

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

Your Committee is in receipt of an amended bond act (the “Consolidated Bond Act”) of the County of Westchester (“County”), authorizing the issuance of bonds in the total amount of \$4,750,000 to finance Capital Project RB04D – Park Avenue Viaduct Over Bronx River Parkway, Yonkers (“RB04D”) (“RB04D”).

The Consolidated Bond Act, which was prepared by the law firm of Hawkins, Delafield and Wood, LLP, would finance the cost of design, construction management and construction associated with the rehabilitation of the Park Avenue Viaduct in Yonkers, including rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installation of new pavement and sidewalks and associated work. The proposed Consolidated Bond Act, in the amount of \$4,750,000, represents an increase of \$3,875,000 for construction and construction management costs and includes \$875,000 previously authorized for RB04D under Bond Act No. 23-2021.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which has an annual daily traffic count (“AADT”) of 2,710, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2023 the New York State Department of Transportation gave the bridge a condition rating of 3.97 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.

Design is currently being undertaken by consultants and is expected to be completed by the end of the third quarter of 2024. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB04D as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RB04D may be 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 environmental review is required. Your

Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB04D

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 \$ 4,750,000 PPU 20 Anticipated Interest Rate 3.17%

Anticipated Annual Cost (Principal and Interest): \$ 320,255

Total Debt Service (Annual Cost x Term): \$ 6,405,109

Finance Department: maab 8-01-24

## 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: 52

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/1/24

Reviewed By:

07/31/24


*Christina Parys*

Budget Director

Date:

8/1/24

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: July 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB04D PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY,  
YONKERS (BIN 3348850)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-31-2024 (Unique ID: 2487)

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

- **617.5(c)(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;
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**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  
Robert Abbamont, Director of Operations, Department of Public Works & Transportation  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted \_\_\_\_\_, 20\_\_\_\_\_)

WHEREAS, this Board has heretofore duly authorized the issuance of \$875,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers (the "Project"), pursuant to Act No. 23-2021 duly adopted on February 8, 2021; and

WHEREAS, it is now appropriate to authorize the Project, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$4,750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$4,750,000. The plan of financing includes the issuance of \$4,750,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said specific object or purpose, 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

\$4,750,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$4,750,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

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

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

appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

\* \* \*



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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20 \_\_\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

(SEAL)

LEGAL NOTICE

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

Complete copies of the 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 \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 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 design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement 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: \$4,750,000; twenty (20) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RB04D	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)	<b>Legislative District ID:</b> 15,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2487

**Overall Project Description**

This project funds the rehabilitation of the existing structure.

- |   |  |  |
|---|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	4,750	4,750	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,750	4,750	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 310

**Current Bond Description:** Funding is requested for construction and construction management associated with the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	3,875,000
Cash:	0
<b>Total:</b>	<b>\$ 3,875,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

3,875,000

**Expected Design Work Provider:**

- County Staff
  Consultant
  Not Applicable

**Comments:**

Bridge Condition Rating: 3.97 (2023); AADT: 2,710

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2021	4,750,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**

4,750,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
21	23	875,000		0 PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)

**Total Financing History:**

875,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
05-31-2024

**Department of Public Works**  
RJB4

**Date**  
05-31-2024

**Budget Department**  
DEV9

**Date**  
06-13-2024

**Requesting Department**  
RJB4

**Date**  
06-13-2024

## PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850) ( RB04D )

**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	2024	2025	2026	2027	2028	Under Review
Gross	4,750	4,750	310						
Non County Share									
<b>Total</b>	<b>4,750</b>	<b>4,750</b>	<b>310</b>						

### **Project Description**

This project funds the rehabilitation of the existing structure.

### **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
2021	4,750,000	Design, construction and construction management	\$875,000 DESIGN ; \$3,875,000 AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>4,750,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	4,750,000		4,750,000
<b>Total</b>	<b>4,750,000</b>		<b>4,750,000</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21	875,000			875,000
<b>Total</b>	<b>875,000</b>			<b>875,000</b>