

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.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED ON APRIL 26, 2021 AND AMENDED AUGUST 1, 2022 IN RELATION TO THE DESIGN AND INSTALLATION OF A LIVING SHORELINE/ARTIFICIAL REEF AT THE COUNTY-OWNED EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK, AT THE MAXIMUM ESTIMATED COST OF \$4,000,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,500,000 bonds to finance the cost of the design and installation of a living shoreline/artificial reef within the Long Island Sound shoreline at Edith Read Wildlife Sanctuary and Playland Park in the City of Rye (the "Project"), pursuant to Act No. 60-2021 duly adopted on April 26, 2021 (the "2021 Bond Act"); and

WHEREAS, due to increased costs and supply chain challenges, this Board has heretofore amended the 2021 Bond Act and increased the amount of bonds to be issued for the Project pursuant to Act No. 91-2022 duly adopted on August 1, 2022,

NOW THEREFORE,

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 April 26, 2021, and amended on August 1, 2022 entitled:

“ACT NO. 91-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE DESIGN AND INSTALLATION OF A LIVING SHORELINE/ARTIFICIAL REEF AT THE COUNTY-OWNED EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____).”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE DESIGN AND INSTALLATION OF A LIVING SHORELINE/ARTIFICIAL REEF AT THE COUNTY-OWNED EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 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, \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design and installation/construction of a living shoreline/artificial reef within the Long Island Sound shoreline at Edith Read Wildlife Sanctuary and Playland Park in the City of Rye; 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 \$4,000,000. The plan of financing includes the issuance of \$4,000,000 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 specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 35 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 \$4,000,000. 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 \$4,000,000 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 §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.

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_____.

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 April 26, 2021, and amended on August 1, 2022 and further 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 \$4,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE DESIGN AND INSTALLATION OF A LIVING SHORELINE/ARTIFICIAL REEF AT THE COUNTY-OWNED EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on April 26, 2021, and amended on August 1, 2022, and further amended on _____, 20____)

object or purpose: to finance the design and installation/construction of a living shoreline/artificial reef within the Long Island Sound shoreline at Edith Read Wildlife Sanctuary and Playland Park in the City of Rye.

amount of obligations to be issued:

and period of probable usefulness: \$4,000,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:* BPL40	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 07-10-2023
Fact Sheet Year:* 2023	Project Title:* STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II	Legislative District ID: 6, 7
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 2257

Overall Project Description

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input checked="" type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	11,525	7,725	2,900	0	0	0	0	900
Less Non-County Shares	475	475	0	0	0	0	0	0
Net	11,050	7,250	2,900	0	0	0	0	900

Expended/Obligated Amount (in thousands) as of : 3,265

Current Bond Description: This bonding request for \$2,000,000 is for the Living Shoreline at Edith Read and Playland Park. A 2023 CBA for \$900,000 is required due to cost escalations as well as construction methods required by permitting agencies. The \$900,000 additional funding needed is shown in under review.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE I

Amount Requested:

2,000,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Please note per Act 117-2023, the project amount was increased from \$7.725m to \$10.625m for Maiden Lane Dam, Oscawana Park. Per Bond Act 118-2023 for \$2,900,000 - the financing history total is \$9,050,000.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2013	5,000,000	\$3,750,000 - CONSTRUCTION ON BRONX RIVER & ANITA LANE BRIDGE; \$1,250,000 - CONSTRUCTION ON BRONX RIVER AT HARNEY RD
2016	1,475,000	\$475,000 NCS FOR FULTON BROOK; \$1,000,000 FOR CONTINUATION OF THIS PROJECT
2020	500,000	CONTINUATION OF THIS PROJECT
2021	750,000	CONTINUATION OF THIS PROJECT \$500,000 ; FEASIBILITY STUDY FOR BRONX RIVER FLOOD MITIGATION \$250,000
2023	2,900,000	THE REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCAWANA PARK IN THE TOWN OF CORTLANDT

Total Appropriation History:

10,625,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	26	1,250,000	1,083,187	STORMWATER MANAGEMENT - BOTH SIDES OF BRONX RIVER BY TOWN OF EASTCHESTER AND CITY OF YONKERS
16	61	850,000	701,446	RESTORE WATERWAY & BANKS- CONFLUENCE OF BRX RIV & SPRAIN BR IN BNXLLE & YONK
19	13	1,000,000	672,958	STORMWATER MANAGEMENT- VARIOUS COUNTY FACILITIES II
19	174	400,000	400,000	
21	63	400,000	88,951	STORMWATER MANAGEMENT - OSCAWANA PARK TOWN OF CORTLANDT
21	60	0	0	STORMWATER MANAGEMENT - EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK CITY OF RYE
21	156	250,000	0	STORMWATER MANAGEMENT BRP VILLAGE OF SCARSDALE (1707) CONTINUES BPL23
22	91	2,000,000	0	(ID-1941) STORMWATER MANAGEMENT - EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK CITY OF RYE

Total Financing History:

6,150,000

Recommended By:**Department of Planning**

MLLL

Date

07-19-2023

Department of Public Works

RJB4

Date

07-20-2023

Budget Department

DEV9

Date

07-20-2023

Requesting Department

MLLL

Date

07-20-2023

STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II (BPL40)

User Department : Planning

Managing Department(s) : Planning ;

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	7,725	7,725	3,265						
Non County Share	(475)	(475)	1						
Total	7,250	7,250	3,266						

Project Description

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

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
2013	5,000,000	\$3,750,000 - Construction on Bronx River & Anita Lane Bridge; \$1,250,000 - Construction on Bronx River at Hamey Rd	Anita Lane - AWAITING BOND AUTHORIZATION; Hamey Rd - COMPLETE
2016	1,475,000	\$475,000 NCS for Fulton Brook; \$1,000,000 for continuation of this project	FULTON BROOK - COMPLETE ; \$1,000,000 - AWAITING BOND AUTHORIZATION
2020	500,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	750,000	Continuation of this project \$500,000 ; Feasibility study for Bronx River Flood Mitigation \$250,000	AWAITING BOND AUTHORIZATION
Total	7,725,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,250,000	2,946,544	4,303,456
State Funds	475,000		475,000
Others		(688)	688
Total	7,725,000	2,945,855	4,779,145

**STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II
(BPL40)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
26 14	1,250,000	12/15/16	63,549	166,812
		12/15/17	129,277	
		12/15/17	23,737	
		12/15/17	201	
		12/10/18	363,679	
		12/10/19	264,920	
		12/10/19	52,315	
		04/30/20	164,510	
		10/28/20	17,816	
		10/28/20	2,496	
61 16	850,000	10/28/20	688	148,554
		12/15/16	35,761	
		12/15/17	94,934	
		12/15/17	17,431	
		12/15/17	147	
		12/10/18	249,897	
		12/10/19	182,021	
		12/10/19	35,945	
13 19	1,000,000	04/30/20	85,312	327,041
		12/10/19	75,158	
		12/10/19	14,842	
		04/30/20	191,430	
		12/01/21	127,600	
		12/01/22	240,070	
174 19	400,000	12/01/22	23,858	311,048
		12/01/21	400,000	
63 21	400,000	12/01/22	80,911	8,041
		12/01/22	8,041	
60 21	1,500,000			1,500,000
156 21	250,000			250,000
91 22	2,000,000			2,000,000
Total	7,650,000		2,946,545	4,703,455