#2023-466

Reference RB04N

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester ("County") of a bond act ("Bond Act") in the amount of $2,046,000, to finance capital project RB04N – NYS Route 22 Bridge over Armonk Road Connection, CR 68, North Castle (BIN 1016550), for 2024. The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of design associated with the replacement of the existing bridge structure with a precast arch with stone facing and associated work.

The Department of Public Works and Transportation (the "Department") has advised that this bridge, which has an annual daily traffic count ("AADT") of 12,904, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2020 the New York State Department of Transportation gave the bridge a condition rating of 4.19 and the bridge has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Following bonding authorization, design will be scheduled and is anticipated to take twenty-four (24) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately thirty-six (36) months and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

It should be noted that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2024 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced project will be ready to proceed without delay in early 2024.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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: December 6th, 2023
White Plains, New York

Budget & Appropriations
COMMITTEE ON

Public Works & Transportation

c/jpg/8-23-23

Dated: December 6, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: **RB04N**

[ ] **NO FISCAL IMPACT PROJECTED**

SECTION A - CAPITAL BUDGET IMPACT
To Be Completed by Budget

[X] GENERAL FUND [ ] AIRPORT FUND [ ] SPECIAL DISTRICTS FUND

Source of County Funds (check one): [X] Current Appropriations
[ ] Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS
To Be Completed by Finance

Total Principal $ 2,046,000 **PPU** 5 **Anticipated Interest Rate** 3.59%

Anticipated Annual Cost (Principal and Interest): $ 460,358

Total Debt Service (Annual Cost x Term): $ 2,301,790

Finance Department: Interest rates from October 10, 2023 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):

SECTION D - EMPLOYMENT
As per federal guidelines, each $92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 22

Prepared by:	Dianne Vanadia		
Title:	Associate Budget Director	**Reviewed By:**	
Department:	Budget	DV 10/11/23	**Budget Director**
Date:	10/7/23	**Date:**	10/11/23

Westchester County

Memorandum
Department of Planning

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

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner

DATE: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT: RB04N NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION, CR 68, NORTH CASTLE (BIN 1016550)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-22-2023 (Unique ID: 2293)

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

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for design only.

DSK/sed

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Blanca P. Lopez, Commissioner of Planning
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20___

BOND ACT AUTHORIZING THE ISSUANCE OF $2,046,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT OF THE NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION (CR #68), IN THE TOWN OF NEW CASTLE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS $2,046,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF $2,046,000 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, to the provisions of other laws applicable thereto, $2,046,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the existing NYS Route 22 bridge over Armonk Road Connection (CR #68) (BIN 1016550), in the Town of New Castle; 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is $2,046,000. The plan of financing includes the issuance of $2,046,000 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 object or purpose for which said $2,046,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) of the Law, is five (5) 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 $2,046,000. 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 $2,046,000 as the estimated total cost of the aforesaid object or purpose 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.

* * *

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 _____________, 20___ and approved 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 $2,046,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT OF THE NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION (CR #68), IN THE TOWN OF NEW CASTLE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS $2,046,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF $2,046,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____________, 20___)

object or purpose:	to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the existing NYS Route 22 bridge over Armonk Road Connection (CR #68) (BIN 1016550), in the Town of New Castle; 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:	$2,046,000; five (5) 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

CAPITAL PROJECT FACT SHEET

Project ID:* RB04N

☐ **CBA**

Fact Sheet Date:* 01-02-2024

Fact Sheet Year:* 2024

Project Title:* NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION, CR 68, NORTH CASTLE (BIN 1016550)

Legislative District ID: 3,

Category* ROADS & BRIDGES

Department:* PUBLIC WORKS

CP Unique ID: 2293

Overall Project Description

This project will fund the replacement of the existing structure with a precast arch with stone facing and associated work.

☒ 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	2024	2025	2026	2027	2028	Under Review
Gross	17,507	1,000	1,046	15,461	0	0	0	0
Less Non-County Shares	12,369	0	0	12,369	0	0	0	0
Net	5,138	1,000	1,046	3,092	0	0	0	0

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

Current Bond Description: Funding is requested for design associated with the replacement of the existing structure with a precast arch with stone facing and associated work.

Financing Plan for Current Request:

Non-County Shares:	$ 0
Bonds/Notes:	2,046,000
Cash:	0
Total:	**$ 2,046,000**

SEQR Classification:
TYPE II

Amount Requested:
2,046,000

Expected Design Work Provider:

☐ County Staff ☒ Consultant ☐ Not Applicable

Comments:
BCR: 4.19 (2020) / AADT: 12,904

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	1,000,000	DESIGN

Total Appropriation History:
1,000,000

Total Financing History:
0

Recommended By:

Department of Planning	**Date**
MLLL	08-22-2023
Department of Public Works	**Date**
RJB4	08-22-2023
Budget Department	**Date**
DEV9	08-23-2023
Requesting Department	**Date**
RJB4	08-23-2023

NYS ROUTE 22 BRIDGE OVER ARMONK ROAD CONNECTION, CR 68, NORTH CASTLE (BIN 1016550)
(RB04N)

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	2024	2025	2026	2027	2028	Under Review
Gross	17,507	1,000		1,046	15,461				
Non County Share	(12,369)				(12,369)				
Total	5,138	1,000		1,046	3,092				

Project Description

This project will fund the replacement of the existing structure with a precast arch with stone facing and associated work.

Current Year Description

The current year request provides additional design funds.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,046,000			1,046,000

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
2023	1,000,000	Design	AWAITING BOND AUTHORIZATION
Total	1,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
Total	1,000,000		1,000,000