

Parks & Recreation Meeting Agenda



Committee Chair: David Tubiolo

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, September 20, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Budget & Appropriations, Public Works & Transportation and Environment & Health

MINUTES APPROVAL

July 12, 2021 at 10 AM Minutes

I. ITEMS FOR DISCUSSION

[2021-426](#) **BOND ACT-RGP14-Water Bottle Refill Stations**

A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project RGP 14 - Water Bottle Refill Stations.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, PARKS & RECREATION AND ENVIRONMENT & HEALTH

Joint with B&A, PW&T and E&H

Guests: Commissioner Kathy O'Connor, First Deputy Peter Tartaglia-Department of Parks & Recreation

[2021-478](#) **ENV RES-RBR02-Bronx River Reservation-Scout Field**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment for Capital Project RBR02 - Bronx River Reservation - Scout Field.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

Joint with B&A and Public Works & Transportation

Guests: Commissioner Kathy O'Connor and First Deputy Peter Tartaglia - Department of Parks & Recreation; Anthony Zaino, Assistant Commissioner - Department of Planning

[2021-479](#) **BOND ACT(Amended)-RBR02-Bronx River Reservation-Scout Field**

A BOND ACT (Amended) changing the scope of work authorized under ACT 142-2016 to

include paving of an existing earth path, rehabilitation of existing pathways, masonry rehabilitation and associated work in connection with Capital Project RBR02 - Bronx River Reservation - Scout Field.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

Joint with B&A and Public Works & Transportation

Guests: Commissioner Kathy O'Connor, First Deputy Peter Tartaglia- Department of Parks & Recreation; Anthony Zaino, Assistant Commissioner - Department of Planning

[2021-434](#)

IMA(/Amended)-County's RiverWalk Trail-Tarrytown

AN ACT authorizing the County of Westchester to amend Act No. 104-205 which authorized the County to enter into an inter-municipal agreement with the Village of Tarrytown in connection with the construction of a portion of the County's RiverWalk Trail, in order to retroactively change the commencement date of the IMA from the date of execution, to June 15, 2015.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

Joint with Budget & Appropriations and Public Works & Transportation

Guests: Assistant Commissioner, Anthony Zaino - Department of Planning

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

George Latimer
County Executive

July 1, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$750,000 to finance the following capital project:

RGP14 – Water Bottle Refill Stations ("RGP14").

The Bond Act, in the amount of \$750,000, will fund the design and installation of fast-fill, bottle fill fountains at various County Parks.

The Department of Parks, Recreation & Conservation (the "Department") has advised that the County can help park visitors go green with water bottle refilling stations. This will encourage eco-friendly practices and help to reduce litter, while providing a sanitary water option for the public.

Upon bonding authorization, the Department will evaluate park locations regarding the feasibility and requirements for installing the water bottle refilling stations. Once the locations and specifications are determined, the water bottle refilling stations will be purchased and installed in a phased approach. It is anticipated that any required design will be completed by consultant.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

**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 \$750,000 to finance capital project RGP14 – Water Bottle Refill Stations (“RGP14”). The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will fund the design and installation of fast-fill, bottle fill fountains at various County Parks.

The Department of Parks, Recreation & Conservation (the “Department”) has advised that the County can help park visitors go green with water bottle refilling stations. This will encourage eco-friendly practices and help to reduce litter, while providing a sanitary water option for the public.

Upon bonding authorization, the Department will evaluate park locations regarding the feasibility and requirements for installing the water bottle refilling stations. Once the locations and specifications are determined, the water bottle refilling stations will be purchased and installed in a phased approach. It is anticipated that any required design will be completed by consultant.

The Planning 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.

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: _____, 2021
White Plains, New York

c/jg/5-17-2021

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RGP14

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 \$ 750,000 PPU 5 Anticipated Interest Rate 0.39%

Anticipated Annual Cost (Principal and Interest): \$ 151,760

Total Debt Service (Annual Cost x Term): \$ 758,800

Finance Department: Interest rates from June 22, 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: 8

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T


Date: 6/28/21

Reviewed By: 

Budget Director

Date: 6/30/21

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 24, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGP14 WATER BOTTLE REFILL STATIONS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-14-2021 (Unique ID: 1687)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
-

COMMENTS: This SEQR classification is predicated on the project not requiring tree removal, significant trenching, or significant ground disturbance.

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

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE DESIGN AND INSTALLATION OF FAST-FILL, BOTTLE FILL FOUNTAINS AT VARIOUS COUNTY PARKS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 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, and to the provisions of other laws applicable thereto, \$750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design and installation of fast-fill, bottle fill fountains at various County Parks; 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 class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$750,000. The plan of financing includes the issuance of \$750,000 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 specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 35 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 \$750,000. 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 \$750,000 as the estimated total cost of the aforesaid class of objects or purposes 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 WESTCHESTER)

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__.

(SEAL)

The Clerk and Chief Administrative Officer of the
County Board of Legislators
County of Westchester, New York

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 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 \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE DESIGN AND INSTALLATION OF FAST-FILL, BOTTLE FILL FOUNTAINS AT VARIOUS COUNTY PARKS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20___)

object or purpose: to finance the cost of the design and installation of fast-fill, bottle fill fountains at various County Parks; 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: \$750,000; 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:*
RGP14

CBA

Fact Sheet Date:*
05-12-2021

Fact Sheet Year:*
2021

Project Title:*
WATER BOTTLE REFILL STATIONS

Legislative District ID:

Category*
RECREATION FACILITIES

Department:*
PARKS, RECREATION &
CONSERVATION

CP Unique ID:
1687

Overall Project Description

Installation of fast-fill, bottle-fill water fountains in County parks and County owned buildings where possible.

- | | | |
|----------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <input 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 type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	750	0	750	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	750	0	750	0	0	0	0	0

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

Current Bond Description: This request will fund the design and installation of fast-fill, bottle fill fountains at various County Parks.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
Total:	\$ 750,000

SEQR Classification:
TYPE II

Amount Requested:
750,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	750,000	DESIGN AND INSTALLATION

Total Appropriation History:
750,000

Total Financing History:
0

Recommended By:

Department of Planning

WBB4

Date

05-14-2021

Department of Public Works

RJB4

Date

05-17-2021

Budget Department

LMY1

Date

05-17-2021

Requesting Department

KUU1

Date

05-17-2021

WATER BOTTLE REFILL STATIONS (RGP14)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; 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	2021	2022	2023	2024	2025	Under Review
Gross	750			750					
Non County Share									
Total	750			750					

Project Description

Installation of fast-fill, bottle-fill water fountains in County parks and County owned buildings where possible.

Current Year Description

The current year request funds design and installation.

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.

George Latimer
County Executive

July 28, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act ("Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to revise the scope of work authorized under Bond Act No. 142-2016 ("Act 142-2016") to include paving of an existing earth path, rehabilitation of existing pathways, masonry rehabilitation and associated work in connection with the following capital project:

RBR02 – Bronx River Reservation – Scout Field ("RBR02").

Act 142-2016 authorized the County to issue bonds in the amount of up to \$1,932,000 to finance the construction of improvements to the Scout Field area, including conducting earthwork and grading, placement of topsoil, installation of sub-surface drainage, installation of irrigation systems and other incidental work required to create a turf soccer field. The Budget Department has advised that \$141,797 has already been sold.

The Department of Parks, Recreation and Conservation ("Department") has advised that the scope of RBR02 has evolved over time, and the Department now seeks to expand the scope of work permitted under Act 142-2016 so that the remaining bonding authorization may be used to finance additional improvements.

Accordingly, the Amended Bond Act, in the total amount of \$1,932,000 would finance the cost of construction of improvements to the County's Scout Field, including conducting earthwork and grading, placement of topsoil, and additional site improvements, including but not limited to grubbing, installation of new pathways, rehabilitation of existing pathway, masonry rehabilitation, landscaping and associated work.

It should be noted that the Amended Bond Act would only change the scope of work authorized under Act 142-2016; the \$1,932,000 financing authorization amount does not represent an increase over the amount authorized by Act 142-2016.

The Department has advised that Scout Field is heavily used by the surrounding communities for both organized sports, as well as passive recreation opportunities. It is imperative that these facilities, and access thereto, be improved to meet the high demand for all users.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900


westchestergov.com

Design is currently being undertaken by in-house staff and is expected to be completed during the third quarter of 2021. It is estimated that construction will take three to six months to complete and will begin after award and execution of construction contracts.

The Planning Department has advised that based on its review, RBR02 has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to revise the scope of work authorized under Bond Act No. 142-2016 (“Act 142-2016”) Capital Project RBR02 – Bronx River Reservation – Scout Field (“RBR02”).

Act 142-2016 authorized the County to issue bonds in the amount of up to \$1,932,000 to finance the construction of improvements to the Scout Field area, including conducting earthwork and grading, placement of topsoil, installation of sub-surface drainage, installation of irrigation systems and other incidental work required to create a turf soccer field. The Budget Department has advised that \$141,797 has already been sold.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the scope of RBR02 has evolved over time, and the Department now seeks to expand the scope of work permitted under Act 142-2016 so that the remaining bonding authorization may be used to finance additional improvements.

Accordingly, the Amended Bond Act, in the total amount of \$1,932,000, which was prepared by the law firm Hawkins, Delafield & Wood, would finance the cost of construction of improvements to the County’s Scout Field, including conducting earthwork and grading, placement of topsoil, and additional site improvements, including but not limited to grubbing, installation of new pathways, rehabilitation of existing pathway, masonry rehabilitation, landscaping and associated work.

It should be noted that the Amended Bond Act would only change the scope of work authorized under Act 142-2016; the \$1,932,000 financing authorization amount does not represent an increase over the amount authorized by Act 142-2016.

The Department has advised that Scout Field is heavily used by the surrounding communities for both organized sports, as well as passive recreation opportunities. It is imperative that these facilities, and access thereto, be improved to meet the high demand for all users.

Design is currently being undertaken by in-house staff and is expected to be completed during the third quarter of 2021. It is estimated that construction will take three to six months to complete and will begin after award and execution of construction contracts.

The Planning Department has advised your Committee that based on its review, RBR02 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RBR02

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

Change in Scope Only

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Prog. Coordinator (Cap. Planning)

Department: Public Works & Transportation

Date: 7/27/21

Reviewed By: 

Deputy Budget Director

Date: 7/27/21

RESOLUTION

WHEREAS, there is pending before this Honorable Board an amended bond act (“Amended Bond Act”) in connection with capital project RBR02 – Bronx River Reservation – Scout Field (“RBR02”); and

WHEREAS, this Honorable Board has determined that RBR02 would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment; and

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board’s review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from RBR02; and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the “Determination of Significance” in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

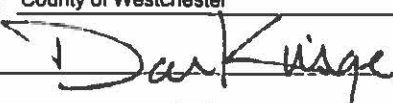
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Scout Field Pathway Improvements (RBR02)			
Project Location (describe, and attach a location map): Scout Field, northwest of Gramatan Avenue, along the northwest border of the City of Mount Vernon, Westchester County, New York			
Brief Description of Proposed Action: The installation of approximately 1,055 linear feet of 5-foot wide asphalt pathway along the south edge of Scout Field, on the east side of the Bronx River, leading to Gramatan Avenue. The improvements will follow an existing dirt pathway, connecting an existing paved pathway to Gramatan Avenue, that has been created by frequent pedestrian use. Work for the project includes mechanical grubbing, installation of the new pathway, rehabilitation of existing pathways, rehabilitation of existing masonry associated with the stairs and stone walls at Gramatan Avenue, and general landscaping restoration.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com	
Address: 148 Martine Avenue			
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			10 acres _____ < 0.25 acres _____ 807 acres _____
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90 If Yes, identify: 31-90		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>The project involves only the installation of a pathway. The project is not required to comply with state energy code requirements.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Potable water is not needed for this project.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Wastewater treatment is not needed for this project.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>The pathway will be between 10 feet to 30 feet from the north side of Laurel Brook, which is a perennial stream. Laurel Brook is also identified as a Freshwater Forested/Shrub Wetland (PEO1A) on the National Wetlands Inventory.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<small>No nearby remediation sites were found. The nearby property at 812 Gramatan Ave is associated with a 2009 spill number (0812211) for the failure of a tank test. The spill incident has since been closed.</small>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>July 23, 2021</u>		
Signature: <u></u> Title: <u>Director of Environmental Planning</u>		

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Map data provided by Esri, DeLorme, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swire, Esri Korea, Esri Thailand, Swire, IGN, OpenStreetMap contributors, and the GIS User Community.

Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project: RBR02 Scout Field Pathway Improvements

Date: July 2021

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project will pave and formalize an existing dirt pathway that is currently being used by the public to access Gramatan Ave. The informal pathway runs parallel to Laurel Brook and connects the existing western pathway to Gramatan Ave via a prefabricated footbridge and masonry stairway. The footbridge is not involved in any project activities. Access to the site will be by way of the existing western pathway. Any damage done to this pathway will be repaired or replaced as necessary. Ancillary work will include rehabilitation of the stairway and associated stone wall, mechanical grubbing, and general landscaping.

The project lies within the 100 year floodplain. Soils present at the site include frequently flooded Fluvaquents-Udifuvents complexes, which are poorly drained in this location. As the project involves only the paving of a 5-foot wide pathway with no changes to grading, flood flows will not be altered in any way. The project will have no significant impact to the floodplain.

The project is adjacent to the Laurel Brook, which is a small perennial stream and classified as PFO1A on the National Wetlands inventory. The project does not involve any work within the stream bed or banks and will not involve the application of any pesticides or herbicides. The conversion of the existing dirt pathway to paved asphalt and the additional landscaping as part of the project will reduce the potential for erosion. Silt fencing and erosion controls will be implemented to protect the stream during construction. As such, and because the project will not alter stormwater flows, the project will have no significant impact on the wetlands or the stream.

Scout Field is included in the Westchester County Parks CEA, which was designated to protect the many valuable characteristics of parks from the negative impacts of nearby development. As the project includes only improvements to the park which will improve accessibility, the project will have no significant adverse impact on the characteristics of the CEA.

The northern portion of the Bronx River Parkway Reservation is listed on the National Register of Historic Places. However, Scout Field is located outside of the designated area. Scout Field was also labeled as moderately sensitive to archaeological findings in a 2007 Phase 1 report conducted for the Bronx River Parkway Reservation. However, as the project involves only superficial ground disturbance necessary for the installation of a pedestrian pathway and the in-kind rehabilitation of an existing paved pathway, the project will not disturb site archaeology and will have no significant impact on historic or archaeological resources.

The site was flagged by the EAF Mapper as being proximate to a remediation site. However, no remediation sites were identified at or adjacent to the project location. One spill report from 2009 was identified, involving a failed tank test. The spill incident has since been closed. The project will involve only superficial ground disturbance necessary for the installation of pathways, and will not involve the disturbance of any contaminated soils or water. As there are no nearby remediation sites and the project involves only minimal ground disturbance in areas with clean soil, the project will have no significant impact on human health and safety.

Because of the lack of significant impacts associated with this project to the subjects listed in this assessment, this project will result in no significant adverse impacts to the environment.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Maliika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Westchester County Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED MAY 16, 2016 IN RELATION TO THE CONSTRUCTION OF IMPROVEMENTS AT SCOUT FIELD ON THE BRONX RIVER RESERVATION, AT THE MAXIMUM ESTIMATED COST OF \$1,932,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,932,000 bonds to finance the cost of the construction of improvements to Scout Field on the Bronx River Reservation (the "Project"), pursuant to Act No. 142-2016 duly adopted on May 16, 2016; and

WHEREAS, it has been determined that the scope of the Project shall be revised, including conducting earthwork and grading; placement of topsoil; and to provide for additional site improvements, including but not limited to, grubbing, installation of new pathways, rehabilitation of existing pathway, masonry rehabilitation, landscaping and associated work, and it is necessary to amend Act No. 142-2016 to provide for such revised improvements;

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 May 16, 2016, entitled:

"ACT NO. 142-2016

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,932,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO SCOUT FIELD ON THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,932,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,932,000 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 \$1,932,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO SCOUT FIELD ON THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,932,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,932,000 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, and to the provisions of other laws applicable thereto; \$1,932,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the construction of improvements to Scout Field, including conducting earthwork and grading; placement of topsoil; and to provide for additional site improvements, including but not limited to, grubbing, installation of new pathways, rehabilitation of existing pathway, masonry rehabilitation, landscaping and associated work, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The

estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,932,000. The plan of financing includes the issuance of \$1,932,000 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 \$1,932,000 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 \$1,932,000. 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 \$1,932,000 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.

* * *

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 May 16, 2016 and amended on _____, 20____ and approved, as amended, 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 \$1,932,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO SCOUT FIELD ON THE BRONX RIVER RESERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,932,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,932,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on May 16, 2016 and amended on _____, 20____)

object or purpose: to finance the construction of improvements to Scout Field, including conducting earthwork and grading; placement of topsoil; and to provide for additional site improvements, including but not limited to, grubbing, installation of new pathways, rehabilitation of existing pathway, masonry rehabilitation, landscaping and associated work, 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: \$1,932,000; fifteen (15) 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:* RBR02	<input type="checkbox"/> CBA	Fact Sheet Date:* 07-19-2021
Fact Sheet Year:* 2021	Project Title:* BRONX RIVER RESERVATION- SCOUT FIELD	Legislative District ID: 15,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 1718

Overall Project Description

This project will make improvements to the Bronx River Reservation at Scout Field, in the Village of Bronxville, and the City of Yonkers.

- | | | |
|---------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <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 type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	2,432	2,432	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,432	2,432	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 1,568

Current Bond Description: This request is for additional site improvements at Scout Field, including but not limited to, grubbing, installation of new pathways, rehabilitation of existing pathways, masonry rehabilitation, landscaping and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	0
Cash:	<u>0</u>
Total:	\$ 0

SEQR Classification:

UNLISTED

Amount Requested:

0

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2001	150,000	REHABILITATION AND CONSTRUCTION OF SOCCER AND BASEBALL FIELDS; CONSTRUCTION BY LOCAL MUNICIPALITIES; RIVERBANK STABILIZATION
2008	100,000	CREATION OF A TURF ATHLETIC FIELD AND ASSOCIATED SITE WORK
2010	500,000	IMPROVEMENTS TO THE WEST BALLFIELD, CREATION OF A TURF ATHLETIC FIELD, AND ASSOCIATED SITE WORK
2016	1,682,000	CREATION OF A TURF ATHLETIC FIELD AND ASSOCIATED SITE WORK

Total Appropriation History:

2,432,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
05	133	150,000	150,000	REC. AREA IMPROVEMNTS-BRX RIVER RESERVATN
13	205	350,000	74,066	SCOUT FIELD RECREATIONAL IMPROVEMENTS ON BRONX RIVER RESERVATION IN MOUNT VERNON AND YONKERS
16	142	1,932,000	141,797	BRONX RIVER RESERVATION - SCOUT FIELD

Total Financing History:

2,432,000

Recommended By:

Department of Planning
WBB4

Date
07-23-2021

Department of Public Works
RJB4

Date
07-26-2021

Budget Department
LMY1

Date
07-26-2021

Requesting Department
KUU1

Date
07-26-2021

BRONX RIVER RESERVATION- SCOUT FIELD (RBR02)

User Department : Parks, Recreation & Conservation

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

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	2021	2022	2023	2024	2025	Under Review
Gross	2,432	2,432	1,564						
Non County Share			38						
Total	2,432	2,432	1,602						

Project Description

This project will make improvements to the Bronx River Reservation at Scout Field, in the Village of Bronxville, and the City of Yonkers.

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
2001	150,000	Rehabilitation and construction of soccer and baseball fields; Construction by local municipalities; Riverbank stabilization	COMPLETE
2008	100,000	Creation of a turf athletic field and associated site work	COMPLETE
2010	500,000	Improvements to the west ballfield, creation of a turf athletic field, and associated site work	COMPLETE
2016	1,682,000	Creation of a turf athletic field and associated site work	CONSTRUCTION
Total	2,432,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,432,000	1,520,729	911,271
Others		(37,855)	37,855
Total	2,432,000	1,482,874	949,126


**BRONX RIVER RESERVATION- SCOUT FIELD
(RBR02)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
133 05	150,000	11/15/07	150,000	
205 13	350,000	12/15/17	36,845	275,934
		12/15/17	6,765	
		12/15/17	57	
		12/10/18	30,399	
142 16	1,932,000	12/10/18	22,195	1,790,203
		12/10/19	68,728	
		12/10/19	13,572	
		04/30/20	37,302	
Total	2,432,000		365,863	2,066,137

July 7, 2021

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **IMA (Amended) with Tarrytown – County’s RiverWalk Trail.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators July 12, 2021 Agenda.

Transmitted herewith for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to amend Act No. 104-2015 which authorized the County to enter into an inter-municipal agreement (“IMA”) with the Village of Tarrytown (“Village”) in connection with the construction of a portion of the County’s RiverWalk Trail.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for July 12, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

July 7, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to amend Act No. 104-2015 which authorized the County to enter into an inter-municipal agreement ("IMA") with the Village of Tarrytown ("Village") in connection with the construction of a portion of the County's RiverWalk Trail (the "Project"), in order to retroactively change the commencement date of the IMA from the date of execution, to June 15, 2015.

By way of background, the Westchester RiverWalk is a planned 51.5-mile multi-faceted pathway paralleling the Hudson River in Westchester. When completed, it will link village centers, historic sites, parks and river access points via a connection of trails, esplanades and boardwalks. RiverWalk spans 14 municipalities in Westchester and is part of the Hudson River Valley Greenway system. RiverWalk is a work in progress that is being developed through a series of projects constructed by the County, local municipalities and other entities, including private developers.

By Act No. 104-2015 (the "Act"), your Honorable Board authorized the County to enter into an IMA with the Village, pursuant to which the County agreed to provide the Village with \$470,000.00 in funding to assist the Village in constructing an approximately .25 mile long segment of the RiverWalk trail over a portion of riverfront property located in the Village known as Losee Park (the "Property"). The Act further authorized the Village to convey to the County an easement in, upon, under and over a portion of the Property in order to facilitate the County's issuance of bonds to pay for the Project. Pursuant to the Act, the County was authorized to undertake the design of the improvements, while the Village was authorized to undertake the construction portion. The Act also provided that the term of the IMA would commence upon execution thereof and terminate upon the retirement of the bonds sold to fund the design and construction of the Project.

Although the Project has since been fully completed, due to an administrative oversight, the IMA was never executed. The Village would now like to be paid the \$470,000.00 it is owed by the County for the design and construction costs. However, the County is unable to pay the Village because Act No. 104-2015 authorized the term of the IMA to commence upon execution, and the IMA was never executed. In order to remedy this problem, authority is respectfully requested to retroactively amend Act No. 104-2015 for the limited purpose of changing the commencement

date of the IMA from the date of execution, to June 15, 2015, the date the Act was originally approved by your Honorable Board. Except as specifically amended hereby, the remaining terms and conditions in Act No. 104-2015 shall remain in full force and effect.

The Department of Planning has advised that in accordance with SEQR, the Village of Tarrytown Board of Trustees classified the original project as an Unlisted action, conducted coordinated review (which included the County as an involved agency), and issued a Negative Declaration for the project on March 16, 2015. Since the proposed amendment does not involve nor will result in any physical changes to the project, which has already been completed, the Negative Declaration remains valid and no further environmental review is required.

I believe this proposal is in the best interest of the County, and I urge your Honorable Board's approval of the attached legislation.

Sincerely,



George Latimer
County Executive

GL/ND/JPG
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an act (the "Act") which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to amend Act No. 104-2015 which authorized the County to enter into an inter-municipal agreement ("IMA") with the Village of Tarrytown ("Village") in connection with the construction of a portion of the County's RiverWalk Trail (the "Project"), in order to retroactively change the commencement date of the IMA from the date of execution, to June 15, 2015.

By way of background, the Westchester RiverWalk is a planned 51.5-mile multi-faceted pathway paralleling the Hudson River in Westchester. When completed, it will link village centers, historic sites, parks and river access points via a connection of trails, esplanades and boardwalks. RiverWalk spans 14 municipalities in Westchester and is part of the Hudson River Valley Greenway system. RiverWalk is a work in progress that is being developed through a series of projects constructed by the County, local municipalities and other entities, including private developers.

By Act No. 104-2015 (the "Act"), your Honorable Board authorized the County to enter into an IMA with the Village, pursuant to which the County agreed to provide \$470,000.00 in funding to assist the Village in constructing an approximately .25 mile long segment of the RiverWalk trail over a portion of riverfront property located in the Village known as Losee Park (the "Property"). The Act further authorized the Village to convey to the County an easement in, upon, under and over a portion of the Property in order to facilitate the County's issuance of bonds to pay for the Project. Pursuant to the Act, the County was authorized to undertake the design of the improvements, while the Village was authorized to undertake the construction portion. The Act also provided that the term of the IMA would commence upon execution thereof and terminate upon the retirement of the bonds sold to fund the design and construction of the Project.

Your Committee is advised that although the Project has since been fully completed, due to an administrative oversight, the IMA was never executed. The Village would now like to be

paid the \$470,000.00 it is owed by the County for the design and construction costs. However, the County is unable to pay the Village because Act No. 104-2015 authorized the term of the IMA to commence upon execution, and the IMA was never executed. In order to remedy this problem, authority is respectfully requested to retroactively amend Act No. 104-2015 for the limited purpose of changing the commencement date of the IMA from the date of execution, to June 15, 2015, the date the Act was originally approved by your Honorable Board.

Your Committee is advised that except as specifically amended hereby, the remaining terms and conditions in Act No. 104-2015 shall remain in full force and effect.

The Department of Planning has advised that in accordance with SEQR, the Village of Tarrytown Board of Trustees classified the original project as an Unlisted action, conducted coordinated review (which included the County as an involved agency), and issued a Negative Declaration for the project on March 16, 2015. Since the proposed amendment does not involve nor will result in any physical changes to the project, which has already been completed, the Negative Declaration remains valid and no further environmental review is required. A copy of the SEQR documentation is annexed hereto. Your Committee concurs with this conclusion.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Based on the foregoing, your favorable action on the annexed Act is most respectfully requested.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

Cjjpg/06-15-21

FISCAL IMPACT STATEMENT

SUBJECT: Riverwalk IMA, Tarrytown

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: No change to current financial plan as this IMA was previously authorized

Next Four Years: _____

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget


Date: July 7, 2021

Reviewed By: 

Budget Director

Date: 7/7/21

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

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

DATE: June 23, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AMENDMENT OF
ACT FOR TARRYTOWN RIVERWALK**

The Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves an amendment to Act 104-2015, which authorized the County to enter into an intermunicipal agreement (IMA) with the Village of Tarrytown for the development of the RiverWalk trail through the Village's Losee Park. The amendment will modify the authorized commencement date of the IMA from the date of execution to June 15, 2015, the date the Act was approved by the County Board of Legislators.

In accordance with SEQR, the Village of Tarrytown Board of Trustees classified the original project as an Unlisted action, conducted coordinated review (which included the County as an involved agency), and issued a Negative Declaration for the project on March 16, 2015. Since the proposed amendment does not involve nor will result in any physical changes to the project, which has already been completed, the 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
Tami Altschiller, Assistant Chief Deputy County Attorney
David Vutera, Associate County Attorney
Anthony Zaino, Assistant Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 2021 - _____

AN ACT authorizing the County of Westchester to amend Act No. 104 -205 which authorized the County to enter into an inter-municipal agreement with the Village of Tarrytown in connection with the construction of a portion of the County's RiverWalk Trail, in order to retroactively change the commencement date of the IMA from the date of execution, to June 15, 2015.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

Section 1. Section 4 of Act No. 104-2015 is hereby deleted in its entirety and the following inserted in its place:

§4. The IMA shall commence on June 15, 2015 and terminate upon the retirement of the bonds sold to fund the design and construction of this portion of the RiverWalk Trailway.

§2. Except as specifically amended hereby, the remaining terms and conditions in Act No. 104-2015 shall remain in full force and effect.

§3. This Act shall take effect immediately.

THIS INTERMUNICIPAL AGREEMENT, made the ___ day of _____, 2021

by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter referred to as the "County")

and

THE VILLAGE OF TARRYTOWN, a municipal corporation of the State of New York, having an office and place of business at 1 Depot Plaza, Tarrytown, New York 10591 (hereinafter referred to as the "Municipality")

WHEREAS, Section 244-b of the General Municipal Law authorizes municipalities to enter into agreements for the joint operation and maintenance of recreation facilities; and

WHEREAS, the Municipality is the owner of certain riverfront real property known as Losee Park, more particularly shown on Schedule "A" (the "Property"), which is attached hereto and made a part of this Agreement; and

WHEREAS, the Municipality desires to make a portion of the Property available as more particularly shown on Schedule "A" to be developed as part of a trailway known as RiverWalk, a recreational trailway running along the Hudson River to be used by the general public for recreational purposes such as walking, running, biking, and other similar activities; and

WHEREAS, the County agrees to provide funding to assist the Municipality in making improvements to the Property to construct the approximately 0.25 mile long trailway segment and related improvements in the "Proposed Easement Area" as shown on Schedule "A" (the "Easement Area"), and:

WHEREAS, final plans and specifications will be developed as part of this project by the County and approved by the Municipality, and;

WHEREAS, the Municipality has agreed to grant an easement to the County for bonding purposes and for the construction and use of the Trailway and related improvements; and

WHEREAS, as consideration for the County's contribution towards the Trailway, the Municipality will comply with the terms of Article IV of this Agreement to affirmatively further fair and affordable housing within the Municipality and County in accordance with the terms of the August 2009 Stipulation and Order of Settlement and Dismissal in U.S. *ex rel.* Anti-Discrimination Center of Metro New York v. Westchester County, New York (the "Settlement Agreement").

NOW, THEREFORE, in consideration of the promises and of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

ARTICLE I
GRANT OF EASEMENT

Section 1.0. The Municipality hereby grants and conveys to the County, its successors, and assigns a non-exclusive easement (the "Easement") in, upon, under and over that portion of the Property depicted on Schedule "A" as the Easement Area prepared by the Westchester County Department of Planning and to be legally described at a future date mutually by the County and Municipality, solely for the purpose of utilizing the Easement Area. The portion of the Trailway within the Easement Area shall be constructed in accordance with the final design plans and specifications which will be developed at a future date by the County with the approval of the Municipality. The Easement Area, as described in Schedule "A" shall not impede the Municipality's use and enjoyment of its property including, but not limited to, utilizing any and all of the Easement Area for special municipal events, concerts, fireworks or any similar event or activity.

ARTICLE II
IMPROVEMENTS TO THE PROPERTY

Section 2.0. The County shall issue bonds (the "Bonds") and pay to the Municipality an amount not to exceed Four Hundred Seventy Thousand (\$470,000.00) Dollars to finance a portion of the design and construction of the Trailway, which Trailway shall be open to all County residents subject to the conditions set forth herein. The Municipality shall construct the Trailway and the County shall reimburse the Municipality for its construction costs according to the plans and specifications that will be developed by the County and approved by the County Commissioner of Planning or his duly authorized representative (the "Planning Commissioner") and by the Municipality, as set forth herein.

Section 2.1. The Municipality shall not deviate from the approved plans without the prior written consent of the Planning Commissioner and the County Commissioner of Public Works and Transportation (the "DPWT Commissioner") which shall not be unreasonably withheld or delayed. The Municipality shall be responsible for procuring construction of the improvements, such procurement to be in full compliance with all applicable laws, rules and regulations.

Section 2.2. Following the Municipality's receipt of a payment requisition from a contractor performing work on the Trailway, the Municipality shall have the project engineer/architect review the same and certify that the work claimed in the requisition has been performed as per the approved plans & specifications. The County may also inspect the work at any time. The certified requisition will then be forwarded to the Planning Commissioner to process payment.

Any and all requests for payment shall be submitted by the Municipality on properly executed payment vouchers of the County and paid only after approval by the Planning Commissioner and DPWT Commissioner. The County shall use its best efforts to make payment to the Municipality within thirty (30) days of receipt of properly completed vouchers. Provided that the requisition reflects work in connection with approved plans and specifications, then the County shall not be entitled to withhold payment. In no event shall final payment be made to the Municipality prior to completion of all improvements, the submission of reports and the approval

of same by the Planning and DPWT Commissioners.

Payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating.

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Municipality for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

Section 2.3. Both the Municipality and the County shall have the right to enter the Trailway to inspect construction. However, both parties shall take all necessary safety precautions in doing so and shall conduct such inspections in such a way as to minimize any interference with the construction activity.

ARTICLE III

RIGHTS AND RESPONSIBILITIES OF THE MUNICIPALITY AND COUNTY IN CONNECTION WITH THE TRAILWAY

Section 3.0. The Municipality shall construct and maintain the Trailway and all improvements thereon in good working order and repair and shall keep it in clean, sightly and safe condition. It is understood and agreed that such maintenance and repair shall be performed by the Municipality when necessary and when needed to correct hazardous conditions. The Municipality, at its sole cost and expense, shall maintain and operate the Trailway in accordance with the current County Park policies and as set forth in Schedule "B" attached hereto and made a part hereof. It is recognized and understood by all parties that the County shall not be liable for operating or maintaining the Trailway. The Municipality shall regulate the use of the Trailway by the general public so that such use remains in accordance with this Agreement and all applicable laws and regulations. The Trailway may only be used for the intended recreational purposes and no other purpose.

Section 3.1. The County will, with all reasonable promptness, inspect the Trailway after receiving written notice from the Municipality that the Municipality considers the Trailway to be

completed. The Trailway shall not be considered completed for purposes of this Agreement until the County has inspected the Trailway and has determined to its satisfaction that the Trailway has been completed in accordance with the approved plans.

Section 3.2. The Municipality shall, at its sole cost and expense, continuously throughout the term of this Agreement, provide reasonable and adequate security and safety at the Trailway through the Municipality's police department or other agency designated to provide such police services.

Section 3.3. The Municipality shall, at its own cost and expense, promptly comply with all statutes, ordinances, rules, orders, regulations, codes and requirements of the Federal, State, County and local governments and all insurance requirements applicable to the Trailway or any part thereof or applicable to this Agreement. After construction is completed, the Westchester County Commissioner of Parks, Recreation and Conservation (the "Parks Commissioner") shall be entitled to enter the Property, or any part thereof, at any and all times for any and all purposes, without the need to obtain the consent or permission of the Municipality.

Section 3.4. The County shall have no responsibility for the Trailway other than that set forth above. Except for the amount of funding to be provided by the County under Section 2.0 above, the Municipality shall be responsible for all costs in relation to the Property and this entire Agreement, and, under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder except as herein otherwise expressly set forth.

ARTICLE IV

FAIR AND AFFORDABLE HOUSING CONDITIONS

Section 4.0. As further consideration for the County's financial contribution of \$470,000.00 toward the Trailway project the Municipality hereby commits to the County that it is in compliance with the following terms and conditions in connection with its commitment to affirmatively further fair housing:

- (a) Municipality has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions approved pursuant to the Settlement Agreement and demonstrates a commitment by the Municipality to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions;
- (b) Municipality will offer the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing ; and
- (c) Municipality will actively further implementation of the Settlement Agreement through its land use regulations and other affirmative measures to assist the development of affordable housing.

Municipality agrees to market housing units that affirmatively further fair housing in accordance with the County's Affirmative Fair Housing Marketing Plan approved pursuant to the Settlement Agreement, throughout the period of affordability.

The County shall have audit rights that will extend to all documents, reports, and records which relate to the Municipality's commitment to affirmatively further fair housing.

Section 4.1. Nothing in this Agreement is intended to affect the County's interest in the Trailway project or release the Municipality from its obligations under the law with respect to affordable AFFH units.

Section 4.2. Should the Municipality fail to abide by any of the above conditions, the Municipality shall, upon thirty (30) days written notice by the County, refund any funds paid to the Municipality under this Inter-Municipal Agreement.

ARTICLE V
INSURANCE

Section 5.0 In addition to, and not in limitation of the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the construction, maintenance, operation, security and/or repair of the Trailway and this Agreement and of the acts or omissions hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the construction, maintenance, operation, security and/or repair of the Trailway and this Agreement and to bear all other costs and expenses related thereto.

ARTICLE VI
MUNICIPALITY REPRESENTATIONS

Section 6.0 The Municipality covenants that Municipality has sufficient fee ownership of the Easement Area and has all legal authority, rights and interests necessary to make and assign the Easement granted herein. Provided the County abides by the provisions set forth in this Agreement, the County shall have non-exclusive quiet and peaceful enjoyment of the Easement, except as otherwise provided for in this Easement Agreement.

Section 6.1 During construction of the Trailway, the Municipality shall not permit any lien of mechanics or materialmen to be placed against the Easement Area. If any such lien is asserted, the Municipality agrees to cause the discharge of same within sixty (60) days of actual notice thereof or written notice from the County, whichever is sooner, by filing a bond

reasonably acceptable to the County or otherwise as the County may direct. In the event the Municipality fails to discharge said lien, the County, in addition to any other right or remedy to which it may be entitled, may, without further notice or inquiry as to the validity or amount of the lien, cause such lien to be discharged in such manner as it may deem advisable, including but not limited to payment of the amount claimed by the lien claimant, and any and all costs incurred by the County, including, without limitation, reasonable attorney's fees, shall be charged to and paid by the Municipality.

ARTICLE VII

NOTICES

Section 7.0. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below (except where this Agreement designates notice to a particular County Commissioner and then only to that Commissioner and a copy to the County Attorney) or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner of Planning
County of Westchester
148 Martine Avenue, Room 432
White Plains, New York 10601

Commissioner of Parks, Recreation and Conservation
County of Westchester
450 Saw Mill River Road
Ardsley, New York 10502

Commissioner of Public Works and Transportation
County of Westchester
148 Martine Avenue, Room 528
White Plains, New York 10601

with copies to:

County Attorney
148 Martine Avenue, Room 600
White Plains, New York 10601

To the Municipality:
The Village of Tarrytown
1 Depot Plaza
Tarrytown, New York 10549
Attn: Village Administrator

ARTICLE VIII
MISCELLANEOUS

Section 8.0. Any purported delegation of duties or assignment of rights by either party to this Agreement without the prior express written consent of the other party is void.

Section 8.1. The failure of the County to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the County may have and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

Section 8.2. In the event that the Municipality materially defaults in performing the improvements to the Property as per this Agreement, the County, at its option and in addition to any other remedy it may have to seek damages, judicial enforcement or any other lawful remedy, may terminate this Agreement upon ninety (90) days notice to the Municipality; provided, however, that the Municipality may defeat such notice by curing the default complained of within such notice period, or, if any such default is not curable within such notice period by promptly commencing to cure the default and diligently pursuing all necessary and appropriate action to effect such cure. In the event this Agreement is terminated, the Municipality shall have one hundred eighty (180) days from the effective termination date to pay the County, as liquidated damages, the full amount paid by the County pursuant to this Agreement with apportioned and proportionate set offs for work actually completed, if any.

Section 8.3. It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their

respective successors, legal representatives and assigns.

Section 8.4. This Agreement and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties, and approved by the Office of the County Attorney.

Section 8.5 It is recognized and understood that the Municipality is not an agent of the County and in accordance with such status, the Municipality, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the term of this Agreement neither hold themselves out as, nor claim to be acting in the capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

Section 8.6. This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

Section 8.7. In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

Section 8.8. The Municipality agrees to observe and obey any and all Federal, State and local laws, rules and regulations, and to require its officers, agents, employees, contractors, and suppliers to observe and obey the same.

Section 8.9. This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account

thereof shall be incurred by the County beyond the amount of such appropriated funds.

Section 8.10. All covenants, stipulations, promises, agreements and obligations of the Municipality and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Municipality and the County and not of any member, officer or employee of the Municipality or the County in his individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Municipality or the County or any natural person executing this Agreement.

Section 8.11. The parties each agree to execute and deliver such further instruments and to obtain such additional authority as may be required to carry out the intent and purpose of this Agreement.

Section 8.12. This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.

Section 8.13. Failure of any party to insist upon strict performance of any term, condition or covenant of this Agreement shall not be deemed to constitute a waiver or relinquishment of such term, condition or covenant for the future right to insist upon and to enforce by injunction or by other legal or appropriate remedy strict compliance by any other party with such term, condition or covenant.

Section 8.14. Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all departments of the County. Under this Agreement, it is recognized and understood that the County encourages the Municipality to do similarly.

Section 8.15. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns, including but not limited to the general public, any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein. Notwithstanding the

foregoing, only the Municipality or County, and not any third parties, shall be entitled to seek the enforcement of the provisions of this Agreement.

Section 8.16. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of New York applicable to agreements made and to be performed wholly within such State.

Section 8.17. The Parties agree that the County shall cause this Agreement to be recorded. At any Party's request, additional copies of this Agreement shall be executed in the form and manner required for recording.

ARTICLE IX

TERMINATION OR EXTINGUISHMENT OF EASEMENT

Section 9.0. If for any reason the Easement granted herein is terminated or extinguished prior to the defeasance of all Bonds issued by the County for this project, the Municipality shall have the obligation to reimburse the County which reimbursement (hereinafter referred to as the "Reimbursable Amount") shall be an amount equal to the unamortized value of the construction costs from the date of the termination or extinguishment of this Easement Agreement as depreciated on a straight-line basis over a period of fifteen (15) years beginning on the date on which the first of any bonds issued to construct the Trailway are sold (the "Bond Sale Date"). The Reimbursable Amount shall be forwarded by the Municipality to the County by wire transfer (in same day funds) two business days prior to the bond call date. The County shall give the Municipality notice of the Bond Sale Date within thirty (30) calendar days after the Bond Sale Date.

The Municipality shall keep all such records as may be necessary to document such cost of the Trailway. The Municipality will provide the County with documentation, upon the County's request, in order to verify same.

ARTICLE X

TERM

Section 10.0. The term of this Agreement shall commence retroactive to June 15, 2015 and shall terminate upon the retirement of the bonds sold to fund the design and construction of this portion of the RiverWalk Trailway, unless terminated sooner in accordance with the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

COUNTY OF WESTCHESTER

By: _____
Norma Drummond
Commissioner of Planning

THE VILLAGE OF TARRYTOWN

By: _____
Hon. Thomas D. Butler Jr.
Mayor
Village of Tarrytown

Approved by the Board of Legislators of the County of Westchester by Act No. 104 – 2015 on the 15th day of June, 2015, as amended by Act No. 2021 - ____, approved by the Board of Legislators of the County of Westchester on the ____ day of _____, 2021.

Approved by the Municipality's Board of Trustees on the ____ day of _____, 20__.

Approved as to form and manner of execution:

Approved as to form:

Assistant County Attorney
The County of Westchester

Village Attorney
Village of Tarrytown

**UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
(County)**

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

**UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
(MUNICIPALITY)**

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the _____
(Title)

(Name of Municipality)
(the "Municipality") a corporation duly organized in good standing under the _____
(Law under which organized, e.g., the New York Municipality Law, Municipality Law, General Municipal Law)
named in the foregoing agreement that _____
(Person executing agreement)
who signed said agreement on behalf of the Municipality was, at the time of execution _____
of the Municipality,
(Title of such person),
that said agreement was duly signed for on behalf of said Municipality by authority of its _____
(Municipality Board, Municipality Board, Municipality Council)
thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this _____ day of _____, 20____, before me personally came _____
whose signature appears above, to me known, and know to be the _____
of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he, the said _____
resides at _____, and that he is
the _____ of said municipal corporation.
(title)

Notary Public County

SCHEDULE "A"

Map of Property and Easement Area

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SCHEDULE "B"

**TERMS AND CONDITIONS OF OPERATION
OF RIVERWALK TRAILWAY IN LOSEE PARK,
VILLAGE OF TARRYTOWN**

At all times when the park is open the Municipality will be responsible for the general supervision of the park.

The RiverWalk Trailway portion of the park must be open at no charge to all Westchester County residents during all hours of operation of the park. If the Municipality opts to charge a fee for use of any other part of the park improved by the County, such proposed fees shall be subject to prior County approval. Such fees charged to non residents of the Municipality shall not exceed double the fees charged to Municipal residents. Revenue generated from the park may be kept by the Municipality to offset operating expenses.

On the portion of the park improved by the County, all advertising and signage to be utilized by the Municipality in connection with the operation of the park shall be subject to the prior written approval of the Commissioner of Parks, Recreation and Conservation ("Commissioner"), which shall not be unreasonably withheld, and shall be provided to the County in advance for review.

The Municipality shall acknowledge the County's role in improving the park on any signs or written material describing ownership or construction of the park.

The Municipality is responsible for:

The payment of all utility costs associated with the park.

Litter and refuse removal

Vandalism repair and or replacement

Mowing - Grass will be cut regularly from April through October. Litter must be picked up prior to cutting grass.

Trimming - String trimming of site amenities (benches, fences, goals, etc.) will occur regularly from April through October.

Garbage/Litter Control – Garbage cans will be installed as part of the RiverWalk improvements. Litter must be picked up and garbage cans emptied regularly.

Leaf Collection/ Removal - Leaves will be removed from all paved surface areas in the autumn and removed from the site.

All benches, bridges, fences, signs, light posts, etc. will be kept in good order and repair.

All acts of vandalism/graffiti will be repaired and removed in a timely manner.

All trees and plantings in the park will be kept in a safe and aesthetic condition. Hazardous trees will be removed in a timely manner. Invasive vines and vegetation shall be removed on a yearly basis as to not affect the health of the trees in the park.

The Municipality's Superintendent of Recreation & Parks will manage the working relationship with the County.

The Municipality shall not sell, offer for sale nor permit the sale of any food, commodity, ware or merchandise of any kind, nature or description in the park without the written consent of the Commissioner, which shall not be unreasonably withheld.

Any new improvements undertaken in the portion of the park improved pursuant to this Agreement shall be undertaken only with the prior written consent of the Commissioner, which shall not be unreasonably withheld.

The Municipality agrees to participate in the County's Pride in Parks performance based management program.

WCDP/pn

Revised October 26, 2007

SCHEDULE "C"

**STANDARD INSURANCE PROVISIONS
(MUNICIPALITY)**

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County.

The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits' Policy, or both, the employer must complete affidavit form WC/DB-100 (revised 9/07), sign and notarize the form, and send to the NYS Workers' Compensation Board for (stamped) approval. The stamped approval (valid for 1 year) should then be provided to the County of Westchester with all other insurance documentation.

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall include the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and sub-Contractor.
- (iv) Products and Completed Operations.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse

against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

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