

**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 (the “County”) of a bond act (the “Bond Act”) in the amount of \$250,000.00 to finance a component of capital project BPL40 - Stormwater Management - Various County Facilities II (“BPL40”). The Bond Act, which was prepared by the law firm of Hawkins Delafield & Wood, LLP, will fund a stormwater management project along the Bronx River Parkway in the Village of Scarsdale.

The Department of Planning (the “Department”) has advised that this capital program is a continuation of capital project BPL23 Stormwater Management – Various County Facilities, which funds stormwater management projects for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). The current request will fund the design of a project to mitigate flooding along the Bronx River Parkway in the Village of Scarsdale. The project will reconnect the river to the grassed floodplain on the west side of the southbound lane of the parkway just north of Strathmore Road. The project is identified in the Bronx River Corridor Study and Plan prepared in 2020 for the County Soil and Water Conservation District.

The Department anticipates that following bonding authorization, this project will take approximately twelve (12) months to complete.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds for prior separate components of this capital project as set forth on the attached fact sheet.

The Department has advised your Committee that based on its review, the above-referenced capital project has 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.

Your Committee is further advised that since BPL40 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the County's 2021 Capital Budget to reflect this project component.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL40 is annexed.

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: *September 15*, 2021  
White Plains, New York

*Ruth Wake*

*Dedat Jashi*

*Admin*  
*Ruth Wake*  
*W. M. B.*  
*Dedat Jashi*

**COMMITTEE ON**

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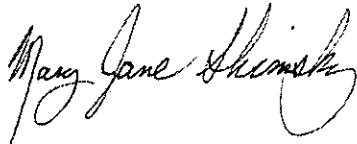
*Public Works & Transportation* | *Budget & Appropriations*

Dated: September 15, 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 A. Jabrot

Benjamin Borfina II

**Budget & Appropriations**



Catherine F. Parker

David A. Jabrot

Benjamin Borfina II

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL40

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 250,000 PPU 5 Anticipated Interest Rate 0.39%

Anticipated Annual Cost (Principal and Interest): \$ 50,578

Total Debt Service (Annual Cost x Term): \$ 252,890

Finance Department: Interest rates from July 1, 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):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

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

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: William C. Brady

Title: Chief Planner


Department: Planning

Date: 7/9/21

Reviewed By:   
Budget Director

Date: 7/12/21

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: June 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPL40 Stormwater Management – Various County Facilities II**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 06-11-2021 (Unique ID: 1707)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further 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.

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**COMMENTS:** The current request is for design only. Funds for construction management will not be expended until construction funding is approved.

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

RESOLUTION 21-17

WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report of Capital Project  
BPL40 Stormwater Management – Various County Facilities II**

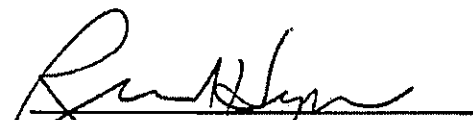
WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending an existing “fund” type capital project **BPL40 Stormwater Management – Various County Facilities II** to fund the design and of flood mitigation and stream restoration projects within the Bronx River Parkway Reservation; and

WHEREAS, the projects will help protect the reservation from repeated inundation, particularly during more frequent small storm events, and will enhance the quality and stability of the Bronx River, its tributaries and its floodplain; and

WHEREAS, the project is generally consistent with *Westchester 2025 – Policies to Guide County Planning*, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010, in that it will preserve and protect natural resources, control and treat stormwater, mitigate or reduce the impacts of flooding and also enhance the use of recreational facilities; now, therefore, be it

**RESOLVED**, that the County Planning Board includes the location of the above-described work in its Report on the 2020 Capital Projects Requests to include the location of the above-described project in the program of **BPL40 Stormwater Management – Various County Facilities II**.

Adopted this 6<sup>th</sup> day of July, 2021.

  
Richard Hyman, Chair

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$250,000 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 THE CONSTRUCTION OF STORMWATER MANAGEMENT MEASURES AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$250,000 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, \$250,000 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 the construction of stormwater management measures at various County facilities, to wit: the mitigation of flooding along the Bronx River Parkway in the Village of Scarsdale including the reconnection of the river

to the grassed floodplain on the west side of the southbound lane of the parkway just north of Strathmore Road; 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 \$250,000. The plan of financing includes the issuance of \$250,000 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 \$250,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2<sup>nd</sup>) 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 \$250,000. 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 \$250,000 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 \$250,000 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 THE CONSTRUCTION OF STORMWATER MANAGEMENT MEASURES AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$250,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)

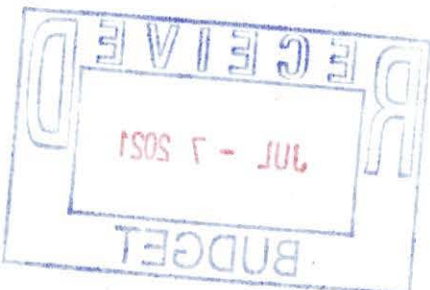
object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the construction of stormwater management measures at various County facilities, to wit: the mitigation of flooding along the Bronx River Parkway in the Village of Scarsdale including the reconnection of the river to the grassed floodplain on the west side of the southbound lane of the parkway just north of Strathmore Road; 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: \$250,000; 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

<b>Project ID:*</b> BPL40	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 06-11-2021
<b>Fact Sheet Year:*</b> 2021	<b>Project Title:*</b> STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II	<b>Legislative District ID:</b> 10, 15
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 1707

**Overall Project Description**

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

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

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
<b>Gross</b>	9,475	7,725	750	500	500	0	0	0
<b>Less Non-County Shares</b>	475	475	0	0	0	0	0	0
<b>Net</b>	9,000	7,250	750	500	500	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 2,896

**Current Bond Description:** This project will fund the design of a project to mitigate flooding along the Bronx River Parkway in the Village of Scarsdale. The project will reconnect the river to the grassed floodplain on the west side of the southbound land of the parkway just north of Strathmore Road. The project is identified in the Bronx River Corridor Study and Plan prepared in 2020 for the County Soil and Water Conservation District.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	250,000
Cash:	0
<b>Total:</b>	<b>\$ 250,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

250,000

**Comments:**

Design and Construction Management

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2013	5,000,000	\$3,750,000 - CONSTRUCTION ON BRONX RIVER & ANITA LANE BRIDGE; \$1,250,000 - CONSTRUCTION ON BRONX RIVER AT HARNEY RD
2016	1,475,000	\$475,000 NCS FOR FULTON BROOK; \$1,000,000 FOR CONTINUATION OF THIS PROJECT
2020	500,000	CONTINUATION OF THIS PROJECT
2021	750,000	CONTINUATION OF THIS PROJECT \$500,000 ; FEASIBILITY STUDY FOR BRONX RIVER FLOOD MITIGATION \$250,000

**Total Appropriation History:**

7,725,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
14	26	1,250,000	1,083,188	STORMWATER MANAGEMENT - BOTH SIDES OF BRONX RIVER BY TOWN OF EASTCHESTER AND CITY OF YONKERS
16	61	850,000	701,446	RESTORE WATERWAY & BANKS- CONFLUENCE OF BRX RIV & SPRAIN BR IN BNXVLE & YONK
19	13	1,000,000	281,430	STORMWATER MANAGEMENT- VARIOUS COUNTY FACILITIES II
19	174	400,000	0	

**Total Financing History:**

3,500,000

**Recommended By:**

Department of Planning  
DSK2

Date  
06-11-2021

Department of Public Works  
RJB4

Date  
06-14-2021

Budget Department  
GKGA

Date  
06-14-2021

Requesting Department  
WBB4

Date  
06-16-2021

## STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II ( BPL40 )

**User Department :** Planning

**Managing Department(s) :** Planning ;

**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	2021	2022	2023	2024	2025	Under Review
Gross	8,725	6,975	2,891	750	500	500			
Non County Share	(475)	(475)	1						
<b>Total</b>	<b>8,250</b>	<b>6,500</b>	<b>2,892</b>	<b>750</b>	<b>500</b>	<b>500</b>			

### **Project Description**

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

### **Current Year Description**

The current year request funds the continuation of this project, \$500,000 and a feasibility study for Bronx River Flood Mitigation, \$250,000.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2021	750,000			750,000

### **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
2013	5,000,000	\$3,750,000 - Construction on Bronx River & Anita Lane Bridge; \$1,250,000 - Construction on Bronx River at Harney Rd	Anita Lane - AWAITING BOND AUTHORIZATION; Harney Rd - CONSTRUCTION
2016	1,475,000	\$475,000 NCS for Fulton Brook; \$1,000,000 for continuation of this project	IN PROGRESS
2020	500,000	Continuation of this project	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>6,975,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	6,500,000	2,066,063	4,433,937
State Funds	475,000		475,000
Others		(688)	688
<b>Total</b>	<b>6,975,000</b>	<b>2,065,375</b>	<b>4,909,625</b>

**STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II  
( BPL40 )**

<b>Bonds Authorized</b>					
<b>Bond Act</b>		<b>Amount</b>	<b>Date Sold</b>	<b>Amount Sold</b>	<b>Balance</b>
26	14	1,250,000	12/15/16	63,549	166,812
			12/15/17	129,277	
			12/15/17	23,737	
			12/15/17	201	
			12/10/18	363,679	
			12/10/19	264,920	
			12/10/19	52,315	
			04/30/20	164,510	
			10/28/20	17,816	
			10/28/20	2,496	
			10/28/20	688	
61	16	850,000	12/15/16	35,761	148,554
			12/15/17	94,934	
			12/15/17	17,431	
			12/15/17	147	
			12/10/18	249,897	
			12/10/19	182,021	
			12/10/19	35,945	
			04/30/20	85,312	
13	19	1,000,000	12/10/19	75,158	718,570
			12/10/19	14,842	
			04/30/20	191,430	
174	19	400,000			400,000
<b>Total</b>		<b>3,500,000</b>		<b>2,066,064</b>	<b>1,433,936</b>