

Westchester County

George Latimer
County Executive

August 15, 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 amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue an additional \$8,245,000 in bonds to finance the following capital project:

RB03X – Louisa Street Over Hudson Division Railroad, Peekskill (BIN 2262400) (“RB03X”).

The Amended Bond Act, in the total amount of \$9,120,000, which includes \$875,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction associated with the reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill. Work will include removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing.

The Department of Public Works and Transportation (“Department”) has advised that this bridge, which was built in 1984 and has an annual daily traffic count (“AADT”) of 7,385, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022, the New York State Department of Transportation gave the bridge a condition rating of 4.29 and the roadway has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently underway by a consultant and shall be completed by the 4th Quarter of 2023. It is anticipated that construction will take approximately twelve (12) months to complete and will begin after award and execution of the construction contracts.

Your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2020-7 in the amount of \$875,000, which funded design services. No bonds have been issued under Bond Act No. 2020-7. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-7 to increase the initial amount of bonds authorized by \$8,245,000, from \$875,000 to \$9,120,000, to expand the scope of work to include construction and construction management, and to increase the period of probable usefulness of said bonds.

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

Telephone: (914)995-2900

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,



George Latimer
County Executive

GL/HJG/RA/jpg

**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 \$9,120,000, which includes \$875,000 in previously authorized bonds of the County, to finance capital project RB03X – Louisa Street Over Hudson Division Railroad, Peekskill (BIN 2262400) (“RB03X”).

The Amended Bond Act, which was prepared by the law firm Harris Beach PLLC, will finance the cost of design, construction management and construction associated with the reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill. Work will include removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing.

The Department of Public Works and Transportation (“Department”) has advised that this bridge, which was built in 1984 and has an annual daily traffic count (“AADT”) of 7,385, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022, the New York State Department of Transportation gave the bridge a condition rating of 4.29 and the roadway has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that design is currently underway by a consultant and shall be completed by the 4th Quarter of 2023. It is anticipated that construction will take approximately twelve (12) months to complete 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. 2020-7 in the amount of \$875,000, which funded design services. No bonds have been issued under Bond Act No. 2020-7. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-7 to increase

the initial amount of bonds authorized by \$8,245,000, from \$875,000 to \$9,120,000, to expand the scope of work to include construction and construction management, 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: _____, 2023
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB03X

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 \$ 9,120,000 PPU 30 Anticipated Interest Rate 3.64%

Anticipated Annual Cost (Principal and Interest): \$ 482,870

Total Debt Service (Annual Cost x Term): \$ 14,486,100

Finance Department: Interest rates from August 17, 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: 99

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/17/23


Reviewed By: *Christine Rasmussen*

08/21/23

Budget Director

Date: 8/22/23

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 11, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB03X Louisa Street Over Hudson Division Railroad, Peekskill (BIN 2262400)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 07/24/2023 (Unique ID: 2251)

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.
-

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
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; AT THE TOTAL ESTIMATED COST OF \$9,120,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill at the estimated maximum cost of \$875,000 (the "Original Project"), pursuant to Act No. 7-2020, duly adopted on February 3, 2020, and it has now been determined that (i) the costs of the reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill in the amount of \$8,245,000 shall be added to the costs of the Original Project (collectively, the "Project"), (ii) the maximum cost of the Project shall now total \$9,120,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

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 February 3, 2020, entitled:

“(BOND) ACT NO. 7-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$875,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF PLANNING RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$875,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$875,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; AT THE TOTAL ESTIMATED COST OF \$9,120,000. (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, \$9,120,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill, including the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system, rehabilitation to the top of the structural deck, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,120,000. The plan of financing includes the issuance of \$9,120,000 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 applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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

\$9,120,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement 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 Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on February 3, 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 OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; AT THE TOTAL ESTIMATED COST OF \$9,120,000. (Adopted _____, 20__).

object or purpose: to finance the cost of reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill, including the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system, rehabilitation to the top of the structural deck, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:
and period of probable usefulness: \$9,120,000; forty (40) 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:* RB03X	<input type="checkbox"/> CBA	Fact Sheet Date:* 07-05-2023
Fact Sheet Year:* 2023	Project Title:* LOUISA STREET OVER HUDSON DIVISION RAILROAD, PEEKSKILL (BIN 2262400)	Legislative District ID: 1,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2251

Overall Project Description

This project shall fund the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing. The structure was built in 1984 and is 191' long by 44' wide.

- | | | |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	9,120	9,120	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,120	9,120	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 288

Current Bond Description: Funding is requested for construction and construction management associated with the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,245,000
Cash:	0
Total:	\$ 8,245,000

SEQR Classification:

TYPE II

Amount Requested:

8,245,000

Expected Design Work Provider:

- County Staff
 Consultant
 Not Applicable

Comments:

BCR: 4.28 (2020) / AADT: 7,385

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2020	1,600,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	7,520,000	CONSTRUCTION

Total Appropriation History:

9,120,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	7	875,000		0 DESIGN FOR RECONSTRUCTION OF THE LOUISA STREET BRIDGE IN PEEKSKILL

Total Financing History:

875,000

Recommended By:

Department of Planning **Date**
MLLL 07-24-2023

Department of Public Works **Date**
JZR7 07-25-2023

Budget Department **Date**
DEV9 07-25-2023

Requesting Department **Date**
RJB4 07-25-2023

**LOUISA STREET OVER HUDSON DIVISION RAILROAD, PEEKSKILL (BIN 2262400)
(RB03X)**

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	2023	2024	2025	2026	2027	Under Review
Gross	9,120	9,120	288						
Non County Share									
Total	9,120	9,120	288						

Project Description

This project shall fund the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing. The structure was built in 1984 and is 191' long by 44' wide.

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	1,600,000	Design and construction management	\$875,000 - DESIGN; \$725,000 - AWAITING BOND AUTHORIZATION
2021	7,520,000	Construction	
Total	9,120,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,120,000		9,120,000
Total	9,120,000		9,120,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
7 20	875,000			875,000
Total	875,000			875,000