



Kenneth W. Jenkins
County Executive

Date: August 3, 2026

To: The Honorable Members of the Board of Legislators

From: Kenneth W. Jenkins, County Executive

RE: Acts For Capital Project BPL26 – Flood Mitigation (Cushman Road, Scarsdale, Phase I design) (Unique ID: 3222)

Transmitted herewith for your review and approval is a bond act (the “Bond Act”), which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to \$900,000.00 in bonds of the County to finance a component of capital project BPL26 – Flood Mitigation (“BPL26”). Also attached is an act (“IMA Act”) authorizing the County to enter into an intermunicipal agreement (“IMA”) with the Village of Scarsdale (“Scarsdale”), setting forth the terms of the flood mitigation project (the “Project”).

The Bond Act, in the amount of Nine Hundred Thousand (\$900,000.00) Dollars, would fund up to fifty (50%) percent of the costs associated with a preliminary engineering study to provide a summary and update of previous studies and analysis of localized flooding in the area of Cushman Road in the Village of Scarsdale (the “Property”), identified as Flood Problem Area SCD-1 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed (“Plan”), which was adopted by your Honorable Board by Act No. 134-2014 on August 4, 2014. The study will also develop and evaluate potential projects to alleviate localized and regional flooding, provide cost estimates, and prioritize those solutions. Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete. It is anticipated that the design work will be completed using outside consultants, engaged by Scarsdale.

In accordance with the IMA, the County will reimburse Scarsdale up to fifty (50%) percent of the eligible expenses based upon the total cost of the Project, not to exceed Nine Hundred Thousand (\$900,000.00). Scarsdale will be solely responsible for any additional amount beyond the total cost of the Project. The term of the IMA shall be for a period commencing upon full execution thereof by both parties and approval of same by the Office of County Attorney, and shall continue for a period of five (5) years.

In 2011, your Honorable Board enacted the Westchester County Storm Water Management Law (“SWML”) to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County (“LWC”) Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed reconnaissance plans, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding. The IMA

requires Scarsdale to adopt regulations and policies consistent with the flood mitigation criteria in the Plan for the Coastal Long Island Sound Watershed.

It should be noted that your Honorable Board has authorized the County to issue bonds in connection with prior components of BPL26 as indicated in the annexed fact sheet.

It should also be noted that since BPL26 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 current-year capital budget to reflect the specific location of this Project component.

LWC Section 167.131 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 BPL26 is annexed.

The mitigation of flood waters, and the undertaking of the proposed Project, benefit the health, safety, and welfare of County residents. Based upon the foregoing and due to the importance of this capital project to the County residents, favorable action on the annexed proposed acts is respectfully requested from your Honorable Board.

KWJ/BPL/DK/MJR/mb
Attachments

**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”), prepared by the law firm Hawkins, Delafield & Wood LLP, which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to \$900,000.00 in bonds of the County to finance a component of capital project BPL26 – Flood Mitigation (“BPL26”).

Also attached is an act (“IMA Act”) authorizing the County to enter into an intermunicipal agreement (“IMA”) with the Village of Scarsdale (“Scarsdale”), setting forth the terms of the flood mitigation project (the “Project”).

Your Committee is advised that the Bond Act, in the amount of Nine Hundred Thousand (\$900,000.00) Dollars, would fund up to fifty (50%) percent of the costs associated with a preliminary engineering study to provide a summary and update of previous studies and analysis of localized flooding in the area of Cushman Road in the Village of Scarsdale (the “Property”), identified as Flood Problem Area SCD-1 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed (“Plan”), which was adopted by your Honorable Board by Act No. 134-2014 on August 4, 2014. The study will also develop and evaluate potential projects to alleviate localized and regional flooding, provide cost estimates, and prioritize those solutions. Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete. It is anticipated that the design work will be completed using outside consultants, engaged by Scarsdale.

Your Committee is further advised that, in accordance with the IMA the County will reimburse Scarsdale up to fifty (50%) percent of the eligible expenses based upon the total cost of the Project, not to exceed Nine Hundred Thousand (\$900,000.00) Dollars. Scarsdale will be solely responsible for any additional amount beyond the total cost of the Project. The term of the IMA shall be for a period commencing upon full execution thereof by both parties and approval of same by the Office of County Attorney, and shall continue for a period of five (5) years.

Your Committee is further advised that in 2011, your Honorable Board enacted the Westchester County Storm Water Management Law (“SWML”) to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County (“LWC”) Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed reconnaissance plans, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding. The IMA requires Scarsdale to adopt regulations and policies consistent with the flood mitigation criteria in the Plan for the Coastal Long Island Sound Watershed.

It should be noted that your Honorable Board has authorized the County to issue bonds in connection with prior components of BPL26 as indicated in the annexed fact sheet.

It should also be noted that since BPL26 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 current-year capital budget to reflect the specific location of this Project component.

Your Committee is advised that LWC Section 167.131 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 BPL26 is annexed.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while a simple majority of the voting strength of your Honorable Board is required to adopt the IMA Act.

The mitigation of flood waters, and the undertaking of the proposed Project, benefit the health, safety, and welfare of County residents. Based upon the foregoing and due to the importance of this capital project to the County residents, your Committee recommends favorable action on the annexed proposed acts is respectfully requested from your Honorable Board.

Dated: _____, 2026
White Plains, New York

COMMITTEE ON

c:mb/7.6.26

TO: Carla Chaves, Senior Assistant County Attorney
Maximilian Zorn, Assistant County Attorney
Maria Baratta, Assistant County Attorney

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



DATE: July 2, 2026

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
BPL26 FLOOD MITIGATION – CUSHMAN ROAD (VILLAGE OF
SCARSDALE)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
06/04/2026 (Unique ID: 3222)

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: None.

DSK/oav

cc: Emily Saltzman, Director of Operations
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner of Planning
Dianne Vanadia, Associate Budget Director
Matthew Castro, Chief Planner
Claudia Maxwell, Principal Environmental Planner

Westchester County Planning Board Report

BPL26 Flood Mitigation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2025	2026	2027	2028	2029	Under Review
Gross	120,750	76,500	44,250					
Non-County Share								
County Share	120,750	76,500	44,250					

Project Description

This project provides funding for County and local municipal flood mitigation projects that are recommended by the County Stormwater Advisory Board and identified in watershed-based flood action plans and the County-wide hazard mitigation plan and proposed by local municipalities. Grants and other funding sources will be sought to the greatest extent practical.

This 2025 Capital Budget Amendment to BPL26 is for \$900,000 for the Cushman Road project in the Village of Scarsdale. The project has been reviewed and approved by the County Stormwater Advisory Board.

Appropriation Requests

2009: \$5,400,000 for Flood Mitigation of County facilities.

2012: \$5,000,000 for Flood mitigation.

2013: \$5,000,000 for Flood mitigation.

2015: \$150,000 for Flood mitigation.

2016: \$5,000,000 for Flood mitigation.

2021: \$200,000 for Flood mitigation.

2022: \$11,000,000 for Flood mitigation.

2023: \$17,500,000 for Flood mitigation

1. \$17,000,000 for Village of Mamaroneck from the Sheldrake and Mamaroneck Rivers.
2. BOL add of \$300,000 for Town of Mamaroneck Drainage Study,
3. \$200,000 for Yonkers Scotti Field flood projects, and

2024 BOL adds (\$27,250,000 total)

1. Pelham Flood Mitigation, \$16,000,000
2. Pelham Manor Flood Mitigation, \$6,000,000
3. Bronxville Stormwater Conveyance system, \$ 200,000
4. City of Rye Stormwater System Improvements for Flood Mitigation, \$250,000
5. County Share of ACE Project in Village of Mamaroneck, \$4,000,000
6. Flood Mitigation Study - Village of Mamaroneck Jefferson Avenue Parking Lot, \$150,000
7. Village of Mamaroneck Detention Retention Enhancement Study, \$150,000
8. Ardsley Road and Edgemont Road Drainage Study in Edgemont, \$500,000

2025: \$10M additional flood mitigation funds for continuation of this project. \$34,250,000 for BOL additions to the 2025 appropriations

Westchester County Planning Board Report

Justification

The program enables Westchester County to construct projects and partner with municipalities and other government agencies to provide funding for flood mitigation or flood damage reduction projects. Through partnerships with our municipalities and other government entities such as the US Army Corps of Engineers and NYS Department of Environmental Conservation, the County will work to reduce flooding problems and impacts on people and property throughout Westchester County.

Consistency with Programs or Plans

This project is consistent with the policies of “**Westchester 2025**”, the County’s long-range land use policies. As per Westchester County policy, stormwater management must be addressed with every capital project where feasible.

Planning Board Recommendations

☒ The Planning Board recommends this 2025 Capital Budget Amendment for the Cushman Road project in the Village of Scarsdale per resolution number 26-01 signed on the following date: 2/3/26. The Planning Board designates this project as **PL2**.

Comments

Planning Department staff will monitor the progress of design to address physical and environmental planning concerns including the stormwater management. Standards contained in the “Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control” should be maintained.

ACT NO. -20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF SCARSDALE IN THE STORMWATER RECONNAISSANCE PLAN FOR THE COASTAL LONG ISLAND SOUND WATERSHED; STATING THE ESTIMATED TOTAL COST THEREOF IS \$900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$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, to the provisions of other laws applicable thereto, \$900,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of a comprehensive engineering feasibility analysis towards the

development of a flood mitigation project for the Cushman Road area in the Village of Scarsdale, identified as flood problem area SCD-1 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed; 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 total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$900,000. The plan of financing includes the issuance of \$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 object or purpose for which said \$900,000 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 total amount of \$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 \$900,000 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.

* * *

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 \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF SCARSDALE IN THE STORMWATER RECONNAISSANCE PLAN FOR THE COASTAL LONG ISLAND SOUND WATERSHED; STATING THE ESTIMATED TOTAL COST THEREOF IS \$900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$900,000 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 County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Cushman Road area in the Village of Scarsdale, identified as flood problem area SCD-1 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed; all as set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended.

amount of obligations to be issued:

and period of probable usefulness: \$900,000; 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