

Westchester County

George Latimer
County Executive

September 8, 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 ("Capital Budget Amendment"), as well to as adopt a related amended bond act ("Amended Bond Act") to finance the following capital project:

BPL40 – Stormwater Management – Various Facilities ("BPL40").

The proposed Capital Budget Amendment will amend the County's capital budget to increase the County share for BPL40 by \$900,000. Additional funds are necessary due to significant cost increases associated with the project are the result of increases in costs of materials and labor, as well as methods of construction and project modifications required by state and federal permitting agencies.

The Amended Bond Act, in the total amount of \$4,000,000, which includes \$2,000,000 in previously authorized bonds of the County, would finance the cost of the design and installation/construction of a living shoreline/artificial reef within the Long Island Sound shoreline at the County's Edith Read Wildlife Sanctuary and Playland Park in the City of Rye.

The Department of Planning ("Department") has advised that BPL40 will demonstrate proven bioengineering technology and methods to not only improve the resilience of the coastal shoreline and associated land and infrastructure landward, but enhance the resiliency and improve the habitat of the shoreline and aquatic environment in the area.

Design has been finalized by a consultant and permits have been acquired from the United States Army Corps of Engineers, New York State Department of Environmental Conservation, and New York State Department of State. It is estimated that construction will take six months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPL40 as indicated in the annexed fact sheet and as follows: Bond Act No. 91-2022 in the amount of \$2,000,000, which authorized financing for design and installation of a living shoreline/artificial

Office of the County Executive

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148 Martine Avenue
White Plains, New York 10601

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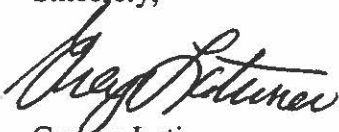
reef. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 91-2022 be amended to increase the amount authorized by \$2,000,000, for a total authorized amount, as amended, of \$4,000,000.

The Planning Department has advised that based on its review, BPL40 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 April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 88-2021). Since the current request is for an increase in funding with no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

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 necessary Planning Board report for the Capital Budget Amendment is annexed.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$2,000,000 in additional bonds of the County to finance capital project BPL40 – Stormwater Management – Various Facilities (“BPL40”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s capital budget to increase the County share for BPL40 by \$900,000. The Department of Planning (“Department”) has advised your Committee has advised that BPL40 will demonstrate proven bioengineering technology and methods to not only improve the resilience of the coastal shoreline and associated land and infrastructure landward, but enhance the resiliency and improve the habitat of the shoreline and aquatic environment in the area. Additional funds are necessary due to significant cost increases associated with the project are the result of increases in costs of materials and labor, as well as methods of construction and project modifications required by state and federal permitting agencies.

Design has been finalized by a consultant and permits have been acquired from the United States Army Corps of Engineers, New York State Department of Environmental Conservation, and New York State Department of State. It is estimated that construction will take six months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPL40 as indicated in the annexed fact sheet and as follows: Bond Act No. 91-2022 in the amount of \$2,000,000, which authorized financing for design and installation of a living shoreline/artificial reef. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 91-2022 be amended to increase the amount authorized by \$2,000,000, for a total authorized amount, as amended, of \$4,000,000.

The Planning Department has advised your Committee that based on its review, BPL40 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 April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 88-2021). Since the current request is for an increase in funding with no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required. Your Committee concurs with this conclusion.

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 necessary Planning Board report for the Capital Budget Amendment is annexed.

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 Amended 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. It should 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: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL40

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 \$ 4,000,000 PPU 5 Anticipated Interest Rate 3.05%

Anticipated Annual Cost (Principal and Interest): \$ 885,021

Total Debt Service (Annual Cost x Term): \$ 4,425,105

Finance Department: Interest rates from September 6, 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: 43

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: David Kvinge

Title: Assistant Commissioner

Department: Planning

Date: 9/6/23


Reviewed By: 

Budget Director

Date: 9/8/23

09/17/23

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: July 26, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
BPL40 STORMWATER MANAGEMENT – VARIOUS COUNTY
FACILITIES II (LIVING SHORELINE/ARTIFICIAL REEF, RYE)**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2257) 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 April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 88-2021). Since the current request is for an increase in funding with no change in the scope of the project, 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
Dianne Vanadia, Associate Budget Director
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 23- 7

WESTCHESTER COUNTY PLANNING BOARD
Amendment of Planning Board Report on 2023 Capital Project Requests

BPL40 Stormwater Management – Various County Facilities II
Living Shoreline at Edith Read and Playland Park,
City of Rye

WHEREAS, the County of Westchester has established **Capital Project BPL40 Stormwater Management – Various County Facilities II**, a general fund, to fund projects that reduce stormwater pollution, reduce flooding and restore floodplains, improve water quality and riparian health, and can be used to demonstrate best management practices to all municipalities; and

WHEREAS, the County Planning Board previously approved funding for this project, by Resolution 20-12 dated July 7th, 2020; and

WHEREAS, the barrier beach located at the eastern edge of Playland Park has undergone significant coastal erosion during severe coastal storms over the past three decades. This beach area is a thin strip of land that contains the driveway entrance to the Edith Read Sanctuary and serves as a barrier between the Long Island Sound and Manursing Lake. Armoring the shoreline and other attempts at coastal protective practices have not been able to provide long-term solutions to this erosion. The breakwater features are designed to temper the wave action at the beach and include boulder sills and reef balls; and

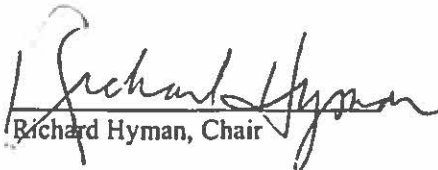
WHEREAS, due to significant cost escalations from pandemic related supply and labor costs as well as changes to the project and construction methods a capital budget amendment in the amount of \$2,000,000 is requested; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend the Capital Project BPL40, Stormwater Management – Various County Facilities II, to add additional funds to Capital Project BPL40 and authorize bonding to fund project 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 additional funding request for Living Shoreline at Edith Read and Playland Park, Rye under Capital Project BPL40, Stormwater Management – Various County Facilities II.

Adopted this 6th day of June 2023


Richard Hyman, Chair

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project BPL40 Stormwater
 Management - Various County
 Facilities II

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	\$10,625,000	\$900,000	\$11,525,000

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	\$10,150,000	\$900,000	\$11,050,000
Non County Shares	\$475,000		\$475,000
Cash	\$0		\$0
Total	<u>\$10,625,000</u>	<u>\$900,000</u>	<u>\$11,525,000</u>

Section 3. The ACT shall take effect immediately.