



Public Works & Transportation Meeting Agenda

Committee Chair: Erika Pierce

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

Monday, July 31, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations and Housing committees.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2023-301](#) BOND ACT-RB04J-Tuckahoe Road Bridge Over Bronx River Pkwy.,
Yonkers

A BOND ACT authorizing the issuance of FIVE HUNDRED TWENTY-FIVE THOUSAND (\$525,000) DOLLARS in bonds of Westchester County to finance Capital Project RB04J - Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers.

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

Joint with B & A.

Guest: Representative from the Dept. of Public Works & Transportation.

2. [2023-302](#) CBA-RB03Y-Main Street Over Bronx River Pkwy. and Bronx River,
White Plains

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RB03Y Main Street Over Bronx River Parkway and Bronx River, White Plains.

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

Joint with B & A.

Guest: Representative from the Dept. of Public Works & Transportation.

3. [2023-303](#) BOND ACT-RB03Y-Main Street Over Bronx River Pkwy. and Bronx River, White Plains

A BOND ACT authorizing the issuance of ONE MILLION, ONE HUNDRED THOUSAND (\$1,100,000) DOLLARS in bonds of Westchester County to finance Capital Project RB03Y - Main Street over Bronx River Parkway and Bronx River, White Plains.

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

Joint with B & A.

Guest: Representative from the Dept. of Public Works & Transportation.

4. [2023-311](#) BOND ACT-BDA02-Information Technology '20-'24

A BOND ACT authorizing the issuance of THREE HUNDRED SEVENTY-FIVE THOUSAND (\$375,000) DOLLARS in bonds of Westchester County to finance Capital Project BDA02 - Information Technology (2020-2024).

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

Joint with B & A.

Guests: Office of the District Attorney: Charles Forzano, Chief Administrator; Jason Carrow, Manager of Network Operations; Andrew Grascia, Deputy Chief Criminal Investigator

5. [2023-280](#) ACT-Accept Quitclaim Deed from Yonkers - 345 McLean Avenue, Yonkers

AN ACT authorizing the County of Westchester to accept a quitclaim deed from the City of Yonkers for an approximately 0.93 acre site located at 345 McLean Avenue in the City of Yonkers, and to subsequently convey the property to Verus Development LLC and Yonkers Community Development Organization, Inc. in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION AND HOUSING

Joint with B & A and Housing.

Guest: Planning Dept.: Len Gruenfeld, Program Administrator for Development

6. [2023-281](#) BOND ACT-BPL1A-345 McLean Avenue, Yonkers

A BOND ACT authorizing the issuance of FIVE MILLION, FIVE HUNDRED FIFTY-FIVE

THOUSAND (\$5,555,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL1A - Housing Implementation Fund.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION AND HOUSING

Joint with B & A and Housing.

Guest: Planning Dept.: Len Gruenfeld, Program Administrator for Development

7. [2023-282](#) ACT-IMDA-Yonkers & the Developer-345 McLean Avenue, Yonkers

AN ACT authorizing the County of Westchester to enter into an inter-municipal developer agreement with the City of Yonkers and Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 105 affordable rental units for seniors including one employee unit at 345 McLean Avenue in the City of Yonkers, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION AND HOUSING

Joint with B & A and Housing.

Guest: Planning Dept.: Len Gruenfeld, Program Administrator for Development

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Westchester County

George Latimer
County Executive

June 30, 2023

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 (the “County”) to issue bonds in the amount of \$525,000 to finance the following capital project:

RB04J – Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers (BIN 3348000) (“RB04J”).

The Bond Act, in the amount of \$525,000, would finance the cost of design associated with rehabilitation of the existing structure. The project will address the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, and associated work.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which was built in 1922 and has an annual daily traffic count (“AADT”) of 8,375, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2021 the New York State Department of Transportation gave the bridge a condition rating of 4.33 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Following bonding authorization, design shall be scheduled and is anticipated to take nine (9) months to complete and will be performed by consultant. It is anticipated that construction will take approximately eighteen (18) months to complete and shall begin after award and execution of the construction contracts, subject to your Honorable Board’s approval of construction funding.

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.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: ceo@westchestergov.com

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

GL/HJG/RA/jpg

**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 \$525,000 to finance capital project RB04J – Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers (BIN 3348000) (“RB04J”). The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of design associated with rehabilitation of the existing structure. The project will address the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, and associated work.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which was built in 1922 and has an annual daily traffic count (“AADT”) of 8,375, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2021 the New York State Department of Transportation gave the bridge a condition rating of 4.33 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Following bonding authorization, design shall be scheduled and is anticipated to take nine (9) months to complete and will be performed by consultant. It is anticipated that construction will take approximately eighteen (18) months and shall begin after award and execution of the construction contracts, subject to your Honorable Board’s approval of construction funding.

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: _____, 2023
White Plains, New York


c/jpg/2-17-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RB04J</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	<input type="checkbox"/> Capital Budget Amendment
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 525,000	PPU	5 Anticipated Interest Rate 2.81%
Anticipated Annual Cost (Principal and Interest):	\$ 115,286		
Total Debt Service (Annual Cost x Term):	\$ 576,430		
Finance Department:	Interest rates from June 27, 2023 Bond Buyer - ASBA		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
Potential Related Expenses (Annual):	\$ -		
Potential Related Revenues (Annual):	\$ -		
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years): _____			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:	6		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Jonna Robins</u>	Reviewed By:	
Title:	<u>Program Administrator (Capital Plannin</u>		Budget Director
Department:	<u>Public Works and Transportation</u>	<i>DV 6/29/23</i>	
Date:	<u>6/29/23</u>	Date:	<u>6/29/23</u>

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

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

DATE: February 22, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB04J Tuckahoe Road Bridge over Bronx River Parkway, Yonkers
(BIN 3348000)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02/10/2023 (Unique ID: 2144)

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

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

COMMENTS: The current request is for design.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Senior Budget Analyst
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER PARKWAY IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$525,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$525,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$525,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of the Tuckahoe Road Bridge over the Bronx River Parkway in the City of Yonkers, including the rehabilitation of the existing structure to address the deterioration of the existing

arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$525,000. The plan of financing includes the issuance of \$525,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$525,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) of the Law, is five (5) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$525,000. 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 \$525,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER PARKWAY IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$525,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$525,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on _____, 20__)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the rehabilitation of the Tuckahoe Road Bridge over the Bronx River Parkway in the City of Yonkers, including the rehabilitation of the existing structure to address the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, 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: \$525,000; 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:* RB04J	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-26-2023
Fact Sheet Year:* 2023	Project Title:* TUCKAHOE ROAD BRIDGE OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348000)	Legislative District ID: 10, 15,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2144

Overall Project Description

This project will fund the rehabilitation of the existing structure. The structure was built in 1922 and is 48' long by 65' wide.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	3,400	0	900	2,500	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,400	0	900	2,500	0	0	0	0

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

Current Bond Description: Funding is requested for the design associated with rehabilitation of the existing structure. The project will address the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	525,000
Cash:	0
Total:	\$ 525,000

SEQR Classification:

TYPE II

Amount Requested:

525,000

Comments:

Bridge Condition Rating: 4.33 (2021); AADT: 8,375

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2023	900,000	DESIGN AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

900,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
		0	0	

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
02-10-2023

Department of Public Works
RJB4

Date
02-10-2023

Budget Department
DEV9

Date
02-16-2023

Requesting Department
RJB4

Date
02-16-2023

**TUCKAHOE ROAD BRIDGE OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348000)
(RB04J)**

User Department : Public Works
Managing Department(s) : Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project has historical implications. Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)									
	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,400			900	2,500				
Non County Share									
Total	3,400			900	2,500				

Project Description

This project will fund the rehabilitation of the existing structure. The structure was built in 1922 and is 48' long by 65' wide.

Current Year Description

The current year request funds design and construction management.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2023	900,000			900,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
Total				

Westchester County

George Latimer
County Executive

June 30, 2023

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 Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget (the "Capital Budget Amendment"), as well as adopt a related Bond Act ("Bond Act") which, if adopted, would authorize the County to issue \$1,100,000 in bonds to finance the following capital project:

RB03Y – Main Street over Bronx River Parkway and Bronx River, White Plains ("RB03Y").

This project funds the rehabilitation of the existing bridge structure including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The structure consists of two spans; 63' long by 100' wide and 60' long by 72' wide.

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for RB03Y by \$1,100,000, to fund increased costs associated with this project.

The Bond Act, in the amount of \$1,100,000, would finance additional construction management and construction costs associated with the rehabilitation of the bridge.

The Department of Public Works and Transportation ("Department") has advised that additional funding is needed to cover the full cost of construction management and to provide construction contingency for this project. The bids received for this project were higher than the available construction funding. In order to proceed with the project in a timely matter, a portion of the available construction management funding was used to award the construction contract. In addition, since construction is partially funded with Federal funds, an increased level of inspection and reporting is required. Finally, the additional funding will restore the construction contingency for possible unforeseen conditions.

The Department has further advised that this bridge, which was built in 1922 and has an annual daily traffic count ("AADT") of 42,900, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2021, the New York State Department of Transportation gave the bridge a condition rating of 4.48 and the bridge has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Office of the County Executive

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

The construction contract has been awarded and construction has begun. It is anticipated that construction will take thirty (30) months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior phase of RB03Y as follows: Bond Act No. 168-2019 in the amount of \$3,300,000 which financed the cost of design, construction inspection and construction associated with rehabilitation of the existing structure. \$1,032,925 in bonds under Bond Act No. 168-2019 have been sold. The proposed Bond Act will authorize an additional \$1,100,000 in construction management and construction funding for this project.

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.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,



George Latimer
County Executive

GL/HJG/jpg
Attachments

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act amending the County of Westchester's (the "County") current-year Capital Budget (the "Capital Budget Amendment"), as well as adoption of a related bond act (the "Bond Act") in the amount of \$1,100,000, to finance project RB03Y – Main Street over Bronx River Parkway and Bronx River, White Plains ("RB03Y").

Your Committee is advised that this project funds the rehabilitation of the existing bridge structure including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The structure consists of two spans; 63' long by 100' wide and 60' long by 72' wide.

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for RB03Y by \$1,100,000 to fund increased costs associated with this project.

The Bond Act, which was prepared by the law firm Harris Beach, PLLC, is required to finance additional construction management and construction costs associated with the rehabilitation of the bridge.

The Department of Public Works and Transportation ("Department") has advised that additional funding is needed to cover the full cost of construction management and provide construction contingency for this project. The bids received for this project were higher than the available construction funding. In order to proceed with the project in a timely matter, a portion of the available construction management funding was used to award the construction contract. In addition, since construction is partially funded with Federal funds, an increased level of inspection and reporting is required. Finally, the additional funding will restore the construction contingency for possible unforeseen conditions.

The Department has further advised that this bridge, which was built in 1922 and has an annual daily traffic count ("AADT") of 42,900, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2021 the New York State Department of Transportation gave the bridge a condition rating of 4.48 and the bridge has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating

below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that the construction contract has been awarded and construction has begun. It is anticipated that construction will take thirty (30) months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior phase of RB03Y as follows: Bond Act No. 168-2019 in the amount of \$3,300,000 which financed the cost of design, construction inspection and construction associated with rehabilitation of the existing structure. \$1,032,925 in bonds under Bond Act No. 168-2019 have been sold. The proposed Bond Act will authorize an additional \$1,100,000 in construction management and construction funding for this project.

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.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment.

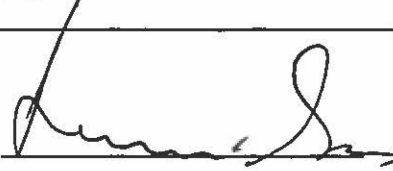
Dated: _____, 20____.
White Plains, New York

COMMITTEE ON


Cjjpg/3-24-2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RB03Y</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input type="checkbox"/> Current Appropriations	
		<input checked="" type="checkbox"/> Capital Budget Amendment	
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 1,100,000	PPU	20
		Anticipated Interest Rate	3.15%
Anticipated Annual Cost (Principal and Interest):	\$ 74,140		
Total Debt Service (Annual Cost x Term):	\$ 1,482,800		
Finance Department:	Interest rates from June 27, 2023 Bond Buyer - ASBA		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
Potential Related Expenses (Annual):	\$	-	
Potential Related Revenues (Annual):	\$	-	
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):			

SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:	12		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input checked="" type="checkbox"/> Not Applicable	
Prepared by:	<u>Jonna Robins</u>	Reviewed By:	
Title:	<u>Program Administrator (Capital Plannin</u>		
Department:	<u>Public Works and Transportation</u>	<u>6/29/23</u>	Budget Director
Date:	<u>6/29/23</u>	Date:	<u>6/29/23</u>

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

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

DATE: April 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB03Y MAIN STREET OVER BRONX RIVER PARKWAY AND BRONX
RIVER, WHITE PLAINS (BIN 3348690)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-17-2023 (Unique ID: 2171)

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):

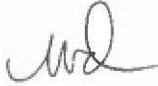
- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Senior Budget Analyst
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: Honorable George Latimer, County Executive
Lawrence Soule, Budget Director

From: Norma Drummond, Commissioner 

Re: **Capital Budget Amendment:**
RB03Y Main St Over Bronx River Parkway and Bronx River, White Plains
(BIN 3348690)

Date: March 28, 2023

Attached is a memo from the Planning Department to the County Planning Board advising the Board of the proposed Capital Budget Amendments (CBA) to modify funding of the above project.

These are financing changes only and there are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, as stated in the memo, no further action by the Planning Board is required.

NVD/ml
Attachment

cc: Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Emily Saltzman, Deputy Director of Operations
Paula Friedman, County Executive's Office
Blanca Lopez, Deputy Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Assistant County Attorney
Michelle Greenbaum, Assistant County Attorney
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 28, 2023

RE: **Capital Budget Amendment –
RB03Y Main St Over Bronx River Parkway and Bronx River, White Plains
(BIN 3348690)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RB03Y Main St over Bronx River will fund the rehabilitation of the bridge structure at Main Street in White Plains. The capital budget amendment will fund the construction management and provide construction contingency. The bids received were higher than the available construction funding.

A Capital Budget Amendment in the amount of \$1,100,000 is being requested to provide additional funding to address increased costs for unanticipated items discovered during procurement. This project was classified as a PL2HP, a project with physical planning aspects and historic preservation concerns by the Planning Board in the 2017 Report on the Capital Project Requests adopted July 12, 2016.

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

cc: Norma V. Drummond, Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project RB03Y Main Street
 Over Bronx River Parkway and
 Bronx River, White Plains (BIN
 3348690)

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

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

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$8,300,000	\$1,100,000	\$9,400,000

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

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$3,300,000	\$1,100,000	\$4,400,000
Non County Shares	\$5,000,000		\$5,000,000
Cash	\$0		\$0
Total	\$8,300,000	\$1,100,000	\$9,400,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE ADDITIONAL COST OF THE RECONSTRUCTION OF THE MAIN STREET BRIDGE OVER THE BRONX RIVER PARKWAY AND THE BRONX RIVER LOCATED IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the additional cost of the reconstruction of the Main Street bridge over the Bronx River Parkway and Bronx River located

in the City of White Plains, including the design, construction and inspection associated with the rehabilitation of the existing bridge; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,100,000. The plan of financing includes the issuance of \$1,100,000 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 applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) 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 \$1,100,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the 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 \$1,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE ADDITIONAL COST OF THE RECONSTRUCTION OF THE MAIN STREET BRIDGE OVER THE BRONX RIVER PARKWAY AND THE BRONX RIVER LOCATED IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the additional cost of the reconstruction of the Main Street bridge over the Bronx River Parkway and Bronx River located in the City of White Plains, including the design, construction and inspection associated with the rehabilitation of the existing bridge; all as set forth in the County's current year Capital Budget, as amended.

amount of obligations to be issued: \$1,100,000; twenty (20) years
and period of probable usefulness:

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:* RB03Y	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-16-2023
Fact Sheet Year:* 2023	Project Title:* MAIN STREET OVER BRONX RIVER PARKWAY AND BRONX RIVER, WHITE PLAINS (BIN 3348690)	Legislative District ID: 8,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2171

Overall Project Description

This project shall fund the rehabilitation of the existing structure including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The structure was built in 1922 and consists of two spans; 63' long by 100' wide and 60' long by 72' wide.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	9,400	8,300	0	0	0	0	0	1,100
Less Non-County Shares	5,000	5,000	0	0	0	0	0	0
Net	4,400	3,300	0	0	0	0	0	1,100

Expended/Obligated Amount (in thousands) as of : 1,774

Current Bond Description: Funding is requested for additional construction management and construction associated with the rehabilitation of the existing bridge.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,100,000
Cash:	0
Total:	\$ 1,100,000

SEQR Classification:

TYPE II

Amount Requested:

1,100,000

Comments:

A capital budget amendment in the amount of \$1,100,000 (shown under review) is requested to cover the full costs of construction management and provide construction contingency. The bids received were higher than the available construction funding. In order to proceed with the project in a timely matter, a portion of the available construction management funding was used to award the construction contract. In addition, since the construction is partially funded with Federal funds an increased level of inspection and reporting is required. Finally, the additional funding will restore the construction contingency for possible unforeseen conditions.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	8,300,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

8,300,000

**MAIN STREET OVER BRONX RIVER PARKWAY AND BRONX RIVER, WHITE PLAINS (BIN
3348690)
(RB03Y)**

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project has historical implications. Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	8,300	8,300	1,084						
Non County Share	(5,000)	(5,000)	32						
Total	3,300	3,300	1,116						

Project Description

This project shall fund the rehabilitation of the existing structure including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The structure was built in 1922 and consists of two spans; 63' long by 100' wide and 60' long by 72' wide.

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
2017	8,300,000	Design, construction and construction management.	\$3,300,000 DESIGN ; \$5,000,000 NON-COUNTY SHARES
Total	8,300,000		

Prior Appropriations

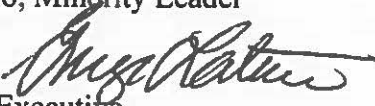
	Appropriated	Collected	Uncollected
Bond Proceeds	3,300,000	1,032,925	2,267,075
State Funds	5,000,000		5,000,000
Others		(31,894)	31,894
Total	8,300,000	1,001,032	7,298,968

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
168 19	3,300,000	04/30/20	59,911	2,267,075
		10/28/20	825,463	
		10/28/20	115,658	
		10/28/20	31,894	
Total	3,300,000		1,032,925	2,267,075

July 7, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BDA02 –
Information Technology (2020-2024)**

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 10, 2023 Agenda.

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 Three Hundred Seventy-Five Thousand (\$375,000.00), to finance the following capital project: BDA02.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for July 10, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

July 7, 2023

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 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 Three Hundred Seventy-Five Thousand (\$375,000.00), to finance the following capital project:

BDA02 – Information Technology (2020-2024) ("BDA02").

The Bond Act, in the amount of Three Hundred Seventy-Five Thousand (\$375,000.00) dollars, would fund the purchase, upgrade and maintenance of equipment, software and systems to support the technology needs of the District Attorney's Office ("District Attorney's Office") at various locations.

As the chief law enforcement officer of Westchester County, the Westchester County District Attorney is responsible for the investigation and prosecution of all crimes and offenses committed in the County. This project will enable the District Attorney's Office to carry out this mandate by continuing to allow for the purchase, upgrade and maintenance of equipment, software and systems to support the various District Attorney's Office locations throughout the County. This projects includes, but is not limited to, the upgrade of hardware and software for forensics, surveillance, security systems, server and storage equipment, networking equipment, desktops systems, off the shelf and proprietary software applications, peripherals and hand-held devices.

It should be noted that your Honorable Board has previously authorized financing in connection with three (3) prior components of the BDA02 project as indicated in the annexed fact sheet.

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 Three Hundred Seventy-Five Thousand (\$375,000.00) to finance capital project BDA02 – Information Technology (2020-2024) (“BDA02”).

Your Committee is advised that the proposed Bond Act, which was prepared by the law firm Harris Beach PLLC, would fund the purchase, upgrade and maintenance of equipment, software and systems to support the technology needs of the District Attorney’s Office (“District Attorney’s Office”) at various locations.

Your Committee is advised that, as the chief law enforcement officer of Westchester County, the Westchester County District Attorney is responsible for the investigation and prosecution of all crimes and offenses committed in the County. This project will enable the District Attorney’s Office to carry out this mandate by continuing to allow for the purchase, upgrade and maintenance of equipment, software and systems to support the various District Attorney’s Office locations throughout the County. This projects includes, but is not limited to, the upgrade of hardware and software for forensics, surveillance, security systems, server and storage equipment, networking equipment, desktops systems, off the shelf and proprietary software applications, peripherals and hand-held devices.

It should be noted that your Honorable Board has previously authorized financing in connection with three (3) prior components of the BDA02 project as indicated in the annexed fact sheet.

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

Dated: _____, 2023
White Plains, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BDA02

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 \$ 375,000 PPU 5 Anticipated Interest Rate 2.83%

Anticipated Annual Cost (Principal and Interest): \$ 82,390

Total Debt Service (Annual Cost x Term): \$ 411,950

Finance Department: Interest rates from July 5, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded:

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Charles J. Forzano


Title: Chief Administrator

Department: Westchester County District Attorney

Date: 7/7/23

Reviewed By:

7/7/23



Budget Director

Date:

7/7/23

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

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

DATE: June 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BDA02 INFORMATION TECHNOLOGY (2020-2024)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2212)

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)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

COMMENTS: None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$375,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EQUIPMENT AND FURNISHINGS FOR THE DISTRICT ATTORNEY'S OFFICES LOCATED THROUGHOUT THE COUNTY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$375,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$375,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$375,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of equipment and furnishings for the District Attorney's offices located throughout the County; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$375,000. The plan of financing includes the issuance of \$375,000 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 applicable to the class of objects or purposes for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$375,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the 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 \$375,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF EQUIPMENT AND FURNISHINGS FOR THE DISTRICT ATTORNEY'S OFFICES LOCATED THROUGHOUT THE COUNTY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$375,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$375,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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 acquisition of equipment and furnishings for the District Attorney's offices located throughout the County; 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: \$375,000; 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:* CBA Fact Sheet Date:*
 BDA02 04-24-2023

Fact Sheet Year:* Project Title:* Legislative District ID:
 2023 INFORMATION TECHNOLOGY (2020-2024)

Category* Department:* CP Unique ID:
 BUILDINGS, LAND & DISTRICT ATTORNEY 2212
 MISCELLANEOUS

Overall Project Description

This project will fund the purchase, upgrade and maintenance of equipment, software and systems. This project includes, but is not limited to the upgrade of hardware and software for forensics, surveillance, security systems, server and storage equipment, networking equipment, desktops systems, off the shelf and proprietary software applications, peripherals and hand-held devices.

- | | | |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	2,480	1,565	375	540	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,480	1,565	375	540	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 1,287

Current Bond Description: This request for \$375k represents the fourth phase of this project and will allow the Districts Attorney's Office to continue to purchase, upgrade and maintain equipment, software and systems to support the needs of the District Attorney's offices located throughout the County.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	375,000
Cash:	0
Total:	\$ 375,000

SEQR Classification:

TYPE II

Amount Requested:

375,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	500,000	UPGRADE OF THE EMAIL SYSTEM, SERVERS, FORENSIC, SURVEILLANCE EQUIPMENT AND STORAGE SPACE
2021	710,000	PURCHASE OF LICENSE PLATE READER STORAGE AND BACKUP SYSTEMS
2022	355,000	FUNDS CONTINUATION OF THIS PROJECT
2023	375,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

1,940,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	14	500,000	346,250	FIRST PHASE OF UPGRADES TO TECHNOLOGY EQUIPMENT, SOFTWARE, AND SYSTEMS FOR DA'S OFFICE
21	207	355,000	172,960	THIRD PHASE OF UPGRADES TO TECHNOLOGY EQUIPMENT, SOFTWARE, AND SYSTEMS FOR DA'S OFFICE
21	39	710,000	422,056	UPGRADES TO TECHNOLOGY EQUIPMENT, SOFTWARE, AND SYSTEMS FOR DA'S OFFICE

Total Financing History:

1,565,000

Recommended By:

Department of Planning

MLLL

Date

05-17-2023

Department of Public Works

RJB4

Date

05-17-2023

Budget Department

DEV9

Date

05-22-2023

Requesting Department

CCFN

Date

05-22-2023

**INFORMATION TECHNOLOGY (2020-2024)
(BDA02)**

User Department : District Attorney

Managing Department(s) : District Attorney ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (In thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	2,480	1,565	1,118	375	540				
Non County Share									
Total	2,480	1,565	1,118	375	540				

Project Description

This project will fund the purchase, upgrade and maintenance of equipment, software and systems. This project includes, but is not limited to the upgrade of hardware and software for forensics, surveillance, security systems, server and storage equipment, networking equipment, desktops systems, off the shelf and proprietary software applications, peripherals and hand-held devices.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	375,000			375,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2020	500,000	Upgrade of the email system, servers, forensic, surveillance equipment and storage space	IN PROGRESS
2021	710,000	Purchase of license plate reader storage and backup systems	IN PROGRESS
2022	355,000	Funds continuation of this project	IN PROGRESS
Total	1,565,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,565,000	941,267	623,733
Total	1,565,000	941,267	623,733

**INFORMATION TECHNOLOGY (2020-2024)
(BDA02)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
14 20	500,000	12/01/21	320,042	153,750
		12/01/22	23,839	
		12/01/22	2,369	
39 21	710,000	12/01/21	271,068	287,944
		12/01/22	137,339	
		12/01/22	13,649	
207 21	355,000	12/01/22	157,325	182,040
		12/01/22	15,635	
Total	1,565,000		941,267	623,733

George Latimer
County Executive

June 23, 2023

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 review and approval please find the following:

Land Conveyance. An Act (the “Land Conveyance Act”) to authorize the acceptance of a quitclaim deed from the City of Yonkers (“City”) for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, (the “Property”), and conveyance of the Property to Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns (collectively, the “Developer”) to facilitate the development of new affordable housing units that affirmatively further fair housing. The Property is identified on the City of Yonkers tax maps as Section 1, Block 59, Lot 75.

Pursuant to Act 29-1961 approved by the Board of Supervisors, the Property was conveyed by the County to the City of Yonkers (“City”) subject to a reverter to the County if the City did not develop the site as a public park by October 1966. The City admits that it failed to develop a park at this Property. It is the County’s position that title to the Property has thus reverted to the County. In order to avoid any potential title issues, the City has indicated that it will give the County a quitclaim deed transferring any rights it may have to the Property.

The County will file a Declaration of Restrictive Covenants to require that affordable housing, as described herein, be constructed and maintained on the Property for 50 years (the “Period of Affordability”). The County will then convey the Property to the Developer for \$1.00.

The Development. As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing (“AFFH”), the County has established Housing Implementation Fund II (“HIF” or “Capital Project BPL1A”) to provide funds to assist in the construction of infrastructure improvements. The Department of Planning (“Planning”) has advised that the Developer proposes to construct 105 units in one building on the Property. All 105 rental units will be available to eligible senior households where all members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester

Office of the County Executive

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

Telephone: (914)995-2900 E-mail: [enter new address](#)



County area median income (“AMI”) and will all remain affordable for a period of not less than the 50-year Period of Affordability. The 104 rental units and one employee unit will be the “Affordable AFFH Units”. The Affordable AFFH Units are expected to include 1 studio, 93 one-bedroom, and 11 two-bedroom units. The building will also include a community room/lounge, outdoor seating areas, management office and laundry facilities. Also included will be the construction of 47 on-grade parking spaces. Together, the building and the parking comprise the “Development.” The Developer is requesting an amount not to exceed \$5,555,000.00 in HIF funding to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Inter-Municipal Developer Agreement Act. An Act (the “IMDA Act”) which will authorize the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be 15 years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer will be responsible for all costs of operation and maintenance of the Infrastructure Improvements.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$5,555,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$5,555,000 (the “County Funds”) for the Infrastructure Improvements, which includes costs to cover the County’s legal fees and staff costs.

Planning has advised that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

Planning has further advised that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency first mortgage, New York State Homes and Community Renewal subsidy, Federal and State low income housing tax credits, and Yonkers HOME program for an estimated total cost of approximately \$64.2 Million.

Pursuant to Section 249.111 of the Laws of Westchester County, for parcels under two acres and not used as parks, the County, upon the recommendation of the Westchester County Parks, Recreation and Conservation Board (“Parks Board”), is authorized to sell any real estate which may have been acquired for park purposes, and which is determined by your Honorable Board to be no longer required for such purposes. The Parks Board recommendation will be submitted under separate cover.

On April 4, 2023, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 23-05 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act (“SEQRA”) have been met. The Planning Department has advised that the City of Yonkers Zoning Board of Appeals (“ZBA”) classified this project as an Unlisted action. On August 16, 2021, the City ZBA issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On February 15, 2022, the City ZBA issued a Negative Declaration for the project. The Development sought amendments to the original approvals from the ZBA and Planning Board. The ZBA approved additional variances and the Planning Board declared itself as Lead Agency, classified the Proposed Development as an Unlisted Action under SEQRA, issued a Negative Declaration for the Development and granted approval to the amended site plan approval on March 8, 2023. Since the City undertook coordinated review and the County of Westchester was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Based on the importance of increasing the number of Affordable AFFH Units in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments
GL/BL/DV

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following:

Land Conveyance. An Act (the “Land Conveyance Act”) to authorize the acceptance of a quitclaim deed from the City of Yonkers (“City”) for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, (the “Property”), and conveyance of the Property to Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns (collectively, the “Developer”) to facilitate the development of new affordable housing units that affirmatively further fair housing. The Property is identified on the City of Yonkers tax maps as Section 1, Block 59, Lot 75.

Pursuant to Act 29-1961 approved by the Board of Supervisors, the Property was conveyed by the County to the City of Yonkers (“City”) subject to a reverter to the County if the City did not develop the site as a public park by October 1966. The City admits that it failed to develop a park there. It is the County’s position that title to the Property has thus reverted to the County. In order to avoid any potential title issues, the City will give the County a quitclaim deed transferring any rights it may have to the Property.

The County will file a Declaration of Restrictive Covenants to require that affordable housing, as described herein, be constructed and maintained on the Property for 50 years (the “Period of Affordability”). The County will then convey the Property to the Developer for \$1.00.

The Development. As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing (“AFFH”), the County has established Housing Implementation Fund II (“HIF” or “Capital Project BPL1A”) to provide funds to assist in the construction of infrastructure improvements. The Department of Planning (“Planning”) has advised that the Developer proposes to construct 105 units in one building on the Property. All 105 rental units will be available to eligible senior households where all

members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income (“AMI”) and will all remain affordable for a period of not less than the 50-year Period of Affordability. The 104 rental units and one employee unit will be the “Affordable AFFH Units”. The Affordable AFFH Units are expected to include 1 studio, 93 one-bedroom, and 11 two-bedroom units. The building will also include a community room/lounge, outdoor seating areas, management office and laundry facilities. Also included will be the construction of 47 on-grade parking spaces. Together, the building and the parking comprise the “Development.” The Developer is requesting an amount not to exceed \$5,555,000.00 in HIF funding to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Inter-Municipal Developer Agreement Act. An Act (the “IMDA Act”) which will authorize the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be 15 years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer will be responsible for all costs of operation and maintenance of the Infrastructure Improvements.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$5,555,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised your Committee that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not

to exceed \$5,555,000 (the “County Funds”) for the Infrastructure Improvements, which includes costs to cover the County’s legal fees and staff costs.

Planning has advised your Committee that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

Planning has further advised your Committee that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency first mortgage, New York State Homes and Community Renewal subsidy, Federal and State low income housing tax credits, and Yonkers HOME program for an estimated total cost of approximately \$64.2 Million.

Pursuant to Section 249.111 of the Laws of Westchester County, for parcels under two acres and not used as parks, the County, upon the recommendation of the Westchester County Parks, Recreation and Conservation Board (“Parks Board”), is authorized to sell any real estate which may have been acquired for park purposes, and which is determined by your Honorable Board to be no longer required for such purposes. The Parks Board recommendation will be submitted under separate cover.

Your Committee has been advised that on April 4, 2023, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 23--05 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act have been met. The Planning Department has advised the City of Yonkers Zoning Board of Appeals (“ZBA”)

classified this project as an Unlisted action. On August 16, 2021, the ZBA issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On February 15, 2022, the ZBA issued a Negative Declaration for the project. The Development sought amendments to the original approvals from the ZBA and Planning Board. The ZBA approved additional variances and the Planning Board declared itself as Lead Agency, classified the Proposed Development as an Unlisted Action under SEQR, issued a Negative Declaration for the Development and granted approval to the amended site plan approval on March 8, 2023. Since the City undertook coordinated review and the County was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.


Based on the foregoing, your Committee believes that the Acts are in the best interest of the County and therefore recommends their adoption, noting that the IMDA Act requires no more than an affirmative vote of the majority of the Board, while the HIF Bond Act requires the affirmative vote of two-thirds of your Honorable Board.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

c:dlv

TO: Leonard Gruenfeld, Program Administrator
Division of Housing & Community Development

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

DATE: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
345 MCLEAN AVENUE, YONKERS
(BPL1A HOUSING IMPLEMENTATION FUND II)**

Pursuant to your request, Environmental Planning staff has reviewed the above referenced project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The project involves the creation of approximately 105 units of affordable rental housing for seniors at 345 McLean Avenue in the City of Yonkers. The development includes the construction of a 12-story apartment building with approximately 52 on-site parking spaces on an approximately 1.5-acre site, which includes easements from a private landowner and the New York State Department of Transportation. Approximately 0.93 acres of the proposed development site (Section 1, Block 59, Lot 75) was previously surplus property belonging to the East of Hudson Parkway Authority that was deeded to the county in the early 1960s, who, in turn, conveyed it to the City of Yonkers on the condition that it be developed as publicly accessible parkland within a 5-year period. Since the City never developed it as parkland, ownership of the property has essentially reverted back to the County. As such, the County will convey the property to the developer who will then construct the affordable housing project. To avoid any potential title issues, the City will provide the County with a quitclaim deed.

In addition to the property conveyance, the County will provide funding assistance under capital project BPL1A - Housing Implementation Fund II (Fact Sheet Unique ID # 2104) to be applied towards the cost of certain infrastructure improvements to support the development.

In accordance with SEQR, the City of Yonkers Zoning Board of Appeals (ZBA) classified this project as an Unlisted action. On August 16, 2021 and again on September 20, 2021, the Yonkers ZBA circulated a notice of intent to serve as lead agency, along with Part 1 of a Full Environmental Assessment Form. On February 15, 2022, the Yonkers ZBA issued a Negative Declaration for the project.

On February 9, 2023, the City of Yonkers Planning Board re-opened the SEQR process by sending out a new notice of intent to serve as lead agency along with a revised EAF to address subsequent modifications to the proposed development. At its meeting of March 6, 2023, the County Board of Legislators issued a resolution concurring with the Yonkers Planning Board's

assumption of lead agency status in connection with SEQR. On March 9, 2023, the Yonkers Planning Board distributed a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review by the County is required.

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

DSK/cnm

cc: Blanca Lopez, Acting Commissioner
David Vutera, Associate County Attorney
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 23- 5

WESTCHESTER COUNTY PLANNING BOARD

**Housing Implementation Fund II
Capital Project Funding Request
345 McLean Avenue, City of Yonkers**

WHEREAS, the County has established Capital Project BPLIA Housing Implementation Fund II (“HIF”) to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

WHEREAS, Verus Development LLC and the Yonkers Community Development Organization, Inc. (collectively the “Developer”), its successors or assigns, desire to develop the real property located at 345 McLean Avenue in the City of Yonkers (the “City”), identified on the City tax maps as Section 1; Block 59; Lot 75 (the “Property”) to create 105 affordable residential rental units in one building which will affirmatively further fair housing (“AFFH”, collectively the “Affordable AFFH Units”);

WHEREAS, the Developer desires the County to fund infrastructure improvements to support the construction of a twelve-story building, with 105 affordable residential rental units and 47 parking spaces (the “Development”); and

WHEREAS, 104 rental units will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of Westchester County’s Area Median Income (“AMI”). One unit will be an employee unit restricted at 60% of the AMI; and

WHEREAS, the Affordable AFFH Units will be leased to eligible senior households pursuant to an approved Affirmative Fair Housing Marketing Plan and remain affordable for a minimum of 50 years; and

WHEREAS, a not to exceed amount of \$5,555,000 is requested from Capital Project BPLIA Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, on-site and off-site paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative costs; and

WHEREAS, the Development proposes to include green technology such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to maximize energy efficiency, reduce heating and cooling costs and conserve natural resources; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the

development of “a range of housing types” “affordable to all income levels;” and

WHEREAS, the County Planning Board had previously recommended \$4,200,000 from Capital Project BPL1A for the public infrastructure improvements;

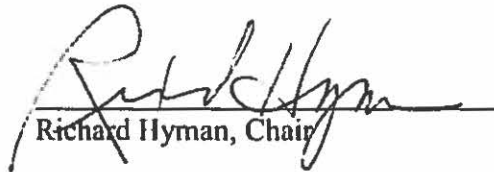
WHEREAS, a change in the parking lot and retaining wall design, the increase in interest rates and construction costs necessitated the developer to seek additional funding for this development;

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with the construction of the infrastructure improvements; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$5,555,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 104 Affordable AFFH Units which will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of AMI, one employee unit restricted at 60% of AMI and 47 parking spaces, located at 345 McLean Avenue in the City of Yonkers; and

RESOLVED, that the Westchester County Planning Board amends its report on the 2023 Capital Project Requests to include 345 McLean Avenue in the City of Yonkers, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 4th day of April, 2023.


Richard Hyman, Chair

WESTCHESTER COUNTY PARKS, RECREATION AND CONSERVATION BOARD

RE: Recommending that the County of Westchester (“County”) declare that an approximately 0.93-acre site located at 345 McLean Avenue, Yonkers, New York, identified on the City of Yonkers tax maps as Section 1, Block 59, Lot 75 (the “Property”), is no longer required for park purposes and further recommending the sale of the Property to a developer selected by the City of Yonkers and working with the County, for the purpose of facilitating the development of new affordable housing units that affirmatively further fair housing in the County.

WHEREAS, pursuant to Act 29-1961 approved by the Board of Supervisors, the Property was conveyed by the County to the City of Yonkers (“City”) subject to a reverter to the County if the City did not develop the site as a public park by October 1966; and

WHEREAS, the City admits that it failed to develop a park at this Property; and

WHEREAS, it is the County’s position that title to the Property has thus reverted to the County. However, in order to avoid any potential title issues, the City has indicated that it will give the County a quitclaim deed transferring any rights it may have to the Property; and

WHEREAS, the County intends to file a Declaration of Restrictive Covenants to require that affordable housing be constructed and maintained on the Property for 50 years. The County will then convey the Property for \$1.00 to the developer selected by the City, Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns, for the purpose of facilitating the development of new affordable housing units that affirmatively further fair housing in the County; and

WHEREAS, pursuant to Section 249.111(1) of the Laws of Westchester County, “the County, upon recommendation of the [Parks, Recreation and Conservation] board, is authorized to convey, by public or private sale, any real estate which may have been acquired for park purposes, and which is determined the by County Board of Legislators to be no longer required for such purposes, or to grant rights or interests in, over, under and across any real estate acquired for park purposes, such sale and conveyance or grant to be in accordance with the provisions of the County Charter and Administrative Code”; and

WHEREAS, it is the desire of this Parks Board to recommend that the County Board determine that the Property is no longer needed for park purposes; and

WHEREAS, it is the desire of this Parks Board to also recommend the sale or conveyance of the Property in accordance with the provisions of the County Charter and Administrative Code.

NOW, THEREFORE BE IT


RESOLVED, that the Westchester County Parks, Recreation and Conservation Board recommends, in accordance with Section 249.111(1) of the Laws of Westchester County, that the real property located at 345 McLean Avenue, Yonkers, New York, identified on the City of

Yonkers tax maps as Section 1, Block 59, Lot 75 (the "Property"), be deemed no longer needed for park purposes; and be it further

RESOLVED, that the Westchester County Parks, Recreation and Conservation Board recommends, in accordance with Section 249.111(1) of the Laws of Westchester County, that the County Board of Legislators authorize the sale of the Property for \$1.00 to a developer selected by the City and working with the County, for the purpose of facilitating the development of new affordable housing units that affirmatively further fair housing in the County; and be it further

RESOLVED, that the Westchester County Parks, Recreation and Conservation Board recommends that the proceeds from the sale or conveyance of the Property be set aside in a segregated fund, dedicated solely for use by the County for the purposes of improvements to County parks and park facilities and programs.

Adopted this 21st day of June, 2023


Ramela Tillinghast Dubitsky, Chair
Parks, Recreation and Conservation Board

ACT NO. _____ - 2023

AN ACT authorizing the County of Westchester to accept a quitclaim deed from the City of Yonkers for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, and to subsequently convey the property to Verus Development LLC and Yonkers Community Development Organization, Inc. in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing.

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

SECTION 1. The County of Westchester (the "County") is authorized to accept a quitclaim deed from the City of Yonkers ("City") for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, and identified on the City's tax map as Section 1, Block 59, Lot 75 (the "Property").

§2. The County is authorized to convey the Property for \$1.00 to Verus Development LLC and Yonkers Community Development Organization, Inc., its successors and/or assigns, (the "Developer") in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing, subject to the conditions stated herein.

§3. The conveyance of the Property to the Developer is subject to and conditioned upon the following: that a Declaration of Restrictive Covenants (the "Declaration") shall be filed and recorded against the Property declaring that the entire Property shall be marketed and leased pursuant to a County approved affordable fair housing marketing plan to households earning from at or below 30% and up to 60% of the Area Median Income for Westchester County for a period of not less than fifty (50) years; and that the deed to the Developer, its successors and/or assigns, shall state that it is subject to the Declaration and shall contain the aforesaid restrictions.

§4. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,555,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 345 McLEAN AVENUE, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,555,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,555,000 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 other laws applicable thereto, bonds of the County in the aggregate amount of \$5,555,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of infrastructure improvements associated with the construction of affordable housing units on property located at

345 McLean Avenue, in the City of Yonkers (the “AFFH Property”) at a cost to the County of \$5,555,000, including related costs incurred by the County, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$5,555,000, is in support of the construction of 105 Affordable AFFH units. The County shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of Yonkers and Verus Development LLC and Yonkers Community Development organization, Inc. (the “Developer”), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the “Development”). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for the AFFH Property is 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 and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,555,000. The plan of financing includes the issuance of \$5,555,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the

principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$5,555,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose 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 Bond Act, in the maximum amount of \$5,555,000. 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 \$5,555,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 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, and 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 bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and 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 section 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 and 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__.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the 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 \$5,555,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 345 McLEAN AVENUE, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,555,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,555,000 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 infrastructure improvements associated with the construction of affordable housing units on property located at 345 McLean Avenue, in the City of Yonkers (the “AFFH Property”) at a cost to the County of \$5,555,000, including related costs incurred by the County, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$5,555,000, is in support of the construction of 105 Affordable AFFH units. The County shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of Yonkers and

Verus Development LLC and Yonkers Community Development Organization, Inc. (the "Developer"), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the "Development"). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued
and period of probable usefulness: \$5,555,000 - fifteen (15) years

Dated: _____, 20____
Yonkers, New York

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

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL1A 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

345 MCLEAN AVE YONKERS

SECTION B - BONDING AUTHORIZATIONS
To Be Completed by Finance

Total Principal	\$	5,555,000	PPU	15	Anticipated Interest Rate	2.96%
Anticipated Annual Cost (Principal and Interest):	\$	463,601				
Total Debt Service (Annual Cost x Term):	\$	6,954,015				

Finance Department: Interest rates from June 16, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

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

Number of Full Time Equivalent (FTE) Jobs Funded: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Blanca P. Lopez</u>		
Title:	<u>Acting Commissioner</u>	Reviewed By:	
Department:	<u>Planning</u>	DU 6/20/23	Budget Director
Date:	<u>6/16/23</u>	Date:	<u>6/20/23</u>

CAPITAL PROJECT FACT SHEET

Project ID:* BPL1A	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 04-04-2023
Fact Sheet Year:* 2023	Project Title:* HOUSING IMPLEMENTATION FUND II	Legislative District ID: 17
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 2200

Overall Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	86,060	71,060	15,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	86,060	71,060	15,000	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 28,645

Current Bond Description: Bonding is requested to provide funding for certain infrastructure improvements for a 105 unit 100% affordable AFFH apartment building with a total of 47 parking spaces at 345 McLean Avenue in the City of Yonkers. The County will enter into an Inter-Municipal/Developer Agreement with the City of Yonkers and Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns (the "Developer") to finance eligible infrastructure improvements associated with multi-family development to be constructed at 345 McLean Avenue in the City of Yonkers (the "City"), identified on the tax maps as Section 1, Block 59, Lot 75 (the "Property"). The City will be responsible for operation and maintenance of the infrastructure and the county shall own the infrastructure improvements for the life of the County bonds. The developer will construct one twelve-story building with 105 apartments, all of which will affirmatively furthering fair housing (the "Affordable AFFH Units") which will be affordable to eligible senior households who earn at or below 30% and up to 60% of Westchester County's Area Median Income ("AMI") including one employee unit. The building will have residential amenities such as community room/lounge, outdoor seating areas, management office and on-site laundry services. The building will have one studio, 93 one-bedroom and 11 two-bedroom apartments. Forty-seven (47) parking spaces will be constructed. These parking spaces will be for the use of the residents. A total of \$5,555,000 will finance the construction of infrastructure improvements that may include but will not be limited to on-site and off-site paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative cost. A deed restriction will be filed against the Property to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. Energy Efficiencies: Energy efficient appliances, lighting and heating systems and water-conserving fixtures. A green roof to minimize rain runoff. The Development will receive Enterprise Green Communities Certification and will meet Energy Star Multifamily New Construction standards.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,555,000
Cash:	0
Total:	\$ 5,555,000

SEQR Classification:

UNLISTED

Amount Requested:

5,555,000

Comments:**Energy Efficiencies:**

ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING SYSTEMS AND WATER-CONSERVING FIXTURES, GREEN ROOF AND ELECTRIC CAR CHARGERS. THE DEVELOPMENT WILL RECEIVE ENTERPRISE GREEN COMMUNITIES CERTIFICATION AND WILL MEET ENERGY STAR MULTIFAMILY NEW CONSTRUCTION.

Appropriation History:

Year	Amount	Description
2014	5,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2015	3,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2016	2,500,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2017	3,500,000	GREENBURGH MANHATTAN AVE REDEVELOPMENT SENIOR HOUSING - \$1,000,000; CONTINUATION OF THIS PROJECT - \$2,500,000
2018	4,150,000	CONTINUATION OF THIS PROJECT.
2019	5,910,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	12,000,000	CONTINUATION OF THIS PROJECT \$10,000,000 ; INFRASTRUCTURE BROADBAND \$2,000,000
2022	25,000,000	CONTINUATION OF THIS PROJECT
2023	15,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

86,060,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	206	500,000	494,506	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS INFRASTRUCTURE IMPROVEMENTS
15	170	2,400,000	2,399,395	FAH DEVELOPMENT AT 150 NORTH STREET AND THEODORE FREMD AVE IN CITY OF RYE
15	164	0	0	INFRASTRUCTURE IMPROVEMENTS AT 16 ROUTE 6 IN TOWN OF SOMERS
17	174	2,250,000	2,222,697	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO 1847 CROMPOD ROAD PEEKSKILL
17	210	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	188	1,300,000	1,124,710	INFRASTRUCTURE ASSOCIATED WITH CONSTRUCTION OF AFFORDABLE UNITS AT 25 SOUT REGENT ST IN PORT CHESTER
18	156	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS FOR DEVELOPMENT OF AFFORDABLE HOUSING IN NEW ROCHELLE
18	84	2,400,000	1,962,014	CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN SUPPORT OF HIDDEN MEADOWS DEVELOPMENT
18	183	4,400,000	3,174,898	INFRASTRUCTURE ASSOCIATED WITH AFFORDABLE HOUSING AT 135 S. LEXINGTON AVE IN WHITE PLAINS
19	72	0	0	RESCINDING ACT NO. 156-2018, INFRASTRUCTURE IMPROVEMENTS IN NEW ROCHELLE
19	152	5,760,000	5,472,000	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 645 MAIN STREET IN PEEKSKILL
19	179	2,500,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 11 GRADEN STREET, NEW ROCHELLE
19	180	0	0	RESCINDS BOND ACT 210-2017
20	51	5,000,000	4,484,318	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
20	97	5,000,000	1,278,208	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN YONKERS
20	201	2,500,000	0	INFRASTRUCTURE IMPROVEMENTS FOR AFFORDABLE HOUSING UNIT AT 48 MANHATTAN AVE., GREENBURG
22	28	3,500,000	0	AFFH AND HIF 23 MULBERRY STREET, YONKERS 60 RENTAL UNITS

Total Financing History:
37,510,000

Recommended By:

Department of Planning
WBB4

Date
04-06-2023

Department of Public Works
RJB4

Date
04-07-2023

Budget Department
DEV9

Date
04-10-2023

Requesting Department
WBB4

Date
04-10-2023

HOUSING IMPLEMENTATION FUND II (BPL1A)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	86,060	71,060	28,645	15,000					
Non County Share			72						
Total	86,060	71,060	28,717	15,000					

Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year requests fund the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	15,000,000			15,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

HOUSING IMPLEMENTATION FUND II (BPL1A)

Appropriation History

Year	Amount	Description	Status
2014	5,000,000	Public infrastructure improvements	COMPLETE
2015	3,000,000	Public infrastructure improvements	COMPLETE
2016	2,500,000	Public infrastructure improvements	COMPLETE
2017	3,500,000	Greenburgh Manhattan Ave Redevelopment Senior Housing - \$1,000,000; continuation of this project -\$2,500,000	COMPLETE
2018	4,150,000	Continuation of this project.	COMPLETE
2019	5,910,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	PARTIALLY IN PROGRESS
2021	12,000,000	Continuation of this project \$10,000,000 ; Infrastructure Broadband \$2,000,000	AWAITING BOND AUTHORIZATION
2022	25,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
Total	71,060,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	71,060,000	22,665,886	48,394,114
Others		(71,958)	71,958
Total	71,060,000	22,593,927	48,466,073

**HOUSING IMPLEMENTATION FUND II
(BPL1A)**

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
164 15				
170 15	2,400,000	12/15/17	1,053,460	605
		12/15/17	193,426	
		12/15/17	1,634	
		12/10/18	551,309	
		12/10/19	271,876	
		12/10/19	53,689	
		12/01/22	249,231	
		12/01/22	24,769	
206 15	500,000	12/15/17	262,311	5,494
		12/15/17	48,163	
		12/15/17	407	
		12/10/18	183,625	
174 17	2,250,000	12/10/18	24,138	27,303
		12/10/19	127,644	
		12/10/19	25,207	
		04/30/20	192,926	
		10/28/20	985,486	
		10/28/20	138,079	
		10/28/20	38,077	
		10/28/20	(38,077)	
		12/01/21	445,116	
		12/01/22	258,419	
		12/01/22	25,682	
210 17				
84 18	2,400,000	12/10/19	270,781	437,986
		12/10/19	53,472	
		04/30/20	560,358	
		10/28/20	389,869	
		10/28/20	54,626	
		10/28/20	15,064	
		10/28/20	(15,064)	
		12/01/21	632,909	

**HOUSING IMPLEMENTATION FUND II
(BPL1A)**

156	18				
188	18	1,300,000	04/30/20	27,188	175,290
			10/28/20	487,032	
			10/28/20	68,239	
			10/28/20	18,818	
			12/01/21	294,989	
			12/01/22	207,794	
			12/01/22	20,651	
183	18	4,400,000	12/01/21	1,765,006	1,225,102
			12/01/22	1,282,442	
			12/01/22	127,450	
72	19				
152	19	5,760,000	12/01/21	2,419,574	288,000
			12/01/22	2,776,495	
			12/01/22	275,931	
179	19	2,500,000			2,500,000
180	19				
51	20	5,000,000	12/01/21	148,675	515,682
			12/01/22	3,943,713	
			12/01/22	391,930	
97	20	5,000,000	12/01/21	43,723	3,721,792
			12/01/22	1,122,890	
			12/01/22	111,594	
201	20	2,500,000			2,500,000
28	22	3,500,000			3,500,000
Total		37,510,000		22,612,745	14,897,255

ACT NO. ____ - 2023

AN ACT authorizing the County of Westchester to enter into an inter-municipal developer agreement with the City of Yonkers and Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 105 affordable rental units for seniors including one employee unit at 345 McLean Avenue in the City of Yonkers, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

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

SECTION 1. The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal developer agreement (the "IMDA") with the City of Yonkers (the "City") and Verus Development LLC and Yonkers Community Development Organization, Inc, (the "Developer"), its successors or assigns, to finance the construction of certain infrastructure improvements including, but not limited to, construction of on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the "Infrastructure Improvements") in support of 105 rental units for seniors including one employee unit which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) (the "Affordable AFFH Units") at 345 McLean Avenue in the City as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein) in an amount not to exceed FIVE MILLION FIVE HUNDRED FIFTY FIVE THOUSAND (\$5,555,000) DOLLARS to finance the Infrastructure Improvements.

The County will have an ownership interest in the Infrastructure Improvements through an easement for a term of fifteen years. The IMDA will provide that the City, the Developer, its successors or assigns, will be responsible for any and all costs of operation and maintenance of the Infrastructure Improvements.

§2. The IMDA shall require the Developer, its successors or assigns, as a condition of the County's financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

§3. The County is hereby authorized to grant and accept any property rights necessary in furtherance of the IMDA and the Affordable AFFH Units.

§4. The period of affordability of the Affordable AFFH Units shall be a minimum of 50 years.

§5. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§6. This Act shall take effect immediately.