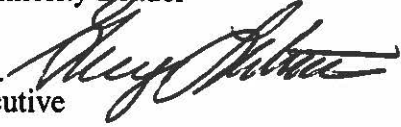


September 12, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BPL26 (2442) – Flood Mitigation, and IMA w/Greenburgh.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act (the “Bond Act”) which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to Four Hundred Fifty Thousand (\$450,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Also attached is an Act authorizing an intermunicipal agreement (“IMA”) with the Town of Greenburgh (the “Town”) setting forth the terms of the flood mitigation project.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



September 6, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to Four Hundred Fifty Thousand (\$450,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an intermunicipal agreement ("IMA") with the Town of Greenburgh (the "Town") setting forth the terms of the flood mitigation project.

The Bond Act, in the amount of Four Hundred Fifty Thousand (\$450,000.00) Dollars, would fund up to 50% of the costs associated with a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan. The analysis will take approximately twenty-four (24) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the Town in connection with the project. In accordance with the IMA, the County and the Town will each provide up to fifty (50%) percent of the total cost of the project which is Nine Hundred Thousand (\$900,000.00) Dollars. The County will pay to the Town, on a reimbursement basis, an amount not to exceed Four Hundred Fifty Thousand (\$450,000.00) Dollars.

In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") 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. 124-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Bronx River Watershed. Hartsdale Brook 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 Town to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Bronx River Watershed.

It should be noted 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.

It should be further noted 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 2024 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.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act as well as the Act authorizing the IMA.

Sincerely,



George Latimer
County Executive

GL/BL/ML/DK/jpg
Attachments

**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 \$450,000.00 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 Town of Greenburgh (the “Town”) 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 comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan. The analysis will take approximately twenty-four (24) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the Town in connection with the flood mitigation project. In accordance with the IMA, the County and the Town will each provide up to fifty (50%) percent of the total cost of the project which is \$900,000.00. The County will pay to the Town, on a reimbursement basis, an amount not-to-exceed \$450,000.00.

Your Committee is advised that this 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. 124-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Bronx River Watershed. Hartsdale Brook 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 Town to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Bronx River Watershed.

Your Committee notes that this 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 2024 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: _____, 2024

White Plains, New York

C:\jpg\3.06.24

COMMITTEE ON

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

HARTSDALE BROOK AREA TOWN OF GREENBURGH

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 450,000 PPU 5 Anticipated Interest Rate 2.85%

Anticipated Annual Cost (Principal and Interest): \$ 98,971

Total Debt Service (Annual Cost x Term): \$ 494,854

Finance Department: maab 8-29-30

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: 5

Prepared by: Michael Lipkin

Title: Associate Planner

Department: Planning

Date: 9/3/24


Reviewed By: 

09/13/24

Budget Director

Date: 9/5/24

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: April 17, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL26 FLOOD MITIGATION – HARTSDALE BROOK, GREENBURGH**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-05-2024 (Unique ID: 2442)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: None.

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
Blanca P. Lopez, Commissioner of Planning
Dianne Vanadia, Associate Budget Director
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION 22- 14

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2022 Capital Project Requests
BPL26 Flood Mitigation

WHEREAS, the County of Westchester has established Capital Project BPL26 Flood Mitigation, a general fund, to provide a 50% maximum share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County; and

WHEREAS, the Town of Greenburgh has submitted an application for County Flood Mitigation funding assistance for the preparation of an engineering analysis focused on developing solutions to flooding in the area of Hartsdale Brook in the Town of Greenburgh, identified as Flood Problem Area GRB-13 in the Stormwater Reconnaissance Plan for the Bronx River Watershed; 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, the development of the plan will include consultation with the Town of Greenburgh and the Village of Scarsdale and other neighboring municipalities, and any proposed solutions will not create or exacerbate flooding conditions in the Town of Greenburgh, Village of Scarsdale or elsewhere; 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 location to Capital Project BPL26 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 2022 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation proposed study to alleviate flooding in the area of Hartsdale Brook in the Town of Greenburgh.

Adopted this 6th day of September 2022


Richard Hyman, Chair

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$450,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE TOWN OF GREENBURGH IN THE BRONX RIVER STORMWATER RECONNAISSANCE PLAN; STATING THE ESTIMATED TOTAL COST THEREOF IS \$450,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$450,000 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, to the provisions of other laws applicable thereto, \$450,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of a comprehensive engineering feasibility analysis towards the

development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan; 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 total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$450,000. The plan of financing includes the issuance of \$450,000 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.

Section 2. The period of probable usefulness of the object or purpose for which said \$450,000 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 total amount of \$450,000. 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 \$450,000 as the estimated total cost of the aforesaid 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 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 \$450,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE TOWN OF GREENBURGH IN THE BRONX RIVER STORMWATER RECONNAISSANCE PLAN; STATING THE ESTIMATED TOTAL COST THEREOF IS \$450,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$450,000 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 County's share of the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan; 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.

amount of obligations to be issued:
and period of probable usefulness: \$450,000; 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