

ACT 261 - 2023
(BOND) ACT 262 - 2023

Reference RBR04

**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 an act, which, if adopted, will amend the County's current-year capital budget ("Capital Budget Amendment"), as well as adoption of a related amended bond act (the "Amended Bond Act"), in the amount of \$8,500,000, to finance capital project RBR04 – Bronx River Reservation ("RBR04").

Your Committee is advised that the Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RBR04 by \$8,500,000. The Department of Parks, Recreation & Conservation ("Department") has advised that the Capital Budget Amendment is required to fund the increased construction, construction administration and design support costs associated with this project.

The Amended Bond Act, prepared by the law firm of Hawkins, Delafield & Wood, LLP, in the total amount of \$15,350,000, which includes \$6,850,000 in previously authorized bonds of the County, would finance additional construction, construction administration and design support costs associated with this capital project. The Department has advised that due to the length of time that has transpired since the project's initial inception in 2013 and the complexity of design of the pedestrian footbridge structure, construction costs have increased dramatically resulting in the project cost exceeding its budget. Additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction administration and design support.

Your Committee is advised that the design work, which was performed by outside consultants, is complete. It is anticipated that the construction work will take approximately eighteen (18) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 213-2013 in the amount of \$650,000 to fund the design of a new pathway from Midland Avenue in Bronxville, to the Oak Street Loop in Yonkers, including improvements and resurfacing of the existing Oak Street Loop Path, which bonds have not

been sold; and Bond Act No. 102-2021, which amended Bond Act No. 213-2013 to increase the initial amount authorized by \$6,200,000 to revise the scope of Bond Act No. 213-2013 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds, for a total authorized amount, as amended, of \$6,850,000. Of such authorized amount, \$462,190 in bonds authorized under Bond Act No. 102-2021 have been issued.

The Planning Department has advised your Committee that based on its review, RBR04 was previously reviewed by the County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on June 7, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 121-2021). Since the current request is for an increase in funding with only minor modifications to reduce impacts to the Bronx River, the original Negative Declaration remains valid and no further environmental review is required.

The Planning Department has also advised your Committee that the Planning Board has previously reviewed RBR04 and issued a report, and that since there are no changes to the physical planning aspects of this project, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: November 27, 2023
White Plains, New York

Henry Zellerbach
W. M. M.
and
Calhoun Park
James Gordon
Nancy Barr
Stf

Calhoun Park
Nancy Barr
Stf

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RBR04

☐ 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 \$ 15,350,000 PPU 15 Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term): \$ -

Finance Department:

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: 167

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

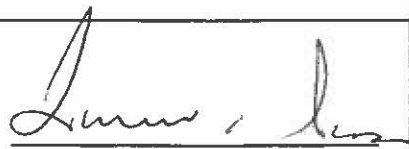
☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works and Transportation

Date: 11/8/23

Reviewed By: 

11/15/23

Date:

Budget Director

11/8/23



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: November 1, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
RBR04 BRONX RIVER RESERVATION**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2398) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

This project was previously reviewed by the Westchester County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on June 7, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 121-2021). Since the current request is for an increase in funding with only minor modifications to reduce impacts to the Bronx River, the original Negative Declaration remains valid and no further environmental review is required.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Blanca P. Lopez, Commissioner of Planning
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Blanca P. López, Commissioner

Date: November 2, 2023

A handwritten signature in black ink, appearing to be "BPL", enclosed within a circular scribble.

RE: **Capital Budget Amendment –
RBR04 Bronx River Reservation**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RBR04 Bronx River Reservation will fund the construction of a paved pathway along the Bronx River Reservation from Midland Avenue in Bronxville to the north end of the Oak Street loop in Yonkers, and the reconstruction of the Oak Street loop. The capital budget amendment will fund increased costs associated with the design, construction, and construction management of the project due to the time elapsed since the inception of the project and the complexity of the design of the pedestrian footbridge structure.

A Capital Budget Amendment in the amount of \$8,500,000 is being requested to provide additional funding to address increased costs due to inflation and design considerations. This project was classified as a PL2HP, a project with physical planning aspects and historic preservation concerns, by the Planning Board in the 2015 Report on the Capital Project Requests adopted July 8, 2014.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: David S. Kvinge, Assistant Commissioner
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Douglas Wessells, Planner

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project RBR04 Bronx River
Reservation

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$6,850,000	\$8,500,000	\$15,350,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$6,850,000	\$8,500,000	\$15,350,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$6,850,000	\$8,500,000	\$15,350,000

Section 3. The ACT shall take effect immediately.

REFERENCE: RBR04

ACT NO. 262 - 2023

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 16, 2013 AND AMENDED ON JUNE 7, 2021 IN RELATION TO THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, AT THE MAXIMUM ESTIMATED COST OF \$15,350,000. (Adopted 12/11, 2023).

WHEREAS, this Board has heretofore duly authorized the issuance of \$650,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the planning for the construction of a paved pathway along the Bronx River Reservation, pursuant to Act No. 213-2013 duly adopted on December 16, 2013; and

WHEREAS, this Board has heretofore duly authorized the issuance of \$6,200,000 bonds to finance such improvements and to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement, pursuant to Act No. 102-2021 duly adopted on June 7, 2021; and

WHEREAS, it has been determined that it is necessary to increase the cost of such improvements for construction, construction administration and design support during construction and to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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 December 16, 2013, and amended on June 7, 2021, entitled:

“ACT NO. 102-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,850,000 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 \$15,350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF A PAVED PATHWAY ALONG THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$15,350,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A

TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 12/11 ,
2023)

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; \$15,350,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of a paved pathway along the Bronx River Reservation, including the construction of a new pathway along the Bronx River Reservation from Midland Avenue to the Cross County Parkway and rehabilitation of the existing pathway from the Cross County Parkway to Oak Street, and all infrastructure, site work, bridge construction, grading, drainage and associated landscaping, 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 \$15,350,000. The plan of financing includes the issuance of \$15,350,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$15,350,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 19(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 \$15,350,000. This Act is a declaration official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$15,350,000 as the estimated maximum cost of the aforesaid specific 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.

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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* RBR04	☒ CBA	Fact Sheet Date:* 10-02-2023
Fact Sheet Year:* 2023	Project Title:* BRONX RIVER RESERVATION	Legislative District ID: 14, 15,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2398

Overall Project Description

This project provides for a paved pathway along the Bronx River Reservation from Midland Avenue in Bronxville, to the North end of the Oak Street Loop in Yonkers, and rebuilding the Oak Street loop. The work includes all infrastructure, site-work, bridge construction, grading, drainage, and associated landscaping.

- | | | |
|---|--|--|
| ☒ 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	15,350	6,850	0	0	0	0	0	8,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	15,350	6,850	0	0	0	0	0	8,500

Expended/Obligated Amount (in thousands) as of : 557

Current Bond Description: This bond request will increase funding available for construction, construction administration and design support during construction. There is no change in the scope.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,500,000
Cash:	0
Total:	\$ 8,500,000

SEQR Classification:

TYPE I

Amount Requested:

8,500,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

A capital budget amendment in the amount of \$8,500,000 is requested and shown under review to fund the increase in costs associated with this project. Due to the length of time that has transpired since the project's initial inception in 2013 and the complexity of design of the pedestrian footbridge structure, construction costs have increased dramatically resulting in the project cost exceeding its budget. Additional funds are needed to award the project to a contractor and to accommodate the subsequent increase in costs for construction administration and design support.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2013	650,000	DESIGN OF PATHWAY FROM MIDLAND AVE TO OAK ST, LOOP
2015	6,200,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

6,850,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
13	213	0	0	BRONX RIVER RESERVATION PATHWAY - PREPERATION AND DESIGN
21	102	6,850,000	462,190	BRONX RIVER RESERVATION PATHWAY - MIDLAND AVE TO CCP AND TO OAK ST.

Total Financing History:

6,850,000

Recommended By:**Department of Planning**
MLLL**Date**
10-11-2023**Department of Public Works**
RJB4**Date**
10-12-2023**Budget Department**
DEV9**Date**
10-26-2023**Requesting Department**
RCL3**Date**
10-26-2023

BRONX RIVER RESERVATION (RBR04)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project has historical implications. 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	6,850	6,850	557						
Non County Share									
Total	6,850	6,850	557						

Project Description

This project provides for a paved pathway along the Bronx River Reservation from Midland Avenue in Bronxville, to the North end of the Oak Street Loop in Yonkers, and rebuilding the Oak Street loop. The work includes all infrastructure, site-work, bridge construction, grading, drainage, and associated landscaping.

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
2013	650,000	Design of pathway from Midland Ave to Oak St, Loop	DESIGN
2015	6,200,000	Construction and Construction Management	CONSTRUCTION
Total	6,850,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,850,000	462,190	6,387,810
Total	6,850,000	462,190	6,387,810

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
213 13				
102 21	6,850,000	12/01/21	462,190	6,387,810
Total	6,850,000		462,190	6,387,810

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 December 11, 2023 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
December 6, 2023

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
December 6, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on December 11, 2023.





Malika Vanderberg, Clerk
Westchester County Board of Legislators

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 Symra Brandon
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator David Imamura
Legislator Damon Maher
Legislator James Nolan
Legislator Catherine Parker
Legislator Erika Pierce
Legislator Colin Smith
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

EXCUSED: Legislator David Tubiolo

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 12-13-23

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 261 - 2023, and (Bond) Act No. 262 - 2023, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on December 11, 2023, and approved by the County Executive on December 13, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 14th day of December, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

