAGE DOORS

...

~~Sec. 863.604. Violations.~~

~~A violation of section 863.603 shall be punishable by a civil fine not to exceed one hundred fifty dollars (\$150.00).~~

...

## ARTICLE XXV. AUTOMATED TELLER MACHINE (ATM) REGISTRATION

...

### Sec. 863.1010. Registration.

1. Any ATM located in a place accessible to the public, including, but not limited to, shopping malls, convenient stores, restaurants, bowling alleys, amusement parks, arcades, gas stations, movie theatres, schools, colleges or retail stores, shall be registered with the Westchester County Department of Weights and Measures – Consumer Protection. The ATM shall be registered by the person or entity owning, leasing or otherwise controlling the place of public accessibility where the ATM is located. Such registration shall be for a period of two (2) years and the cost shall be no more than seventy-five dollars (\$75.00) for the initial issuance and each subsequent renewal as determined by the Westchester County Department of Weights and Measures – Consumer Protection.
2. Within ninety (90) days of the enactment of this Article, the Westchester County Department of Weights and Measures – Consumer Protection, in conjunction with the Westchester County Department of Public Safety, shall establish an application form to be used as a prerequisite for the issuance of a certification of registration. Such application shall require information necessary to locate the ATM, its owner and its operator.

3. Upon completion of an application for a certificate of registration pursuant to this section, the Westchester County Department of Weights and Measures – Consumer Protection shall issue to the registrant a decal to be placed on the ATM signifying that such ATM is registered, the location at which the ATM is registered and the expiration date of such registration.
4. The certificate of registration issued pursuant to this section shall not be transferable from one person or entity to another person or entity or from one location to another. If the ownership or control of the place of public accessibility changes, the new owner or person or entity controlling said location must re-register the ATM with the Westchester County Department of Weights and Measures – Consumer Protection pursuant to the application procedure established under this section.

**Sec. 863.1020. ATM consumer advisory.**

All persons or entities required to register ATM machines pursuant to section 863.1010 of this Article shall conspicuously post in close proximity to the ATM an "ATM Consumer Advisory" which shall be prepared and distributed by the Westchester County Department of Weights and Measures – Consumer Protection in conjunction with the Westchester County Department of Public Safety in both English and Spanish language, as appropriate. The exact design, size and location of the Advisory shall be determined by the Commissioner of the Westchester County Department of Weights and Measures and shall include, but not be limited to the following information:

**ATM — CONSUMER SAFETY**

1. Be aware of other persons near you and the ATM. If you notice suspicious activity, cancel your transaction, take your card, leave the area and report suspicious activity and crimes immediately to the police.



2. Commit your PIN to memory, do not write the PIN on your card and report a lost or stolen card immediately.
3. ATM's usually charge transaction fees. Make sure you know how much in fees you are paying before using an ATM.
4. If you have any questions regarding ATM security call the Westchester County Department of Consumer Protection at (914) 995-2155 or log on to [www.westchestergov.com/consumer](http://www.westchestergov.com/consumer).

**Sec. 863.1030. Enforcement and penalties.**

1. The provisions of this Article shall be enforced by the Westchester County Department of Weights and Measures – Consumer Protection.
2. Failure to submit an application for registration pursuant to section 863.1010 herein shall result in the issuance of a warning by the Department which shall state that the individual has thirty (30) days to submit a completed application. Failure to submit a completed application within the thirty-day period shall constitute a violation. No other violations occurring under this Article shall be entitled to a warning.
3. For the first violation of this Article, a civil penalty not exceeding five hundred dollars (\$500.00) shall be imposed. For the second and succeeding violations, a civil penalty not exceeding one thousand dollars (\$1,000.00) shall be imposed for each single violation. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard.

**Section 4. Effective Date.** This Local Law shall take effect thirty (30) days after enactment.

WESTCHESTER COUNTY  
CLERK

2025 MAY 15 AM 11:56

RECEIVED

**Benjamin Boykin II**

Legislator, 5th District  
Chair, Committee on Economic Development



Committee Assignments:  
Legislation  
Public Safety

**MEMORANDUM OF LEGISLATION**

DATE: May 05, 2025

TITLE: Protecting the Stoney Hill Cemetery

SPONSOR: Legislator Benjamin Boykin II

PURPOSE OR GENERAL IDEA OF BILL: To protect the historic Stoney Hill Cemetery property located at the Mount Hope A.M.E. Zion Church in White Plains, New York.

INTENT: To preserve and protect the Stoney Hill Cemetery property. The Stoney Hill Cemetery located on this land is a 19th Century African American cemetery located at the Mount Hope A.M.E. Zion Church.

JUSTIFICATION: Recent news reports indicate that the Stoney Hill Cemetery property is being put up for sale. The African American cemetery was never part of any proposed sale. The County must take action to ensure that the total property site is protected.


PRESENT LAW: None.

FISCAL IMACT: TBD

**Department of Parks, Recreation  
& Conservation**

DATE: May 1, 2025

TO: Honorable Members of the Board of Acquisition and Contract  
Clerk of the Board of Legislators

FROM: Kathleen M. O'Connor   
Commissioner

RE: Emergency Declaration  
Playland Park Ride Maintenance

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On April 12, 2021 the Board of Legislators adopted an Act authorizing the County of Westchester ("County") to enter into a Second Restated and Amended Playland Management Agreement (the "Second Restated Agreement") with Standard Amusements LLC ("Standard"). The Second Restated Agreement was duly executed on or about July 22, 2021.

On January 21, 2025, the County received a Notice of Termination from Standard effective February 20, 2025, which purports to terminate the Second Restated Agreement. On January 22, 2025 the County sent a response rejecting Standard's Notice of Termination and reciting a number of breaches on the part of Standard. On January 30, 2025, Standard sent another letter stating, *inter alia*, that its termination notice was valid, that Standard will not manage Playland in 2025, and the County's breach claims were frivolous. Thereafter on February 4, 2025 the County sent a letter to Standard's attorneys escalating the dispute to arbitration pursuant to Section 43(ii) of the Second Restated Agreement. In accordance with the Second Restated Agreement the parties have selected arbitrators and have each submitted documents in support of their claims. The arbitration hearing is scheduled to commence on August 12, 2025.

In order to open the iconic Playland Amusement Park for a portion of the 2025 operating season, the County will need to hire a company to inspect specific rides, secure all necessary supplies and parts to operate the rides, repair and thereafter maintain the rides. Standard's abrupt departure leaves the County with little time to properly carry out all of this work. Standard left little or no spare parts in inventory, in some cases did not properly winterize rides and a number of rides were left dis-assembled.

In order to protect County property and personnel and facilitate the return to operation of the Playland Amusement Park as quickly as possible, the County is declaring an emergency situation. As an emergency, this situation could not await competitive bidding. The County Department of Parks, Recreation and Conservation ("PRC") has selected Zamperla, Inc. ("Zamperla") to perform the necessary emergency work, which includes inspecting, repairing,

replacing and maintaining these specific rides and procuring necessary supplies and parts. Zamperla is a worldwide company that was established in 1966 and which owns and operates rides throughout the world. The County owns 11 rides that were manufactured by Zamperla and a number of other rides manufactured by a company that is no longer in business. Zamperla has not only the familiarity with the rides but has the expertise and ability to provide the parts and maintenance.

Based on the above, it's in the best interest of the County to enter into an agreement with Zamperla on an emergency basis as it is the most timely and fiscally efficient solution and will safeguard the County's property and secure the public safety of park attendees and staff.

As the full extent of the work will not be able to be ascertained until Zamperla, in coordination with PRC staff, has an opportunity to complete and price the work, PRC will at a later date submit a resolution to your Honorable Board requesting approval of the contract with Zamperla.



**VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY  
222 GRACE CHURCH STREET  
PORT CHESTER, NEW YORK 10573**

**NOTICE OF PUBLIC HEARING**

April 25, 2025

**VIA CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED**

**To: The Chief Executive Officers of  
Affected Tax Jurisdictions on Schedule A**

**Re: Village of Port Chester Industrial Development Agency  
80 Main Street Members LLC Project  
Notice of Public Hearing and  
Delivery of Agency Initial Project Resolution**

**Ladies and Gentlemen:**

Please note that on Monday, May 12, 2025 at 6:30 p.m. at the Village of Port Chester Courtroom, 350 North Main Street, Port Chester, New York 10573, the Village of Port Chester Industrial Development Agency (the "Agency") will conduct a public hearing regarding the above-referenced project. Enclosed is a copy of the Notice of Public Hearing describing the Project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Westmore News* for publication.

In accordance with Section 859-a of the General Municipal Law ("GML") of the State of New York, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Application for Financial Assistance (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://www.portchesternyida.gov/206/Public-Hearings>. This public hearing is being conducted pursuant to GML Section 859-a(2) and the Agency is providing this notice to the addressees above pursuant to GML Section 859-a(3), which include the chief executive officers of the affected tax jurisdictions within which the proposed project is to be located. The conduct of the public hearing was authorized by the Agency pursuant to a certain Initial Project Resolution adopted by the Agency on March 19, 2025 (the "Initial Project Resolution"), which pursuant to GML Section 859-a(1-a) is enclosed for your review and records.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. The Agency will also live stream the public hearing through its webpage and also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. Any written comments may be sent to Agency

Schedule A  
Affected Tax Jurisdiction Officials

**Certified Mail # [REDACTED]**

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

**Certified Mail # [REDACTED]**

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

**Certified Mail # [REDACTED]**

Village of Port Chester  
Attn: Mayor  
222 Grace Church Street  
Port Chester, New York 10573

**Certified Mail # [REDACTED]**

Village of Port Chester  
Attn: Village Manager  
222 Grace Church Street  
Port Chester, New York 10573

**Certified Mail # [REDACTED]**

Port Chester-Rye Union Free School District  
Attn: Superintendent  
113 Bowman Avenue  
Port Chester, New York 10573

**Certified Mail # [REDACTED]**

Port Chester-Rye Union Free School District  
Attn: President, BOE  
113 Bowman Avenue  
Port Chester, New York 10573

**Certified Mail # [REDACTED]**

Port Chester-Rye Union Free School District  
Attn: District Clerk  
113 Bowman Avenue  
Port Chester, New York 10573

**Certified Mail # [REDACTED]**

Town of Rye  
Attn: Supervisor  
222 Grace Church Street  
Port Chester, New York 10573

**INITIAL PROJECT RESOLUTION**  
*(80 Main Street Members LLC)*

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday, March 19, 2025 at 6:30 p.m. at 350 N. Main Street, Port Chester, New York 10573.

The following resolution was duly offered and seconded, to wit:

Resolution No. 03/2025 -03

**RESOLUTION OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF 80 MAIN STREET MEMBERS LLC (THE "COMPANY") IN CONNECTION WITH A PROPOSED PROJECT (AS FURTHER DESCRIBED HEREIN); (ii) AUTHORIZING THE SCHEDULING AND CONDUCT OF ONE OR MORE PUBLIC HEARINGS; AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 632 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **80 MAIN STREET MEMBERS LLC**, for itself and/or a related entity or entities to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in a certain parcel of real property located at 229 Willett Avenue in the Village of Port Chester, New York (the "Land", being more particularly described as tax parcel number 136.79-1-23) along with offstreet parking improvements, curbage and related site improvements (the "Existing Improvements"); (ii) the planning, design, construction, operation and leasing by the Company of a six story multi-tenanted redevelopment project that will include: (a) approximately 100 residential apartment units, (b) off-street parking improvements providing for approximately 100 parking spaces, and (c) additional tenant amenity spaces, lobbies, common areas, green spaces, various subsurface structural improvements, roadway improvements, access and egress improvements, storm water improvements, utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will



one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project; (ii) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project, and (iii) a partial real property tax abatement through one or more payment-in-lieu-of-tax agreements (the "PILOT Agreement"), pursuant to which the Company would make payments in lieu of real property taxes to the Affected Tax Jurisdictions.

Section 3. The Agency further authorizes the scheduling and conduct of one or more public hearings as required by Section 859-a of the Act (the "Public Hearings"). The Agency's scheduling and conduct of the Public Hearings shall be contingent upon: (i) the Company securing all necessary zoning, site plan and subdivision approvals necessary for the Project, and (ii) the Company funding an escrow account to pay all costs of the Agency incurred in connection with processing the Application and preparing necessary cost-benefit studies associated with same.

Section 4. The Agency's formal inducement to undertake the Project and approve the Financial Assistance shall be by one or more further resolutions of the Agency and shall be subject to the terms and conditions as are set forth therein.

Section 5. The Chairman, Vice Chairman and the Administrative Director of the Agency are hereby authorized and directed to negotiate, but not execute, certain lease agreements, the PILOT Agreement, and related documents to undertake the Straight Lease Transaction.

Section 6. Harris Beach Murtha Cullina PLLC, as Transaction Counsel for the Agency, is hereby authorized to work with counsel to the Company and others to prepare for submission to the Agency all documents necessary to conduct the Public Hearings and effect the authorization and undertaking of the Project.

Section 7. The Chairman, Vice Chairman and Administrative Director of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 8. This Resolution shall take effect immediately.

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) SS:

I, the undersigned Secretary of the Village of Port Chester Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Village of Port Chester Industrial Development Agency (the "Agency"), including the resolution contained therein, held on March 19, 2025, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 19<sup>th</sup> day of March, 2025.



  
Secretary

**HARRIS BEACH MURTHA**  
ATTORNEYS AT LAW

April 29, 2025

99 GARNSEY ROAD  
PITTSFORD, NEW YORK 14534  
585.419.8800

**AMY ABBINK**  
PARALEGAL  
DIRECT: (585).419.8744  
FAX: 585.419.8801  
AABBINK@HARRISBEACHMURTHA.COM

**AMENDED AND RESTATED PILOT AGREEMENT**

**VIA FEDERAL EXPRESS**

**#2880-3634-9427**

Mr. Phil Platz  
Assessor of the City of New Rochelle  
New Rochelle City Hall  
515 North Avenue  
New Rochelle, New York 10801

Re: New Rochelle Industrial Development Agency and  
550 Fifth Avenue Owner L.P.

Property Address: 550-590 Fifth Avenue, New Rochelle, Westchester County  
Tax Map Number: 3-910-0001

Dear Mr. Platz:

On behalf of the New Rochelle Industrial Development Agency and **prior to the May 1 tax status date**, I have enclosed for you, the Assessor of the taxing jurisdiction within which the above-referenced Property is located, a completed and signed Application for Real Property Tax Exemption on NYS Form RP-412-a, with attached copy of the related signed Amended and Restated Payment-In-Lieu-of-Tax Agreement.

Should you have questions or concerns, please do not hesitate to contact me. Thank you.

Very truly yours,



Amy Abbink

Enclosures

cc: Affected Tax Jurisdiction Officials on Schedule A

Schedule A

**Certified No. 9489-0090-0027-6674-8689-35**

The Honorable Yadira Ramos-Herbert  
Mayor of the City of New Rochelle  
New Rochelle City Hall  
515 North Avenue  
New Rochelle, New York 10801

**Certified No. 9489-0090-0027-6674-8689-59**

The Honorable Kenneth Jenkins  
Westchester County Executive  
900 Michaelian Building  
148 Martine Avenue  
White Plains, New York 10601

**Certified No. 9489-0090-0027-6674-8689-73**

William Iannuzzi  
President of the Board of Education  
City School District of New Rochelle  
515 North Avenue  
New Rochelle, New York 10801

**Certified No. 9489-0090-0027-6674-8689-97** ✓

The Honorable Vedat Gashi  
Chair of the Westchester County Legislature  
800 Michaelian Office Building  
148 Martine Avenue, 8th Floor  
White Plains, New York 10601

**Certified No. 9489-0090-0027-6674-8690-17**

Millie Bonilla, District Clerk  
City School District of New Rochelle  
515 North Avenue  
New Rochelle, New York 10801

**Certified No. 9489-0090-0027-6674-8689-42**

Wilfredo Melendez  
Acting City Manager  
New Rochelle City Hall  
515 North Avenue  
New Rochelle, New York 10801

**Certified No. 9489-0090-0027-6674-8689-66**

Corey W. Reynolds, Ed.D.  
Superintendent of Schools  
City School District of New Rochelle  
515 North Avenue  
New Rochelle, New York 10801

**Certified No. 9489-0090-0027-6674-8689-80**

Edward Ritter, Finance Commissioner  
City of New Rochelle  
New Rochelle City Hall  
515 North Avenue  
New Rochelle, New York 10801

**Certified No. 9489-0090-0027-6674-8690-00**

Karin E. Hablow, Commissioner of Finance  
Westchester County Department of Finance  
Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601



**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 New Rochelle IDA  
Street 515 North Avenue, City Hall  
City New Rochelle, New York 10801  
Telephone no. Day (518 ) 654-2195  
Evening ( ) \_\_\_\_\_  
Contact Adam Salgado  
Title Executive Director

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name 550 Fifth Avenue Owner L.P.  
Street 70 East 55th Street, 7th Floor  
City New York, New York 10022  
Telephone no. Day ( 212 ) 350-9900  
Evening ( ) \_\_\_\_\_  
Contact Peter Gray  
Title Principal of Occupant

**3. DESCRIPTION OF PARCEL**

- a. Assessment roll description (tax map no./roll year)  
3-910-0001
- b. Street address 550-590 Fifth Avenue
- c. City, Town or Village City of New Rochelle

- d. School District New Rochelle
- e. County Westchester
- f. Current assessment \_\_\_\_\_
- g. Deed to IDA (date recorded; liber and page)  
10/12/2007; Control Number 472820660

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

- a. Brief description (include property use) Renovation, reconstruction and refurbishing of 180-unit, approximately 161,490 square foot affordable housing complex
- b. Type of construction \_\_\_\_\_
- c. Square footage \_\_\_\_\_
- d. Total cost Approx. \$25,675,810
- 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)  
October 31, 2041

**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 Please see attached Amended and Restated PILOT Agreement
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- b. Projected expiration date of agreement October 31, 2041

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>City of New Rochelle</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
School District <u>New Rochelle</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name 550 Fifth Avenue Owner L.P.  
 Title Attn: Peter Gray

Address 70 East 55th Street, 7th Floor  
New York, New York 10022

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.

Telephone (914) 350-9900

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☒ Yes ☐ No Yes - PILOT Agreement dated September 1, 2007 as amended from time to time.

If yes, list the statutory exemption reference and assessment roll year on which granted:  
 exemption \_\_\_\_\_ assessment roll year \_\_\_\_\_

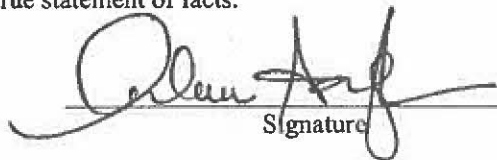
7. A copy of this application, including all attachments, has been mailed or delivered on April 29, 2025 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

### CERTIFICATION

I, Adam Salgado, Executive Director of \_\_\_\_\_ of \_\_\_\_\_  
 Name Title  
New Rochelle Industrial Development Agency hereby certify that the information  
 Organization

on this application and accompanying papers constitutes a true statement of facts.

April 21<sup>st</sup>, 2025  
 Date

 X  
 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



**NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY**

**AND**

**550 FIFTH AVENUE OWNER L.P.**

---

**AMENDED AND RESTATED PAYMENT IN LIEU OF TAX AGREEMENT**

---

**Street Address:**

550-590 Fifth Avenue  
City of New Rochelle  
Westchester County

**Tax Map Number(s):**

3-910-0001

**Affected Taxing Jurisdictions:**

County of Westchester  
City of New Rochelle  
City School District of New Rochelle

Dated as of April 1, 2025



## AMENDED AND RESTATED PAYMENT IN LIEU OF TAX AGREEMENT

THIS AMENDEDED AND RESTATED PAYMENT IN LIEU OF TAX AGREEMENT, dated as of April 1, 2025 (the "Agreement"), is by and between the NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation of the State of New York, with offices at City Hall, 515 North Avenue, New Rochelle, New York 10801 (the "Agency"), and 550 FIFTH AVENUE OWNER L.P., a New York limited partnership having offices at 70 East 55<sup>th</sup> Street, 7<sup>th</sup> Floor, New York, New York 10022 (the "Company"), and amends and restates it its entirety that certain Payment in Lieu of Tax Agreement, dated as of September 1, 2007, as amended by First Amendment to PILOT Agreement, dated as of March 1, 2024, each by and between the Agency and the Company.

### WITNESSETH:

WHEREAS, the Agency was created by Chapter 785 of the Laws of 1976 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 Agency previously undertook a certain project (the "2007 Project") consisting of (i) the acquisition by the Agency of fee title to approximately 10.95 acre parcel of land located at 550-570-590 Fifth Avenue, City of New Rochelle, Westchester County, New York (and further identified as Section 3, Block 910, Lot 1) (the "Land"), (ii) at the election of the Company, the issuance of its \$9,000,000 Multifamily Housing Revenue Bonds, 2007 Series A (AMT) (550 Fifth Avenue Owner L.P. Facility) (the "Series 2007A Bonds") and its \$5,000,000 Variable Rate Multifamily Housing Revenue Bonds, 2007 Series B (AMT) (550 Fifth Avenue Owner L.P. Facility) (the "Series 2007B Bonds"; and, together with the Series 2007A Bonds, the "Bonds") to provide funds for financing and refinancing the costs of the acquisition, rehabilitation, renovation rehabilitation, renovation and equipping on the Land of the existing 180 unit affordable housing apartment complex known as MacLeay Apartments, together with one-hundred eleven (111) off-street parking spaces located on the Land, including all for continued use as an affordable housing facility (the "2007 Facility"), and (iii) paying certain costs of issuance of the Bonds in accordance with that certain Installment Sale Agreement, dated as of September 1, 2007, as amended by that certain Amended and Restated Installment Sale Agreement, dated as of March 1, 2024, each by and between the Agency and the Company (as so amended and restated, the "Amended and Restated Installment Sale Agreement"); and

WHEREAS, in connection with the 2007 Project, the Agency and the Company executed a certain Payment in Lieu of Tax Agreement, dated as of September 1, 2007, as amended by First Amendment to PILOT Agreement, dated as of March 1, 2024, each by and between the Agency and the Company (as so amended, the "Original PILOT Agreement"); and

WHEREAS, the Company has requested the Agency's assistance with a certain project (the "Project") consisting of: (i) the retention by the Agency of its fee interest in the Land and the 2007 Facility, (ii) the renovation of the 2007 Facility including upgrades to apartments, building systems, and common areas, and the installation of rooftop solar panels (collectively, the

"Improvements"); (iii) the acquisition of an installation in and around the Land, the 2007 Facility and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment"; and, collectively with the Land, the 2007 Facility and the Improvements, the "Facility"); and

WHEREAS, the Agency and Company desire to amend and restate the Original PILOT Agreement in its entirety through this Agreement; and

WHEREAS, in order to induce the Company to undertake the Project, the Agency is willing to retain its fee interest in the Land, the 2007 Facility, the Improvements and personal property and sell the facility back the Facility to the Company pursuant to the terms and conditions of the Amended and Restated Installment Sale Agreement; 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 ad valorem levies, special assessments and service charges against real property which are or may be imposed for special improvements or special district improvements; 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"), the City of New Rochelle (the "City") and the City School District of New Rochelle (the "School District"; and, collectively with the County, and the City, the "Affected Tax Jurisdictions").

Section 1 - Payment in Lieu of Ad Valorem Taxes:

Section 1.1 A. Under Section 412-a of the New York State Real Property Tax Law and Section 874 of the Act, the Facility is currently exempt from Real Estate Taxes (as defined below). For purposes of the foregoing "Real Estate Taxes" means all general levy real estate taxes levied against the Facility by the County, City and School District. Notwithstanding anything contained herein or in the Amended and Restated Installment Sale 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. 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.

B. Payee. As long as the Facility is owned by or leased to the Agency or under its jurisdiction, control or supervision, the Company shall pay, or cause to be paid, an amount equal to the Total PILOT Payment, as described on Schedule A attached hereto (the "Total PILOT Payment"), after receipt of a tax bill from the Agency. Failure to receive a tax bill shall not relieve the Company to make all payments provided for hereunder on or before January 1 of each calendar year (the "Payment Date"). Notwithstanding anything to the contrary herein, February 1 of each calendar year shall be the "Delinquency Date" hereunder. If for any reason, the Company does not receive a tax bill, the Company shall have the responsibility and obligation to make all reasonable inquiries to the Agency/Affected Tax Jurisdictions to have such tax bill

issued, and thereafter make payment of the same by the Payment Date and in all instances prior to the Delinquency Date.

The parties agree and acknowledge that payments made hereunder are to obtain revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the Land is not on the tax rolls.

1.2 Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as ad valorem taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to an alternative allocation.

1.3 Tax Rates. For purposes of determining the allocation of the Total PILOT Payment among the Affected Tax Jurisdictions, the Agency shall use the last tax rate utilized for levy of taxes by each such jurisdiction. For County, City and special district purposes, the tax rates used to determine the allocation of the Total PILOT Payment shall be the tax rates relating to the calendar year which includes the PILOT payment due date. For School District purposes, the tax rates used to determine the PILOT payment shall be the rate relating to the City budget and School District year which includes the PILOT payment due date.

1.4 Valuation of Future Additions to the Facility: If there shall be a future addition to the Facility constructed or added in any manner after the completion of the Improvements and the installation of the Equipment, 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 information 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 Total PILOT Payment (the "Increased PILOT Payment"). The Agency shall notify the Company of any proposed increase in the Total PILOT 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 PILOT Payment until a different Total PILOT Payment shall be established. If a lesser Total PILOT Payment is determined in any proceeding or by subsequent agreement of the parties, the Total PILOT 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 PILOT payment(s).

1.5 Period of Benefits. The tax benefits provided for herein should be deemed to include (i) the 2025-2026 School District tax year through the 2041-2042 School District tax year, and (ii) the 2025 County and City tax year through the 2041 County and City tax year. This Agreement shall expire on **October 31, 2041**. 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"). 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 2 - Special District Charges, Special Assessments and other Charges. Special district charges, special assessments, and special ad valorem levies (specifically including, but not limited to, fire district charges), and pure water charges and sewer charges are to be paid in full in accordance with normal billing practices.

Section 3 - Transfer of Facility. In the event that the Facility is transferred from the Agency to the Company, and the Company is ineligible for a continued tax exemption under some other tax incentive program, or the exemption would result in a payment to the Affected Tax Jurisdictions in excess of the payment described in Section 1 herein, or 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 4 - Assessment Challenges.

4.1 During the term of this Agreement, the Company, as it relates to Real Estate Taxes, shall have 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 by 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 or the validity or amount of any tax equivalent provided for herein.

4.2 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, or special assessment or service charge in lieu of which the Company is obligated to make a payment pursuant to this Agreement, as if and to the same extent as if the Company were the owner of the Facility.

4.3 The Company shall (i) cause the appropriate real estate tax assessment office and tax levy officers to assess the Facility and apply tax rates to the respective assessments as if the Facility were owned by the Company, and (ii) file any accounts or tax returns required by the appropriate real estate tax assessment office and tax levy officers.

Section 5 - Changes in Law. 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 6 - 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 1 hereof *prior to 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 event of default under the Amended and Restated Installment Sale Agreement after 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 1 and Section 2 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 1 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; and, with respect to all other payments due hereunder, if said payment is not paid within any applicable cure period, the 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.

Section 7 - Assignment. 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 8 - 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 All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, as follows:

To the Agency: New Rochelle Industrial Development Agency  
515 North Avenue  
New Rochelle, New York 10801  
Attn: Executive Director

With a copy to: Harris Beach Murtha Cullina PLLC  
99 Garnsey Road  
Pittsford, New York 14534  
Attn: Christopher A. Andreucci, Esq.  
e-mail: [candreucci@harrisbeachmurtha.com](mailto:candreucci@harrisbeachmurtha.com)

To the Company: 550 Fifth Avenue Owner L.P.  
70 East 55<sup>th</sup> Street 7<sup>th</sup> Floor  
New York, New York 10022  
Attn: Peter Gray  
e-mail: [peter.gray@pembrokecompanies.com](mailto:peter.gray@pembrokecompanies.com)

With a copy to: 550 Fifth Avenue Owner L.P.  
70 East 55<sup>th</sup> Street 7<sup>th</sup> Floor  
New York, New York 10022  
Attn: David Goldban, Esq.  
e-mail: [david.goldban@pembrokecompanies.com](mailto:david.goldban@pembrokecompanies.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.

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 the 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 any member, officer, employee, agent (other than the Company) or servant of the Agency nor any person executing this Agreement on its behalf shall be liable personally under this Agreement. No recourse shall be had for the payment of the principal or interest on amounts due

hereunder or for any claim based upon or in respect of any modification of or supplement hereto against any past, present or future member, officer, agent (other than the Company), servant, or employee, as such, of the Agency, or of any successor or political subdivision, either directly or through the Agency or any such successor, all such liability of such members, officer, agents (other than the Company), servants and employees being, to the extent permitted by law, expressly waived and released by the acceptance hereof and as part of the consideration for the execution of this Agreement.

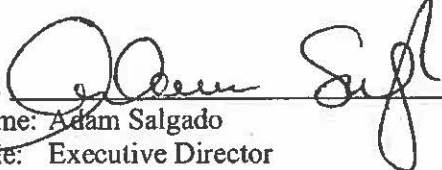
[The Balance of This Page Intentionally Left Blank]



[Signature Page to Amended and Restated PILOT Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Amended and Restated PILOT Agreement as of the day and year first above written.

**NEW ROCHELLE INDUSTRIAL  
DEVELOPMENT AGENCY**

By:   
Name: Adam Salgado  
Title: Executive Director

**550 FIFTH AVENUE OWNER L.P.**

By: Pemmil NR Manager LLC, its general  
partner

By: \_\_\_\_\_  
David Goldban  
Vice President

[Signature Page to Amended and Restated PILOT Agreement]

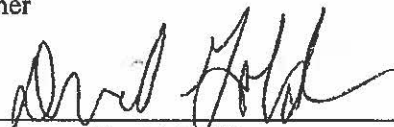
IN WITNESS WHEREOF, the parties hereto have executed this Amended and Restated PILOT Agreement as of the day and year first above written.

**NEW ROCHELLE INDUSTRIAL  
DEVELOPMENT AGENCY**

By: \_\_\_\_\_  
Name: Adam Salgado  
Title: Executive Director

**550 FIFTH AVENUE OWNER L.P.**

By: Pemmil NR Manager LLC, its general  
partner

By:  \_\_\_\_\_  
David Goldban  
Vice President

**SCHEDULE A**

to  
Amended and Restated PILOT Agreement dated as of April 1, 2025  
between  
New Rochelle Industrial Development Agency  
And  
550 Fifth Avenue Owner L.P.

PILOT Year	County and City Tax Year	School District Tax Year	Total PILOT Payment
<i>Prior to Year 1</i>	<i>2026</i>	<i>2026-2027</i>	<i>10% of Shelter Rent</i>
Year 1	2027	2027-2028	\$347,924
Year 2	2028	2028-2029	\$354,882
Year 3	2029	2029-2030	\$361,980
Year 4	2030	2030-2031	\$369,219
Year 5	2031	2031-2032	\$376,604
Year 6	2032	2032-2033	\$384,136
Year 7	2033	2033-2034	\$391,818
Year 8	2034	2034-2035	\$399,655
Year 9	2035	2035-2036	\$407,648
Year 10	2036	2036-2037	\$415,801
Year 11	2037	2037-2038	\$424,117
Year 12	2038	2038-2039	\$432,599
Year 13	2039	2039-2040	\$441,251
Year 14	2040	2040-2041	\$450,076
Year 15	2041	2041-2042	\$459,078
After Year 15...Full Taxes			

### Exhibit A - Property Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester, and State of New York, known and designated as all of Lots Numbered 23, 24, 25, 26, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 68, 69, 70, 77, 78, 81, 82, 83, 84, 87, 88, 89 and 95 and all of the lots lettered C, G, H, K, L, M, O, P and I, portions of Lots Numbered 52, 53, 71, 72, 75, 76, 90, 91, 93, 94, 80, 85, 66 and 61 and portions of streets known and designated as Reeber Street, Hoyt Avenue and Chatsworth Avenue, all of which are shown on a certain map entitled, "Map of the Village of Petersville, situate in the Town of New Rochelle, Westchester County, belonging to the Petersville Homestead Association", surveyed and laid out into lots by August Kurth, C. E. & S., June 2, 1856 and filed November 8, 1856 as Map No. 336, said lots, portion of lots and portion of streets being more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly side of Fifth Avenue, said point being distant easterly 130.34 feet from the corner formed by the intersection of the easterly side of Brackett Avenue with the northerly side of Fifth Avenue;

**THENCE** from said point of beginning and through Lots 85, 80, Hoyt Avenue, 66, 61 Chatsworth Avenue and along the division line between Lots B, 22, 21 and 20 with Lot 23 as shown on aforesaid map, North 18 degrees 24 minutes West, 848.29 feet to the northwest corner of Lot 23 as shown on said map;

**THENCE** along the division line between Lots 23, 24 and C with Lots 20, 27 and D, continuing through Reeber Street and along the division line between Lots 59, 58, 57, 56, 55, 54, 53 and 52 with Lots 39, 40, 41, 42, 43, 44 and 45 shown on said map, North 71 degrees 36 minutes East, 711.77 feet to a point on the division line between the City of New Rochelle and the Town of Mamaroneck;

**THENCE** along said division line, which extends through Lots 52, 53, Chatsworth Avenue, Lots 72, 71, 75, 76, Hoyt Avenue, Lots 91, 90, 93 and Lot 94 on said map, South 0 degrees, 47 minutes, 05 seconds East, 830.05 feet to a point on the northerly side of Fifth Avenue;

**THENCE** along said northerly side of Fifth Avenue, South 64 degrees, 31 minutes, 30 seconds West, 464.11 feet to the point and place of **BEGINNING**.



# NYSAC

— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

515 Broadway, Suite 402, Albany, New York 12207  
Phone: (518) 465-1473 Fax: (518) 465-0506  
[www.nysac.org](http://www.nysac.org)

*President:* Hon. Benjamin Boykin II, Westchester County  
*Executive Director:* Stephen J. Acquario, Esq.

April 17, 2025

Hon. Sunday Vanderberg  
148 Martine Avenue  
Michaelian Office Building, 9<sup>th</sup> floor  
White Plains, NY 10601

Dear Ms. Vanderberg:

I am writing to express my heartfelt gratitude on behalf of the New York State Association of Counties (NYSAC) for your generous contribution in support of this year's programming. These investments continue to support our efforts to acknowledge our collective accomplishments and provide unique educational experiences throughout the year.

Your resolution is a fitting tribute to the mission of NYSAC—to unite the voices of county leaders and foster excellence in county government. It is through the dedication and support of leaders like you and your colleagues that we have been able to achieve so much over the past 100 years. Your recognition not only honors our past achievements but also inspires us to continue our work with renewed vigor and commitment.

As one of NYSAC's biggest champions, I have witnessed first-hand the impact of our collaborative efforts in improving county governance and addressing the diverse needs of our communities. Your resolution serves as a testament to the enduring value of our association and the significant role county leaders play in shaping the future of our state.

Thank you once again for your support and for joining us in celebrating this historic milestone. We look forward to continuing our partnership and advancing the mission of NYSAC together.

With gratitude and best regards,

Sincerely,

Hon. Benjamin Boykin II  
President

WESTCHESTER COUNTY  
BOARD OF LEGISLATORS  
2025 MAY 15 PM 2:36

RECEIVED

*Committed to counties since 1925*

*Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Queens, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Y.*



RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

**WHEREAS**, the County Executive having on the 29<sup>th</sup> day of January, 2025 recommended the appointment of JoAnne Ferrara, Ed.D, of Port Chester, New York as a member of the Westchester County Youth Board for a term to commence on January 29, 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 28<sup>th</sup> day of April, 2025 approved the appointment of JoAnne Ferrara, Ed.D to the Westchester County Youth Board; NOW THEREFORE BE IT

**RESOLVED**, that said appointment be and is hereby approved.

Dated: April 28, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

Dated: April 28, 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:

**APPOINTMENTS**

A handwritten signature in black ink, appearing to be "Perry", with a long horizontal flourish extending to the right.



RESOLUTION - 2025

TO THE COUNTY BOARD OF LEGISLATORS  
OF THE COUNTY OF WESTCHESTER, NEW YORK

**WHEREAS**, the County Executive having on the 21<sup>st</sup> day of January, 2025, recommended the reappointment of Chief Joseph P. Castelli of Mohegan Lake, New York, as a member of the Westchester County Domestic Violence Council, for a term to commence on January 21, 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 31<sup>st</sup> day of March, 2025 approved the reappointment of Chief Joseph P. Castelli to the Westchester County Domestic Violence Council; NOW THEREFORE BE IT

**RESOLVED**, that said reappointment be and is hereby approved.

Dated: April 21, 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 1<sup>st</sup> day of January, 2025 recommended the reappointment of Dr. Bhavana Pahwa of White Plains, New York, as a member of the Westchester County Asian American Advisory Board, for a term to commence on January 1, 2025 and to 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 21<sup>st</sup> day of April, 2025, approved the reappointment of Dr. Bhavana Pahwa to the Westchester County Asian American Advisory Board; NOW THEREFORE BE IT

**RESOLVED**, that said reappointment be and is hereby approved.

Dated: April 21, 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 4<sup>th</sup> day of March, 2025 recommended the reappointment of Howard Shih of Mount Kisco, New York, as a member of the Westchester County Asian American Advisory Board, for a term to commence on March 4, 2025 and to 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 21<sup>st</sup> day of April, 2025, approved the reappointment of Howard Shih to the Westchester County Asian American Advisory Board; NOW THEREFORE BE IT

**RESOLVED**, that said reappointment be and is hereby approved.

Dated: April 21, 2025  
White Plains, New York

The block contains four handwritten signatures in blue ink, stacked vertically. The signatures are cursive and appear to be of the following individuals: Robert A. M. (top), Robert A. M. (second), Robert A. M. (third), and Robert A. M. (bottom). The signatures are written over a faint, illegible background.

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 4<sup>th</sup> day of March, 2025 recommended the reappointment of Vincent S. Young of White Plains, New York, as a member of the Westchester County Asian American Advisory Board, for a term to commence on March 4, 2025 and to 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 21<sup>st</sup> day of April, 2025, approved the reappointment of Vincent S. Young to the Westchester County Asian American Advisory Board; NOW THEREFORE BE IT

**RESOLVED**, that said reappointment be and is hereby approved.

Dated: April 21, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

**RESOLUTION NO. \_\_\_\_\_ - 2025**

**RESOLVED**, that a public hearing shall be held in accordance with requirements of law, in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the \_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ .m. upon a proposed Local Law entitled “A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children’s Museum for the operation of a children’s museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement;” and be it further

**RESOLVED**, that the Clerk of the Board of Legislators be and hereby is authorized and empowered to cause notice of such public hearing to be published in the official newspaper of the County at such times and in such manner as required by law.

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

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

Your Committee is in receipt of a transmittal from the County Executive recommending adoption of a Local Law which would authorize the County of Westchester (the "County") to amend and restate the current ten (10) year lease agreement (the "Original Lease") with the Westchester Children's Museum (the "Children's Museum") for the operation of a children's museum on approximately 21,390 square feet of County property which was formerly utilized as a men's bathhouse (the "Leased Premises") located in Playland Park, Rye, New York, in order to extend the term by an additional twenty (20) years and to amend and clarify certain other provisions of the Lease relating to the maintenance and repair of the Leased Premises ("Amended and Restated Lease").

As your Honorable Board may recall, the Leased Premises was discontinued as parkland pursuant to Chapter 183 of the 2003 Laws of the State of New York (the "State"), as amended (the "State Legislation"), and the County was authorized to enter into a lease with the Children's Museum for a term of up to thirty (30) years. The State, in its authorizing legislation, conditioned its approval on the following:

1. State authorization is effective only upon condition that the County dedicate an amount equal to the fair market value of those interests being transferred for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities;
2. should the Leased Premises cease to be operated as a children's museum, the Lease shall terminate and revert to the County for public park and recreational purposes;
3. the children's museum shall be made available to the general public on an equitable basis; and
4. where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Westchester Children's Museum in conjunction with the County, which provides priority use to the general public.



As your Honorable Board may further recall, Local Law 9-2011 subsequently authorized County to enter into the Original Lease with the Children's Museum, having a term of ten (10) years for \$1 per year. Pursuant to the terms of the Original Lease, the Children's Museum agreed to maintain the Leased Premises and to perform capital improvements to the Leased Premises totaling approximately \$6,441,300. In addition, the requirements and conditions of the State Legislation were incorporated into the Original Lease. I have been advised that the Original Lease commenced on December 14, 2015 and, to date, the Children's Museum has continuously operated the museum and has completed approximately \$4,605,000.00 in capital improvements.

Under the terms of the proposed Amended and Restated Lease, the termination date shall be extended an additional twenty (20) years to December 13, 2045 and the Children's Museum shall continue paying rent of \$1 per year to the County. In addition, the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease and at its sole cost and expense, and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. However, the County shall provide propane, electricity, and other certain utility services to the Children's Museum at a cost of \$1,500.00 per month for the first five (5) years of the Amended and Restated Lease extension ("First Five Year Period"), adjusted annually for changes in CPI. At the end of the First Five Year Period and on each five (5) year anniversary thereafter, the Commissioner of the County's Department of Parks, Recreation and Conservation (the "Department") shall determine, in her sole discretion, whether or not the County will continue providing these services and, if so, the future costs for these services.

In addition, under the terms of the proposed Amended and Restated Lease, the Children's Museum shall invest a minimum of an additional \$10,000,000.00 in capital improvements to the Leased Premises during the remaining term. All improvements shall be subject to the approval of the Department and the County's Department of Public Works & Transportation. The County has further agreed that the County may, in its sole discretion, fund exterior repairs to the Leased Premises, including but not limited to roof repairs up to \$1,000,000.00, subject to appropriations



and receipt of all future necessary legal approvals. Finally, the requirements and conditions of the State Legislation will remain expressly incorporated into the Amended and Restated Lease.

In compliance with the first condition of the State Legislation, the Department has advised that a market rental analysis prepared by Property Valuation, Inc. dated May 24, 2023, determined that the value of the proposed extension is approximately \$10,627,506.00 total over the twenty (20) year extension period. The Department has further advised that since the commencement of the Original Lease in 2015, the County has spent over \$150,000,000.00 on capital improvements at Playland Park alone, including over \$20,000,000.00 on the Playland Pool Complex and South Bathhouse. In addition, all other conditions of the State Legislation have been and are currently being met and the County is therefore authorized, subject to approval by your Honorable Board, to extend the Lease for an additional twenty (20) years.

The Department has advised that the Children's Museum has provided the public with an educational resource and age-appropriate museum for children that provides educational, recreational and economic value to the residents of Westchester County and is consistent with the Department's mission: *To create life-enriching experiences at safe, clean, affordable parks and preserve our natural resources through responsible leadership.*

The Planning Department has advised that, based on its review, the proposed Amended and Restated Lease constitutes a "Type II" under the State Environmental Quality Review Act, 6 NYCRR Part 617 ("SEQRA"), which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. A copy of the SEQRA documentation is annexed hereto. Your Committee concurs with this recommendation.

It should be noted that in accordance with Section 104.11(5)(b) of the Laws of Westchester County, an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the attached local law.

Your Committee has carefully considered the proposed local law and therefore recommends that your Honorable Board adopt the proposed local law authorizing County to enter into an Amended and Restated Lease with the Children's Museum in order to extend the

term of the Original Lease by an additional twenty (20) years and clarify certain other provisions relating to the maintenance and repair of the Leased Premises.

Dated: April 28<sup>th</sup>, 2025  
White Plains, New York

James J. Bell John  
David J. John  
Z. H.  
Vedat Gashi  
D. H.  
H. H.  
H. H.

H. H.  
James J. Bell John  
Z. H.  
Vedat Gashi  
D. H.

David J. John  
Z. H.  
Vedat Gashi  
H. H.

c/jpi/3.21.25

COMMITTEE ON

Budget & Appropriations

Public Works &  
Transportation

Parks &  
Environment

Dated: April 28, 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.***

A handwritten signature in black ink, reading "Colin J. Ford". The signature is written in a cursive style with a stylized "F" and "D".

**COMMITTEE ON**

Budget & Appropriations

## FISCAL IMPACT STATEMENT

**SUBJECT: Westchester Children's Museum**

☐ 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** \$ \_\_\_\_\_

<b>Total Current Year Revenue</b>	<b>\$</b>	<b>751</b>
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**Source of Funds (check one):** ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

**Identify Accounts:** Revenue - 165-42-5520-9205

Potential Related Operating Budget Expenses:	Annual Amount
Depreciation	\$1,000,000
Salaries	\$1,000,000
Utilities	\$1,000,000
Insurance	\$1,000,000
Other	\$1,000,000
<b>Total</b>	<b>\$5,000,000</b>

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

<b>Potential Related Operating Budget Revenues:</b>	<b>Annual Amount</b>	<b>\$18,001</b>
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**Describe:** Rent of \$1 per year plus \$1,500 per month (\$18,000 annually) for the use of  
utilities (propane/electric). Monthly payment for utilities to begin on 12/14/2025.

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

**Current Year:**


**Next Four Years:** Leasee agrees to invest \$10,000,000 in capital improvements to the  
leased premises during the term of the lease.

Prepared by: Kerry Riguzzi 

**Title:** Manager - Fiscal Operations

**Department:** Parks, Recreation & Conservation


**Date:** March 17, 2025

Reviewed By: 

### Budget Director

Date: 4/1/2025

TO: Tami Altschiller, Assistant Chief Deputy County Attorney  
Department of Law

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

DATE: March 27, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
AMENDEMENT OF THE WESTCHESTER CHILDREN'S MUSEUM  
LEASE AGREEMENT**

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**PROJECT/ACTION:** Legislation to amend and restate the 10-year lease agreement with the Westchester Children's Museum for the building formerly utilized as a men's bathhouse in Playland Park to extend the term by an additional 20 years. Pursuant to the terms of the proposed lease amendment, the Children's Museum shall make all required repairs to the leased premises, including exterior and structural repairs, as well as invest in capital improvements to the leased premises subject to the approval of the County's departments of Parks, Recreation & Conservation and Public Works & Transportation.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the proposed action, may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(1):** maintenance or repair involving no substantial changes in an existing structure or facility; and
- **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)(32):** license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

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**COMMENTS:** All repairs and improvements will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Future capital improvements by the Children's Museum will be subject to County department approvals and any further environmental review as may be required by SEQR.

DSK/oav

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation  
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation  
John Paul Iannace, Senior Assistant County Attorney  
Claudia Maxwell, Principal Environmental Planner



**LOCAL LAW INTRO. NO. – 2025**

A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement.

**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 amended and restated lease agreement ("Amended and Restated Lease") with the Westchester Children's Museum ("Children's Museum") for the operation of a children's museum on approximately 21,390 square feet of County property in Playland Park, Rye, New York (the "Leased Premises") in order to extend the term an additional twenty (20) years for a new termination date of December 13, 2045. Lease fees shall be paid at the rate of \$1 per year for the term and the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease at its sole cost and expense and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. Additionally, the Children's Museum shall make capital improvements over the remaining term of the Amended and Restated Lease to the Leased Premises totaling approximately Ten Million Dollars (\$10,000,000). All improvements shall be subject to the approval of the County's Department of Parks, Recreation and Conservation and the Department of Public Works.

**§2.** The County Executive or his authorized designee is authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Local Law.

**§3.** This Local Law shall take effect immediately.

day of **THIS RESTATED AND AMENDED LEASE AGREEMENT** made this  
, 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" or the "Landlord"),

and

**WESTCHESTER CHILDREN'S MUSEUM**, an educational corporation having an office and place of business 100 Playland Parkway, Rye, New York 10580 (hereinafter referred to as the "Lessee" or the "Children's Museum").

**WITNESSETH:**

**WHEREAS**, the County, acting through its Department of Parks, Recreation and Conservation, and Lessee executed a ten (10) year lease dated January 25, 2017 (the "Initial Lease Document") for approximately 23,856 square feet of property which was formerly utilized as a men's bathhouse at Playland Park, Rye, New York for the operation of a children's museum; and

**WHEREAS**, pursuant to Chapter 83 of the 2003 Laws of the State of New York, as amended by Chapter 376 of the Laws of 2010 ("State Law"), the Leased Premises were discontinued as parkland and the County was authorized to enter into a Lease with the Lessee for a term not in excess of thirty (30) years, subject to certain conditions and

**WHEREAS**, the County and Lessee desire to restate and amend the Initial Lease Document and extend the Term of the lease from ten years to thirty years which mirrors the term authorized by the State Law; and



**NOW, THEREFORE,** in consideration of the agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree the Initial Lease Document shall be amended and restated in its entirety and as more particularly set forth herein, as follows:

**ARTICLE 1**  
**DESCRIPTION AND USE**

1.1 The County hereby leases to the Lessee and the Lessee hereby accepts from the County all those certain premises formerly the men's bathhouse located at Playland Park, Rye, New York ("Lease"), consisting of the premises as more particularly defined on Schedule "A" annexed hereto (hereinafter the "Leased Premises"), and made a part hereof.

1.2 The Lessee shall occupy and use the Leased Premises for the operation of a children's museum, which shall be made available to the general public on an equitable basis.

1.3 Pursuant to the State Law, the Lessee agrees as follows:

- (a) Should the Leased Premises cease to be operated as a children's museum, the Lease shall immediately terminate and the Leased Premises shall revert to the County for public park and recreational purposes;
- (b) The children's museum shall be made available to the general public on an equitable basis; and
- (c) Where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Children's Museum in conjunction with the County, which provides priority use to the general public.

## **ARTICLE 2**

### **TERM**

2.1. The lease term ("Lease Term") shall be deemed to have commenced at 12:00 a.m. on December 14, 2015, (the "Commencement Date"), and shall terminate at 11:59 p.m. on December 13, 2045, unless sooner terminated in accordance with the terms contained in this Lease.

## **ARTICLE 3**

### **FEES**

3.1 As consideration for the rights granted to the Lessee pursuant to Article "1", supra, the Lessee shall pay to the County during the term hereof the following:

- (a) Beginning with the Commencement Date and continuing through the Lease Term, the annual sum of ONE DOLLAR, payable in advance on the anniversary of the Commencement Date.
- (b) In addition to the aforesaid fees payable to the County, Lessee shall be solely responsible for and shall pay and discharge, when due and payable, any and all real property assessments, water meter and sewer rents, utility charges, all other utilities, internet, telephone, refuse removal and recycling, sprinkler servicing, dehumidifier servicing, burglary and fire protection services, exterminator services, etc. and all other charges which may become due and payable to any party Lessee contracts with in connection with the Leased Premises during the term of this Lease.

3.2 It is the intention of the parties hereto that all costs, expenses and obligations of every kind relating to the Leased Premises or the Children's Museum (except as otherwise specifically provided in this Lease) which may arise or become due during the Lease Term, shall be paid by the Lessee, and that the County shall be indemnified by the Lessee against such costs, expenses and obligations.

3.3 Notwithstanding anything to the contrary contained herein, for the period of December 14, 2025 to December 13, 2030 ("Five Year Period"), the County shall provide propane (LNG) and electricity services (collectively the "LNG/Electricity Utilities") to the Children's Museum at a cost of \$1,500.00 per month ("Utility Fee") payable to the County monthly on the first day of the month. The Utility Fee shall be adjusted yearly starting December 14, 2026 by the percentage change in the Consumer Price Index over the immediately preceding calendar year. "Consumer Price Index" means the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, All Items, New York, New York – Northeastern New Jersey Area, all urban consumers (1982-84 = 100), or a successor index ("CPI"). At the end of the Five Year Period and on each five (5) year anniversary from the Five Year Period thereafter through the Lease Term, the Commissioner of the County's Department of Parks, Recreation and Conservation or his/her duly authorized designee (collectively the "Commissioner"), in his/her sole discretion, whether or not the County will continue providing the LNG/Electricity Utilities to Lessee. If it is determined that the County shall continue to provide PNG/Electricity Utilities to the Children's Museum the new monthly fee for the LNG/Electricity Utilities shall be calculated at that time by the Commissioner in his/her sole discretion (subject to ongoing annual CPI adjustments). . If it is determined that such utilities will be discontinued then the Children's Museum must procure and contract for LNG/Electricity Utilities directly.

3.4 All fees due to the County under the Lease shall be payable at the Office of the Commissioner when due, or at such other office as the County may designate by notice. An interest charge shall be assessed on any late or overdue payment at a rate of 1.5% per month.

3.5 All fees due to the County in this Article 3 shall be considered additional rent.

#### **ARTICLE 4**

#### **ACCOUNTS**

4.1 The Lessee shall keep the books of accounts and records of all operations and establish a system of bookkeeping and accounts in a manner considered to be good accounting practice according to the American Institute of Certified Public Accountants and satisfactory to the Commissioner, and shall permit inspection of said books and records by the County as often as deemed necessary in the opinion of the Commissioner. The Lessee shall, within one hundred twenty (120) days of the end of each calendar year, submit a certified, audited annual report, or as required by the Commissioner, a profit and loss statement of operations under the terms of this Lease, in a form considered to be good accounting practice according to the American Institute of Certified Public Accountants and satisfactory to the Commissioner. The County, its employees and agents, shall have the right to inspect the Lessee's operation at any time and for any reason provided such inspections shall not unreasonably interfere with Lessee's business operations.

#### **ARTICLE 5**

#### **PROPOSED ALTERATIONS**

5.1.1 The parties acknowledge and agree that, as of the date hereof, the Lessee has invested a total of FOUR MILLION SIX HUNDRED FIVE THOUSAND (\$4,605,000.00) DOLLARS in capital improvements to the Leased Premises.

The parties further acknowledge and agree that during the remaining Lease Term, the Lessee shall invest a minimum of an additional TEN MILLION (\$10,000,000.00) DOLLARS in future capital improvements.

5.1.2 Lessee may make capital improvements which comprise changes or alterations to the interior or exterior of the Leased Premises (collectively "Proposed Alterations"), subject to Landlord's prior written approval and subject to necessary legal approvals, if any. Lessee, at its own expense, shall engage an engineer to prepare plans of any Proposed Alterations in sufficient detail to demonstrate that same are in compliance with Applicable Laws, and then current construction techniques and applicable engineering standards and requirements. All such plans shall be delivered to the Commissioner for the County's review and approval.

Landlord shall notify Lessee within sixty (60) days after receipt of any such plans of its approval or disapproval of the proposed plans, and, in the event of its disapproval, shall specifically identify Landlord's objection and state its reasons therefor, in which event Lessee shall have the right to re-submit revised plans for Landlord's approval, and Landlord shall notify Lessee within thirty (30) days after receipt of any such revised plans of its approval or disapproval of the revised plans, and, in the event of its disapproval, shall specifically identify Landlord's objection and state its reasons therefor. The parties agree that Lessee shall have the right to continue to submit further revised plans to Landlord until the revised plans are approved.

Any Proposed Alterations pursuant to this Article 5 shall be subject to the following conditions which Lessee covenants to observe and perform:

(a) Any structural change or alteration shall be conducted under the supervision of a licensed architect or engineer selected by Lessee.

(b) All changes and alterations shall be of such a character that, when completed, the value and utility of the changes and alterations shall not be less than the value and utility thereof immediately prior to any such change or alteration.

(c) All work done in connection with any change or alteration shall be done in a good and workmanlike manner and will be of the highest quality and will be consistent with the overall quality of the materials and workmanship employed throughout the Leased Premises.

(e) Copies of all “as built” drawings, if applicable, (which shall be deemed to include final architectural and engineering plans with field notations thereon) and equipment and building system operating and maintenance manuals, for the Proposed Alterations, shall be delivered to the Commissioner to complete the County’s records. Final “as built” drawings must be signed and sealed by a licensed New York design professional.

5.1.3 All Proposed Alterations shall comply with all applicable laws, ordinances, regulations or orders of any Federal, State, Municipal or other public authority affecting the same, including Local, County, and State building and fire codes, New York's State Environmental Quality Review Act (“SEQRA”) and all requirements of the New York Board of Fire Underwriters or other similar bodies having jurisdiction. All work will be subject to further environmental review pursuant to SEQRA, and Lessee shall cooperate with the County in connection with the preparation of any necessary environmental assessment and other supporting documentation necessary to carry out the improvements in accordance with SEQRA.

In addition, Lessee shall ensure that any contractors or consultants engaged by it to perform any work pursuant to this Lease, including Proposed Alterations, repairs and/or maintenance, in addition to any prior approvals required by the County hereunder, shall comply with the material terms and conditions of the Lease including but not limited to providing the required insurance naming the County as additional insured as set forth in Schedule “B”, as applicable to the work being performed by said contractor or consultant.

5.2 Proposed Alterations shall be scheduled so that there shall be no interruption in the use of Playland Park. Any determination with respect to whether particular items of work should be deemed complete shall be made by the Commissioner in good faith after taking into consideration the customary practices and procedures employed at similar facilities throughout the area.

5.3.1 Lessee shall further comply with any County laws and regulations concerning permitting and construction on County property, which now exist or shall hereafter be enacted or promulgated, including, but not limited to any acts, rules or regulations establishing a County building code and its enforcement and administration (the "County Code") and ensure that its permitted use(s), and any modifications thereto, comply with the County Code, including, but not limited, where applicable, filing an application for and obtaining any and all permits required by the County Code and being subject to inspections and County approvals as required by the County Code.

5.4.1 The County shall cooperate with and assist the Lessee in obtaining any necessary permits and approvals including when reasonably necessary or appropriate authorizing application for such permits in the name of or on behalf of the County. Nothing contained herein shall be construed to obligate the County to expend any money or pay any permit fees, charges or penalties (whether or not such permit shall be held in the name of the County), it being the intent of the parties that all cost and obligations incurred in obtaining any necessary permits or approvals shall be borne solely by the Lessee.

5.4.2 The Lessee, at its sole cost and expense, shall apply for and obtain all permits as may be required.

5.5 Title to the improvements and to all supplies and materials expended or utilized in connection with the construction of any Proposed Alterations or repairs shall be vested in the County immediately upon their incorporation into the Leased Premises. Except as expressly set forth herein to the contrary, title to any equipment which is incorporated into the improvements and permanently affixed to the Leased Premises shall vest in the County immediately upon its installation.

5.6 During construction of an Proposed Alterations, and in addition to inspections performed in accordance with the County Code, the County may, from time to time, and at reasonable times, inspect the facilities being modified hereunder, provided that conduct of



such inspection shall not interfere with Lessee's construction activities. In the event that during such construction, the County reasonably determines that the construction is not being performed substantially in accordance with approved plans or the County Code, then the County shall give prompt written notice to the Lessee, specifying in detail the particular deficiency, omission, or other respect in which the County claims construction is not in accord with the approved plans or the County Code and the Lessee shall remedy the deficiency within a commercially reasonable time. In the event the Lessee disputes the County's objection that the construction is not being performed in accordance with the approved plans then the Lessee may respond in writing within five (5) business days setting forth with specificity the reason or reasons why it believes the construction conforms to the plans. Within a reasonable time thereafter the Commissioner, after such reasonable consultation and review as he may deem appropriate, shall advise the Lessee in writing as to whether the County's original objection shall be withdrawn, upheld or modified.

5.7 Before the Lessee or any contractor employed by Lessee undertakes any construction activities hereunder, the person responsible for performing the work shall furnish a performance and payment bond in form reasonably satisfactory to the County, having as surety a United States Treasury Listed surety company authorized to do business in New York and of recognized responsibility, in an amount equal to the estimated cost of construction as estimated by Lessee's architect or general contractor and approved as to amount by the County. Said bond shall be conditioned, without exception or proviso, upon the completion in accordance with the terms of this Lease and, substantially in accordance with the approved plans, in compliance with all applicable legal requirements, free and clear of all liens; and shall also be conditioned for the payment of the entire cost thereof.

## **ARTICLE 6**

### **LIENS**

6.1 Except as otherwise expressly provided herein, Lessee will not create or permit to be created, and will discharge within thirty (30) days after notice of the filing thereof, any lien, encumbrance or charge upon the Leased Premises or any equipment affixed to thereof,

having priority over or parity with the estate, title, right and/or interest of the County in the Leased Premises or such equipment.

**ARTICLE 7**  
**FOOD AND BEVERAGE HANDLING**

7.1 If a restaurant or cafeteria is to be constructed at the Leased Premises, the Lessee's employees shall wear clean, washable uniforms or clothing and shall wear caps or nets where required. The employees shall be clean in their habits and shall thoroughly wash their hands before beginning work and immediately after each trip to the lavatories and shall keep them clean throughout the entire work period. The food service establishment shall at all times comply with New York State Department of Health laws, rules and regulations and the Lessee shall obtain all required food permits.

7.2 All food and beverages shall be clean, fresh, pure, of first class quality and safe for human consumption.

7.3 The Leased Premises and all equipment and materials used by the Lessee shall at all times be clean, sanitary and free from rubbish, refuse, dust, dirt, offensive or unclean material, flies and other insects, rodents and vermin. All apparatus, utensils, devices, machines and piping used by the Lessee shall be constructed so as to facilitate the cleaning and inspection thereof and shall be properly cleaned after each period of use. All trays, dishes, crockery, glassware, cutlery and other equipment of such type shall be properly cleaned and sanitized before each use. No chipped or cracked dishes, crockery, or glassware shall be used. The County reserves the right to require other sanitizing procedures that it deems reasonable and necessary.

**ARTICLE 8**  
**QUALITY AND PRICE**

8.1 The Lessee warrants that admission fees, products, food and beverages shall be made available to the public at reasonable prices and further warrants that they shall be of first quality. For purposes of this Lease, "reasonable prices" shall mean prices that are comparable to prices for similar items sold at museums within a fifteen (15) mile radius of the Leased Premises. The County reserves the right of final approval on all prices charged for products, food and beverages and on the items to be offered for sale at the Leased Premises.

## **ARTICLE 9**

### **EQUIPMENT**

9.1 Lessee shall install all equipment necessary for the proper operation of the Children's Museum and shall make full payment for the same, and shall maintain all equipment, fixed and expendable, in good order and repair at Lessee's sole cost and expense during the term of this Lease. Plans and specifications for any additional and fixed equipment shall be submitted to the Commissioner for approval before being installed at the Leased Premises, and the installation shall be subject to inspection and approval of the Commissioner.

9.2 All air conditioning, fire sprinkling, electrical, plumbing and ventilating equipment, apparatus and devices, any and all fixtures, and all structural and non-structural physical improvements approved by the Commissioner for installation at the Leased Premises shall, immediately upon installation, be deemed to be attached to the realty and shall become property of the County to the same extent as if the same had been installed by the County prior to the commencement of the Lease.

9.3.1 The Lessee agrees to supply, maintain and replace at the sole cost and expense of Lessee all equipment required for the proper operation of the Children's Museum including, without limitation, food preparation equipment, serving equipment, eating utensils, dishes, glasses, barware, linens, and uniforms. All such equipment must be of first quality and approved by the Commissioner before being delivered to the Leased Premises.

9.3.2 Title to equipment that is affixed to the Leased Premises shall vest immediately in the County upon installation. Title to equipment provided by Lessee and not

affixed to the Leased Premises shall remain in Lessee, and such equipment shall be removed by Lessee at the termination or expiration of this Lease except as otherwise provided for herein. Should any such property remain on the Leased Premises after such expiration or termination, Commissioner may deal with such as though same had been abandoned and charge all cost and expense incurred in the removal thereof to Lessee. Lessee's obligation to observe and perform all of the terms and covenants and conditions of this Lease shall survive the expiration or other termination hereof.

## **ARTICLE 10**

### **MAINTENANCE AND ALTERATIONS**

10.1.1 (a) Lessee, at its sole cost and expense, shall keep the Leased Premises in clean and in good order and shall make all required repairs to the Leased Premises, including all exterior and structural repairs.

(b) Except as otherwise provided for herein, Lessee, at its sole cost and expense, shall further maintain and keep the area within fifteen (15) feet of the boundaries of the Leased Premises (the "Buffer Area"), clean and in good order, and shall make all required repairs in and to the Buffer Area, except for structural repairs which shall be the responsibility of the County.

(c) Notwithstanding anything to the contrary contained elsewhere herein, the County shall provide snow removal and salting services at no cost to the Lessee in the following areas of the Leased Premises and immediately adjacent to the Leased Premises: 1) Loading dock area; 2) the two (2) stairs located at rear of the Leased Premises; 3) the two (2) door areas located at the sides of the Leased Premises; and 4) Shoveling and salting of a footpath from the main boardwalk to the front door of the Leased Premises.

10.1.2 In the event Lessee fails to commence to maintain, clean, repair, replace, rebuild or repaint within a period of thirty (30) days after written notice from the County requesting such work, or in the event Lessee fails to diligently continue to completion any such work, the County may, at its sole option, and in addition to any other remedies available to it, enter the Leased Premises and clean, repair, replace, rebuild or repaint all or any part of the

Leased Premises or the improvements thereon at the cost and expense of Lessee. However, if in the sole opinion of the County, the failure of Lessee to perform such maintenance endangers the safety of the public, the employees or the property of the County, and the County states same in its notice, the County may, at its sole option, and in addition to any other remedies available to it, enter the Leased Premises and performs such maintenance at any time after giving of notice. Lessee agrees to pay all costs and expense associated with such maintenance.

10.2 The Lessee acknowledges that it does not and shall not have any claim against the County, its agents, or contractors for interference in or interruption of its operations as a result of any improvements made by the County. The County shall use reasonable efforts to minimize such interruptions or interference in operations without waiving its right to make improvements to the Playland Park property or its buildings.

10.3 It is the intention of the parties hereto that the Lessee shall pay all costs associated with the maintenance and repair of the Leased Premises, including, but not limited to costs of any necessary capital improvements/repairs to the exterior or interior of the Leased Premises, as well as routine maintenance. Any such capital improvements/repairs shall be subject to the prior approval of the County.

10.4 All upkeep and maintenance required to be performed by Lessee shall be subject to approval of the Commissioner in his or her sole discretion. Copies of all maintenance agreements and schedules shall be provided to Commissioner prior to commencement of any work other than routine maintenance such as cleaning.

10.5 The Parties acknowledge that the County may propose a one-time capital project of up to \$1,000,000.00 to fund exterior repairs to the Leased Premises, including but not limited to roof repairs. Notwithstanding anything to the contrary contained elsewhere herein, the County, may in its sole discretion and subject to the receipt of all necessary legal appropriations and approvals including those approvals from the County Board of Legislators and Board of Acquisition and Contract, perform such work.

**ARTICLE 11**  
**MANAGEMENT**

11.1 The Lessee shall employ a manager to supervise and manage the Children's Museum. The Lessee shall employ a sufficient number of trained, knowledgeable personnel to insure the safe and proper operation of the Children's Museum. The Lessee shall provide, and its employees shall wear, appropriate employee identification and, if required by the Commissioner, uniforms. Employee identification and apparel shall be subject to the approval of the Commissioner.

11.2 The operation of the Children's Museum shall be conducted in an orderly and proper manner so as not to annoy, disturb or offend others using the County's park facilities. The Lessee shall immediately remove the cause of any objection made by the Commissioner regarding the demeanor, conduct and appearance of any Lessee employees, invitees or business guests.

**ARTICLE 12**  
**ASSIGNMENT**

12.1 The Lessee shall not assign, sublet, subcontract or otherwise dispose of this Lease, or any right, duty or interest herein, without the prior written consent of the Commissioner, nor shall this Lease be transferred by operation of law, it being the purpose and spirit of this instrument to grant this Lease and privilege solely to the Lessee named herein. No assignment, subcontracting, subletting or other such disposition of this Lease, either with or without such consent of the Commissioner, shall serve to relieve the Lessee of its obligations hereunder.

**ARTICLE 13**  
**INSURANCE, DAMAGE, DESTRUCTION**

13.1 To safeguard the interest and property of the County, the County in its own name as the insured, will procure and maintain throughout the term of this Lease insurance protection for fire and extended risks on the structure and improvements of which the Leased Premises are a part. Lessee agrees that it will reimburse County for the proportionate share of insurance premium costs applicable to the Leased Premises upon the presentation to Lessee of a bill.

13.2 In the event the Leased Premises or any building or structure thereon, are wholly or partially destroyed by any cause not the fault of the Lessee, the County shall have the option, exercisable for a period of sixty (60) days, to repair, rebuild or restore the damaged or destroyed premises. If the County elects to repair or restore the premises, the Lessee shall be entitled, during the period commencing with the date of damage and ending upon the completion of repairs by the County, and at the discretion of the Commissioner, to a reduction in fees payable to the County based upon the extent to which the Lessee's operations are prevented or diminished during such period.

13.3 If the County elects not to repair or restore the Leased Premises, it shall promptly so notify the Lessee, in which event the Lessee shall have the option, at its sole cost and expense, of repairing and restoring the premises or of forthwith, upon written notice, terminating this Lease.

13.4 If such damage results from any act or omission of the Lessee, then this Lease shall continue in full force and effect, without any abatement or reduction in fees payable hereunder, and the Lessee, at its sole cost and expense, shall repair the damage and return the Leased Premises to the condition existing at the commencement of the term hereof. Upon the failure of the Lessee to make such repairs, the County may repair such damage at the Lessee's cost and expense.



13.5 Lessee shall ensure that the County is named as an additional insured on all insurance obtained by any contractor(s) performing any work, including but limited to construction work, at the Leased Premises. All contracts pertaining to any work at the Leased Premises shall provide that the County shall be indemnified and held harmless against and from all liability arising from the work in a form reasonably acceptable to the County. All contracts pertaining to any work shall make the County a third party beneficiary thereunder so as to afford to the County the same rights and remedies afforded to the Lessee for breach of contract.

#### **ARTICLE 14**

#### **INDEMNIFICATION**

14.1 In addition to, and not in limitation of, the insurance requirements contained in Schedule "B" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Lessee 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 Lessee 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 acts or omissions of the Lessee or third parties under the direction or control of the Lessee; and

(b) to provide defense for and defend, at Lessee's sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Lease and to bear all other costs and expenses related thereto; and

(c) in the event the Lessee 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 Lessee 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 Lease.

**ARTICLE 15**  
**BANKRUPTCY**

15.1 If at any time during the term of this Lease, any petition in bankruptcy shall be filed by or against the Lessee or if the Lessee shall be adjudicated a bankrupt; or if a Receiver shall be appointed to take possession of the Lessee's property; or if the Lessee shall make any assignment for the benefit of creditors, this Lease shall, at the option of the County, immediately cease, terminate and expire. Nothing hereunder shall relieve the Lessee from any liability incurred under this Lease and the Lessee covenants and agrees to yield and deliver to the County possession of the Leased Premises promptly and in good condition on the date of the cessation of this Lease, whether such cessation be by termination, expiration or otherwise.

**ARTICLE 16**  
**TERMINATION**

16.1 In the event that the Lessee 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 might have, may terminate this Lease upon thirty (30) days' written notice to Lessee. The Lessee shall have the notice period to cure such default. If such default remains uncured, County, at its sole option, may extend the period to cure. Upon the expiration of the extension, absent further extension, termination becomes effective.

16.2 In the event that the County defaults in the performance of any term, condition or covenant herein contained, the Lessee, at its option and in addition to any other remedy it might have, may terminate this Lease upon ninety (90) days' written notice to County. The County shall have the notice period to cure such default. If such default remains uncured, Lessee, at its sole option, may extend the period to cure. Upon the expiration of the extension, absent further extension, termination becomes effective.

16.3 In the event of termination, Lessee agrees to peaceably surrender the Leased Premises to County. Upon such surrender, the County may re-enter and reoccupy the Leased Premises and use any property of the Lessee located at the Leased Premises on the date of termination.

16.4 No holding over by Lessee after the termination or expiration of this Lease shall operate to extend or renew this Lease for any further term whatsoever. Continued occupancy thereof by Lessee shall constitute trespassing by Lessee. In addition to any other remedy available to the County, any holding over by Lessee without the written consent of the County shall make Lessee liable to the County for damages equal to a good faith estimate made by the Commissioner of the actual value of the leasehold over time.

## **ARTICLE 17**

### **MISCELLANEOUS PROVISIONS**

17.1 **LEGAL COMPLIANCE**: The Lessee shall, at its sole cost and expense, procure and maintain in full force and effect for the term of this Lease, all permits and approvals from all applicable governmental authorities. The Lessee shall further obey, perform and comply with any and all federal, state and local laws, rules, regulations, orders, ordinances and requirements of every kind and nature affecting the Leased Premises, which now exist or shall hereafter be enacted or promulgated, including, but not limited to, local zoning, SEQRA, state or County executive orders, and requirements of the New York Board of Fire Underwriters, the New York Fire Insurance Rating Organization or other entity with similar functions. All repairs and improvements will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

17.2 **NON-DISCRIMINATION**: The Lessee 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 Lease, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Lessee 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.

17.3 FORCE MAJEURE: Neither the County nor the Lessee, as the case may be, shall be deemed in breach hereof if it is prevented from performing any of the obligations hereunder by reason of acts of God, acts of the public enemy, acts of superior governmental authority, strikes or labor disputes, floods, riots, rebellion, sabotage, public health emergencies, utility service disruptions, or any similar other circumstances not within its reasonable control.

17.4 INSPECTION: The Commissioner shall be entitled to enter the Leased Premises for the purposes of inspecting, observing and monitoring any aspect of Lessee's operations. The Lessee shall also permit inspection of same by any federal, state, County or municipal officer having jurisdiction. The Lessee, at its sole cost and expense, shall promptly remedy any and all violations issued as a result of such inspection.

17.5 FLAMMABLES: The Lessee shall not use or store any explosives, toxic materials or flammables on or about the Leased Premises.

17.6 ADVERTISING: All signs, advertising and promotions to be employed by the Lessee in connection with operation of the Concession shall be subject to prior written approval of the Commissioner.

17.7 CONDEMNATION: In the event that the space assigned to Lessee hereunder, or such a substantial part thereof so as to render impossible the operation of the Children's Museum, be taken by eminent domain, this Lease shall terminate on the date upon which title vests in the condemnor and neither party shall have any liability to the other on account of such termination. The parties agree that this clause shall not be interrupted or

construed to permit the County, acting solely for itself, to exercise any power of eminent domain with respect to Lessee's property without just compensation.

17.8 UTILITY AND SEWER LINES: The County reserves the right to lay, erect, construct, use, operate and maintain utility and sewer lines in, through, under and across the Leased Premises provided that such activity does not unreasonably interfere with the operation of the Children's Museum.

17.9 RISK OF OPERATION: The Lessee assumes all risks in the operation of the Children's Museum. The Lessee shall comply with any and all rules and regulations prescribed by the County for the operation of the Leased Premises. Upon request, the County shall furnish a copy of such rules and regulations to the Lessee.

17.10 AMBIGUITY: In the event of any ambiguity in any of the terms of this Lease, it shall not be construed for or against any party hereto based on which party was the author of the term in question.

17.11 BEST MANAGEMENT PRACTICES: In addition to all the other requirements of this Lease, the Lessee recognizes and understands that it is an essential element of this Lease that the Lessee insure that any work it does under this Lease, including but not limited to any plans, specifications, drawings, designs, management and advice, complies with the County's policy of Best Management Practices for Water Quality Protection. Therefore, the Lessee shall, at a minimum, incorporate the NYS Department of Environmental Protection (hereinafter "NYSDEC") technical standards for erosion and sediment control contained in the document, "*New York Standards and Specifications for Erosion and Sediment Control*," as the same may be amended from time to time. In addition, the Lessee shall incorporate for the design of water quality and water quality controls (post-construction stormwater control practices), the NYSDEC standards detailed in the "*New York State Stormwater Management Design Manual*," as the same may be amended from time to time. Both documents should be obtained from the NYSDEC website to insure that the Lessee has the latest versions of such documents. In addition, the Lessee shall apply these standards to ALL work done for the County, regardless of

the size of the project. For example, if the State standards applies only to projects of 1 acre or greater and the County's project is less than one acre, then the Lessee shall utilize the State standard for the larger project. To the extent that there is any conflict between the County standards and the standards required by any other regulatory agency, the Lessee shall utilize the stricter standard. The Lessee shall determine if the project shall require any permits from regulatory agencies, including, but not limited to, permits that concern stormwater management. To the extent that the services rendered by the Lessee involve design of the project and to the extent that any permits are required for the project, the Lessee shall complete the permit application and prepare the necessary information required by the permitting agency, including, but not limited to, the preparation of a Stormwater Pollution Prevention Plan. To the extent that the services rendered by the Lessee involve Construction Management, the County shall require such consultant to review plans and specifications and inspect the construction site to insure that the aforementioned standards are being met.

17.12 REQUIRED SCHEDULES: Attached hereto and forming parts hereof are the schedules listed below. Simultaneous with its execution of this Lease, the Lessee shall provide the County with a completed copy of each schedule. The Lessee agrees that the terms of each of these schedules has been accepted and agreed-to by the Lessee by virtue of its execution of this Lease, and the Lessee represents and warrants that it has completed each of these schedules accurately and completely.

1.) Schedule "C" — "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 "D" — "Required Disclosure of Relationships to County". In the event that any information provided in Schedule "D" must be changed during the term of this Lease, the Lessee agrees to notify the County in writing within ten (10) business days and provide an updated version of the schedule.

3.) Schedule “E” — “Criminal Background Disclosure”. This schedule is required pursuant to Executive Order No. 1-2008.

4.) Schedule “F” — “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.

17.13 REMEDIES CUMULATIVE: The 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 for the future of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of payment of any fee 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.

17.14 TAXES: It is the intention of the County and the Lessee that the Lease Fees herein referred to shall be net to the County in each year of the Lease Term and that all costs, expenses and obligations of every kind relating to the Leased Premises (except as otherwise specifically provided in this Lease) which may arise or become due during the Lease Term, including, but not limited to, any and all real property assessments or taxes, water meter and sewer rents, utility charges, shall be paid by the Lessee without set-off and the Lessee shall indemnify the County against such costs, expenses and obligations

17.15 APPROVALS: This Lease shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.



17.16 CHOICE OF LAW: This Lease shall be performed and enforceable in Westchester County, New York, and shall be governed by the laws of the State of New York.

## **ARTICLE 18**

### **NOTICES**

18.1 NOTICES: All notices of any nature referred to in this Lease 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. Notice shall be effective on the date of receipt.

To the County:

Westchester County Executive  
Michaelian Office Building, Room 900  
148 Martine Avenue  
White Plains, New York 10601

with copies to:

Commissioner  
Department of Parks, Recreation and Conservation  
450 Saw Mill River Road  
Ardsley, New York 10502

and

Commissioner  
Department of Public Works and Transportation  
Michaelian Office Building, Room 500  
148 Martine Avenue  
White Plains, New York 10601

and

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

To the Lessee:

Westchester Children's Museum  
100 Playland Parkway  
Rye, New York 10580

**ARTICLE 19**

**ENTIRE AGREEMENT**

19.1 This Lease and its Schedules constitute 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.

*[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS.]*

**IN WITNESS WHEREOF**, the parties hereto have executed this Lease as of the day and year first above written.

**THE COUNTY OF WESTCHESTER**

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

**WESTCHESTER CHILDREN'S MUSEUM**

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

Approved by the Board of Legislators of the County of Westchester by Local Law No. 9 - 2011 approved on the 8<sup>th</sup> day of August, 2011 and on the 24<sup>th</sup> day of August, 2011, and by Local Law \_\_\_\_-2024 on the \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 11<sup>th</sup> day of July, 2013 and on the \_\_\_\_\_ of \_\_\_\_\_, 2024.

Approved:

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

*c:\JPI\PRC\Children's.Museum.Amended&Restated.Lease.3.31.25*

**ACKNOWLEDGMENT**

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

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_ 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 individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_,  
(Officer other than officer signing contract)

certify that I am the \_\_\_\_\_ of  
(Title)  
the \_\_\_\_\_  
(the "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 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 WESTCHESTER)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_ 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 individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgement

**SCHEDULE "A"**

**Description of Leased Premises**

DRAFT

## **SCHEDULE "B"**

### **STANDARD INSURANCE PROVISIONS** **Children's Museum at Playland**

1. Prior to commencing work, and throughout the term of the Agreement, the Lessee 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. Lessee 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 Lessee 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 Lessee 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 Lessee 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 Lessee to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Lessee from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Lessee 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 Lessee'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 Lessee until such time as the Lessee shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Lessee 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 Lessee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.



2 The Lessee 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 \$3,000,000.00 per occurrence. 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
- f) Pollution Control Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Automobile Policy. Minimum Limit: \$1,000,000.00. This insurance shall indicate the following coverages:
  - (i) Transit
  - (ii) Sudden and Accidental
  - (iii) Clean-up
- g) Builder's Risk –Contractor at their own cost and expense shall provide and maintain a Builder's Risk Form, All Risk Insurance Contract. The coverage shall be written for 100% of the completed value of the construction work, with the County of Westchester named as loss payee as its interest may appear
- h) Owners Protective Liability Policy naming the County as insured, with a minimum limit of liability per occurrence of \$3,000,000 (**All work requiring elevated work and/or the use of scaffolding** where applicable, or as determined by the Director, Risk Management)

**If applicable:**

- i) Crane, Rigging, & Crane Operator (Rigger Liability) Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and a minimum limit of \$500,000 per occurrence for property damage or a combined single limit of \$5,000,000 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.
- j) Installation Floater coverage may suffice for construction work not requiring Builders Risk Coverage and shall serve to insure materials, tools, and equipment of the contractor while such items are in transit and/or in the process of being installed.

3. All policies of the Lessee 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 Lessee.

DRAFT

## **SCHEDULE "C"**

### **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 "D"**

**REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY**

- 1.) Are any of the employees that the Consultant 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 Consultant 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 Consultant or in any approved subconsultant 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 “E”**

### **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.

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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.



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 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.

---

<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.

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*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 "F"**

**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 3 of the New York State Veterans' Service Law, we request that you answer the questions listed below.

The term "Certified Service-Disabled Veteran-Owned Business Enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is a certified service-disabled veteran-owned business enterprise under Article 3 of the New York State Veterans' Service 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]

**RESOLUTION NO. S2 2025**

**RESOLVED**, that a public hearing shall be held in accordance with requirements of law, in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the 19 day of May, 2025 at 7:30 pm.m. upon a proposed Local Law entitled "A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement;" and be it further

**RESOLVED**, that the Clerk of the Board of Legislators be and hereby is authorized and empowered to cause notice of such public hearing to be published in the official newspaper of the County at such times and in such manner as required by law.

Dated: May 5, 2025  
White Plains, New York



**RESOLUTION NO. 2025 –**

**RESOLVED**, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt, more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at \_\_\_\_\_ P.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. Such Notice shall be substantially in the form attached hereto.

## PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF PROPERTY IN THE TOWN OF CORTLANDT; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025 AT \_\_\_\_\_ P.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE PROPOSED ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF CORTLANDT IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED DECEMBER 30, 2024, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

44 REGINA AVENUE, SEC. 24.10, BLOCK 1, LOT 4

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

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CLERK OF THE COUNTY  
BOARD OF LEGISLATORS  
WESTCHESTER COUNTY, NEW YORK

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

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

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities (the “Commissioner”) has advised him that the Town of Cortlandt (“Town”) has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District (“District”) be modified to add one (1) parcel of property more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (hereinafter the “Parcel”), which Parcel is not currently in any County Sanitary Sewer District, having been removed from the District in 1998 for the 1999 tax year.

Your Committee is informed that the feasibility report prepared by the Department of Environmental Facilities (the “Department”) dated December 30, 2024 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.048% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Parcel to County facilities (i.e., gravity sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the “Facility”) has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the Parcel will generate after inclusion is 105 GPD. Therefore, the Facility and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the Laws of Westchester County (“LWC”) authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board

shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, LWC Sections 237.131 and 237.141 confer authority to determine what charges, if any, will be assessed against the Parcel. Your Committee has been informed that the Department recommends that an aggregate surcharge of \$14,910.00 to be paid in each of ten equal annual installments of \$1,491.00, be assessed against the Parcel. This surcharge reflects capital costs incurred by the District from 1999 through 2024. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Parcel may constitute a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13), (26) and (33), and therefore no further environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Based on the above facts and the Feasibility Report prepared by the Department, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Laws of Westchester County in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Parcel to the District.

Dated: April 28<sup>th</sup>, 2025

White Plains, New York

Amey. Zeller Johnson  
Z. W.  
Smith  
J. R.  
J. R.  
Vedat Gashin  
Doris J. Tubio

J. R.  
Amey. Zeller Johnson  
Z. W.  
Smith  
Vedat Gashin

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: April 28, 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.***

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

**COMMITTEE ON**

Budget & Appropriations

# FISCAL IMPACT STATEMENT

SUBJECT: 44 Regina Peekskill SSD, Cortlandt (T)

☐ 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: 236-60-1610-9012

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: Operating expenses related to process and treatment

plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ 1,491

Describe: "Buy-in" revenue for parcel added to the Peekskill Sewer District each year

for the next 10 years

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

Current Year:

Next Four Years: Please see descriptions above

Prepared by: Steve Elie-Pierre, P.E.

Title: Director Of Wastewater Treatment

Department: Environmental Facilities

Date: December 4, 2024

Reviewed By:


Budget Director

Date:

4/8/2025



TO: Vincent Kopicki, Commissioner  
Department of Environmental Facilities

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

DATE: April 1, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT  
OF PROPERTY TO PEEKSKILL SANITARY SEWER DISTRICT –  
44 REGINA AVENUE, TOWN OF CORTLANDT**

---

**PROJECT/ACTION:** The reinstatement of one parcel (Section 24.10, Block 1, Lot 4) located at 44 Regina Avenue in the Town of Cortlandt to the County's Peekskill Sanitary Sewer District. The property is approximately 18 acres in size and was consolidated from multiple parcels following approval for development as a self-storage facility. The owner is seeking reinstatement into the district in order to discharge sanitary sewage associated with restroom/office facilities on the premises.

**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)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
  - **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)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.
- 

**COMMENTS:** The subject property was removed from the County sewer district in 1998, along with many other parcels that were not connected to sanitary sewers, at the request of the Town of Cortlandt. The parcel to be reinstated will be able to access the County sewer system via a connection to an existing local sewer line located at the north end of the property. The parcel is in the M-1 zoning district, is almost fully developed and a force main has been installed within the development and in a 15-foot wide sewer easement on the west side of Regina Avenue. The estimated sewage contribution for the parcel is 105 gallons per day (GPD) based on seven employees or up to 195 GPD at full buildout with a total of 13 employees. Sewage from the

Peekskill Sanitary Sewer District is treated at the Peekskill Water Resource Recovery Facility (WRRF). Since the Peekskill WRRF has a design flow of 10 million gallons per day (MGD) and the present average flow is 6.1 MGD, the treatment plant, as well as the County trunk sewer, have sufficient capacity to accommodate the additional flow.

DSK/cnm

Att.

cc: Joan McDonald, Director of Operations  
Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Blanca Lopez, Commissioner of Planning  
Marian Pompa, Director of Wastewater Treatment, Dept. of Environmental Facilities  
Steve Elie-Pierre, Director – Maintenance, Dept. of Environmental Facilities  
Jeffrey Goldman, Senior Assistant County Attorney  
Sean Curtin, Assistant County Attorney  
Claudia Maxwell, Principal Environmental Planner

## **RESOLUTION**

**NUMBER 243-23**

**(RE: AUTHORIZE REQUEST TO HAVE A PARCEL LOCATED WITHIN THE TOWN REINSTATED INTO THE PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO WESTCHESTER COUNTY FOR CONSIDERATION)**

**WHEREAS**, by letter dated June 22, 2023 from Mark Giordano, Owner of Section 24.10, Block 01, Lot 04 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held July 26, 2023 for a parcel located at 44 Regina Avenue, Cortlandt Manor, New York 10567; and

**WHEREAS**, the owner(s) has requested the Town of Cortlandt petition the County of Westchester to have said property reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 24.10, Block 01, Lot 04  
44 Regina Avenue  
Cortlandt Manor, NY 10567

Owner(s): Mark Giordano

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Cortlandt, on behalf of the above-mentioned owner and contract vendee in the Town of Cortlandt, does hereby petition the County of Westchester to reinstate said parcel designated above into the Peekskill Sanitary Sewer District; and

**BE IT FURTHER RESOLVED**, the Town Clerk shall notify the Town's Receiver of Taxes and Town Assessor upon reinstatement of the parcel in the County and Town sewer districts.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
LAROUÉ ROSE SHATZKIN  
TOWN CLERK**

**Adopted July 26, 2023  
At a Regular Meeting  
Held at Town Hall**

**Certified Copy**  
07/31/23 Date  
YRKHobli  
Town Clerk and Registrar

COUNTY OF WESTCHESTER  
DEPARTMENT OF ENVIRONMENTAL FACILITIES

December 30, 2024

FEASIBILITY REPORT  
IN THE MATTER OF  
  
THE ENLARGEMENT FOR A CERTAIN PROPERTY  
  
IN THE  
  
PEEKSKILL SANITARY SEWER DISTRICT  
  
TOWN OF CORTLANDT



Vincent F. Kopicki, P.E.  
Commissioner  
Environmental Facilities

The Town of Cortland has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be returned to the Peekskill Sanitary Sewer District. This parcel was removed from the County Sewer District in 1998 for the 1999 tax year.

A. The identification of the property not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is contained in the attached Resolution prepared by the Town Clerk, Town of Cortlandt. Said property is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The property is known as 44 Regina Avenue, designated as Section 24.10, Block 1, Lot 4.

**B. EFFECT ON SEWER DISTRICT TAX RATE:**

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2024 tax levy pertinent to the subject property:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 14,893,985	1.22%	\$1,220,818,443
Peekskill	123,230,717	2.39	5,156,096,946
Somers	64,641,224	9.71	665,718,064
Yorktown	53,940,666	1.72	3,136,085,233
Total			\$10,178,718,686
(Town of Cortlandt) Total Value of the parcels to be added			+ <u>4,932,377</u>
Total Full Value of District as Amended:			\$10,183,651,063

\* represents a 0.048% increase in the FEV of the District

C. The Surcharge Calculation for the property which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If:  $e$  = added area's share in District equity or surcharge amount;

$A$  = added area's f.e.v., 2024 Rolls

$D$  = District f.e.v., 2024 rolls, before proposed additions

and  $E$  = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, for the period 1999 through 2024.

Then: 
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{4,932,377}{10,178,718,686 + 4,932,377} \times 30,805,869$$

$$e = \frac{4,932,377}{10,183,651,063} \times 30,805,869$$

$$e = 0.000484 \times \$30,805,869$$

$$e = \$14,910.040 \text{ (rounded to } \$14,910.00)$$

and: in each of 10 annual installments, a total surcharge of \$1,491.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Town of Cortlandt.
2. The facilities necessary to connect the property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Town of Cortlandt.
3. Maintenance of the completed facilities will be the responsibility of the Town of Cortlandt but not the Peekskill Sanitary Sewer District.
4. The Peekskill Water Resource Recovery Facility has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the parcels will generate is 105 gallons per day. The Facility and the County Trunk Sewer have sufficient capacity to accommodate this property.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: FEAS 44 Regina\_Lot\_4.docx



**ACT NO. 2025 -**

**AN ACT** to Modify the Peekskill Sanitary Sewer District by the Addition of one (1) Parcel of Property Located in the Town of Cortlandt.

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

**Section 1.** The following property known and designated as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (the "Parcel") on the assessment maps of the Town of Cortlandt (the "Town") is hereby added to the Peekskill Sanitary Sewer District (the "District").

**§ 2.** Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Parcel the aggregate sum of Fourteen Thousand Nine Hundred Ten Dollars (\$14,910.00) which amount shall be payable in ten equal annual installments of One Thousand Four Hundred Ninety-One Dollars (\$1,491.00) and shall be credited to the remaining portion of the District.

**§ 3.** This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act, shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

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

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

## RESOLUTION NO. 2025 - 53

**RESOLVED**, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt, more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at 7:30 P.M. on the 19 day of May, 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. Such Notice shall be substantially in the form attached hereto.

**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 the following Acts in connection Capital Project T0046 – Farebox Equipment (“T0046”):

(1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);

(2) a bond act amending, in part, prior Bond Act No. 220-2021 to remove a \$3,500,000 authorization allocable to T0046, and decrease the estimated maximum amount of bonds authorized to \$10,426,000 (“Amending Bond Act”); and

(3) a bond act authorizing the issuance of bonds in the amount of \$16,250,000 to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages and associated work. This \$16,250,000 proposed Bond Act represents a \$12,750,000 increase to the amount previously authorized for T0046 and includes the \$3,500,000 previously authorized for T0046 by Bond Act 220-2021 (“Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for T0046 by \$12,750,000 to \$16,250,000.

The Amending Bond Act, which was prepared by the law firm Harris Beach, is required to remove the purchase of farebox equipment, ancillary equipment, design, installation and other related services related to T0046 so that those authorizations may be included in the Consolidated Bond Act for T0046.

This \$16,250,000 Consolidated Bond Act and represents a \$12,750,000 increase to the amount previously authorized for T0046 and includes the \$3,500,000 previously authorized for T0046 by Bond Act 220-2021. The Consolidated bond act authorizes the issuance of bonds to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages along with associated work, in connection with T0046.

The Department of Public Works and Transportation (“Department”) has advised that the County has been an Affiliate Agency of the Metropolitan Transportation Authority (“MTA”) since 2007, and has been using the MTA’s MetroCard fare payment system for the Bee-Line Bus System. This direct integration and formal partnership has many advantages, highlighted by free and seamless transfers between Bee-Line and MTA’s New York City Transit Subways and Buses, benefitting about 6 million passengers annually. MTA is now decommissioning MetroCard and replacing it with One Metro New York (“OMNY”), a new contactless fare payment system. In order for Bee-Line to remain fully integrated with the MTA’s operations, the County will also be transitioning to the OMNY system. The current MetroCard farebox accepts both MetroCard swipes as well as coins. OMNY is a contactless reader only and will not accept cash. In addition to the new contactless OMNY system, the County will be installing a separate cash farebox which will allow passengers to use either the OMNY reader or pay with cash. The requested funding is for the purchase and installation of both the OMNY reader and a cash farebox systems.

Following bonding authorization, the preparation of specifications will be scheduled and is anticipated to take two months to complete and will be completed by consultants. It is estimated that the production and delivery of the new equipment will take six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance T0046 as indicated in the annexed fact sheet.

The Department of Planning has advised your Committee that based on its review, T0046 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.

Additionally, as your Honorable Board may know, Section 167.131 of the Laws of Westchester County mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed T0046 and issued a report, and that since there is no change in the scope of the work

and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

Dated: April 28<sup>th</sup>, 2025.  
White Plains, New York

*James J. Salvo*  
*John J. Salvo*  
*Donna Salvo*  
*John J. Salvo*  
*Vedat Gashi*  
*Murphy*  
*Paul W.*

*Self*  
*James J. Salvo*  
*John J. Salvo*  
*Vedat Gashi*  
*Murphy*

*Paul W.*  
*John J. Salvo*  
*John J. Salvo*  
*Vedat Gashi*  
*Murphy*

COMMITTEE ON

CMG/3-18-25  
Budget & Appropriations

Public Works & Transportation

Information Technology  
& Cybersecurity

Dated: April 28, 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.***


A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style.

**COMMITTEE ON**

**Budget & Appropriations**



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: March 25, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
T0046 FAREBOX EQUIPMENT**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 3-18-2025 (Unique ID: 2867)

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/oav

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  
Gayle Katzman, First Deputy Commissioner, Department of Public Works & Transportation  
Robert Abbamont, Director of Operations, Department of Public Works & Transportation  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner





Memorandum

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in dark ink, appearing to be "SD", written over the name Susan Darling.

Date: March 27, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – T0046 Farebox Equipment (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of capital project **T0046 Farebox Equipment (2025 CBA)**. Funding for this project will increase by approximately \$12.75 million. The prior appropriation made in 2022 was \$3.5 million, bringing the total project cost to \$16.25 million.

Since 2007, Westchester County has been an Affiliate Agency of the Metropolitan Transportation Authority (MTA) and has been using the MTA's MetroCard fare payment system for the Bee-Line Bus System. As the MTA is now replacing MetroCard with OMNY, a new contactless fare payment system, the Bee-Line will now need to take the necessary steps to become fully integrated with the MTA's operations and offer uninterrupted free transfers between systems.

The increase in funding is needed to contract with Cubic Transportation System, the MTA's vendor that developed OMNY, and purchase modems to integrate OMNY with the current Bee-Line Bus Fleet of 78, and to cover onboarding expenses that must be paid which are integral to the integration of the Bee-Line system with the OMNY hardware. The project also will include procurement of separate cash fareboxes in order to keep a cash fare payment option.

This project was classified as a PL1 in the Planning Board Report for the 2022 Capital Budget adopted July 6, 2021. A PL1 project is a project that has been determined to have no substantial physical planning aspects of concern to the Planning Board. There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner of Planning  
Hugh Greechan, Commissioner of Public Works and Transportation  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

# **2022 Capital Project Requests**

**Adopted**

**Report of the  
Westchester County Planning Board**

**July 6, 2021**

George Latimer  
County Executive

Richard Hyman  
Chair  
Westchester County Planning Board

## TRANSPORTATION

There are 8 projects in this Department with a rating of PL1.

**T001U      Replacement of Thirty-Foot Buses**  
**\$11,237,000**

PL1 - This project will fund the procurement of up to 17 electric and/or hybrid diesel-electric buses to replace 17 Orion thirty-foot buses that were built in 2005.

**T001Y      Replace Orion V 40-foot Coach Buses**  
**\$17,000,000**

PL1 - This project will fund the procurement of up to (27) forty-foot buses to replace (27) 2008 Orion V forty-foot coach buses. The project also includes appropriation for the procurement of related services, associated equipment and parts.

**T001Z      Replace 95 NABI 40-Foot Hybrid Buses**  
**\$350,000**

PL1 - This project will fund the procurement of up to (95) forty-foot buses to replace (95) 2009 NABI forty-foot hybrid buses.

**T0046      Farebox Equipment**  
**\$3,500,000**

PL1 - This project will modify the existing fare collection equipment on the entire Bee-Line fleet (excluding Paratransit) in order to be consistent with the new MTA fare system (OMNY).

**T0047      Replacement of HVAC System at Cerrato Maintenance Facility**  
**\$250,000**

PL1 - This project involves complete replacement of the Heating Ventilating and Air Conditioning (HVAC) system at the Cerrato Maintenance Facility at the Valhalla Campus.

**T0068      Central Maintenance Facility - Infrastructure Improvements, Yonkers (2019-2023)**  
**\$3,000,000**

PL1 - This project will fund infrastructure improvements at the Bee-Line Central Maintenance Facility (CMF) in Yonkers. Included in the 2022 funding is 1) replacement of HVAC systems in the penthouse, mezzanine, computer room, money room, farebox room and cleanerslounge; 2) replace the backflow prevention device associated with the main water pipe serving the facility; 3) replacement of the fuel dispensing equipment, software and VDM replacement.

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project T0046 FAREBOX  
EQUIPMENT

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$3,500,000	\$12,750,000	\$16,250,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$3,500,000	\$12,750,000	\$16,250,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$3,500,000	\$12,750,000	\$16,250,000

Section 3. The ACT shall take effect immediately.

REFERENCE BES23  
BLR2E  
B077E  
BPF39  
T009G  
T034A  
T0069  
T0056

ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 7, 2021 IN RELATION TO THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY AT THE TOTAL ESTIMATED COST OF \$10,426,000. (Adopted , 20\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the cost of the acquisition of various equipment and construction of various improvements in and for the County, to wit: the acquisition of a ladder truck for the Department of Emergency Services, the purchase equipment such as: Total Kjeiden Nitrogen Distiller, High temp Waterbath, Solid Phase Extraction Conc; NIST Traceable Libraries Agilent, Centrifuge, Agilent Flame Ionization Detector, Polar Light Microscope, various mass spectrometers, and other laboratory equipment as required for the Department of Labs and Research, the design, construction and construction management associated with the replacement of existing windows, doors, storefronts and related work at the Mount Kisco district office for the Department of Public Works, the purchase and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations for the Department of Public Works, the purchase of replacement vehicles, associated equipment and related services for the Department of Transportation, the construction of improvements at the Cerrato bus facility in Valhalla including a new radiant heat

HDW  
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system in the bus maintenance area, replacement of the air compressor system and replacement of underground fuel storage tanks for the Department of Transportation, the purchase of farebox equipment, ancillary equipment, design, installation and other related services for the Department of Transportation, the replacement of fuel dispensing equipment for the Department of Transportation, and construction of physical improvements related to bus stops, new bus shelters, bus shelters, signage, design services and other related services for the Department of Transportation, at the estimated maximum cost of \$13,926,000, pursuant to Act No. 220-2021 duly adopted on December 7, 2021, and

WHEREAS, this Board has determined to revise the scope of work of said Bond Act, and remove the \$3,500,000 authorization for project T0046, and

WHEREAS, it has now been determined that such bond act shall be amended to revise said scope of work and decrease the amount of bonds authorized; now, therefore,

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

**Section (A).** The bond act duly adopted by this Board on December 7, 2021, entitled:

“(BOND) ACT NO. 220-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,926,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED

TOTAL COST THEREOF IS \$13,926,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,926,000 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 \$10,426,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,426,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,426,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(adopted on December 7, 2021 and amended on \_\_\_\_\_, 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$10,426,000 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 and construction of various improvements in and for the County, to wit: the acquisition of a ladder truck for the Department of Emergency Services, the purchase equipment



such as: Total Kjeldahl Nitrogen Distiller, High temp Waterbath, Solid Phase Extraction Conc; NIST Traceable Libraries Agilent, Centrifuge, Agilent Flame Ionization Detector, Polar Light Microscope, various mass spectrometers, and other laboratory equipment as required for the Department of Labs and Research, the design, construction and construction management associated with the replacement of existing windows, doors, storefronts and related work at the Mount Kisco district office for the Department of Public Works, the purchase and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations for the Department of Public Works, the purchase of replacement vehicles, associated equipment and related services for the Department of Transportation, the construction of improvements at the Cerrato bus facility in Valhalla including a new radiant heat system in the bus maintenance area, replacement of the air compressor system and replacement of underground fuel storage tanks for the Department of Transportation, ancillary equipment, design, installation and other related services for the Department of Transportation, the replacement of fuel dispensing equipment for the Department of Transportation, and construction of physical improvements related to bus stops, new bus shelters, bus shelters, signage, design services and other related services for the Department of Transportation; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$10,426,000. The plan of financing includes the issuance of \$10,426,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$10,426,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.89 of the Law, is five (5) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$10,426,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$10,426,000 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.

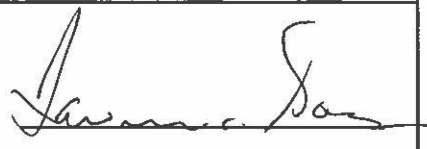
Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

**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.

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>T0046</u>		<input checked="" type="checkbox"/> NO FISCAL IMPACT PROJECTED	
<b>SECTION A - CAPITAL BUDGET IMPACT</b> To Be Completed by Budget			
<div style="display: flex; justify-content: space-around;"> <span><input checked="" type="checkbox"/> GENERAL FUND</span> <span><input type="checkbox"/> AIRPORT FUND</span> <span><input type="checkbox"/> SPECIAL DISTRICTS FUND</span> </div>			
Source of County Funds (check one): <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <input checked="" type="checkbox"/> Current Appropriations  <input type="checkbox"/> Capital Budget Amendment         </div>			
Reduce BA 220-2021 by \$3,500,000 to a new total \$10,426,000			
<b>SECTION B - BONDING AUTHORIZATIONS</b> To Be Completed by Finance			
Total Principal	\$	10,426,000	PPU 5 Anticipated Interest Rate 3.12%
Anticipated Annual Cost (Principal and Interest):		\$ 2,286,550	
Total Debt Service (Annual Cost x Term):		\$ 11,432,750	
Finance Department: Interest rates from April 9, 2025 Bond Buyer - ASBA			
<b>SECTION C - IMPACT ON OPERATING BUDGET</b> (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
Potential Related Expenses (Annual): \$ -			
Potential Related Revenues (Annual): \$ -			
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years): <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>			
<b>SECTION D - EMPLOYMENT</b> As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:		113	
Prepared by: <u>Michael Swee</u> Title: <u>Director of Surface Transportation</u> Department: <u>Public Works &amp; Transportation</u> Date: <u>4/11/25</u>		Reviewed By: <u></u> <div style="display: flex; justify-content: space-between;"> <span>aw 4/11/25 ap</span> <span>Budget Director</span> </div> Date: <u>4/14/25</u>	

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

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

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

(SEAL)

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

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on December 7, 2021 and amended on \_\_\_\_\_, 20\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

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

**BOND ACT AUTHORIZING THE ISSUANCE OF \$10,426,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,426,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,426,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.**  
(adopted on December 7, 2021 and amended on \_\_\_\_\_, 20\_\_)

object or purpose:       to finance the cost of the acquisition of various equipment and the construction of various improvements in and for the County; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness:       \$10,426,000; 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



ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF A CONTACTLESS READER FARE COLLECTION SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,250,000 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, \$16,250,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages along with associated work, all as set forth in the County's Current Year Capital Budget, as amended, 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 of purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$16,250,000. The plan of financing includes the issuance of \$16,250,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of said specific object or purpose, 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 \$16,250,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$16,250,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

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

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

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

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

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

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

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

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

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

\* \* \*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0046

☒ 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 \$ 16,250,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 3,563,825

Total Debt Service (Annual Cost x Term): \$ 17,819,125

Finance Department: Interest rates from April 9, 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: 176

Prepared by: Michael Swee

Title: Director of Surface Transportation

Department: Public Works and Transportation

Date: 4/11/25

Reviewed By: 

4/11/25  
CR

Budget Director

Date:

4/14/25

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 \$16,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF A CONTACTLESS READER FARE COLLECTION SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,250,000 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 a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages along with associated work, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness:       \$16,250,000; five (5) years

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

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



# CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>T0046</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 03-03-2025
<b>Fact Sheet Year:*</b> 2025	<b>Project Title:*</b> FAREBOX EQUIPMENT	<b>Legislative District ID:</b> ALL
<b>Category*</b> TRANSPORTATION	<b>Department:*</b> AIRPORT/DOT	<b>CP Unique ID:</b> 2867

## Overall Project Description

This project will replace the existing MetroCard fare collection equipment on the entire Bee-Line fleet (excluding Paratransit) in order to be consistent with the new MTA fare system - One Metro New York (OMNY). The technology to be used will include a contactless reader based system. A separate cash farebox system and associated equipment will also be installed on the Bee-Line fleet.

<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	16,250	3,500	0	0	0	0	0	12,750
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	16,250	3,500	0	0	0	0	0	12,750

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

**Current Bond Description:** Purchase and installation of the OMNY fare collection contactless reader system as well as a separate fare box that will accept cash fares. The project will include installation of the necessary hardware/software on the buses and in the bus garages along with associated work.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	12,750,000
Cash:	0
<b>Total:</b>	<b>\$ 12,750,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

12,750,000

### Expected Design Work Provider:

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

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2022	3,500,000	FUNDS THIS PROJECT

### Total Appropriation History:

3,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	220	3,500,000		0 FAREBOX EQUIPMENT

**Total Financing History:**

3,500,000

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

MLLL

**Date**

03-18-2025

**Department of Public Works**

RJB4

**Date**

03-18-2025

**Budget Department**

DEV9

**Date**

03-18-2025

**Requesting Department**

MAS9

**Date**

03-18-2025

## FAREBOX EQUIPMENT ( T0046 )

**User Department :** Airport/DOT

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	3,500	3,500							
Non County Share									
Total	3,500	3,500							

### **Project Description**

This project will modify the existing fare collection equipment on the entire Bee-Line fleet (excluding Paratransit) in order to be consistent with the new MTA fare system - One Metro New York (OMNY). The technology to be used will include a contactless system.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2022	3,500,000	Funds this project	PENDING
Total	3,500,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000		3,500,000
Total	3,500,000		3,500,000

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
220 21	3,500,000			3,500,000
Total	3,500,000			3,500,000

RESOLUTION - 2025

WHEREAS, the Emergency Tenant Protection act of 1974, Chapter 576, Laws of 1974 is in effect; and

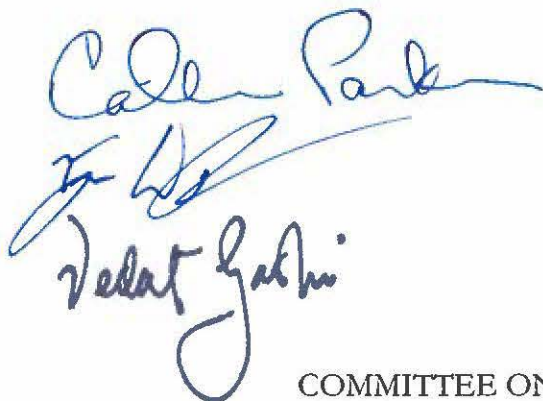
WHEREAS, under the Act, the Westchester County Board of Legislators recommends for appointment to the Rent Guidelines Board persons to be representatives of tenants, owners of property, and the public sector, and the State Division of Housing and Community Renewal ("DHCR") is the appointing authority; and

WHEREAS, a vacancy exists for the Public Member position on the Westchester County Rent Guidelines Board; and

WHEREAS, the Board of Legislators Committee on Appointments has done due diligence and recommends to the Board a candidate who meets the requirements of the ETPA of 1974; NOW THEREFORE BE IT

RESOLVED, that this Honorable Board of Legislators does hereby recommend for appointment by the New York State Division of Housing and Community Renewal Natalie Felsenfeld, of Ossining, New York, as Public Member of the Westchester County Rent Guidelines Board for a term to commence upon approval by DHCR and expire on December 31, 2029.

Dated: April 28, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

Dated: April 28, 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:

**APPOINTMENTS**

A handwritten signature in black ink, appearing to be "Perry", with a long horizontal flourish extending to the right.

RESOLUTION - 2025

WHEREAS, the Emergency Tenant Protection act of 1974, Chapter 576, Laws of 1974 is in effect; and

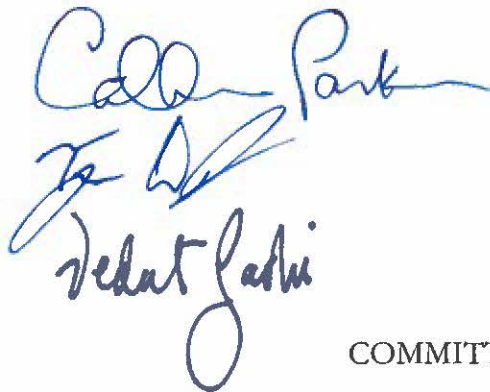
WHEREAS, under the Act, the Westchester County Board of Legislators recommends for appointment to the Rent Guidelines Board persons to be representatives of tenants, owners of property, and the public sector, and the State Division of Housing and Community Renewal ("DHCR") is the appointing authority; and

WHEREAS, a vacancy exists for the Public Member position on the Westchester County Rent Guidelines Board; and

WHEREAS, the Board of Legislators Committee on Appointments has done due diligence and recommends to the Board a candidate who meets the requirements of the ETPA of 1974; NOW THEREFORE BE IT

RESOLVED, that this Honorable Board of Legislators does hereby recommend for appointment by the New York State Division of Housing and Community Renewal Gregory Robeson Smith, of White Plains, New York, as Public Member of the Westchester County Rent Guidelines Board for a term to commence upon approval by DHCR and expire on December 31, 2029.

Dated: April 28, 2025  
White Plains, New York



COMMITTEE ON APPOINTMENTS

Dated: April 28, 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:

**APPOINTMENTS**

A handwritten signature in black ink, appearing to be "Perry", with a long horizontal flourish extending to the right.



**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 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board." 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.



COMMITTEE ON  
APPOINTMENTS

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board.”

Your Committee is aware that the Westchester County Refuse Disposal District No. 1 Advisory Board (“Advisory Board”) advises and consults with the County Board and the Division of Solid Waste Management of the Department of Public Works and Transportation on matters relating to the administration and operation of County Refuse Disposal District No. 1. Presently, the Advisory Board is comprised of eighteen members, with fourteen seats designated to specific municipalities within the County, with each municipality having one designated seat. These fourteen seats are subject to a residency requirement, which mandates that the persons appointment thereto reside in their respective municipalities.

Your Committee is informed that this residency mandate has created challenges in finding candidates with the necessary qualifications to serve on the Advisory Board, especially in municipalities where experienced candidates are limited. Further, this provision has created a barrier to maintaining a roster of qualified candidates for service on the Advisory Board.

Your Committee is advised that this amendment will expand the membership requirements for the Advisory Board by allowing members appointed to those fourteen seats to be employed by their respective municipalities, even if they are not residents. Your Committee believes that amending this Local Law will assist in minimizing the challenges in finding and retaining qualified candidates within each municipality as many municipalities already employ highly qualified individuals with the

expertise necessary to serve on the Advisory Board and municipal employees have unique insight into the operations of their respective districts.

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.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: May 5, 2025  
White Plains, New York

Margaret A. Cyio  
Clerk

Deirdre Dinn

To: [Signature]

Dorinda Tubish

Benjamin Boyfman

David Fakir

[Signature] JA

COMMITTEE ON

Legislation

Appointments

Dated: May 5, 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*

**COMMITTEE ON**

Legislation

# FISCAL IMPACT STATEMENT

SUBJECT: Refuse Dist. No. 1 Advisory Board

☒ 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: William Olli

Title: Assistant Budget Director

Department: Budget

Date: April 16, 2025

Reviewed By: 

Budget Director

Date: 4/17/25

LOCAL LAW INTRO. NO. - 2025

A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board.

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

Section 1. Section 277.321 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 277.321. Board established.**

1. There shall be a Westchester County Refuse Disposal District No. 1 Advisory Board which shall consist of 18 members. 14 members shall be appointed by the County Executive with the approval of the County Board and such appointments shall be made so that six members shall reside in or be employed by cities, one in each of the six cities in the district, five members shall reside in or be employed by towns, one in each of five different towns in the district, and three members shall reside in or be employed by villages, one in each of three different villages in the district. For the purposes of this section a town/village shall be deemed a town. The Chairman of the County Board shall serve as an ex officio member or may designate another legislator to serve as an ex officio member in the place and stead of the Chairman. The Commissioner of Health, the Commissioner of Public Works and Transportation and the Budget Director shall each designate a person employed in their respective departments at the level of Assistant Commissioner, Deputy Commissioner or equivalent to serve as an ex officio member of the board. Each appointed member of the board shall reside in the district

at the time of appointment and throughout their tenure on the board.

Section 2. Section 277.331 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 277.331. Terms.**

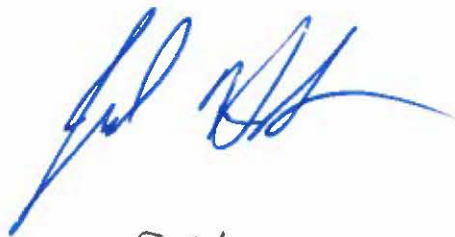
1. A member of the board, other than an ex officio member, shall serve for a term of two years. An ex officio member shall remain a member of the board for so long as such member either holds the office by virtue of which such member serves on the board or retains any required designation as provided in section 277.321. Each appointed member shall serve for the term for which the member was appointed and until a successor shall have been appointed and qualified unless the member shall sooner resign, cease to be a resident of the district, cease to be employed by a municipality within the district, or be removed in the manner provided by law. Vacancies occurring otherwise than by expiration of term shall be filled in the same manner as original appointments and, in the case of a member other than an ex officio member, for the balance of the unexpired term.

Section 3. This Local Law shall take effect immediately.



RESOLUTION NO. 56 - 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. 134 - 2025, entitled "A LOCAL LAW amending Chapter 277 of the Laws of Westchester County with regard to membership requirements for the Westchester County Refuse Disposal District No. 1 Advisory Board." The public hearing will be held at 7:30 p.m. on the 19 day of May, 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.







COMMITTEE ON  
APPOINTMENTS

**HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney which, if adopted, would authorize the County of Westchester (the “County”) to consent to the assignment and amendment of an outside counsel agreement (the “Agreement”) with Mondaire Jones, Esq. (“Mr. Jones”), for the provision of legal counsel and advice to the Westchester County Charter Revision Commission (the “Commission”), to the law firm of Friedman Kaplan Seiler Adelman & Robbins LLP (the “Firm”), effective April 2, 2025.

On March 10, 2025 by Act No. 58-2025, your Honorable Board authorized the County to retain Mr. Jones, at County expense, to provide legal counsel and advice to the Commission (the “Services”), for a term commencing February 25, 2025 and continuing through February 24, 2026. Act No. 58-2025 further authorized the County to pay Mr. Jones at the rate of \$500.00 per hour, for an amount not to exceed the sum of One Hundred Thousand Dollars (\$100,000.00). The Agreement was subsequently executed.

On March 29, 2025, Mr. Jones informed the Law Department that effective April 2, 2025, he would be joining the Firm, but would continue to provide the Services to the County as a member of the Firm. In order for him to do so, it will be necessary to assign the Agreement from Mr. Jones to the Firm. Accordingly, authority is respectfully requested for the County to consent to the assignment of the Agreement with Mr. Jones, to the Firm, effective April 2, 2025.

Authority is further requested to amend the Agreement, as assigned to the Firm, to incorporate the Firm’s engagement letter, to require the Firm to maintain professional liability insurance to cover the Services to be rendered by Mr. Jones, and to require the Firm to complete the County’s Electronic Funds Transfer Form.

For the Services rendered to the County by the Firm, the Firm will be paid at the rate of \$500.00 per hour for the services of Mr. Jones, who will be the principal attorney providing Services to the Commission. If timekeepers, other than Mr. Jones, are needed to provide Services under the Agreement, the Firm will bill the County at its regular hourly rates ranging from \$655 per hour to \$2,100 per hour for attorneys, and from \$295 per hour to \$375 per hour for legal assistants.

The Firm's use of timekeepers, other than Mr. Jones, will be subject to the prior approval of the Chair of the Commission and the County Attorney. In no event shall the total amount payable by the County to the Firm exceed the sum of One Hundred Thousand (\$100,000.00) Dollars.

Except as specifically provided herein, all terms and conditions of the Agreement shall remain in full force and effect.

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

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act. Your Committee recommends approval of the attached Act.

Dated: May 5, 2025

White Plains, New York

*Henry J. Jones*  
*[Signature]*  
*Edin C. Smith*  
*[Signature]*  
*[Signature]*

c:\jpp\04.9.25  
*[Signature]*  
*David J. Smith*  
*David J. Smith*

*David J. Smith*  
*[Signature]*  
*Colin J. Smith*  
*David J. Smith*

COMMITTEES ON  
Budget & Appropriations      Law & Major Contracts

Dated: May 5, 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*

**COMMITTEE ON**

**Law & Major Contracts**

# FISCAL IMPACT STATEMENT

SUBJECT: Charter Revision Amendment

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$100,000.00

Total Current Year Revenue \$ -

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 101\_18\_1000\_4923

Potential Related Operating Budget Expenses:

Annual Amount N/A

Describe: An act authorizing Westchester County to consent to the assignment and amendment of an agreement with Mondaire Jones, Esq. for the provision of legal counsel to the County Charter Revision Commission, to the law firm of Friedman Kaplan Seiler Adelman & Robbins on April 2, 2025.

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: April 10, 2025

Reviewed By: 

PH  
Q

Budget Director

Date: 4/10/25

AN ACT authorizing the County of Westchester to consent to the assignment and amendment of an agreement with Mondaire Jones, Esq. for the provision of legal counsel and advice to the Westchester County Charter Revision Commission, to the law firm of Friedman Kaplan Seiler Adelman & Robbins LLP, effective April 2, 2025.

**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 consent to the assignment of its agreement (the “Agreement”) with Mondaire Jones, Esq. (“Mr. Jones”), for the provision of legal counsel and advice (the “Services”) to the Westchester County Charter Revision Commission (the “Commission”), for a term commencing February 25, 2025 and continuing through February 24, 2026, to the law firm of Friedman Kaplan Seiler Adelman & Robbins LLP (the “Firm”), effective April 2, 2025.

**§2.** The County is hereby further authorized to amend the Agreement, as assigned to the Firm, to incorporate the Firm’s engagement letter, to require the Firm to maintain professional liability insurance to cover the Services to be rendered by Mr. Jones, and to require the Firm to complete the County’s Electronic Funds Transfer Form.

**§3.** For the Services rendered to the County by the Firm, the County is hereby authorized to pay the Firm at the rate of Five Hundred (\$500.00) Dollars per hour for the services of Mr. Jones, who will be the principal attorney providing Services to the Commission.

**§4.** If timekeepers, other than Mr. Jones, are needed to provide Services under the Agreement, the County is hereby authorized to pay the Firm at the Firm’s regular hourly rates ranging from Six Hundred Fifty-Five (\$655.00) Dollars per hour to Two Thousand One Hundred (\$2,100.00) Dollars per hour for attorneys, and from Two Hundred Ninety-Five (\$295.00) Dollars per hour to Three Hundred Seventy-Five (\$375.00) Dollars per hour for legal assistants. The Firm’s use of timekeepers other than Mr. Jones, will be subject to the prior approval of the Chair of the Commission and the County Attorney.

**§5.** In no event shall the total amount payable by the County to the Firm exceed the sum of One Hundred Thousand (\$100,000.00) Dollars.

**§6.** Except as specifically provided herein, all terms and conditions of the Agreement shall remain in full force and effect.

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

DEPT. OF HEALTH & HUMAN SERVICES  
APR 25 2025  
APR 25 11 13 AM '25  
RECEIVED



**HOME RULE REQUEST RESOLUTION NO. \_\_\_\_-2025**

RESOLVED, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

*To the Legislature:*

Pursuant to Article IX of the Constitution, the County of Westchester requests the enactment of Assembly Bill No. 8029/Senate Bill No. 7422 entitled "AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic control signal photo violation monitoring devices in certain intersections in the county of Westchester."

A necessity exists for the enactment of this legislation because the local government does not have the power to enact such legislation by local law.

Dated: May 5, 2025  
White Plains, New York

Margaret A. Gio  
Vedat Jobin  
Benjamin Boykin II  
Z. O.

deni am  
Coli O. O.  
Dorvil. Iubio

Margaret A. Gio  
Vedat Jobin  
Benjamin Boykin II  
Z. O.  
Coli O. O.

COMMITTEES ON

Legislation

Public Safety



Dated: May 5, 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*

**COMMITTEE ON**

Legislation

# STATE OF NEW YORK

7422

2025-2026 Regular Sessions

## IN SENATE

April 15, 2025

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the county of Westchester

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 1 of subdivision (a) of section 1111-g of the  
2 vehicle and traffic law, as added by chapter 501 of the laws of 2023, is  
3 amended to read as follows:

4 1. Notwithstanding any other provision of law, the county of Westches-  
5 ter is hereby authorized and empowered to adopt and amend a local law or  
6 ordinance establishing a demonstration program imposing monetary liabil-  
7 ity on the owner of a vehicle for failure of an operator thereof to  
8 comply with traffic-control indications in such county in accordance  
9 with the provisions of this section. Such demonstration program shall  
10 empower such county to install and operate traffic-control signal photo  
11 violation-monitoring devices at no more than fifty intersections within  
12 and under the jurisdiction of such county at any one time. Provided  
13 that, in addition to the fifty intersections within and under its juris-  
14 isdiction, such county may install and operate traffic-control signal  
15 photo violation-monitoring devices on intersections located on the  
16 portion of the Saw Mill River parkway within such county that is in the  
17 village of Pleasantville, upon agreement with the commissioner of the  
18 state department of transportation or such commissioner's designee.

19 § 2. Subdivision 13 of section 1803 of the vehicle and traffic law,  
20 as added by chapter 501 of the laws of 2023, is amended to read as  
21 follows:

22 13. Where the county of Westchester has established a demonstration  
23 program imposing monetary liability on the owner of a vehicle for fail-  
24 ure of an operator thereof to comply with subdivision (d) of section

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD11175-01-5

1 eleven hundred eleven of this chapter in accordance with section eleven  
2 hundred eleven-g of this chapter, any fine or penalty collected by a  
3 court, judge, magistrate or other officer for an imposition of liability  
4 which occurs within a city, town or village within such county pursuant  
5 to such program shall be paid to the state comptroller within the first  
6 ten days of the month following collection, except as otherwise provided  
7 in subdivision three of section ninety-nine-a of the state finance law.  
8 Every such payment shall be accompanied by a statement in such form and  
9 detail as the comptroller shall provide. The comptroller shall pay  
10 eighty percent of any such fine or penalty imposed for such liability to  
11 the county of Westchester, and twenty percent of any such fine or penal-  
12 ty to the city, town or village in which the violation giving rise to  
13 the liability occurred, provided, however that the comptroller shall pay  
14 one hundred percent of any such fine or penalty imposed for such liabil-  
15 ity to the county of Westchester for violations which occur on the Saw  
16 Mill River parkway within the village of Pleasantville. All fines,  
17 penalties and forfeitures paid to a city, town or village pursuant to  
18 the provisions of this subdivision shall be credited to the general fund  
19 of such city, town or village, unless a different disposition is  
20 prescribed by charter, special law, local law or ordinance.

21 § 3. The county of Westchester and commissioner of the state depart-  
22 ment of transportation are hereby authorized and empowered to install  
23 signage that notifies drivers of the presence of traffic-control signal  
24 photo violation-monitoring devices in conformance with standards estab-  
25 lished in the manual on uniform traffic control devices. The county and  
26 such commissioner are additionally authorized and empowered to engage in  
27 a public information campaign before traffic-control signal photo viola-  
28 tion-monitoring devices go into effect on state roads to ensure drivers  
29 have appropriate notice and understanding of the demonstration program.

30 § 4. This act shall take effect immediately; provided that the amend-  
31 ments to sections 1111-g and 1803 of the vehicle and traffic law made by  
32 sections one and two of this act shall not affect the repeal of such  
33 provisions and shall be deemed repealed therewith.

STATE OF NEW YORK

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8029

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

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Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the county of Westchester

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

- 1 Section 1. Paragraph 1 of subdivision (a) of section 1111-g of the  
2 vehicle and traffic law, as added by chapter 501 of the laws of 2023, is  
3 amended to read as follows:
- 4 1. Notwithstanding any other provision of law, the county of Westches-  
5 ter is hereby authorized and empowered to adopt and amend a local law or  
6 ordinance establishing a demonstration program imposing monetary liabil-  
7 ity on the owner of a vehicle for failure of an operator thereof to  
8 comply with traffic-control indications in such county in accordance  
9 with the provisions of this section. Such demonstration program shall  
10 empower such county to install and operate traffic-control signal photo  
11 violation-monitoring devices at no more than fifty intersections within  
12 and under the jurisdiction of such county at any one time. **Provided**  
13 **that, in addition to the fifty intersections within and under its juris-**  
14 **isdiction, such county may install and operate traffic-control signal**  
15 **photo violation-monitoring devices on intersections located on the**  
16 **portion of the Saw Mill River parkway within such county that is in the**  
17 **village of Pleasantville, upon agreement with the commissioner of the**  
18 **state department of transportation or such commissioner's designee.**
- 19 § 2. Subdivision 13 of section 1803 of the vehicle and traffic law,  
20 as added by chapter 501 of the laws of 2023, is amended to read as  
21 follows:
- 22 13. Where the county of Westchester has established a demonstration

23 program imposing monetary liability on the owner of a vehicle for fail-  
24 ure of an operator thereof to comply with subdivision (d) of section

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11175-01-5

A. 8029

2

1 eleven hundred eleven of this chapter in accordance with section eleven  
2 hundred eleven-g of this chapter, any fine or penalty collected by a  
3 court, judge, magistrate or other officer for an imposition of liability  
4 which occurs within a city, town or village within such county pursuant  
5 to such program shall be paid to the state comptroller within the first  
6 ten days of the month following collection, except as otherwise provided  
7 in subdivision three of section ninety-nine-a of the state finance law.  
8 Every such payment shall be accompanied by a statement in such form and  
9 detail as the comptroller shall provide. The comptroller shall pay  
10 eighty percent of any such fine or penalty imposed for such liability to  
11 the county of Westchester, and twenty percent of any such fine or penal-  
12 ty to the city, town or village in which the violation giving rise to  
13 the liability occurred, **provided, however that the comptroller shall pay**  
14 **one hundred percent of any such fine or penalty imposed for such liabil-**  
15 **ity to the county of Westchester for violations which occur on the Saw**  
16 **Mill River parkway within the village of Pleasantville.** All fines,  
17 penalties and forfeitures paid to a city, town or village pursuant to  
18 the provisions of this subdivision shall be credited to the general fund  
19 of such city, town or village, unless a different disposition is  
20 prescribed by charter, special law, local law or ordinance.  
21 § 3. The county of Westchester and commissioner of the state depart-  
22 ment of transportation are hereby authorized and empowered to install  
23 signage that notifies drivers of the presence of traffic-control signal  
24 photo violation-monitoring devices in conformance with standards estab-  
25 lished in the manual on uniform traffic control devices. The county and  
26 such commissioner are additionally authorized and empowered to engage in  
27 a public information campaign before traffic-control signal photo viola-  
28 tion-monitoring devices go into effect on state roads to ensure drivers  
29 have appropriate notice and understanding of the demonstration program.  
30 § 4. This act shall take effect immediately; provided that the amend-  
31 ments to sections 1111-g and 1803 of the vehicle and traffic law made by  
32 sections one and two of this act shall not affect the repeal of such  
33 provisions and shall be deemed repealed therewith.

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A8029

**SPONSOR:** Shimsky

**TITLE OF BILL:**

An act to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the county of Westchester

**PURPOSE:**

The purpose of this bill is to authorize the County of Westchester to implement a red-light camera program on certain intersections of the Saw Mill River Parkway located in the Village of Pleasantville, so long as the County reaches an agreement to do so with the Commissioner of the State Department of Transportation.

**SUMMARY OF PROVISIONS:**

Section 1 of the bill amends the vehicle and traffic law to authorize Westchester County to operate a red-light camera program at intersections on the Saw Mill River Parkway in the Village of Pleasantville, so long as the County comes to an agreement with the Commissioner of the State Department of Transportation regarding the program. These additional intersections on the Saw Mill River Parkway would not count toward the existing limit on the number of intersections the County is authorized to operate red-light cameras at any time.

Section 2 amends the vehicle and traffic law to state that the Comptroller shall pay one hundred percent of any fine collected from a red-light camera program at intersections on the Saw Mill River Parkway in the Village of Pleasantville to Westchester County.

Section 3 authorizes Westchester County and the Commissioner of the Department of Transportation to install signs on the Saw Mill River

Parkway notifying drivers that red-light cameras are installed at certain intersections of the State-owned road. Additionally, this section authorizes Westchester County and the Commissioner of the Department of Education to run a public information campaign before the red-light cameras are used for fines to prepare drivers for the changes at these intersections.

Section 4 is the effective date.

#### **JUSTIFICATION:**

The Grant Street intersection of the Saw Mill River Parkway, located in the Village of Pleasantville, has experienced an uptick of drivers moving through red lights. This uptick has caused at least seventy accidents in the past eleven years, including twenty-seven accidents in 2019. Red-light camera programs have been effective in other jurisdictions in reducing accidents and reckless driving and increasing the safety of pedestrians. Westchester County seeks the State's permission to implement a red-light camera system at the Grant Street intersection, once it has come to an agreement with the Commissioner of the State Department of Transportation, in order to dissuade drivers of unsafe driving habits.

#### **LEGISLATIVE HISTORY:**

This is a new bill.

#### **FISCAL IMPLICATIONS:**

To be determined.

#### **EFFECTIVE DATE:**

This act shall take effect immediately; provided that the amendments to sections 1111-g and 1803 of the vehicle and traffic law made by sections one and two of this act shall not affect the repeal of such provisions and shall be deemed repealed therewith.

*Go to top*

**A08029 Text:**



**HOME RULE REQUEST RESOLUTION NO. 57-2025**

RESOLVED, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

*To the Legislature:*

Pursuant to Article IX of the Constitution, the County of Westchester requests the enactment of Assembly Bill No. 8029/Senate Bill No. 7422 entitled "AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic control signal photo violation monitoring devices in certain intersections in the county of Westchester."

A necessity exists for the enactment of this legislation because the local government does not have the power to enact such legislation by local law.

Dated: *May 5*, 2025  
White Plains, New York

*Margaret A. Gjo*  
*Pedat Jabin*  
*Benjamin Boykin II*  
*J. O.*

*denia ann*  
*Colin O'Malley*  
*Doreen Tubish*

*Margaret A. Gjo*  
*Pedat Jabin*  
*Benjamin Boykin II*  
*J. O.*  
*Colin O'Malley*

COMMITTEES ON

Legislation

Public Safety

Dated: May 5, 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*

**COMMITTEE ON**

Legislation

# STATE OF NEW YORK

7422

2025-2026 Regular Sessions

## IN SENATE

April 15, 2025

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the county of Westchester

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraph 1 of subdivision (a) of section 1111-g of the  
2 vehicle and traffic law, as added by chapter 501 of the laws of 2023, is  
3 amended to read as follows:  
4 1. Notwithstanding any other provision of law, the county of Westches-  
5 ter is hereby authorized and empowered to adopt and amend a local law or  
6 ordinance establishing a demonstration program imposing monetary liabil-  
7 ity on the owner of a vehicle for failure of an operator thereof to  
8 comply with traffic-control indications in such county in accordance  
9 with the provisions of this section. Such demonstration program shall  
10 empower such county to install and operate traffic-control signal photo  
11 violation-monitoring devices at no more than fifty intersections within  
12 and under the jurisdiction of such county at any one time. Provided  
13 that, in addition to the fifty intersections within and under its juris-  
14 diction, such county may install and operate traffic-control signal  
15 photo violation-monitoring devices on intersections located on the  
16 portion of the Saw Mill River parkway within such county that is in the  
17 village of Pleasantville, upon agreement with the commissioner of the  
18 state department of transportation or such commissioner's designee.  
19 § 2. Subdivision 13 of section 1803 of the vehicle and traffic law,  
20 as added by chapter 501 of the laws of 2023, is amended to read as  
21 follows:  
22 13. Where the county of Westchester has established a demonstration  
23 program imposing monetary liability on the owner of a vehicle for fail-  
24 ure of an operator thereof to comply with subdivision (d) of section

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD11175-01-5

1 eleven hundred eleven of this chapter in accordance with section eleven  
2 hundred eleven-g of this chapter, any fine or penalty collected by a  
3 court, judge, magistrate or other officer for an imposition of liability  
4 which occurs within a city, town or village within such county pursuant  
5 to such program shall be paid to the state comptroller within the first  
6 ten days of the month following collection, except as otherwise provided  
7 in subdivision three of section ninety-nine-a of the state finance law.  
8 Every such payment shall be accompanied by a statement in such form and  
9 detail as the comptroller shall provide. The comptroller shall pay  
10 eighty percent of any such fine or penalty imposed for such liability to  
11 the county of Westchester, and twenty percent of any such fine or penal-  
12 ty to the city, town or village in which the violation giving rise to  
13 the liability occurred, provided, however that the comptroller shall pay  
14 one hundred percent of any such fine or penalty imposed for such liabil-  
15 ity to the county of Westchester for violations which occur on the Saw  
16 Mill River parkway within the village of Pleasantville. All fines,  
17 penalties and forfeitures paid to a city, town or village pursuant to  
18 the provisions of this subdivision shall be credited to the general fund  
19 of such city, town or village, unless a different disposition is  
20 prescribed by charter, special law, local law or ordinance.

21 § 3. The county of Westchester and commissioner of the state depart-  
22 ment of transportation are hereby authorized and empowered to install  
23 signage that notifies drivers of the presence of traffic-control signal  
24 photo violation-monitoring devices in conformance with standards estab-  
25 lished in the manual on uniform traffic control devices. The county and  
26 such commissioner are additionally authorized and empowered to engage in  
27 a public information campaign before traffic-control signal photo viola-  
28 tion-monitoring devices go into effect on state roads to ensure drivers  
29 have appropriate notice and understanding of the demonstration program.

30 § 4. This act shall take effect immediately; provided that the amend-  
31 ments to sections 1111-g and 1803 of the vehicle and traffic law made by  
32 sections one and two of this act shall not affect the repeal of such  
33 provisions and shall be deemed repealed therewith.

STATE OF NEW YORK

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8029

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the county of Westchester

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraph 1 of subdivision (a) of section 1111-g of the  
2 vehicle and traffic law, as added by chapter 501 of the laws of 2023, is  
3 amended to read as follows:
- 4 1. Notwithstanding any other provision of law, the county of Westches-  
5 ter is hereby authorized and empowered to adopt and amend a local law or  
6 ordinance establishing a demonstration program imposing monetary liabil-  
7 ity on the owner of a vehicle for failure of an operator thereof to  
8 comply with traffic-control indications in such county in accordance  
9 with the provisions of this section. Such demonstration program shall  
10 empower such county to install and operate traffic-control signal photo  
11 violation-monitoring devices at no more than fifty intersections within  
12 and under the jurisdiction of such county at any one time. **Provided**  
13 **that, in addition to the fifty intersections within and under its juris-**  
14 **diction, such county may install and operate traffic-control signal**  
15 **photo violation-monitoring devices on intersections located on the**  
16 **portion of the Saw Mill River parkway within such county that is in the**  
17 **village of Pleasantville, upon agreement with the commissioner of the**  
18 **state department of transportation or such commissioner's designee.**
- 19 § 2. Subdivision 13 of section 1803 of the vehicle and traffic law,  
20 as added by chapter 501 of the laws of 2023, is amended to read as  
21 follows:
- 22 13. Where the county of Westchester has established a demonstration

23 program imposing monetary liability on the owner of a vehicle for fail-  
24 ure of an operator thereof to comply with subdivision (d) of section

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11175-01-5

A. 8029

2

1 eleven hundred eleven of this chapter in accordance with section eleven  
2 hundred eleven-g of this chapter, any fine or penalty collected by a  
3 court, judge, magistrate or other officer for an imposition of liability  
4 which occurs within a city, town or village within such county pursuant  
5 to such program shall be paid to the state comptroller within the first  
6 ten days of the month following collection, except as otherwise provided  
7 in subdivision three of section ninety-nine-a of the state finance law.  
8 Every such payment shall be accompanied by a statement in such form and  
9 detail as the comptroller shall provide. The comptroller shall pay  
10 eighty percent of any such fine or penalty imposed for such liability to  
11 the county of Westchester, and twenty percent of any such fine or penal-  
12 ty to the city, town or village in which the violation giving rise to  
13 the liability occurred, provided, however that the comptroller shall pay  
14 one hundred percent of any such fine or penalty imposed for such liabil-  
15 ity to the county of Westchester for violations which occur on the Saw  
16 Mill River parkway within the village of Pleasantville. All fines,  
17 penalties and forfeitures paid to a city, town or village pursuant to  
18 the provisions of this subdivision shall be credited to the general fund  
19 of such city, town or village, unless a different disposition is  
20 prescribed by charter, special law, local law or ordinance.  
21 § 3. The county of Westchester and commissioner of the state depart-  
22 ment of transportation are hereby authorized and empowered to install  
23 signage that notifies drivers of the presence of traffic-control signal  
24 photo violation-monitoring devices in conformance with standards estab-  
25 lished in the manual on uniform traffic control devices. The county and  
26 such commissioner are additionally authorized and empowered to engage in  
27 a public information campaign before traffic-control signal photo viola-  
28 tion-monitoring devices go into effect on state roads to ensure drivers  
29 have appropriate notice and understanding of the demonstration program.  
30 § 4. This act shall take effect immediately; provided that the amend-  
31 ments to sections 1111-g and 1803 of the vehicle and traffic law made by  
32 sections one and two of this act shall not affect the repeal of such  
33 provisions and shall be deemed repealed therewith.

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A8029

**SPONSOR:** Shimsky

**TITLE OF BILL:**

An act to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the county of Westchester

**PURPOSE:**

The purpose of this bill is to authorize the County of Westchester to implement a red-light camera program on certain intersections of the Saw Mill River Parkway located in the Village of Pleasantville, so long as the County reaches an agreement to do so with the Commissioner of the State Department of Transportation.

**SUMMARY OF PROVISIONS:**

Section 1 of the bill amends the vehicle and traffic law to authorize Westchester County to operate a red-light camera program at intersections on the Saw Mill River Parkway in the Village of Pleasantville, so long as the County comes to an agreement with the Commissioner of the State Department of Transportation regarding the program. These additional intersections on the Saw Mill River Parkway would not count toward the existing limit on the number of intersections the County is authorized to operate red-light cameras at any time.

Section 2 amends the vehicle and traffic law to state that the Comptroller shall pay one hundred percent of any fine collected from a red-light camera program at intersections on the Saw Mill River Parkway in the Village of Pleasantville to Westchester County.

Section 3 authorizes Westchester County and the Commissioner of the Department of Transportation to install signs on the Saw Mill River



Parkway notifying drivers that red-light cameras are installed at certain intersections of the State-owned road. Additionally, this section authorizes Westchester County and the Commissioner of the Department of Education to run a public information campaign before the red-light cameras are used for fines to prepare drivers for the changes at these intersections.

Section 4 is the effective date.

**JUSTIFICATION:**

The Grant Street intersection of the Saw Mill River Parkway, located in the Village of Pleasantville, has experienced an uptick of drivers moving through red lights. This uptick has caused at least seventy accidents in the past eleven years, including twenty-seven accidents in 2019. Red-light camera programs have been effective in other jurisdictions in reducing accidents and reckless driving and increasing the safety of pedestrians. Westchester County seeks the State's permission to implement a red-light camera system at the Grant Street intersection, once it has come to an agreement with the Commissioner of the State Department of Transportation, in order to dissuade drivers of unsafe driving habits.

**LEGISLATIVE HISTORY:**

This is a new bill.

**FISCAL IMPLICATIONS:**

To be determined.

**EFFECTIVE DATE:**

This act shall take effect immediately; provided that the amendments to sections 1111-g and 1803 of the vehicle and traffic law made by sections one and two of this act shall not affect the repeal of such provisions and shall be deemed repealed therewith.

*Go to top*

**A08029 Text:**

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

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 57 - 2025, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of said original Resolution, which was duly adopted by the Westchester County Board of Legislators, of said County on May 5, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 6<sup>th</sup> day of May, 2025.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester 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 transmittal from the County Executive recommending approval of an Act to amend the current year operating budget (“Budget Amendment”) of the County of Westchester (“County”), as well as adopt a bond act (the “Bond Act”) which was prepared by the law firm of Hawkins, Delafield & Wood LLP, to issue up to Thirty-Six Million (\$36,000,000) Dollars in bonds of the County to fund costs related to the resolution of a dispute entitled *Arbitration between the County of Westchester and Standard Amusements LLC* (hereinafter referred to as the “Arbitration Proceeding”).

As your Honorable Board will recall, on April 12, 2021 the Board of Legislators adopted an Act authorizing the County to enter into a Second Restated and Amended Playland Management Agreement (the “Second Restated Agreement”) with Standard Amusements LLC (“Standard”). The Second Restated Agreement was duly executed on or about July 22, 2021.

On January 21, 2025, the County received a Notice of Termination from Standard effective February 20, 2025, which purports to terminate the Second Restated Agreement. On January 22, 2025 the County sent a response rejecting Standard’s Notice of Termination and reciting a number of breaches on the part of Standard. On January 30, 2025, Standard sent another letter stating, *inter alia*, that its termination notice was valid, that Standard will not manage Playland in 2025, and the County’s breach claims were frivolous. Thereafter on February 4, 2025 the County sent a letter to Standard’s attorneys escalating the dispute to arbitration pursuant to Section 43(ii) of the Second Restated Agreement.

In accordance with the Second Restated Agreement the parties have selected arbitrators and have each submitted documents in support of their claims. The Arbitration Proceeding is anticipated to occur later this year. As part of the resolution of this dispute, the County will be responsible to pay Standard approximately \$36,000,000 dollars (see Section 23B(ii)(a)). Pursuant to Section 23B of the Second Restated Agreement, payments that would be due from the County that are made after 90 days from the

date of termination are subject to interest accruing at eighteen (18%) percent compounding annually.

Your Committee has been advised that if the County makes an advance payment towards the settlement of the dispute in the amount of up to \$36,000,000 before the 90-day mark, then this will prevent interest from accruing on the \$36,000,000 which would save the County a substantial sum of money in the long run.

The Department of Planning has advised that based on its review, the above referenced matter does not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQR”) 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 14, 2025, which is on file with the Clerk of the Board of Legislators.

Your Committee has carefully considered the proposed Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Budget Amendment. It should be further noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to amend the County’s operating budget while an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

Dated: May 5, 2025  
White Plains, New York

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## COMMITTEES ON

## Budget & Appropriations

## Law & Major Contracts

Parks &amp; Environment

Dated: May 5, 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 wop*

**COMMITTEE ON**

Law & Major Contracts

# FISCAL IMPACT STATEMENT

SUBJECT: 2025 Budget Amendment

☐ 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 \$ 36,000,000

Total Current Year Revenue \$ 36,000,000

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

☒ Additional Appropriations ☐ Other (explain)

Identify Accounts: SEE ATTACHED ACT

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: Christina Rampata

Title: Deputy Budget Director

Department: Budget

Date: April 15, 2025

Reviewed By: 

Budget Director

Date: 4/16/25



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

**SECTION 1.** The 2025 County Operating Budget shall be amended as follows:

**EXPENDITURES:**

Miscellaneous Budget	
Judgement (101-52-1000-4990)	\$36,000,000

<b>TOTAL GENERAL FUND EXPENSE</b>	<b>\$36,000,000</b>
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**REVENUES:**

Miscellaneous Budget	
Bond Proceeds - (101-52-1000-9632)	\$36,000,000

<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$36,000,000</b>
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**SECTION 2.** This ACT shall take effect immediately.

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$36,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PAYMENT OF COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY IN THE MATTER OF *ARBITRATION BETWEEN THE COUNTY OF WESTCHESTER AND STANDARD AMUSEMENTS LLC*, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$36,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$36,000,000 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, \$36,000,000 bonds of the county, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of payment of compromised or settled claims against the County in the matter of *Arbitration between the County of Westchester and Standard Amusements LLC*. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the

financing thereof is \$36,000,000. The plan of financing includes the issuance of \$36,000,000 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 periods of probable usefulness of said specific object or purpose, are five (5) years and fifteen (15) years, within the limitations of Sections 11.00 a. 33.(a) and 11.00 a. 19(c) of the Law, respectively, dependent on the specific object or purpose for which the proceeds of said bonds, or portion thereof, are to be expended.

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 \$36,000,000. 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 \$36,000,000 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 \$36,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PAYMENT OF COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY IN THE MATTER OF *ARBITRATION BETWEEN THE COUNTY OF WESTCHESTER AND STANDARD AMUSEMENTS LLC*, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$36,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$36,000,000 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 payment of compromised or settled claims against the County in the matter of *Arbitration between the County of Westchester and Standard Amusements LLC*.

amount of obligations to be issued: \$36,000,000

periods of probable usefulness: five (5) years and 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