

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED AUGUST 1, 2016 IN RELATION TO THE REHABILITATION OF COMMERCE STREET (CR 29), AT THE TOTAL ESTIMATED COST OF \$5,900,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of approximately 1.23 miles of Commerce Street from Stevens Avenue to Liberty Street including milling; joint and crack repair; resurfacing; concrete curb replacement; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work (the "Project"), at the estimated maximum cost of \$325,000, pursuant to Act No. 248-2016 duly adopted on August 1, 2016; and

WHEREAS, this Board has heretofore duly authorized the Project, and authorized the issuance of bonds for the Project, at the estimated cost of \$4,700,000, pursuant to Act No. 77-2020 duly adopted on May 18, 2020; and

WHEREAS, it has been determined that, due to the discovery of a previously unknown gas line found adjacent to the proposed drainage system, requiring additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection, the Project costs have increased and additional work is necessary, and it is necessary to increase the appropriation for such project for estimated costs of such improvements;

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

Section (A). The bond act duly adopted by this Board on August 1, 2016, and amended on May 18, 2020 entitled:

"ACT NO. 77-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF COMMERCE STREET (CR 29) IN MOUNT PLEASANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,700,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS."

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF COMMERCE STREET (CR 29), AND THE RECONFIGURATION THE COMMERCE STREET AND ELWOOD AVENUE INTERSECTION IN MOUNT PLEASANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$5,900,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the rehabilitation of approximately 1.23 miles of Commerce Street (CR 29) in Mount Pleasant from Stevens Avenue to Liberty Street including milling; joint and crack renovation; resurfacing; concrete curb replacement; drainage improvements; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work, as well as work to address the reconfiguration of intersection of Commerce Street and Elwood Avenue, also additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of

traffic plan, additional design, and construction inspection, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$5,900,000. The plan of financing includes the issuance of \$5,900,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$5,900,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.20(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$5,900,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$5,900,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on August 1, 2016 and amended on May 18, 2020 and further amended on _____, 20____ and approved, as amended, by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

ACT NO. _____-20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF COMMERCE STREET (CR 29), AND THE RECONFIGURATION THE COMMERCE STREET AND ELWOOD AVENUE INTERSECTION IN MOUNT PLEASANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on August 1, 2016 and amended on May 18, 2020 and further amended on _____, 20_____)

object or purpose: to finance the rehabilitation of approximately 1.23 miles of Commerce Street (CR 29) in Mount Pleasant from Stevens Avenue to Liberty Street including milling; joint and crack renovation; resurfacing; concrete curb replacement; drainage improvements; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work, as well as work to address the reconfiguration of intersection of Commerce Street and Elwood Avenue, also additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$5,900,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

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

HDW

3835048.1 046607 LEG

CAPITAL PROJECT FACT SHEET

Project ID:*
RB151

☒ CBA

Fact Sheet Date:*
08-08-2023

Fact Sheet Year:*
2023

Project Title:*
COMMERCE STREET, C.R. 29,
MOUNT PLEASANT

Legislative District ID:
3,

Category*
ROADS & BRIDGES

Department:*
PUBLIC WORKS

CP Unique ID:
2307

Overall Project Description

The improvements to Commerce Street, CR 29 will include cold milling and removal of the existing asphalt overlay, joints and cracks will be cleaned, filled and sealed, the roadway tack-coated and paved with asphalt. Work will also include the replacement of sections of concrete curb, replacement or adjustment of utility castings, installation of: handicap ramps, new traffic loops and new pavement markings. The project limits are from Stevens Avenue to Liberty Street, a distance of 1.23 miles in the Town of Mount Pleasant.

☒ Best Management Practices

☐ Energy Efficiencies

☒ Infrastructure

☒ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	5,900	4,700	0	0	0	0	0	1,200
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,900	4,700	0	0	0	0	0	1,200

Expended/Obligated Amount (in thousands) as of : 4,532

Current Bond Description: Funding for additional design, construction management, and construction associated with rehabilitating Commerce Street, CR 29, and reconfiguring the Commerce Street and Elwood Avenue intersection is requested.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
Total:	\$ 1,200,000

SEQR Classification:

UNLISTED

Amount Requested:

1,200,000

Expected Design Work Provider:

☐ County Staff

☒ Consultant

☐ Not Applicable

Comments:

A capital budget amendment of \$1,200,000 (shown under review) is requested to fund the additional costs for design, construction management, and construction due to the discovery of a previously unknown gas line found adjacent to the proposed drainage system. This requires additional rock excavation, drainage system modifications, relocation of existing utilities, modifications to the maintenance and protection of traffic plan, additional design, and construction inspection.

PCI: 62 (2019) / AADT: 1,726 (Amend BA #77-2020)

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	2,600,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2019	100,000	COST ESCALATION
2020	2,000,000	RECONFIGURATION OF THE COMMERCE ST AND ELWOOD AVE INTERSECTION

Total Appropriation History:

4,700,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	248	0	0	COMMERCE STREET MOUNT PLEASANT DESIGN REHABILITATION
20	77	4,700,000	240,312	REHAB OF 1.23 MILES OF ROADWAY FROM STEVENS AVE TO LIBERTY STREET IN MT PLEASANT

Total Financing History:

4,700,000

Recommended By:

Department of Planning
MLLL

Date
09-14-2023

Department of Public Works
RJB4

Date
09-14-2023

Budget Department
DEV9

Date
09-19-2023

Requesting Department
RJB4

Date
09-20-2023

COMMERCE STREET, C.R. 29, MOUNT PLEASANT (RB151)

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	4,700	4,700	4,594						
Non County Share									
Total	4,700	4,700	4,594						

Project Description

The improvements to Commerce Street, CR 29 will include cold milling and removal of the existing asphalt overlay, joints and cracks will be cleaned, filled and sealed, the roadway tack-coated and paved with asphalt. Work will also include the replacement of sections of concrete curb, replacement or adjustment of utility castings, installation of: handicap ramps, new traffic loops and new pavement markings. The project limits are from Stevens Avenue to Liberty Street, a distance of 1.23 miles in the Town of Mount Pleasant.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2016	2,600,000	Design, construction and construction management	DESIGN
2019	100,000	Cost escalation	DESIGN
2020	2,000,000	Reconfiguration of the Commerce St and Elwood Ave intersection	DESIGN
Total	4,700,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,700,000	240,312	4,459,688
Total	4,700,000	240,312	4,459,688

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
248 16				
77 20	4,700,000	12/01/21	240,312	4,459,688
Total	4,700,000		240,312	4,459,688