

**THE CITY OF WHITE PLAINS**  
**Official Proceedings**  
**of the Common Council**

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City of White Plains, N.Y., May 29, 2018

No. 12

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THE CITY OF WHITE PLAINS

OFFICERS

|                             |                 |
|-----------------------------|-----------------|
| Mayor . . . . .             | THOMAS M. ROACH |
| Council President . . . . . | JOHN MARTIN     |
| City Clerk . . . . .        | ANNE MCPHERSON  |

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COUNCIL MEMBERS:

|                      |                  |
|----------------------|------------------|
| Nadine Hunt-Robinson | Milagros Lecuona |
| John Kirkpatrick     | John M. Martin   |
| Dennis E. Krolian    | Beth N. Smayda   |

A Special Meeting of the Common Council held Tuesday, May 29, 2018 called for six thirty o'clock in the evening in the Mayor's Conference Room, Mayor Roach presiding and the following members present: Mr. Brasch, Mrs. Hunt Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona and Mr. Martin.

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This Special Meeting was for the purpose of considering ordinances in relation to Capital Project No. W5513, Oxford Road Water Main, Capital Project No. C5583, Library Plaza Surface Replacement, and an ordinance authorizing an agreement between the City and Liquid Outdoor Media, LLC, to sell and display advertising on fifteen digital parking displays, and to offer only various ordinances to be voted on at the June 4, 2018 Common Council Regular Stated Meeting, and continued with discussion of the following matters: Hamilton Green Presentation; 2018-2019 Tax Budget of the City of White Plains; Parking Meter Fees and Holiday Parking; Rental Housing Registry and License Program.

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Communications from the Chairman, Capital Projects Fund, and the Environmental Officer.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:**

Water system improvements in Oxford Road have been identified by the Department of Public Works, recommended by the Capital Projects Board and are included in FY 2017-18 Capital Improvement Program. This communication is requesting funds for the installation of a water main which will include new drainage, curbs and pavement replacement.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts as required to complete this capital project. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5513, entitled "Oxford Road Water Main" as follows:

**REVENUES**

|             |              |                  |
|-------------|--------------|------------------|
| W5513-08810 | Serial Bonds | <u>\$748,000</u> |
|-------------|--------------|------------------|

**EXPENDITURES**

|             |                      |                  |
|-------------|----------------------|------------------|
| W5513-4.005 | Finance and Auditing | \$ 8,000         |
| W5513-8.681 | Water System         | 740,000          |
|             |                      | <u>\$748,000</u> |

It is further requested that issuance of \$748,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

\_\_\_\_\_  
Thomas M. Roach, Chairman

May 29, 2018

\_\_\_\_\_  
May 24, 2018

**TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL**

**SUBJECT: CAPITAL PROJECT NO. W5513  
OXFORD ROAD WATER MAIN**

Capital Project No. W5513, entitled "Oxford Road Water Main, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves the installation of a water main within the improved Oxford Road right-of-way, including new drainage, curbs and pavement replacement.

The Proposed Action represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities. Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

It is recommended that the Common Council, (a) designate itself as the Lead Agency for the environmental review of the Proposed Action; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Martin moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING CAPITAL PROJECT NO. W5513, OXFORD ROAD WATER MAIN.

WHEREAS, Capital Project No. W5513 entitled "Oxford Road Water Main," (hereinafter referred to as the Proposed Action), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves installation of a water main within the improved Oxford Road right-of-way, including new drainage, curbs and pavement replacement; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, declare itself to be the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations at 6 NYCRR §617 in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

RESOLVED, that the Common Council hereby designates itself Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, that the Common Council hereby determines that the Proposed Action is Type II Action and that no additional SEQR review or finding is necessary.

Mr. Kirkpatrick seconded the motion.

Carried.

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains establishing Capital Project No. WW5513 entitled Oxford Road Water Main."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING CAPITAL PROJECT NO. W5513 ENTITLED, "OXFORD ROAD WATER MAIN."

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

Section 1. The water system improvements in Oxford Road have been identified by the Department of Public Works, recommended by the Capital Projects Board, and are included in the Fiscal Year 2017-2018 Capital Improvement Program. This project includes new drainage, curbs and pavement replacement.

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

Section 3. In order to provide the necessary funding for the Commissioner of Public Works to effectuate the project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5513 entitled, "Oxford Road Water Main," with a budget as follows:

**REVENUES:**

|             |              |           |
|-------------|--------------|-----------|
| W5513-08810 | Serial Bonds | \$748,000 |
|-------------|--------------|-----------|

**EXPENDITURES:**

|             |                      |                  |
|-------------|----------------------|------------------|
| W5513-4.005 | Finance and Auditing | \$ 8,000         |
| W5513-8.681 | Water System         | 740,000          |
|             |                      | <u>\$748,000</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$748,000, and to advance funds for this project from the Water Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated May 29, 2018, authorizing the issuance of \$748,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the acquisition and installation of water system improvements."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

BOND ORDINANCE, DATED MAY 29, 2018, AUTHORIZING THE ISSUANCE OF \$748,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE ACQUISITION AND INSTALLATION OF WATER SYSTEM IMPROVEMENTS.

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 acquisition and installation of water system improvements to the Oxford Road Water Main, including new drainage, curbs and pavement replacement and 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 \$748,000, 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 \$748,000, pursuant to the Local Finance Law, in order to finance the costs of 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 \$748,000, (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 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) 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.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from the Chairman, Capital Projects Fund, and Environmental Officer.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.



## TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

Included in the FY 2017-2018 Capital Improvement Program is a project for the replacement of the Library Plaza surface and related improvements. On July 7, 2012 the Council approved the first phase of the project which was the a preliminary conceptual design of the Plaza and on 5/17/16 the Council authorized an amendment to the capital project to complete the final design in preparation for bidding and the construction phase of the project. Bids have been solicited and received. This communication is requesting funds for the construction phase of the Library Plaza to include upgrades to landscaping, drainage, lighting and security

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects fund by amending Capital Project C5383 "Library Plaza Surface Replacement" and by amending the budget as follows:

INCREASE REVENUES:

|             |                    |                    |
|-------------|--------------------|--------------------|
| C5383-02253 | Westchester County | \$ 600,000         |
| C5383-06275 | Contributions      | 135,000            |
| C5383-08810 | Serial Bonds       | <u>5,319,000</u>   |
|             |                    | <u>\$6,054,000</u> |

INCREASE EXPENSES

|             |                   |                    |
|-------------|-------------------|--------------------|
| C5383-4.005 | Finance and Audit | \$ 54,000          |
| C5383-8.011 | Site Improvements | <u>6,000,000</u>   |
|             |                   | <u>\$6,054,000</u> |

Finally, it is requested that the sale of \$6,054,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

\_\_\_\_\_  
Thomas M. Roach, Chairman

May 29, 2018

\_\_\_\_\_  
May 24, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. PROJECT C5383  
LIBRARY PLAZA SURFACE REPLACEMENT

The proposed Capital Project No. Project C5383, entitled "Library Plaza Surface Replacement," ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This involves final design and construction to replace the pavement surface in the plaza area of the White Plains Library including upgrades to the walking surface, landscaping, drainage, lighting and security.

The Proposed Action represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities. Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

It is recommended that the Common Council, (a) designate itself as the Lead Agency for the environmental review of the Proposed Action; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Martin moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING CAPITAL PROJECT NO. C5383, LIBRARY PLAZA SURFACE REPLACEMENT.

WHEREAS, the proposed Capital Project No. Project C5383, entitled "Library Plaza Surface Replacement," ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves final design and construction to replace the pavement surface in the plaza area of the White Plains Library including upgrades to the walking surface, landscaping, drainage, lighting and security; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, declare itself to be the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations at 6 NYCRR §617; now, therefore, be it

RESOLVED, that the Common Council hereby designates itself Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, that the Common Council hereby determines that the Proposed Action is Type II Action and that no additional SEQR review or finding is necessary.

Mr. Kirkpatrick seconded the motion.

Carried.

Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains establishing Capital Project No. C5383 entitled Library Plaza Surface Replacement."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY AMENDING CAPITAL PROJECT NO. C5383 ENTITLED, "LIBRARY PLAZA SURFACE REPLACEMENT."**

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

Section 1. Included in the 2017-2018 Capital Improvement Program is a continuing project for the replacement of the Library Plaza surface and related improvements. Authorization is now needed to amend the capital project to fund the construction phase of the project, including upgrades to the walking surface, landscaping, drainage, lighting and security.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various 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 amending Capital Project No. C5383 entitled, "Library Plaza Surface Replacement," by amending the budget as follows:

**INCREASE REVENUES:**

|             |                    |                    |
|-------------|--------------------|--------------------|
| C5383-02253 | Westchester County | \$ 600,000         |
| C5383-06275 | Contributions      | 135,000            |
| C5383-08810 | Serial Bonds       | 5,319,000          |
|             |                    | <u>\$6,054,000</u> |

**INCREASE EXPENSES:**

|             |                   |                    |
|-------------|-------------------|--------------------|
| C5383-4.005 | Finance and Audit | \$ 54,000          |
| C5383-8.011 | Site Improvements | 6,000,000          |
|             |                   | <u>\$6,054,000</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$6,054,000 and to advance funds for this project, as necessary, from the General Fund, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Martin and the Mayor - 5 - 2. Nays: Mr. Krolian and Mrs. Lecuona.

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated May 29, 2018, authorizing the issuance of 6,054,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the additional costs of the construction or reconstruction of City-owned buildings."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

BOND ORDINANCE, DATED MAY 29, 2018, AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$6,054,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE ADDITIONAL COST OF THE CONSTRUCTION OR RECONSTRUCTION OF CITY-OWNED BUILDINGS.

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 construction or reconstruction of City-owned buildings (library plaza surface replacement) (the "Project"), 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 \$353,500, all in accordance with the Local Finance Law; and

WHEREAS, on July 2, 2012, the Common Council of the City adopted a serial bond ordinance for estimated costs associated with the financing of the Project in the aggregate principal amount of \$101,000 (the "2012 Ordinance"); and

WHEREAS, on May 9, 2016, the Common Council of the City adopted a serial bond ordinance for additional estimated costs associated with the financing of the Project in the aggregate principal amount of \$252,500 (the "2016 Ordinance") increasing the maximum cost of the Project by \$252,500 to \$353,500; and

WHEREAS, the Common Council of the City now hereby determines that the maximum cost of the Project has increased by \$6,054,000 to \$6,407,500, and further determines to fund such additional cost through borrowing under the provisions of the Local Finance Law and authorizing \$6,054,000 serial bonds of

the City hereunder which, together with borrowing authorized by the 2012 Ordinance and the 2016 Ordinance, now authorizes financing of the estimated maximum cost of the Project in the aggregate principal amount of \$6,407,500.

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 \$6,054,000, pursuant to the Local Finance Law, in order to finance the construction or reconstruction of City-owned buildings (library plaza surface replacement).

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 \$6,407,500, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except (i) borrowing authorized in the 2012 Ordinance and (ii) borrowing authorized in the 2016 Ordinance, (c) the Common Council of the City plans to finance such costs of the Project from (i) the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds and (ii) proceeds of serial bonds or bond anticipation notes issued in anticipation of the issuance of such serial bonds authorized in and pursuant to the 2012 Ordinance and 2016 Ordinance, except to the extent of Federal or State aid or grants received by the City which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*, (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 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) 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 issued herein upon the advice of bond counsel. Upon review of the environmental compliance record conducted in connection with the adoption by the Common Council of the Prior Ordinance, 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 subsection 6(c) of 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.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Commissioner of Parking.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

#### TO THE HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF WHITE PLAINS

For approximately eight years, Clear Channel Outdoor, Inc. (CCO) has installed, managed, and maintained fifteen (15) digital displays at locations throughout the municipal parking system (Parking System Displays). The displays have generated income for the City through revenue sharing of advertising fees. The displays have also provided the City with the valuable ability to publicize City events, programs, and other information at no cost. Recently, CCO has informed the City that they would not be renewing the agreement and that they would be willing to turn over the Parking System Displays to the City. CCO will no longer be operating and maintaining the displays as of June 1, 2018.

The Department of Parking has been in discussions with Liquid Outdoor Media, LLC (LO) regarding their ability to maintain and operate the Parking System Displays. LO currently provides services in New York, Philadelphia, Washington DC, Boston, Miami, Baltimore, and other locations throughout the country. LO is willing to enter into an agreement with the City to permit LO to sell and display advertising on Parking System Displays under the same terms that were approved by the Common Council at the December 19, 2017 meeting.

Submitted for your consideration is an ordinance authorizing the Mayor to enter into an agreement with Liquid Outdoor Media, LLC to permit LO to sell and display advertising throughout the municipal parking system, to accept the signs from CCO, and to transfer the signs to LO. LO would be required to



maintain and operate the Parking System Displays and would pay the City 35% of all gross advertising fees. A minimum payment of \$30,000 per year would be paid to the City. The agreement would be for a term of five years with an option to renew for an additional five years.

Respectfully submitted,

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John P. Larson  
Commissioner of Parking

Dated: May 23, 2018

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to enter into an agreement on behalf of the City of White Plains with Liquid Outdoor Media, LLC, to allow Liquid Outdoor Media, LLC to sell and display advertising on fifteen parking system digital displays, and to authorize those parking displays to be transferred from Clear Channel Outdoor, Inc., to the City and from the City to Liquid Outdoor Media LLC."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH LIQUID OUTDOOR MEDIA, LLC, TO ALLOW LIQUID OUTDOOR MEDIA, LLC TO SELL AND DISPLAY ADVERTISING ON FIFTEEN PARKING SYSTEM DIGITAL DISPLAYS, AND TO AUTHORIZE THOSE PARKING DISPLAYS TO BE TRANSFERRED FROM CLEAR CHANNEL OUTDOOR, INC. TO THE CITY AND FROM THE CITY TO LIQUID OUTDOOR MEDIA, LLC.

WHEREAS, Clear Channel Outdoor, Inc. ("CCO"), has installed, managed and maintained 15 digital displays throughout the City's Municipal Parking System; and

WHEREAS, the digital displays have generated income for the City through revenue sharing of advertising fees; and

WHEREAS, the digital displays enable the City to publicize City events, programs and other information at no cost and to obtain advertising revenue; and

WHEREAS, CCO has notified the City that they are not renewing their previous agreement and will no longer be operating and maintaining the digital displays as of June 1, 2018; and

WHEREAS, CCO is willing to transfer ownership of the fifteen digital displays to the City in their "as is" condition rather than to remove them; and

WHEREAS, the White Plains Department of Parking has discussed having Liquid Outdoor Media, LLC own, operate and maintain the fifteen digital displays for a percentage of gross advertising revenue with a minimum annual payment; and

WHEREAS, it would be in the best interests of the City to continue to obtain revenue from the use of the digital displays without the expense of operating and maintaining the displays.

NOW, THEREFORE, the Common Council hereby ordains and enacts as follows:

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor, or his designee, to enter into an agreement with Liquid Outdoor Media, LLC, to sell and display advertising on fifteen digital displays at locations throughout the City's Municipal Parking System, and pay the City 35 percent of all gross advertising fees, but no less than \$30,000 per year for a period of five years with an option to renew for another five years.

Section 2. The Common Council also authorizes the Mayor, or his designee, to accept title to fifteen digital displays from Clear Channel Outdoor, Inc. and to transfer the title to Liquid Outdoor Media, LLC, after which Liquid Outdoor Media, LLC shall manage and maintain the fifteen digital displays at no cost to the City and to execute any documents necessary to transfer title.

Section 3. Said agreement authorized in Section 1 hereof and any documents required in Section 2 hereof shall be in a form approved by the Corporation Counsel.

Section 4. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

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Mr. Martin made a motion to table communications enumerated as 13, 15, 17, 19, 21, and 23.

Mr. Kirkpatrick seconded the motion.

Carried.

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Mr. Martin made a motion to offer only the following titled ordinances:

"Ordinance of the Common Council of the City of White Plains amending an ordinance entitled, "An ordinance of the Common Council of the City of White Plains authorizing the hiring of an independent consultant to perform environmental testing at property known as 52 North Broadway to be used in

relation to the preparation and consideration of an application for a zoning amendment, and requiring the applicant to pay the costs thereof by funding a Trust Account."

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"Ordinance authorizing the Mayor to enter into a revocable license agreement with 707-709 Westchester Avenue Owner SPE, LLC and 925/1025 Westchester Avenue Owner SPC, LLC, for use of their parking lots in connection with the City of White Plains Fireworks Display for the Independence Day Celebration."

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"Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to enter into a contract with the Westchester Community Foundation to receive a grant in the amount of \$50,000 and to authorize the Budget Director to amend the FY 2017-2018 Youth Development Fund to reflect this grant."

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"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 \$6,550. From participants to be used to offset the expenses for the 2018 Father/Daughter Dance and Mother/Son Dance, and to amend the Fiscal Year 2017/2018 Youth Bureau General Fund to reflect said donations."

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"Ordinance authorizing the change of control of TVC Albany, Inc., d/b/a First Light, pursuant to a stock purchase agreement to Flight Bidco, Inc., pursuant to the existing franchise agreement between the City and TVC Albany, Inc., d/b/a First Light."

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"Ordinance accepting a ten foot wide water main easement tendered by the White Plains City School District over a portion of Ralph Field, also a part of Section 130.20, Block 10, Lot 1 on the Tax Assessment Map of the City of White Plains."

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The Special Meeting continued with discussion as follows: Hamilton Green Presentation; 2018-2019 Tax Budget of the City of White Plains; Parking Meter Fees and Holiday Parking; Rental Housing Registry and License Program.

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On motion of Council President Martin, seconded and duly carried, the Common Council adjourned the meeting.

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Anne M. McPherson, CMC  
City Clerk