

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$6,785,000 which includes \$370,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project RKP02 – Kingsland Point Park Bulkhead Replacement (“RKP02”). The Amended Bond Act, which was prepared by the law firm Harris Beach, PLLC, is required to finance bulkhead and shoreline stabilization improvements at the County’s Kingsland Point Park (“Park”) located in Tarrytown, including repairs and replacement to the bulkhead, shoreline stabilization, rehabilitation of the seawall structure and walkway along the shoreline.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the structures are required to protect the shoreline from erosion caused by the Hudson River, and that they are in poor condition and have failed in some places. RKP02 is necessary to maintain Park patrons’ safety, protect the Park land mass and prevent erosion.

Design is currently being undertaken by a consultant and is expected to be completed by the fourth quarter of 2021. It is anticipated that construction will take fifteen to eighteen months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RKP02, as follows: Bond Act No. 91-2017 in the amount of \$370,000 which authorized financing for design work in connection with RKP02. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 91-2017 be amended to increase the total amount authorized by \$6,415,000, for a total authorized amount, as amended, of \$6,785,000, to revise the scope of Bond Act No. 91-2017 to include work associated with the construction phase of RKP02 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 has been 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 further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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: October 4, 2021.
White Plains, New York

Admin &
C. J. M.
~~Benjamin Boylston~~
Margaret A. Lyio
Ruth Water

C. J. M.
Benjamin Boylston
Ruth Water

Benjamin Boylston
Ruth Water
K. J. Carroll

Budget &
Appropriations

Parks &
Recreation

Public Works
& Transportation

COMMITTEE ON

Dated: October 4, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Parks & Recreation

David A. Jablonski
Catherine F. Parker
Mary Jane Skimich

Budget & Appropriations

Catherine F. Parker
David A. Jablonski
Alfred Willis
Mary E. Dan
Tom H. [Signature]
[Signature]

Public Works & Transportation

Catherine F. Parker
Mary Jane Skimich
[Signature]
David A. Jablonski
Tom H. [Signature]

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RKP02

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 \$ 6,785,000 PPU 30 Anticipated Interest Rate 1.38%

Anticipated Annual Cost (Principal and Interest): \$ 275,014

Total Debt Service (Annual Cost x Term): \$ 8,250,426

Finance Department: 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: 74

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T

Date: 9/7/22


Reviewed By: 

Budget Director

Date: 9/7/22

9/8/22

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: August 13, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RKP02 KINGSLAND POINT PARK BULKHEAD REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-10-2021 (Unique ID: 1608)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further 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:

- **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.
-

COMMENTS: NYSDEC classified the project as a Type II action, per plans submitted to the New York State Department of Environmental Conservation (NYSDEC) and authorized by permit dated 6/25/2021. The project will include the removal of trees that are destabilizing the bank or would obstruct the rehabilitation of the shoreline. Landscape plans include a large number of native shrubs and trees. The number of replacement trees will exceed the number of trees to be removed.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Tami Altschiller, Assistant Chief Deputy County Attorney
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Analyst
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. ¹⁸¹-2021

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED MAY 22, 2017 IN RELATION TO FINANCING THE COST OF BULKHEAD AND SHORELINE STABILIZATION IMPROVEMENTS AT KINGSLAND POINT PARK LOCATED IN TARRYTOWN; AT THE TOTAL ESTIMATED COST OF \$6,785,000. (Adopted 10/04, 2021).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning recreational area improvements at Kingsland Point Park located in Tarrytown, at the estimated maximum cost of \$370,000, pursuant to Act No. 91-2017 duly adopted on May 22, 2017, and it has now been determined that the period of probable usefulness for such planning may be increased so that it shall be equal to the period of probable usefulness for the required bulkhead and shoreline stabilization improvements; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the appropriation for such project by \$6,415,000 for estimated costs of such improvements;

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 May 22, 2017, entitled:

“(BOND) ACT NO. 91-2017

BOND ACT AUTHORIZING THE ISSUANCE OF \$370,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING RECREATIONAL AREA IMPROVEMENTS AT KINGSLAND POINT PARK LOCATED IN TARRYTOWN; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$370,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$370,000 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 to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,785,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF BULKHEAD AND SHORELINE STABILIZATION IMPROVEMENTS AT KINGSLAND POINT PARK LOCATED IN TARRYTOWN; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,785,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,785,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 10/04 , 2021)

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, \$6,785,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of bulkhead and shoreline stabilization improvements at Kingsland Point Park located in Tarrytown, including repairs and replacement to the bulkhead, shoreline stabilization, rehabilitation of the seawall structure and walkway along the shoreline; 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 \$6,785,000. The plan

of financing includes the issuance of \$6,785,000 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. 22(a) of the Law, is thirty (30) 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 \$6,785,000. 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 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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:*

RKP02

CBA

Fact Sheet Date:*

01-04-2021

Fact Sheet Year:*

2021

Project Title:*

KINGSLAND POINT PARK
BULKHEAD REPLACEMENT

Legislative District ID:

8,

Category*

RECREATION FACILITIES

Department:*

PARKS, RECREATION &
CONSERVATION

CP Unique ID:

1608

Overall Project Description

This project will fund repairs to the bulkhead and shoreline at the park.

- | | | |
|---|--|--|
| <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 type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	6,785	6,785	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,785	6,785	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 284

Current Bond Description: This request will fund the rehabilitation of the seawall structure and walkway along the Kingsland Point Park shoreline.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,415,000
Cash:	<u>0</u>
Total:	\$ 6,415,000

SEQR Classification:

TYPE II

Amount Requested:

6,415,000

Comments:

This request will amend bond act 91-2017 upward and add construction.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2014	370,000	DESIGN OF BULKHEAD REPLACEMENT & SHORELINE STABILIZATION
2016	5,915,000	ADDITIONAL DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2019	500,000	ADDITIONAL CONSTRUCTION AND A COST ESCALATION

Total Appropriation History:

6,785,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	91	370,000		0 COST OF PLANNING RECREATIONAL ARE IMPROVEMENTS AT KINGSLAND POINT PARK - TARRY TOWN

Total Financing History:
370,000

Recommended By:

Department of Planning
WBB4

Date
08-10-2021

Department of Public Works
RJB4

Date
08-10-2021

Budget Department
LMY1

Date
08-11-2021

Requesting Department
KUU1

Date
08-11-2021

KINGSLAND POINT PARK BULKHEAD REPLACEMENT (RKP02)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project has historical implications. Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	6,785	6,785	298						
Non County Share									
Total	6,785	6,785	298						

Project Description

This project will fund repairs to the bulkhead and shoreline at the park.

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
2014	370,000	Design of Bulkhead Replacement & Shoreline Stabilization	DESIGN
2016	5,915,000	Additional design, construction and construction management	AWAITING BOND AUTHORIZATION
2019	500,000	Additional construction and a cost escalation	AWAITING BOND AUTHORIZATION
Total	6,785,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,785,000		6,785,000
Total	6,785,000		6,785,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
91 17	370,000			370,000
Total	370,000			370,000

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on October 4, 2021 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
September 29, 2021

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

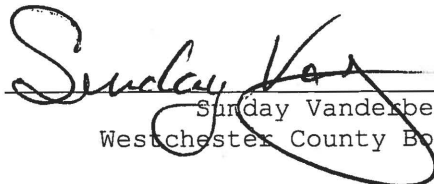
Designated Location(s)
of posted notice

Date of Posting
September 29, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 5, 2021.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE

George Situas
Date: 10-8-21

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 181 - 2021, 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 October 4, 2021, and approved by the County Executive on October 8, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 14th day of October, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

