

**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 amended bond act (the “Amended Bond Act”) in the total amount of \$3,050,000, which includes \$400,000 in previously authorized bonds of the County, to finance capital project RB176 – Westchester Avenue, CR 112, Port Chester (“RB176”).

The Amended Bond Act, which was prepared by the law firm of Hawkins, Delafield & Wood, LLP, will finance the cost of construction and construction management associated with the rehabilitation of approximately 0.6 miles of roadway from Bowman Avenue to Oak Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

The Department of Public Works and Transportation (“Department”) has advised that this project is being divided into two phases to coordinate with a sewer rehabilitation project. The Amended Bond Act will fund the first phase of the project from Bowman Avenue to Oak Street. Once the sewer rehabilitation project is completed, additional funding will be requested for the remaining portion of the work from Oak Street to Main Street.

The Department has further advised that this road, which has an average annual daily traffic count (“AADT”) of 16,223, is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2019 was 66 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that design is currently underway by in-house staff and is expected to be completed by the 1st Quarter of 2024. Your Committee is further advised that following bonding authorization, construction will be scheduled and is anticipated to take six (6) months and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2020-172 in the amount of \$400,000, which funded design services. No bonds have been issued under Bond Act No. 2020-172. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-172 to increase the initial amount of bonds authorized by \$2,650,000, from \$400,000 to \$3,050,000, to expand the scope of work to include construction and construction management services, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: *March 4th*, 2024
White Plains, New York

Henry Zeller Johnson
[Signature]
Doreen J. Subito
Mary Ann
Vedat Jorhi
[Signature]
COMMITTEE ON

c/jpg/1-23-24

Henry Zeller Johnson
[Signature]
Mary Ann
Vedat Jorhi
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Budget & Appropriations

Public Works & Transportation

Dated: March 4, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations



Public Works & Transportation



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB176

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 \$ 3,050,000 PPU 15 Anticipated Interest Rate 2.71%

Anticipated Annual Cost (Principal and Interest): \$ 250,355

Total Debt Service (Annual Cost x Term): \$ 3,755,325

Finance Department: Interest rates from January 31, 2024 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: 33

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 1/31/24


Reviewed By: 

DU 1/31/24

Budget Director

Date: 1/31/24

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: January 26, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB176 WESTCHESTER AVENUE, CR 112, PORT CHESTER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 01-22-2024 (Unique ID: 2409)

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;
- **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes;
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.

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
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED OCTOBER 5, 2020 TO FINANCE THE COST OF ROADWAY REHABILITATION OF WESTCHESTER AVENUE (CR 112), IN THE VILLAGE OF PORT CHESTER, AT THE MAXIMUM ESTIMATED COST OF \$3,050,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$400,000 bonds to finance the cost of roadway rehabilitation of Westchester Avenue (CR 112), in the Village of Port Chester (the "Project"), pursuant to Act No. 172-2020 duly adopted on October 5, 2020; 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 (A) The bond act duly adopted by this Board on October 5, 2020, entitled:

"ACT NO. 172-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$400,000 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 IMPROVEMENTS TO WESTCHESTER AVENUE (CR 112) FROM BOWMAN AVENUE TO MAIN STREET,

STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ROADWAY REHABILITATION OF WESTCHESTER AVENUE (CR 112), IN THE VILLAGE OF PORT CHESTER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$3,050,000 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 approximately 0.6 miles of Westchester Avenue, in the Village of Port Chester from Bowman Avenue to Oak Street, including milling

and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings 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 \$3,050,000. The plan of financing includes the issuance of \$3,050,000 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. 20(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$3,050,000. 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 \$3,050,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

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

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

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

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

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

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

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

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

SECTION (B) The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

SECTION (C) This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

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

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

(SEAL)

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

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on October 5, 2020 and amended on _____, 20____ and approved, as amended, by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

ACT NO. _____-20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,050,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ROADWAY REHABILITATION OF WESTCHESTER AVENUE (CR 112), IN THE VILLAGE OF PORT CHESTER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,050,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,050,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on October 5, 2020 and amended on _____, 20____)

object or purpose: to finance the design, construction management and construction for the rehabilitation of approximately 0.6 miles of Westchester Avenue, in the Village of Port Chester from Bowman Avenue to Oak Street, including milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings 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: \$3,050,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* CBA **Fact Sheet Date:***
 RB176 01-02-2024

Fact Sheet Year:* **Project Title:*** **Legislative District ID:**
 2024 WESTCHESTER AVENUE, CR 112, 6,
 PORT CHESTER

Category* **Department:*** **CP Unique ID:**
 ROADS & BRIDGES PUBLIC WORKS 2409

Overall Project Description

This project will fund the rehabilitation of approximately 0.89 miles of roadway from Bowman Avenue to Main Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

- | | | |
|---|--|--|
| <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
Gross	4,300	4,300	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,300	4,300	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 307

Current Bond Description: Funding is requested for construction and construction management associated with the rehabilitation of approximately 0.6 miles of roadway from Bowman Avenue to Oak Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,650,000
Cash:	0
Total:	\$ 2,650,000

SEQR Classification:

TYPE II

Amount Requested:

2,650,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

This project is being divided into two phases to coordinate with a sewer rehabilitation project. Once the sewer rehabilitation project is completed, funding will be requested for the remaining portion of the work from Oak Street to Main Street.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	400,000	DESIGN
2021	3,900,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

4,300,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	172	400,000	0	REHAB OF ROADWAY FROM BOWMAN AVE TO MAIN STREET

Total Financing History:

400,000

Recommended By:

Department of Planning

MLLL

Date

01-22-2024

Department of Public Works

RJB4

Date

01-22-2024

Budget Department

DEV9

Date

01-23-2024

Requesting Department

RJB4

Date

01-23-2024

**WESTCHESTER AVENUE, CR 112, PORT CHESTER
(RB176)**

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	4,300	4,300	307						
Non County Share									
Total	4,300	4,300	307						

Project Description

This project will fund the rehabilitation of approximately 0.89 miles of roadway from Bowman Avenue to Main Street. The work will include milling and resurfacing of the roadway, curbing and drainage repairs; new traffic signal loops; new pavement markings and associated work.

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
2020	400,000	Design	DESIGN
2021	3,900,000	Construction and construction management	AWAITING BOND AUTHORIZATION
Total	4,300,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,300,000		4,300,000
Total	4,300,000		4,300,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
172 20	400,000			400,000
Total	400,000			400,000