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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act amending the County of Westchester's (the "County") current-year Capital Budget (the "Capital Budget Amendment"), as well as adoption of a related bond act (the "Bond Act") in the amount of \$1,100,000, to finance project RB03Y – Main Street over Bronx River Parkway and Bronx River, White Plains ("RB03Y").

Your Committee is advised that this project funds the rehabilitation of the existing bridge structure including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The structure consists of two spans; 63' long by 100' wide and 60' long by 72' wide.

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for RB03Y by \$1,100,000 to fund increased costs associated with this project.

The Bond Act, which was prepared by the law firm Harris Beach, PLLC, is required to finance additional construction management and construction costs associated with the rehabilitation of the bridge.

The Department of Public Works and Transportation ("Department") has advised that additional funding is needed to cover the full cost of construction management and provide construction contingency for this project. The bids received for this project were higher than the available construction funding. In order to proceed with the project in a timely matter, a portion of the available construction management funding was used to award the construction contract. In addition, since construction is partially funded with Federal funds, an increased level of inspection and reporting is required. Finally, the additional funding will restore the construction contingency for possible unforeseen conditions.

The Department has further advised that this bridge, which was built in 1922 and has an annual daily traffic count ("AADT") of 42,900, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2021 the New York State Department of Transportation gave the bridge a condition rating of 4.48 and the bridge 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 the construction contract has been awarded and construction has begun. It is anticipated that construction will take thirty (30) months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior phase of RB03Y as follows: Bond Act No. 168-2019 in the amount of \$3,300,000 which financed the cost of design, construction inspection and construction associated with rehabilitation of the existing structure. \$1,032,925 in bonds under Bond Act No. 168-2019 have been sold. The proposed Bond Act will authorize an additional \$1,100,000 in construction management and construction funding for this project.

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.

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. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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 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.

Dated: July 31st, 2023.
White Plains, New York

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C:jpg/3-24-2023/

Jedat Lashi Many Bar Sel Mah

Budget & Appropriations

Public Works & Transportation

### **FISCAL IMPACT STATEMENT**

CAPITAL PROJECT #:	RB03Y	NO FISCAL IMPACT PROJECTED				
SECTION A - CAPITAL BUDGET IMPACT  To Be Completed by Budget						
X GENERAL FUND		SPECIAL DISTRICTS FUND				
	Source of County Funds (check one):	Current Appropriations				
		X Capital Budget Amendment				
110	SECTION B - BONDING AU  To Be Completed by					
Total Principal	\$ 1,100,000 <b>PPU</b>	20 Anticipated Interest Rate 3.15%				
Anticipated Anr	nual Cost (Principal and Interest):	\$ 74,140				
Total Debt Servi	ice (Annual Cost x Term):	\$ 1,482,800				
Finance Departr	ment: Interest rates from June 27, 2	2023 Bond Buyer - ASBA				
SE	CTION C - IMPACT ON OPERATING BUD To Be Completed by Submitting Departm	·				
Potential Relate	ed Expenses (Annual): \$					
Potential Relate	ed Revenues (Annual): \$	-				
	ings to County and/or impact of depart ail for current and next four years):	ment operations				
	SECTION D - EMPLO					
	per federal guidelines, each \$92,000 of a state of the st	12				
	SECTION E - EXPECTED DESIGN	N WORK PROVIDER				
County Staff	Consultant	X Not Applicable				
Prepared by:	Jonna Robins	_				
Title:	Program Administrator (Capital Planni					
Department:	Public Works and Transportation	N6129173 Budget Director				
Date:	6/29/23	Date: 4 3 23				



## Memorandum **Department of Planning**

TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

**Assistant Commissioner** 

DATE:

April 4, 2023

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

RB03Y MAIN STREET OVER BRONX RIVER PARKWAY AND BRONX

**RIVER, WHITE PLAINS (BIN 3348690)** 

PROJECT/ACTION:

Per Capital Project Fact Sheet as approved by the Planning Department on

03-17-2023 (Unique ID: 2171)

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(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.

**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, Senior Budget Analyst

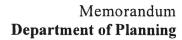
Robert Abbamont, Director of Operations, Department of Public Works & Transportation

Kelly Sheehan, Assistant Commissioner

William Brady, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Associate Environmental Planner





To:

Honorable George Latimer, County Executive

Lawrence Soule, Budget Director

From:

Norma Drummond, Commissioner

Re:

**Capital Budget Amendment:** 

RB03Y Main St Over Bronx River Parkway and Bronx River, White Plains

(BIN 3348690)

Date:

March 28, 2023

Attached is a memo from the Planning Department to the County Planning Board advising the Board of the proposed Capital Budget Amendments (CBA) to modify funding of the above project.

These are financing changes only and there are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, as stated in the memo, no further action by the Planning Board is required.

NVD/ml Attachment

cc:

Ken Jenkins, Deputy County Executive

Joan McDonald, Director of Operations

Emily Saltzman, Deputy Director of Operations

Paula Friedman, County Executive's Office

Blanca Lopez, Deputy Commissioner of Planning

Tami Altschiller, Assistant Chief Deputy County Attorney

Jeffrey Goldman, Assistant County Attorney

Michelle Greenbaum, Assistant County Attorney

Dianne Vanadia, Associate Budget Director

Kelly Sheehan, Assistant Commissioner

David S. Kvinge, Assistant Commissioner

William Brady, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Associate Environmental Planner

Memorandum



### Department of Planning

432 Michaelian Office Building White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner

Date: March 28, 2023

RE: Capital Budget Amendment -

RB03Y Main St Over Bronx River Parkway and Bronx River, White Plains

(BIN 3348690)

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RB03Y Main St over Bronx River will fund the rehabilitation of the bridge structure at Main Street in White Plains. The capital budget amendment will fund the construction management and provide construction contingency. The bids received were higher than the available construction funding.

A Capital Budget Amendment in the amount of \$1,100,000 is being requested to provide additional funding to address increased costs for unanticipated items discovered during procurement. This project was classified as a PL2HP, a project with physical planning aspects and historic preservation concerns by the Planning Board in the 2017 Report on the Capital Project Requests adopted July 12, 2016.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner David S. Kvinge, Assistant Commissioner William Brady, Chief Planner Michael Lipkin, Associate Planner ACT No. \_\_\_\_\_152 \_\_\_ - 2023

An Act amending the 2023 County Capital Budget Appropriations for Capital Project RB03Y Main Street Over Bronx River Parkway and Bronx River, White Plains (BIN 3348690)

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	\$8,300,000	\$1,100,000	\$9,400,000

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	\$3,300,000	\$1,100,000	\$4,400,000
Non County Shares	\$5,000,000		\$5,000,000
Cash	<b>\$0</b>		\$0
Total	\$8,300,000	\$1,100,000	\$9,400,000

Section 3. The ACT shall take effect immediately.

### ACT NO.153 - 2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE ADDITIONAL COST OF THE RECONSTRUCTION OF THE MAIN STREET BRIDGE OVER THE BRONX RIVER PARKWAY AND THE BRONX RIVER LOCATED IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,100,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 08/07, 2023)

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, \$1,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the additional cost of the reconstruction of the Main Street bridge over the Bronx River Parkway and Bronx River located

in the City of White Plains, including the design, construction and inspection associated with the rehabilitation of the existing bridge; 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 \$1,100,000. The plan of financing includes the issuance of \$1,100,000 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 twenty (20) 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 \$1,100,000. 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. 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.

\* \* \*

### CAPITAL PROJECT FACT SHEET

Project ID:* RB03Y	<b>∝</b> CBA				act Sheet 2-16-2023			
Fact Sheet Year:*	Proje	ect Title:*		1	_egislative	District	ID:	
2023		N STREET OVER I	BRONX R		_	District	ID.	
	PARI	KWAY AND BROI TE PLAINS (BIN 3	NX RIVE		,			
Category*	Depa	rtment:*		(	CP Unique	e ID:		
ROADS & BRIDGES	-	LIC WORKS			171			
Overall Project Description								
This project shall fund the rehabi surface and waterproofing, rehab 1922 and consists of two spans; (	ilitation of maso	nry joints, approach	es, railing	s and asso	replaceme ociated wo	nt of the e ork. The s	xisting we tructure w	earing as built in
■ Best Management Practices	□ En	ergy Efficiencies		×	] Infrastru	cture		
x Life Safety	□ Pro	oject Labor Agreem	ent		Revenue			
☐ Security	□ Oth	ner						
FIVE-YEAR CAPITAL PROC		ands)						
	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	9,400	8,300	0	0	0	0	0	1,10
Less Non-County Shares	5,000	5,000	0	0	0	0	0	
Net	4,400	3,300	0	0	0	0	0	1,10
Current Bond Description: Further rehabilitation of the existing brid	inding is requesti ge.	ed for additional co	nstruction	managem	ent and co	onstruction	n associate	ed with the
Financing Plan for Current Re	quest:							
Non-County Shares:		\$ 0						
Bonds/Notes:		1,100,000						
Cash:		0						
Total:		\$ 1,100,000						
SEQR Classification:								
TYPE II								
Amount Requested:								
1,100,000								
Comments:								
A capital budget amendment i	n the amount o	f \$1 100 000 (sho	un under	· raviau)	is reques	tad to an	war tha fi	ıll costs o
construction management and pr funding. In order to proceed with	rovide construct	ion contingency. The	ne bids red	ceived we	re higher	than the a	vailable c	onstruction
used to award the construction of level of inspection and reporting unforeseen conditions.	ontract. In addit	tion, since the cons	truction is	s partially	funded w	ith Feder	al funds a	n increase
Energy Efficiencies:								
Appropriation History:								
Year	Amount			Des	cription			
2017	8,300,00	00 DESIGN, CONS	STRUCTION		_	UCTION	MANAG	EMENT.

8,300,000

**Total Appropriation History:** 

Financing History:

YearBond Act #AmountIssuedDescription191683,300,0001,032,925RECONSTRUCTION OF MAIN ST<br/>BRIDGE OVER BRONX RIVER PKWY<br/>IN CITY OF WHITE PLAINS

**Total Financing History:** 

3,300,000

Recommended By:

**Department of Planning** 

WBB4

Date 03-17-2023

**Department of Public Works** 

RJB4

Date

03-17-2023

**Budget Department** 

DEV9

Date

03-23-2023

**Requesting Department** 

RJB4

Date

03-24-2023

06-27-2023 09:56:33 AM Page 2 of 2

# MAIN STREET OVER BRONX RIVER PARKWAY AND BRONX RIVER, WHITE PLAINS (BIN 3348690) ( RB03Y )

**User Department:** 

Public Works

Managing Department(s):

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 2023 2024 2025 2026 2027 Under Review 8,300 8,300 1,084 Gross **Non County Share** (5,000)(5,000)32 Total 3,300 3,300 1,116

### **Project Description**

This project shall fund the rehabilitation of the existing structure including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The structure was built in 1922 and consists of two spans; 63' long by 100' wide and 60' long by 72' 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 F	History		
Year	Amount	Description	Status
2017	8,300,000	Design, construction and construction management.	\$3,300,000 DESIGN; \$5,000,000 NON-COUNTY SHARES
Total	8,300,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	3,300,000	1,032,925	2,267,075
State Funds	5,000,000		5,000,000
Others		(31,894)	31,894
Total	8,300,000	1,001,032	7,298,968

Bond A	ct	Amount	Date Sold	<b>Amount Sold</b>	Balance
168	19	3,300,000	04/30/20	59,911	2,267,075
			10/28/20	825,463	
			10/28/20	115,658	
			10/28/20	31,894	
To	tal	3,300,000		1,032,925	2,267,075

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STATE OF NEW YORK
)
COUNTY OF WESTCHESTER )
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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 August 7, 2023 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
August 2, 2023

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 August 2, 2023

derberg, Clerk

Westchester County Board of Legislators

### www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on August 7, 2023.



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 Symra Brandon
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator David Imamura
Legislator Damon Maher
Legislator James Nolan

Legislator Catherine Parker Legislator Erika Pierce Legislator Colin Smith

Legislator Jewel Williams-Johnson Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

Legislator David Tubiolo

The Bond Act was thereupon declared duly adopted.

APPROVED BY THE COUNTY EXECUTIVE

Date:

STATE OF NEW YORK	)	
	)	SS
COUNTY OF WESTCHESTER	)	

I HEREBY CERTIFY that I have compared the foregoing Act No. 152 - 2023, and (Bond) Act No. 153 - 2023, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on August 7, 2023, and approved by the County Executive on August 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 8<sup>th</sup> day of August, 2023.

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

