

George Latimer
County Executive

August 28, 2019

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 "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to amend Bond Act No. 93-2016 in order to modify the scope of work associated with capital project BCR53 – Maintenance Garage ("BCR53").

By Bond Act No. 93-2016, duly adopted on May 2, 2016, your Honorable Board authorized the County to issue Nine Hundred Fifty Thousand (\$950,000) Dollars in bonds to fund the cost of design of a new maintenance garage and the design of renovations to the existing maintenance garage at the Westchester County Department of Correction's (the "Department") facility at the Valhalla Campus in the Town of Mount Pleasant. These bonds have not been sold.

The proposed Bond Act would amend Bond Act No. 93-2016 by modifying the project scope to include design, construction, and construction management for renovations within the existing maintenance garage, including renovations to toilet facilities, common areas, electrical, plumbing and HVAC. It should be noted that no additional funding is being requested at this time since the additional work will be accomplished using the funding allocated under the previous bond authorization.

Upon receipt by the Department of bonding authorization, design shall be scheduled and is anticipated to take seven (7) months. It is anticipated that the design work will be completed using an outside consultant. It is anticipated that construction will take eighteen (18) months and shall begin after award and execution of the construction contracts.

The Planning Department has advised that based on its review, the above-referenced capital project has been 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Office of the County Executive

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

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

westchestergov.com

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 "George Latimer". The signature is fluid and cursive, with the first name being more prominent.

George Latimer
County Executive

JS/WF/jpg
Attachment

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an amended bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to amend Bond Act No. 93-2016 in order to modify the scope of work associated with capital project BCR53 – Maintenance Garage (“BCR53”). No additional funding is requested.

Your Committee is advised that by Bond Act No. 93-2016, duly adopted on May 2, 2016, this Honorable Board authorized the County to issue \$950,000 in bonds to fund the cost of design of a new maintenance garage and the design of renovations to the existing maintenance garage at the Westchester County Department of Correction’s (the “Department”) facility at the Valhalla Campus in the Town of Mount Pleasant. These bonds have not been sold.

The proposed Bond Act, prepared by the law firm of Harris Beach, PLLC, would amend Bond Act No. 93-2016 by modifying the project scope to include design, construction, and construction management for renovations within the existing maintenance garage, including renovations to toilet facilities, common areas, electrical, plumbing and HVAC. Your Committee notes that no additional funding is being requested at this time since the additional work will be accomplished using funding allocated under the previous bond authorization.

Upon receipt by the Department of bonding authorization, design shall be scheduled and is anticipated to take seven (7) months. It is anticipated that the design work will be completed using an outside consultant. It is anticipated that construction will take eighteen (18) months and shall begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been 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.

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 proposed Bond Act.

Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 2019
White Plains, New York

k/jpg/6-27-19

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR53

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 \$ 950,000 PPU 10 Anticipated Interest Rate 1.38%

Anticipated Annual Cost (Principal and Interest): \$ 102,225

Total Debt Service (Annual Cost x Term): \$ 1,022,250

Finance Department: Interest rates from August 1, 2019 Bond Buyer - jrf9

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: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: James Birrittella

Title: Chief of Administration

Department: Correction


Date: 8/14/19

Reviewed By: 

Budget Director

Date: 8/15/19

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: August 1, 2019

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR53 MAINTENANCE GARAGE**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-19-2019 (Unique ID: 1094)

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

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

COMMENTS: Project scope has been reduced to include only renovations to the existing maintenance garage and to no longer include the construction of a new garage

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED MAY 2, 2016 IN RELATION TO PARTIAL RECONSTRUCTION OF THE EXISTING MAINTENANCE GARAGE, LOCATED AT THE COUNTY DEPARTMENT OF CORRECTIONS FACILITY ON THE VALHALLA CAMPUS, AT THE TOTAL ESTIMATED COST OF \$950,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning for construction of a new maintenance garage and partial reconstruction of the existing garage located at the County Department of Corrections Facility on the Valhalla Campus; at the estimated maximum cost of \$950,000, pursuant to Act No. 93-2016 duly adopted on May 2, 2016, and it has now been determined that the scope of the project as described in such bond act should be revised to authorize financing for such partial reconstruction and the period of probable usefulness for such planning should be increased so that it shall be equal to the period of probable usefulness for such partial reconstruction;

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

Section (A). The bond act duly adopted by this Board on May 2, 2016, entitled:

“(BOND) ACT NO. 93-2016

BOND ACT AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING A NEW MAINTENANCE GARAGE AND RENOVATIONS TO THE EXISTING GARAGE, LOCATED AT THE COUNTY DEPARTMENT OF CORRECTIONS FACILITY ON THE VALHALLA CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$950,000 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 to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PARTIAL RECONSTRUCTION OF THE EXISTING MAINTENANCE GARAGE LOCATED AT THE COUNTY DEPARTMENT OF CORRECTIONS FACILITY ON THE VALHALLA CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$950,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$950,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of partial construction of the existing maintenance garage located at the County Department of Corrections Facility on the Valhalla Campus; including design, construction, and construction management for renovations to toilet facilities, common areas, electrical, plumbing and HVAC; 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 \$950,000. The plan of financing includes the issuance of \$950,000 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 objects or purposes, within the limitations of Section 11.00 a. 90 of the Law, is ten (10) years.

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

\$950,000. 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 \$950,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved, and as the amount of bonds herein authorized is not in excess of \$10,000,000, this Act is not subject to referendum.

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 Officer of the
County Board of Legislators
County of Westchester, New York

RECEIVED
WESTCHESTER COUNTY
BUDGET OFFICE
2016 JUN - 6 10:22

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on May 2, 2016 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 \$950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PARTIAL CONSTRUCTION OF THE EXISTING MAINTENANCE GARAGE LOCATED AT THE COUNTY DEPARTMENT OF CORRECTIONS FACILITY ON THE VALHALLA CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$950,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of partial reconstruction of the existing maintenance garage located at the County Department of Corrections Facility on the Valhalla Campus; including design, construction, and construction management for renovations to toilet facilities, common areas, electrical, plumbing and HVAC; 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: \$950,000; ten (10) years

Dated: _____, 20__
White Plains, New York

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

MAINTENANCE GARAGE (BCR53)

User Department : Correction

Managing Department(s) : Correction ; 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	2019	2020	2021	2022	2023	Under Review
Gross	6,350	6,350	8						
Non County Share									
Total	6,350	6,350	8						

Project Description

This project funds a new, approximately 6,000 square foot, maintenance garage and also includes renovations to the existing garage.

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
2016	950,000	Design	DESIGN
2017	5,400,000	Construction	AWAITING BOND AUTHORIZATION
Total	6,350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,350,000		6,350,000
Total	6,350,000		6,350,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
93 16	950,000			950,000
Total	950,000			950,000

CAPITAL PROJECT FACT SHEET

Project ID:* BCR53	<input type="checkbox"/> CBA	Fact Sheet Date:* 05-15-2019
Fact Sheet Year:* 2019	Project Title:* MAINTENANCE GARAGE	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* CORRECTION	CP Unique ID: 1094

Overall Project Description

This project funds a new, approximately 6,000 square foot, maintenance garage and also includes renovations to the existing garage.

- | | | |
|---|---|---|
| <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 checked="" type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2019	2020	2021	2022	2023	Under Review
Gross	6.350	6.350	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6.350	6.350	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 8

Current Bond Description: Request scope of bond act #93 of 2016 be amended to include design, construction, and construction management for renovations within the existing maintenance garage. This work will be amended to include renovation to toilet facilities, common areas, electrical, plumbing and HVAC.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	950,000
Cash:	0
Total:	\$ 950,000

SEQR Classification:

TYPE II

Amount Requested:

950,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	950,000	DESIGN
2017	5,400,000	CONSTRUCTION

Total Appropriation History:

6,350,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	93	950,000	0	PLAN MAINTENANCE GARGAGE & RENOVATIONS-CORRECTIONS

Total Financing History:

950,000

Recommended By:

Department of Planning
WBB4

Date
06-19-2019

Department of Public Works
RJB4

Date
06-26-2019

Budget Department
LMY1

Date
06-26-2019

Requesting Department
WPF4

Date
06-26-2019