



COMMON COUNCIL
REVISED
AGENDA
SPECIAL MEETING
JUNE 2, 2016
6:00 PM

DISCUSSION:

1. Capital Projects:
Miscellaneous Sanitary Sewer Reconstruction FY 2016
Miscellaneous Street Reconstruction FY 2016
2. Entertainment of a motion to enter into executive session to discuss to discuss litigation *in the matter of Ann C. Connors v. the City of White Plains.*

FIRST READING

ORDINANCES:

3. Ordinance authorizing the settlement of the action of Ann C. Connors against the City of White Plains. **Offered Only**
4. Ordinance authorizing the settlement of certain tax review proceedings. **Offered Only**
5. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5461, Miscellaneous Street Reconstruction Fiscal Year 2016. **Offered Only**
6. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. SW5477, Miscellaneous Sanitary Sewer Reconstruction FY 2016. **Offered Only**
7. Bond Ordinance dated June 6, 2016, authorizing the issuance of \$505,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the reconstruction of, or addition to, various sanitary sewers. **Offered Only**
8. Ordinance authorizing the transfer of funds from the 2015-2016, General Fund Budget in order to reflect additional costs within the Department of Public Works for necessary immediate remediation required in connection with gas leaks at the White Plains Public Library. **Offered Only**

9. Ordinance authorizing the Mayor or his designee to enter into a revocable license agreement on behalf of the City of White Plains, with Urstadt Biddle Properties, Inc., for use of the third level of the Westchester Pavilion Building at 60 South Broadway for the purpose of fire training by the Department of Public Safety (Fire Department). **Offered Only**
10. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an agreement with Empress Ambulance Service, Inc., for a three year period from May 1, 2016 to April 30, 2019, with the City holding an option for two one year agreements thereafter. **Offered Only**
11. Ordinance authorizing the Mayor or his designee to enter into agreements with the County of Westchester for the continuing operation by the City of White Plains for programs for year 2016, under Titles III-B, III-C-1, and the Nutrition Services Incentive Program of the Older Americans Act. **Offered Only**
12. Ordinance authorizing the Mayor or his designee to enter into a contract with the Friends of the White Plains Youth Bureau to receive \$2,500 to continue the Youth Bureau's existing Youth Court Program under the Drug Free Communities Grant funded by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration (SAMHSA), to pay the Youth Court Coordinator to continue the Youth Court Program to June 30, 2016, and to authorize the Budget Director to amend the FY 2014-2015 Youth Development fund to reflect this Grant. **Offered Only**
13. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee (acting by and through the Youth Bureau) to: (1) enter into an amended contract with the County of Westchester, acting on behalf of the Westchester Putnam Investment Board through the Westchester Workforce Development Academy for Youth (WDAY), to receive a total of \$136,263 in funding for Workforce Investment Act (WIOA) Youth Employment Services (\$125,000 and an additional \$11,236 in funding) and to extend said contract until September 30, 2016; (2) to amend the WIOA Budget to reflect the additional funds of \$11,236, for a total grant of \$136,263 from WDAY and a \$30,000 contribution from the Friends of the White Plains Youth Bureau for a grand total of \$166,263; and (3) to authorizing the Mayor to direct the Budget Director to amend the 2015/16 Youth Development Fund to reflect the aforementioned funding. **Offered Only**
14. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to accept on behalf of the City of White Plains (through its Youth Bureau), donations in the amount of \$5,842.25, from participants to be used to offset the expenses for the 2016 Father/Daughter Dance and Mother/Son Dance, and to amend the FY 2015/16 Youth Bureau General Fund to reflect said donations. **Offered Only**

**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE ACTION
OF ANN C. CONNORS AGAINST THE CITY OF WHITE PLAINS.**

The Common Council of the City of White Plains ordains and enacts as follows:

Section 1. The settlement of the action of Ann C. Connors against the City of White Plains in the amount of fifty thousand dollars (\$50,000.00) is hereby authorized.

Section 2. The Mayor is authorized to direct the Commissioner of Finance to pay the sum of fifty thousand dollars (\$50,000.00) from the City's Self-Insurance Fund.

Section 3. This ordinance shall take effect immediately.

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

WHEREAS, various petitioners have brought proceedings to review the assessed valuation of their premises; and

WHEREAS, the respective attorneys for the petitioners have offered and agreed to settle and discontinue said proceedings on condition that the assessed valuations of said properties be reduced and credits paid according to the following list in accord with the applicable tax rate for said years with no interest thereon:

**Ralph and Maria Rivero
16 Ross Street
SBL: 125.52-3-6**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 40,000	\$ 32,000	\$ 8,000	\$ 1,342.56
2011/12	\$ 40,000	\$ 34,000	\$ 6,000	\$ 1,056.66
2012/13	\$ 40,000	\$ 35,000	\$ 5,000	\$ 922.35
2013/14	\$ 40,000	\$ 39,000	\$ 1,000	\$ 191.74
2014/15	\$ 32,500	\$ 32,500	\$ 0	\$ 0.00
2015/16	\$ 32,500	\$ 32,500	\$ 0	\$ 0.00
2016/17	\$ 32,500	\$ 32,500	\$ 0	\$ 0.00
			Total:	<u>\$ 3,513.31</u>

**55 Church WP, LLC
55 Church Street
SBL: 125.67-7-4**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2012/13	\$ 500,000	\$ 500,000	\$ 0	\$ 0.00
2013/14	\$ 500,000	\$ 500,000	\$ 0	\$ 0.00
2014/15	\$ 500,000	\$ 500,000	\$ 0	\$ 0.00
2015/16	\$ 500,000	\$ 465,000	\$ 35,000	\$ 7,025.90
2016/17	\$ 500,000	\$ 465,000	\$ 35,000	\$ 7,033.25
			Total:	\$ 14,059.15

**Sloan Bar Associates
51 Mitchell Place
SBL: 125.76-5-8**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 8,400	\$ 7,800	\$ 600	\$ 100.69
2011/12	\$ 8,400	\$ 8,000	\$ 400	\$ 70.44
2012/13	\$ 8,400	\$ 8,200	\$ 200	\$ 36.89
2013/14	\$ 8,400	\$ 8,200	\$ 200	\$ 38.35
2014/15	\$ 8,400	\$ 8,000	\$ 400	\$ 78.46
2015/16	\$ 8,400	\$ 7,800	\$ 600	\$ 120.44
2016/17	\$ 8,400	\$ 7,600	\$ 800	\$ 160.76
			Total:	\$ 606.03

**202-228 East Post Road
SBL: 125.76-5-13**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 211,600	\$ 197,200	\$ 14,400	\$ 2,416.61
2011/12	\$ 211,600	\$ 202,000	\$ 9,600	\$ 1,690.66
2012/13	\$ 211,600	\$ 206,800	\$ 4,800	\$ 885.46
2013/14	\$ 211,600	\$ 206,800	\$ 4,800	\$ 920.35
2014/15	\$ 211,600	\$ 202,000	\$ 9,600	\$ 1,882.94
2015/16	\$ 211,600	\$ 197,200	\$ 14,400	\$ 2,890.66
2015/17	\$ 211,600	\$ 192,400	\$ 19,200	\$ 3,858.24
			Total:	\$ 14,544.92

**170 Grand Ave LLC and 170 Grand Equities, LLC
170 Grand Street
SBL: 125.83-3-6**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 128,500	\$ 107,000	\$ 21,500	\$ 3,376.89
2010/11	\$ 128,500	\$ 114,000	\$ 14,500	\$ 2,433.39
2011/12	\$ 128,500	\$ 113,000	\$ 15,500	\$ 2,729.71
2012/13	\$ 128,500	\$ 119,000	\$ 9,500	\$ 1,752.47
2013/14	\$ 128,500	\$ 124,000	\$ 4,500	\$ 862.83
2014/15	\$ 128,500	\$ 122,000	\$ 6,500	\$ 1,274.91
2015/16	\$ 128,500	\$ 125,000	\$ 3,300	\$ 702.59
2016/17	\$ 128,500	\$ 123,200	\$ 5,300	\$ 1,065.04
			Total:	\$ 14,197.83

**111 Dell, LLC
109-113 South Broadway
SBL: 125.84-9-4**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 155,000	\$ 124,000	\$ 31,000	\$ 4,868.86
2010/11	\$ 155,000	\$ 119,000	\$ 36,000	\$ 6,041.52
2011/12	\$ 155,000	\$ 135,000	\$ 20,000	\$ 3,522.20
2012/13	\$ 155,000	\$ 140,000	\$ 15,000	\$ 2,767.05
2013/14	\$ 155,000	\$ 146,000	\$ 9,000	\$ 1,725.66
2014/15	\$ 155,000	\$ 139,000	\$ 16,000	\$ 3,138.24
2015/16	\$ 155,000	\$ 134,000	\$ 21,000	\$ 4,215.54
2016/17	\$ 155,000	\$ 132,000	\$ 23,000	\$ 4,621.85
			Total:	<u>\$ 30,900.92</u>

**Alan H. Posner (2011)
Estate of Alan H. Posner (2012-14)
First Amsterdam Partners, LLC (2015-6)
271-283 Mamaroneck Avenue
SBL: 130.28-8-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2011/12	\$ 70,600	\$ 70,600	\$ 0	\$ 0.00
2012/13	\$ 70,600	\$ 70,600	\$ 0	\$ 0.00
2013/14	\$ 70,600	\$ 70,600	\$ 0	\$ 0.00
2014/15	\$ 78,000	\$ 75,000	\$ 3,000	\$ 588.42
2015/16	\$ 78,000	\$ 73,000	\$ 5,000	\$ 1,003.70
2016/17	\$ 78,000	\$ 73,000	\$ 5,000	\$ 1,004.75
			Total:	<u>\$ 2,596.87</u>

WHEREAS, the county and sewer taxes and the school taxes should be payable by the

county and school separately if collected and if the settlement is approved by the Supreme Court.

NOW, THEREFORE, the Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such tax or other levy in the manner provided by Section 726 of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code A021- 01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

§3. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

§4. This ordinance shall take effect immediately.



DEPARTMENT OF LAW
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

**TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL
OF THE CITY OF WHITE PLAINS.**

Ann C. Connors has instituted an action against the City of White Plains, seeking reimbursement from the City, as a result of personal injuries allegedly sustained when her vehicle collided with a City vehicle on January 6, 2013.

I recommend that the City Council authorize settlement of Ann C. Connors' claim in the amount of \$50,000.00. An ordinance authorizing the settlement is submitted for your consideration.

John G. Callahan
Corporation Counsel

Dated: May 31, 2016
(For the Common Council Meeting
on June 6, 2016)

**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE ACTION
OF ANN C. CONNORS AGAINST THE CITY OF WHITE PLAINS.**

The Common Council of the City of White Plains ordains and enacts as follows:

Section 1. The settlement of the action of Ann C. Connors against the City of White Plains in the amount of fifty thousand dollars (\$50,000.00) is hereby authorized.

Section 2. The Mayor is authorized to direct the Commissioner of Finance to pay the sum of fifty thousand dollars (\$50,000.00) from the City's Self-Insurance Fund.

Section 3. This ordinance shall take effect immediately.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING PURSUANT TO SECTION 50 OF THE CHARTER OF THE CITY OF WHITE PLAINS THE APPOINTMENT OF CORPORATION COUNSEL AND CHIEF OF STAFF JOHN G. CALLAHAN AS ACTING CITY CLERK IN THE TEMPORARY ABSENCE OF THE CITY CLERK.

WHEREAS, Anne M. McPherson, City Clerk of the City of White Plains, may be temporarily absent from her position due to vacation plans; and

WHEREAS, there is no present Deputy City Clerk for the City of White Plains; and

WHEREAS, Section 50 of the Charter of the City of White Plains provides that in case of the temporary absence of the City Clerk, if there be no Deputy City Clerk, the Common Council may appoint a City Clerk for the time being, who, on taking the required oath, shall possess the powers and perform the duties of City Clerk during the continuance of such absence from office; now, therefore,

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Common Council of the City of White Plains hereby appoints Corporation Counsel and Chief of Staff John G. Callahan to serve as City Clerk in the temporary absence of City Clerk Anne M. McPherson, in accordance with Section 50 of the Charter of the City of White Plains.

Section 2. Corporation Counsel and Chief of Staff John G. Callahan shall receive no additional salary and compensation for said City Clerk office.

Section 3. This ordinance shall take effect June 6, 2016, and shall expire at the close of business, December 31, 2016.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5461, ENTITLED, "MISCELLANEOUS STREET RECONSTRUCTION FY 2016."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Included in the FY adopted Capital Improvement Program is a project to reconstruct portions of various streets. The main focus of this year's work is the reconstruction of various street segments in the City's downtown. In addition to funding for reconstruction and paving, drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes can be included.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to complete the capital improvements. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. The Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5461, entitled, "**Miscellaneous Street Reconstruction FY 2016,**" as follows:

6

INCREASE REVENUES:

C5461-02238	NYS CHIPs	<u>\$ 700,000</u>
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INCREASE EXPENDITURES:

C5461-8.203	Street/Rights-of-Way	<u>\$ 700,000</u>
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Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. SW5477 ENTITLED, "MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY 16."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended the inclusion of miscellaneous sanitary sewer reconstruction in FY 2015/2016. The Department of Public Works (DPW) has identified sanitary sewer system deficiencies of a critical nature, involving pipe and manhole installation and/or rehabilitation. Plans and specifications for such work have been developed by DPW and publicly advertised. Contracts will be awarded subject to applicable competitive bidding laws of the State of New York and the City of White Plains.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various construction and engineering services contracts, as necessary, to complete the work. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. SW5477, entitled, "**Miscellaneous Sanitary Sewer Reconstruction FY 16,**" with a budget as follows:

7

REVENUES:

SW5477-08810	Serial Bonds	<u>\$ 505,000</u>
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EXPENDITURES:

SW5477-4.005	Finance and Auditing	\$ 5,000
SW5477-8.206	Sanitary Sewer Reconstruction	<u>500,000</u>
		<u>\$ 505,000</u>

Section 4. . The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$505,000 and to advance funds for this project from the Sewer Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED JUNE 6, 2016, AUTHORIZING THE ISSUANCE OF \$505,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF OR ADDITION TO VARIOUS SANITARY SEWERS.

WHEREAS, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of or addition to various sanitary sewers, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$505,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the “Project”);

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of White Plains, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$505,000, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of or addition to various sanitary sewers (the “Project”).

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$505,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before

the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the

Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

Section 5. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond ordinance, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such

obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance

proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure

agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance shall take effect immediately upon its due adoption by the Common Council of the City.

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2015-2016 GENERAL FUND BUDGET IN ORDER TO REFLECT ADDITIONAL COSTS WITHIN THE DEPARTMENT OF PUBLIC WORKS FOR NECESSARY IMMEDIATE REMEDIATION REQUIRED IN CONNECTION WITH GAS LEAKS AT THE WHITE PLAINS PUBLIC LIBRARY.

WHEREAS, in May of 2016, during routine inspections of various City buildings, Con Edison detected a series of gas leaks at the White Plains Public Library, including the boiler area; gas service was cut off to the building by Con Edison; and

WHEREAS, the leaks constituted an unsafe condition that required immediate remediation; and

WHEREAS, a Certificate of Emergency was subsequently issued to perform the necessary repair work so that gas service could be restored to the Library; and

WHEREAS, the total cost of this work, which will be charged to the Department of Public Works' budget, is estimated to be \$90,000; and

WHEREAS, the costs for this work was not included in the fiscal year 2015-2016 budget.

NOW, THEREFORE, the Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. In order to reflect an increase in expenditures within the Department of Public Works, due to gas leaks at the White Plains Library, requiring the issuance of a Certificate of Emergency, and the costs for repairs associated for same were not included in the Fiscal Year 2015-2016 budget, a transfer from Reserve for Financing is required.

Section 2. To provide the funding that was needed for this Certificate of Emergency, the Mayor is hereby authorized to direct the Budget Director to transfer funds within the FY 2015-2016 General Fund budget as follows:

TRANSFER FROM:

A002-9.990	Reserve for Financing	<u>\$90,000</u>
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TRANSFER TO:

A033-3.302	Emergency Building Repairs	<u>\$90,000</u>
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Section 3. The Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly needed for the cost for repairs and related services effectuated by the Department of Public Works.

Section 4. This ordinance shall take effect immediately.

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH URSTADT BIDDLE PROPERTIES INC. FOR USE OF THE THIRD LEVEL OF THE WESTCHESTER PAVILION BUILDING AT 60 SOUTH BROADWAY FOR THE PURPOSE OF FIRE TRAINING BY THE DEPARTMENT OF PUBLIC SAFETY (FIRE DEPARTMENT).

WHEREAS, the City of White Plains (Department of Public Safety-Fire Department) would like to use the former "Borders" space on the third level of the Westchester Pavilion, situated at 60 South Broadway, consisting of approximately 35,000 square feet, for the use of "large area searches" and "downed firefighter rescues" training, with no fire and/or water usage, on a date to be determined; and

WHEREAS, the owners of the Westchester Pavilion site at 60 South Broadway, Urstadt Biddle Properties Inc., a Maryland corporation having an address at 321 Railroad Avenue, Greenwich, Connecticut 06830 ("Licensor") are willing to allow the use of its property on the third level of the Westchester Pavilion to the City of White Plains, at a cost of one dollar (\$1.00), provided that the City of White Plains furnishes Urstadt Biddle Properties Inc. with insurance and indemnifies said owner for the use of the property; and

WHEREAS, this revocable license agreement would appear to be in the best interests of the City; now, therefore

The Common Council of the City of White Plains hereby ordains and enacts as

10

follows:

Section 1. The Mayor or his designee is hereby authorized to execute on behalf of the City of White Plains a revocable license agreement with Urstadt Biddle Properties Inc. (Licensor) for the Department of Public Safety's use of the third level of the Westchester Pavilion located at 60 South Broadway, on a date to be determined, for "large area searches" and "downed firefighter rescues" training, with no fire and/or water usage, for a one dollar (\$1.00) fee to be paid to the Licensor, and appropriate insurance and indemnification, and upon such other terms and conditions as are in the best interest of the City, in a form to be approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH EMPRESS AMBULANCE SERVICE, INC. FOR A THREE YEAR PERIOD FROM MAY 1, 2016 TO APRIL 30, 2019, WITH THE CITY HOLDING AN OPTION FOR TWO ONE YEAR AGREEMENTS THEREAFTER.

WHEREAS, the City of White Plains entered into a contract with TransCare Westchester, Inc. d/b/a TransCare (hereinafter "TransCare") for ambulance services from July 1, 2015 to June 30, 2018; and

WHEREAS, TransCare filed for bankruptcy on or about February 24, 2016 and ceased providing ambulance services to the City of White Plains on that date; and

WHEREAS, Empress Ambulance Service, Inc. (hereinafter "Empress") agreed to provide comparable service to the level of service being provided by TransCare starting on February 24, 2016 in order to maintain continuity of service; and

WHEREAS, the Common Council of the City of White Plains, by an ordinance adopted on March 7, 2016, authorized the City to enter into an emergency ninety (90) day agreement, effective February 24, 2016, with Empress, or until it is replaced with a new contract with Empress with ambulance services; and

WHEREAS, in a communication dated May 2, 2016, the Deputy Commissioner of Public Safety has advised that from the agreement's inception with Empress, the City has

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experienced a seamless transition; and

WHEREAS, Empress is the largest and most experienced 911 provider in the County of Westchester, and possesses a fleet large enough to handle any unforeseen catastrophic incident; and

WHEREAS, the Department of Public Safety has made efforts to secure a successor contract for the provision of emergency ambulance service to the City of White Plains; and

WHEREAS, based on Empress' reputation and long history of continued successful care, as well the City's present experience with the ambulance service, the Department of Public Safety recommends that it would be in the City's best interests to grant a contract with Empress for a term of three (3) years, effective May 1, 2016 through April 30, 2019, with the City retaining an option for two (2) one (1) year agreements thereafter; and

WHEREAS, Empress has agreed to provide the first year of service at a cost of \$489,000, with an annual increase of 3.5%; and

WHEREAS, however, Empress has also agreed to develop a "sliding scale," reducing the City's future annual payments based on the profitability of each year's revenues derived from patient billings; now, therefore,

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor or his designee is authorized to enter into a new three (3) year contract for ambulance services with Empress Ambulance Service, Inc., for the period May 1, 2016 to April 30, 2019, with the City of White Plains having an option to renew said contract for two (2) additional one (1) year terms from May 1, 2019 to April 30, 2020 and May 1, 2020 to April 30, 2021.

Section 2. The contract, *inter alia*, shall provide for two Advanced Mobile Life Support ambulances dedicated to the use of the City of White Plains, seven (7) days per week, twenty-four (24) hours per day and one dedicated basic Life Support ambulance seven (7) days per week, twelve (12) hours per day. The contract shall also provide the City of White Plains access to an on-road Advanced Life Support Flycar Paramedic Supervisor seven (7) days per week, twenty-four (24) hours per day. At Empress' expense, all dedicated EMS ambulances shall have radio communication compatibility with the White Plains Police Department.

Section 3. Fees to be charged by the ambulance company to its users shall be consistent with allowable medical insurance rates so that the ambulance company may continue to operate on a fee-for-service basis.

Section 4. The City shall pay Empress the sum of \$489,000, in monthly installments of \$40,750, for contract year May 1, 2016 to April 30, 2017.

Section 5. The City shall pay Empress an annual increase equal to 3.5%, effective year two of the agreement, according to the following schedule:

Contract year May 1, 2017 to April 30, 2018-\$506,115 (\$42,176.25 monthly)

Contract year May 1, 2018 to April 30, 2019 - \$523,860 (\$43,655 monthly)

Section 6. In the event that Empress's billable ambulance transport revenue surpasses an agreed upon threshold, Empress shall reduce the aforementioned payments for contract years two and three according to an agreed upon "sliding scale" formula with the City of White Plains.

Section 6. All other terms and conditions of the agreement shall be substantially comparable to the prior ambulance services contract approved by the Common Council for TransCare on May 4, 2015. Said contract shall be subject to the approval of the Corporation Counsel of the City of White Plains.

Section 7. Funds for this contract are available in the budget.

Section 8. This ordinance shall take effect May 1, 2016.

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AGREEMENTS WITH THE COUNTY OF WESTCHESTER FOR THE CONTINUING OPERATION BY THE CITY OF WHITE PLAINS FOR PROGRAMS FOR YEAR 2016 UNDER TITLES III-B, III-C-1, AND THE NUTRITION SERVICES INCENTIVE PROGRAM OF THE OLDER AMERICANS ACT.

WHEREAS, the current agreement between The City of White Plains and the County of Westchester, providing for the continuing operation by the City of programs under Titles III-B, III-C-I and the Nutrition Services Incentive Program of the Older Americans Act, expired on December 31, 2015; and

WHEREAS, the programs conducted by the City, pursuant to said contract, have enabled the City to provide nutrition, transportation and support outreach services for senior citizens, and have been in the best interest of the City of White Plains, and it is desirable to extend said programs for a further period; and

WHEREAS, the City received notification from the County of Westchester of estimated disbursements totaling \$67,688, for the continuing operation by the City of White Plains of programs under Titles III-B, III-C-I, and the Nutrition Services Incentive Program of the Older Americans Act.

NOW, THEREFORE, the Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor of The City of White Plains or his designee be and the same, is hereby authorized and directed to enter into contract(s) with the County of Westchester to receive grant funds to provide for the operation of Programs under Titles III-B, III-C-1, and the Nutrition Services Incentive Program of the Older Americans Act from January 1, 2016 to December 31, 2016. Said contract(s) shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is authorized to direct the Commissioner of Finance to receive and disburse the pertinent contract amounts totaling approximately \$67,688.

Section 3. This ordinance shall take effect as of January 1, 2016.

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT WITH THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU TO RECEIVE \$2,500 TO CONTINUE THE YOUTH BUREAU'S EXISTING YOUTH COURT PROGRAM UNDER THE DRUG FREE COMMUNITIES GRANT FUNDED BY THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH ADMINISTRATION (SAMHSA) TO PAY THE YOUTH COURT COORDINATOR TO CONTINUE THE YOUTH COURT PROGRAM TO JUNE 30, 2016 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2014-2015 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT'."

The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. On November 5, 2015, the Common Council enacted an ordinance extending the period of the City of White Plains (Youth Bureau's) US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) grant to April 30, 2016. The Friends of the White Plains Youth Bureau is allocating an additional \$2,500 to continue the Youth Bureau's existing Youth Court Program under the drug free communities grant funded by SAMHSA. The funds will be used to pay the Youth Court Coordinator to continue the Youth Court Program to June 30, 2016.

Section 2. The Mayor or his designee, is hereby authorized to enter into a contract with the Friends of the White Plains Youth Bureau in order to receive the \$2,500 grant to pay the Youth Bureau's Youth Court Coordinator to continue the Youth Court program to June 30, 2016. Said contract shall be in a form to be approved by the Corporation Counsel.

Section 3. The Mayor is hereby authorized to direct the Budget Director to amend

FY 2015-2016 Youth Development Fund as follows:

<u>INCREASED ESTIMATED REVENUE:</u>	Current Budget	New Budget
DFC15 - 02220 US Health & Human Services Grant	\$132,333	
<u>DFC15-06275 Contributions-FOWPYB</u>		<u>\$2,500</u>
Total	\$132,333	<u>\$134,833</u>

<u>INCREASED APPROPRIATIONS:</u>	Current Budget	New Budget
DFC15 - 1.200 CSEA Salaries & Wages	\$8,363	\$8,363
DFC15 - 1.800 Part-Time Salaries	\$20,274	\$22,589
DFC15 - 2.001 FICA	\$2,160	\$2,337
DFC15 - 2.020 MTA PR Tax	\$ 96	\$104
DFC15 - 2.101 NYS Employee Pension	\$2,157	\$2,157
DFC15 - 4.910 Supplies	\$7,326	\$7,326
DFC15 - 4.940 Contracted Services	\$57,339	\$57,339
DFC15- 4.950 Direct Costs	\$29,738	\$29,738
DFC15 - 4.970 Travel Expense	<u>\$ 4,880</u>	<u>\$ 4,880</u>
	<u>\$132,333</u>	<u>\$134,833</u>

Section 4. All of the remaining provisions of the aforementioned ordinance adopted by the Common Council on October 6, 2014, as amended on March 2, 2015 and November 5, 2015, shall remain in full force and effect.

Section 5. This ordinance shall take effect May 1, 2016.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE (ACTING BY AND THROUGH THE YOUTH BUREAU) TO: (1) ENTER INTO AN AMENDED CONTRACT WITH THE COUNTY OF WESTCHESTER, ACTING ON BEHALF OF THE WESTCHESTER-PUTNAM INVESTMENT BOARD THROUGH THE WESTCHESTER WORKFORCE DEVELOPMENT ACADEMY FOR YOUTH (WDAY), TO RECEIVE A TOTAL OF \$136,263 IN FUNDING FOR WORKFORCE INVESTMENT ACT (WIOA) YOUTH EMPLOYMENT SERVICES (\$125,000 AND AN ADDITIONAL \$11,263 IN FUNDING) AND TO EXTEND SAID CONTRACT UNTIL SEPTEMBER 30, 2016; (2) TO AMEND THE WIOA BUDGET TO REFLECT THE ADDITIONAL FUNDS OF \$11,263 FOR A TOTAL GRANT OF \$136,263 FROM WDAY AND A \$30,000 CONTRIBUTION FROM THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU FOR A GRAND TOTAL OF \$166,263; AND (3) TO AUTHORIZE THE MAYOR TO DIRECT THE BUDGET DIRECTOR TO AMEND THE 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT THE AFOREMENTIONED FUNDING.

The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. On July 6, 2015, the Common Council of the City of White Plains enacted an ordinance accepting funds of \$125,000 from the County of Westchester through the Westchester Development Academy for Youth (WDAY) to continue the Youth Bureau's WIOA Youth Employment Services beginning on July 1, 2015 to 2016. The grantor Westchester County/WDAY intends to amend the aforementioned contract by adding \$11,263 to help youth enrolled in the WDAY program, regardless of their residency, find employment during the summer of 2016. The total funding by the grantor Westchester County/WDAY will be increased from \$125,000 to \$136,263 and the contract period extended to September 30, 2016.

Section 2. The Mayor of the City of White Plains or his designee (acting by and through the Youth Bureau) is hereby authorized to enter into an amended contract with the County of Westchester, acting on behalf of the Westchester-Putnam Investment Board through the

14

Westchester Workforce Development Academy for Youth (WDAY), to receive \$136,263 in funding for Workforce Investment Act (WIOA) Youth Employment Services, for the period beginning July 1, 2015 and extended until September 30, 2016. Said contract amendment shall be in a form approved by the Corporation Counsel.

Section 3. The WIOA budget shall be amended to reflect the additional funds of \$11,263 for a total grant amount of \$136,263 from WIA and a \$30,000 contribution from the Friends of White Plains Youth Bureau to support the Youth Bureau’s WIOA Youth Employment Services, for a grand total of \$166,263. The Mayor is further authorized to receive the \$166,263 grant and to authorize the Budget Director to amend the 2015/16 Youth Development Fund as follows:

<u>Increase Estimated Revenue:</u>		Current Budget	New Budget
WIOA-02254	Westchester/WIA	\$125,000	\$136,263
WIOA-06275	Contributions	<u>\$30,000</u>	<u>\$30,000</u>
	Total	<u>\$155,000</u>	<u>\$166,263</u>
 Increase Appropriations:			
WIOA-1.200	CSEA Salaries&Wages	\$114,412	\$114,412
WIOA-1.800	Part-time Salaries	\$0	\$10,430
WIOA-2.001	FICA	\$8,752	\$ 9,550
WIOA-2.020	MTA PR Tax	\$389	\$424
WIOA-2.101	NYS Emp. Pension	\$15,621	\$15,621
WIOA-2.201	Employee Health Insurance	\$9,418	\$9,418
WIOA-2.204	NYS Health Ins.		
	Administrative Charge	\$36	\$36
WIOA-2.206	Health Ins. Buyout	\$3,200	\$3,200
WIOA-2.301	Dental Ins.	\$2,480	\$2,480
WIOA-2.407	Dental Ins.	<u>\$692</u>	<u>\$692</u>
	Total	<u>\$155,000</u>	<u>\$166,263</u>

Section 4. The Commissioner of Finance is hereby authorized to receive and disburse these funds for the intended purpose.

Section 5. This ordinance shall take effect immediately.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS (THROUGH ITS YOUTH BUREAU), DONATIONS IN THE AMOUNT OF \$5,842.25 FROM PARTICIPANTS TO BE USED TO OFFSET THE EXPENSES FOR THE 2016 FATHER DAUGHTER DANCE AND MOTHER SON DANCE AND TO AMEND THE FY 2015/16 YOUTH BUREAU GENERAL FUND TO REFLECT SAID DONATIONS.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor, or his designee, is hereby authorized to accept on behalf of the City of White Plains (through its Youth Bureau), donations in the amount of \$5,843 from participants to be used to offset the expenses for the 2016 Father Daughter Dance and Mother Son Dance.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2015/16 Youth Bureau General Fund as follows:

Increase Estimated Revenue:

F013-06275	Contributions	<u>\$5,843</u>
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Increase Appropriations:

F013-3.011	Program Supplies	\$ 4,143
F013-4.023	Program Services	<u>1,700</u>
		<u>\$5,843</u>

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purposes.

Section. This ordinance shall take effect immediately.