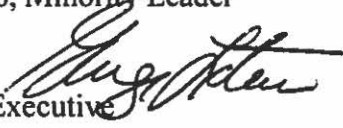


November 13, 2023

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

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act – RBR04 – Bronx River Reservation.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 13, 2023 Agenda.

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") current-year capital budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act,") which, if adopted, would authorize the County to issue an additional \$8,500,000 in bonds to finance the following capital project: RBR04.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 13, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

November 6, 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 to amend the County of Westchester's (the "County") current-year capital budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act,"), which, if adopted, would authorize the County to issue an additional \$8,500,000 in bonds to finance the following capital project:

RBR04 – Bronx River Reservation ("RBR04").

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

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

The design work was performed by outside consultants and is now complete. It is anticipated that the construction work will take approximately eighteen (18) months to complete and will begin after award and execution of the construction contract.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 213-2013 in the amount of \$650,000 to fund the design of a new pathway from Midland Avenue in Bronxville, to the Oak Street Loop in Yonkers, including improvements and resurfacing of the existing Oak Street Loop Path, which bonds have not been sold; and Bond Act No. 102-2021, which amended Bond Act No. 213-2013 to increase the initial amount authorized by \$6,200,000 to revise the scope of Bond Act No. 213-2013 to include work associated with

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

Telephone: (914) 995-2900

Website: WestchesterCountyNY.gov

the construction phase of the project and to increase the period of probable usefulness of said bonds, for a total authorized amount, as amended, of \$6,850,000. Of such authorized amount, \$462,190 in bonds authorized under Bond Act No. 102-2021 have been issued.

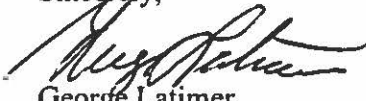
Accordingly, it is now requested that Bond Act No. 102-2021 be amended to increase the amount authorized by an additional \$8,500,000, from an amount of \$6,850,000, to a new amount of \$15,350,000, to finance the additional construction costs and design support associated with this project.

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

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

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

Sincerely,



George Latimer
County Executive

GL/KOC/cmc
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (the “Amended Bond Act”), in the amount of \$8,500,000, to finance capital project RBR04 – Bronx River Reservation (“RBR04”).

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

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

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

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

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

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

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

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

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:cmc/11.06.2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RBR04

☐ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 15,350,000 PPU 15 Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

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

Finance Department:

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 167

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works and Transportation

Date: 11/8/23

Reviewed By: 

11/8/23

Date:

Budget Director

11/8/23

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: November 1, 2023

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

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

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

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

DSK/cnm

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

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Blanca P. López, Commissioner

Date: November 2, 2023



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

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

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

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

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

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

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

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

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

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

II. METHOD OF
FINANCING

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

Section 3. The ACT shall take effect immediately.