

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue up to \$121,250.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Also attached is an Act authorizing an intermunicipal agreement (“IMA”) with the City of Yonkers (the “City”) setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, would fund up to 50% of the costs associated with a watershed study and flood area analysis in the vicinity of Harrison Avenue in the City of Yonkers, identified as Flood Problem Area YON-2 in the Stormwater Reconnaissance Plan for the Saw Mill River and Pocantico River Watershed. The study will take approximately eight (8) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the City in connection with the flood mitigation project. In accordance with the IMA, the County and the City will each provide up to fifty (50%) percent of the total cost of the project which is \$197,500.00. The County will pay to the City, on a reimbursement basis, an amount not-to-exceed \$98,750.00.

Your Committee is advised that your Honorable Board enacted the Westchester County Storm Water Management Law (“SWML”) in 2011 to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed “reconnaissance plans”, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 120-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Saw Mill River and Pocantico River Watershed. Harrison Avenue in Yonkers is identified as an area of recurring flooding in this plan. Criteria for funding stormwater

management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the City to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Saw Mill River and Pocantico River Watershed.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth in the attached fact sheet.

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 SEQRA documentation and concurs with this recommendation.

Your Committee is further advised that since BPL26 is a “general fund” project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County’s Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2023 Capital Budget to reflect the specific location of this project component.

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. Accordingly, the Planning Board Report for BPL26 is annexed.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while an affirmative vote of a majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the IMA.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act and Act authorizing the IMA.

Dated: *October 2nd*, 2023
White Plains, New York

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Budget & Appropriations

COMMITTEES ON
Public Works &
Transportation

Environment,
Energy & Climate

Dated: October 2, 2023
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.



Budget & Appropriations



Public Works & Transportation

Environment, Energy & Climate

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL26

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

with IMA City of Yonkers (Harrison Ave)

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 121,250 PPU 5 Anticipated Interest Rate 3.24%

Anticipated Annual Cost (Principal and Interest): \$ 27,089

Total Debt Service (Annual Cost x Term): \$ 135,447

Finance Department: maab

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: David Kvinge

Title: Assistant Commissioner

Department: Planning

Date: 9/12/23


Reviewed By: 

Budget Director

Date: 9/14/23

DVK/11/23

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: August 31, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL26 FLOOD MITIGATION – YONKERS (YON-2)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-15-2023 (Unique ID: 2324)

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)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.
-

COMMENTS: The current request is for flooding analysis and project development only.

DSK/sed

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
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 23-15

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2023 Capital Project Requests

**BPL26 Flood Mitigation
Harrison Avenue, City of Yonkers**

WHEREAS, the County of Westchester has established Capital Project BPL26 Flood Mitigation, a general fund, to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County; and

WHEREAS, the project will fund a full watershed flood area analysis for developed areas in the vicinity of Harrison Avenue in South Yonkers; and

WHEREAS, the study is intended to identify and assess potential drainage and flood prevention improvements for the area, which may include installation of stormwater conveyance, detention, and mechanical pumping systems, as well as stream and embankment improvements; and

WHEREAS, the project has been reviewed and approved by the County Stormwater Advisory Board and will be subject to further detailed review by County staff; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend the Capital Project BPL26, Flood Mitigation, to add the project to Capital Project BPL26 and authorize bonding to fund up to 50% of eligible costs; and

WHEREAS, the project is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 - Policies to Guide County Planning*, in that it will help preserve and protect the County's natural resources and environment, both physical and biotic and will help mitigate the impacts of flooding; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report on the 2023 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation proposed study to alleviate flooding in the area of Harrison Avenue in the City of Yonkers.

Adopted this 6th day of September 2023


Richard Hyman, Chair

BPL26 Flood Mitigation – Harrison Avenue, City of Yonkers

FIVE YEAR CAPITAL PROGRAM (in thousands)

| | Estimated | | | | | | | |
|-------------------------------|------------|---------|--------|-------|-------|-------|-------|--------|
| | Ultimate | Appro- | | | | | | Under |
| | Total Cost | priated | 2023 | 2024 | 2025 | 2026 | 2027 | Review |
| Gross | 89,250 | 31,750 | 17,500 | 5,000 | 5,000 | 5,000 | 5,000 | 20,000 |
| Less non-County Shares | | | | | | | | |
| Net | 89,250 | 31,750 | 17,500 | 5,000 | 5,000 | 5,000 | 5,000 | 20,000 |

PROJECT DESCRIPTION

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

The program enables Westchester County to partner with municipalities and other government agencies to provide funding for flood control or flood damage reduction projects. Through partnerships with municipalities and other government entities such as the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation, the County will work to reduce flooding problems and impacts on people and property throughout the county.

A flood mitigation analysis will be conducted addressing flood problem areas identified in the respective stormwater reconnaissance plans.

1. \$121,250 to conduct a full watershed flood area analysis for developed areas in the vicinity of Harrison Avenue in South Yonkers. The investigations are intended to identify and assess potential drainage and flood prevention improvements for the area, which may include installation of stormwater conveyance, detention, and mechanical pumping systems, as well as stream and embankment improvements.

APPROPRIATION HISTORY

- 2009: \$5,400,000 for the County contribution to flood mitigation projects in the Town of Mamaroneck (Gardens Lake), City of Rye/Village of Rye Brook (Blind Brook at Bowman Ave.), Village of Scarsdale (George Field Park, Cooper Green, Brewster Road and Butler Field) and the Village of Tarrytown (Loh Park neighborhood) and for the County contribution to the U.S Army Corps of Engineers' General Reevaluation Report (GRR) for the "Mamaroneck and Sheldrake Rivers Basin Flood Damage Reduction Study."
- 2018: \$70,000 for design of a flood mitigation plan for the Avon Circle area in the Village of Rye Brook.
- 2019: \$300,000 for a flood mitigation study along the Hutchinson River in Scarsdale, Eastchester and New Rochelle.
- 2021: \$1,000,000 for the replacement of the Hillside Avenue Bridge in the Village of Mamaroneck.
- 2021: 4,195,000 for five flood mitigation projects: 1) Grassy Sprain Reservoir Dam Outfall Improvements, City of Yonkers; 2) Decommissioning of the Upper Minkel Dam in the Town of New Castle; 3) replacement of Waverly Avenue Bridge, Town of Mamaroneck; 4) Paxton Avenue Flood Study, Village of Bronxville; 5) Peekskill-Hollow Brook Dam Rehabilitation, City of Peekskill
- 2022: \$11m for continuation of project for flood mitigation in Mamaroneck Village along the Mamaroneck and Sheldrake Rivers;
 \$130k Pietro Place & Virginia Avenue, Dobbs Ferry
 \$220k Pocantico River Study, Briarcliff Manor (withdrawn)
 \$2.2m Waverly Avenue Bridge, Mamaroneck Town
- 2023: \$17.5m, \$7m for Village of Mamaroneck from the Sheldrake and Mamaroneck Rivers combined with the 2022 appropriation, the total project cost is \$18m. BOL add of \$300,000 for Town of

Mamaroneck Drainage Study, \$200,000 for Yonkers Scotti Field flood projects, and \$5m for various flood mitigation projects throughout Westchester County.
\$1.5m for Hillside Avenue Bridge, Village of Mamaroneck

JUSTIFICATION:

Westchester communities have been subject to flooding for decades. As development occurred, floodplains were filled and opportunities for flood storage were lost. Additional stormwater runoff was being generated from the newly created impervious surfaces. There has been an increase in the intensity of storms, resulting in greater volumes of water in a shorter period of time. With more water and fewer places for it to go, we experience flooding. Westchester County is committed to working with municipalities to address this serious problem.

CONSISTENCY WITH PROGRAMS OR PLANS:

The project is consistent with the policies of *Westchester 2025*, the County's long-range land use policies, in that it will help "preserve and protect the county's natural resources and environment, both physical and biotic" and will help "safeguard Westchester from natural and manmade disasters."

PLANNING BOARD ANALYSIS

PL2: The Planning Board supports the County's participation in the above local flood mitigation projects for the following reasons:

- **Municipal flood mitigation projects are expected to lessen the severity of flooding and/or reduce flood-related impacts on public and private properties.**
- **Municipal flood mitigation projects are expected to better protect the public's safety during flooding events.**
- **Several municipal flood mitigation projects are expected to provide secondary benefits, such as controlling polluted stormwater runoff and, therefore, improving water quality in the Long Island Sound and Hudson River watersheds.**

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$121,250 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 A WATERSHED AND FLOOD AREA ANALYSIS IN THE VICINITY OF HARRISON AVENUE IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$121,250; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$121,250 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, \$121,250 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 a watershed and flood area analysis in the vicinity of Harrison Avenue in the city of Yonkers, identified as Flood Problem Area YON-2 in the Stormwater Reconnaissance Plan for the Saw Mill River and Pocantico River Watershed; 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 \$121,250. The plan of financing includes the issuance of \$121,250 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 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 \$121,250. 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 \$121,250 as the estimated total 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 §2.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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

* * *

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

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

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

(SEAL)

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

LEGAL NOTICE

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

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

ACT NO. _____-20___

BOND ACT AUTHORIZING THE ISSUANCE OF \$121,250 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 A WATERSHED AND FLOOD AREA ANALYSIS IN THE VICINITY OF HARRISON AVENUE IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$121,250; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$121,250 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 preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for a watershed and flood area analysis in the vicinity of Harrison Avenue in the city of Yonkers, identified as Flood Problem Area YON-2 in the Stormwater Reconnaissance Plan for the Saw Mill River and Pocantico River Watershed; 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: \$121,250; 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