

(BOND) ACT 192 - 2021

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total aggregate amount of \$3,155,000 to authorize the County of Westchester (the "County") to finance the following two capital projects for 2022:

RB231 – Pines Bridge Road, CR 1323, New Castle ("RB231"), and
RB232 – East Main Street, CR 25, Peekskill ("RB232").

Your Committee is advised that the Bond Act, prepared by the law firm of Harris Beach, PLLC, would authorize the County to issue bonds in the total amount of \$3,155,000 to finance the cost of roadway improvements including design, construction management and construction associated with rehabilitation of:

(i) approximately 2.86 miles of Pines Bridge Road, County Road 1323, from the New Castle/Yorktown line to Brookside Lane, and

(ii) approximately 0.2 miles of East Main Street, County Road 24, from Broad Street to North Division Street,

both including milling; resurfacing; drainage work; new traffic signal loops; new pavement markings, curb replacement and related work.

Your Committee is advised that the anticipated cost, anticipated project timeline, and whether the design is anticipated to be undertaken in-house or by consultants for each capital project is set forth below:

Cap ID	Project	Anticipated Amount	PCI	AADT	Design Assignment	Time Frame (Months)	
						Design	Const
RB231	Pines Bridge Road, CR 1323, New Castle	\$2,230,000	56 (2019)	2,502	Staff	9	6
RB232	East Main Street, CR 25, Peekskill	\$925,000	58 (2019)	9,841	Staff	6	4

Total: \$3,155,000

Your Committee is advised that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2022 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced projects will be ready to proceed without delay in early 2022. In addition, please note that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

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

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: October 18, 2021
White Plains, New York

Arthur K
Benjamin K

Benjamin K
K. J. Stovell

Budget &
Appropriations

Public Works &
Transportation

COMMITTEE ON

Dated: October 18, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Public Works & Transportation

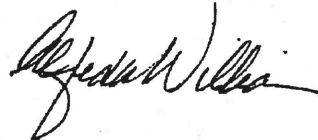
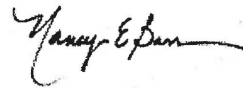


Catherine F. Parker

David Q. Jabrot



Budget & Appropriations



Margaret A. Cunzio

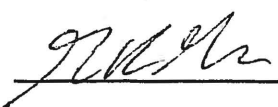
Catherine F. Parker

David Q. Jabrot


Ruth Walker



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>Roads</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	
		<input type="checkbox"/> Capital Budget Amendment	
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 3,155,000	PPU 15	Anticipated Interest Rate 1.13%
Anticipated Annual Cost (Principal and Interest):		\$ 229,447	
Total Debt Service (Annual Cost x Term):		\$ 3,441,705	
Finance Department:	Interest Rates from October 6, 2021 Bond Buyer - ASBA		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
Potential Related Expenses (Annual):	\$	-	
Potential Related Revenues (Annual):	\$	-	
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):			
<hr/> <hr/>			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:	34		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input checked="" type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Robert Abbamont</u>	Reviewed By:	<u></u>
Title:	<u>Dir. Or Operations (Capital Planning)</u>		Deputy Budget Director
Department:	<u>DPW&T</u>	Date:	<u>10/14/21</u>
Date:	<u>10/14/21</u>		

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

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

DATE: October 12, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR 2022 CAPITAL
PROJECTS BOND ACT – ROADWAY REHABILITATION**

In connection with the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (SEQR), the Department of Planning has reviewed the proposed bond act legislation that would finance the following capital projects:

Capital Project	Project Title	Fact Sheet ID	Approved by Planning
RB231	Pines Bridge Road, CR 1323, New Castle	1756	9/14/2021
RB232	East Main Street, CR 25, Peekskill	1757	9/14/2021

The Planning Department advises that these projects for which funding is being requested may be classified as **TYPE II actions** pursuant to sections:

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

617.5(c)(5) repaving of existing highways not involving the addition of new travel lanes.

As such, no further environmental review is required.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation

Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. ¹⁹²-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,155,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO ROADWAYS; STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$3,155,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,155,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 10/18, 2021)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$3,155,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of roadway improvements including design, construction management and construction associated with the rehabilitation of approximately 2.86 miles of roadway from New Castle/Yorktown Line to Brookside Lane and approximately 0.2 miles of roadway from Broad Street to North Division Street, including milling; resurfacing; drainage work; new traffic signal loops; new pavement

markings, curb replacement and related work; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$3,155,000. The plan of financing includes the issuance of \$3,155,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$3,155,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

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

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This Act shall take effect not earlier than January 1, 2022 and in accordance with Section 107.71 of the Westchester County Charter.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:*
RB231

CBA

Fact Sheet Date:*
10-15-2021

Fact Sheet Year:*
2022

Project Title:*
PINES BRIDGE ROAD, CR 1323, NEW
CASTLE

Legislative District ID:

Category*
ROADS & BRIDGES

Department:*
PUBLIC WORKS

CP Unique ID:
1756

Overall Project Description

This project will fund the rehabilitation of approximately 2.86 miles of roadway from New Castle/Yorktown Line to Brookside Lane including milling; resurfacing; drainage work; new traffic signal loops; new pavement markings and related work.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	2,230	0	2,230	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,230	0	2,230	0	0	0	0	0

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

Current Bond Description: Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 2.86 miles of roadway from New Castle/Yorktown Line to Brookside Lane including milling; resurfacing; drainage work; new traffic signal loops; new pavement markings and related work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,230,000
Cash:	0
Total:	\$ 2,230,000

SEQR Classification:

TYPE II

Amount Requested:

2,230,000

Comments:

PCI: 56 (2019); AADT: 2,502

Energy Efficiencies:

N/A

Total Financing History:

0

Recommended By:

Department of Planning

WBB4

Date

09-14-2021

Department of Public Works

RJB4

Date

09-15-2021

Budget Department

GKGA

Date

09-15-2021

Requesting Department

RJB4

Date

09-17-2021

CAPITAL PROJECT FACT SHEET

Project ID:*
RB232

CBA

Fact Sheet Date:*
10-15-2021

Fact Sheet Year:*
2022

Project Title:*
EAST MAIN STREET, CR 25,
PEEKSKILL

Legislative District ID:
1,

Category*
ROADS & BRIDGES

Department:*
PUBLIC WORKS

CP Unique ID:
1757

Overall Project Description

This project will fund the rehabilitation of approximately 0.2 miles of roadway from Broad Street to North Division Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	925	0	925	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	925	0	925	0	0	0	0	0

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

Current Bond Description: Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 0.2 miles of roadway from Broad Street to North Division Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	925,000
Cash:	<u>0</u>
Total:	\$ 925,000

SEQR Classification:
TYPE II

Amount Requested:
925,000

Comments:
PCI: 58 (2019); AADT: 9,841

Energy Efficiencies:
N/A

Total Financing History:
0

Recommended By:

Department of Planning

WBB4

Date

09-14-2021

Department of Public Works

RJB4

Date

09-15-2021

Budget Department

GKGA

Date

09-15-2021

Requesting Department

RJB4

Date

09-17-2021

**PINES BRIDGE ROAD, CR 1323, NEW CASTLE
(RB231)**

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	2022	2023	2024	2025	2026	Under Review
Gross	2,230			2,230					
Non County Share									
Total	2,230			2,230					

Project Description

This project will fund the rehabilitation of approximately 2.86 miles of roadway from New Castle/Yorktown Line to Brookside Lane including milling; resurfacing; drainage work; new traffic signal loops; new pavement markings and related work.

Current Year Description

The current year request funds design, construction and construction management.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	2,230,000			2,230,000

Impact on Operating Budget

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

**EAST MAIN STREET, CR 25, PEEKSKILL
(RB232)**

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	2022	2023	2024	2025	2026	Under Review
Gross	925			925					
Non County Share									
Total	925			925					

Project Description

This project will fund the rehabilitation of approximately 0.2 miles of roadway from Broad Street to North Division Street including milling; resurfacing; curb replacement; drainage work; new traffic signal loops; new pavement markings and related work.

Current Year Description

The current year request funds design, construction and construction management.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	925,000			925,000

Impact on Operating Budget

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

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on October 18, 2021 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
October 13, 2021

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

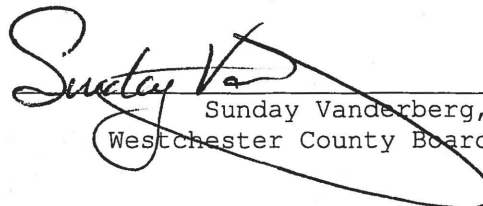
Designated Location(s)
of posted notice

Date of Posting
October 13, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 19, 2021.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:


Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 10-20-21

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 192 - 2021, 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 October 18, 2021, and approved by the County Executive on October 20, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 21st day of October, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

