

**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 \$1,200,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Also attached is an Act authorizing an inter-municipal agreement (“IMA”) with the City of Peekskill (the “City”) setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, in the amount of \$1,200,000 prepared by the law firm of Hawkins Delafield & Wood LLP, would finance the County’s share of the costs associated with a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir. It is estimated that the project will take three years to complete.

The IMA, a copy of which is attached, sets forth the responsibilities of the County and the City in connection with the project. In accordance with the IMA, the County and the City will each provide up to fifty (50%) percent of the total cost of the project which is estimated to cost a total of \$2,200,000. The County will pay to the City, on a reimbursement basis, an amount not to exceed \$1,100,000, provided, however, should the total eligible project construction costs be less than \$2,200,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in excess of the County’s \$1,100,000 contribution.

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. 135-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Peekskill and Haverstraw Bays Watershed. 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 City to adopt regulations and policies consistent with the flood mitigation criteria.

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 on the attached fact sheet.

The Planning Department has advised your Committee that based on its review, BPL26 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.

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 2019 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 a simple 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: May 2nd, 2022.
White Plains, New York

Marie-Jane Sturdy
Jessie B. ...
St. J.

Marie-Jane Sturdy

Budget &
Appropriations

Public Works
& Transportation

COMMITTEE ON

Dated: May 2, 2022

White Plains, New York

The following members attended the meeting remotely pursuant to Chapter 1 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

David Q. Iabico

Nancy E. Pan

Ty H. C.

Ram. Pan

Public Works & Transportation

David Q. Iabico

Ty H. C.

Nancy E. Pan

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

City of Peekskill

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,200,000 PPU 30 Anticipated Interest Rate 2.91%

Anticipated Annual Cost (Principal and Interest): \$ 58,155

Total Debt Service (Annual Cost x Term): \$ 1,744,650

Finance Department: Interest rates from April 13, 2022 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: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: David Kvinge

Title: Assistant Commissioner

Department: Planning


Date: 4/20/22

Reviewed By: [Signature]

Budget Director

Date: 4/21/22

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

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: April 14, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL26 FLOOD MITIGATION (PEEKSKILL)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-08-2022 (Unique ID: 1899)

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
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Marzola, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 21- 23

WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report on 2021 Capital Project Requests
BPL26 Flood Mitigation**

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

WHEREAS, the reconstruction of the dam at the Peekskill-Hollow Brook Reservoir located in the Town of Cortlandt but owned by the City of Peekskill, in the amount of \$1,200,000, will reduce flood risk for downstream properties, including areas downstream described as Flood Problem Area CTD-2 and PKS-8 in the stormwater reconnaissance plan for the Peekskill and Haverstraw Bays drainage basin; 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, 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 to Capital Project BPL26 and authorize bonding to fund up to 50% of the project; 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 2021 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation for reconstruction of the dam at the Peekskill-Hollow Brook Reservoir in the Town of Cortlandt.

Adopted this 5th day of October 2021


Richard Hyman, Chair

ACT NO. -20 _____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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, an Intermunicipal Agreement between the County and the City of Peekskill, and to the provisions of other laws applicable thereto; \$1,200,000 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 a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir, 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

HDW

deemed and is hereby amended. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,200,000. The plan of financing includes the issuance of \$1,200,000 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 said \$1,200,000 bonds authorized by this Act are 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 \$1,200,000. 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 \$1,200,000 as the estimated total cost of the aforesaid objects or purposes 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)

HDW

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 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 \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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 a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$1,200,000; thirty (30) 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:*
BPL26

CBA

Fact Sheet Date:*
02-17-2022

Fact Sheet Year:*
2022

Project Title:*
FLOOD MITIGATION

Legislative District ID:
1

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
PLANNING

CP Unique ID:
1899

Overall Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|---|--|
| <input 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 checked="" type="checkbox"/> Other(FLOOD RISK REDUCTION) | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	51,750	20,750	11,000	0	0	0	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	51,750	20,750	11,000	0	0	0	0	20,000

Expended/Obligated Amount (In thousands) as of : 6,626

Current Bond Description: The project involves the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir. The dam is located in the Town of Cortlandt but owned and operated by the City of Peekskill as a component of its water supply system.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
Total:	\$ 1,200,000

SEQR Classification:
TYPE II

Amount Requested:
1,200,000

Comments:

The project will reduce flood risk to downstream properties by rehabilitating the dam and bringing into compliance with current standards for flood resiliency. The project will increase the resiliency of critical infrastructure, as the dam and reservoir are a component of the community's drinking water supply.

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A STUDY FOR A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	DESIGN AND CONSTRUCTION OF USACE PROJECT IN VILLAGE OF MAMARONECK

Total Appropriation History:

31,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,874	2,502,238	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	70,000	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	108	300,000	0	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	1,000,000	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	0	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	0	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)

Total Financing History:

8,306,499

Recommended By:**Department of Planning**

WBB4

Date

03-08-2022

Department of Public Works

RJB4

Date

03-08-2022

Budget Department

LMY1

Date

03-09-2022

Requesting Department

WBB4

Date

03-09-2022

FLOOD MITIGATION (BPL26)

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	2022	2023	2024	2025	2026	Under Review
Gross	51,750	20,750	6,626	11,000					20,000
Non County Share									
Total	51,750	20,750	6,626	11,000					20,000

Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	11,000,000			11,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	PARTIALLY IN PROGRESS
2013	5,000,000	Flood related projects	AWAITING BOND AUTHORIZATION
2015	150,000	Design of a study for a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
Total	20,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	20,750,000	6,009,371	14,740,629
Total	20,750,000	6,009,371	14,740,629

**FLOOD MITIGATION
(BPL26)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance		
79 09	900,000	12/02/10	358,000	499		
		12/02/10	(358,000)			
		11/30/11	522,141			
		11/30/11	77,859			
		11/19/15	250,434			
		11/19/15	48,566			
		11/19/15	501			
		140 09	2,441,625		10/24/12	740,494
		10/24/12	75,506			
		10/24/12	6,240			
12/10/13	852,989					
12/10/13	104,011					
12/10/13	2,925					
11/19/15	334,212					
11/19/15	64,813					
11/19/15	669					
12/15/16	259,766					
11 17	2,974,875	12/15/17	31,948	472,636		
		12/15/17	5,866			
		12/15/17	50			
		12/15/17	29,606			
		12/15/17	5,436			
		12/15/17	46			
		12/10/18	660,625			
		12/10/19	959,846			
		12/10/19	189,546			
		12/10/19	117,641			
12/10/19	23,231					
04/30/20	478,398					
171 18	70,000			70,000		
108 19	300,000			300,000		
247 19	1,000,000			1,000,000		
171 21	350,000			350,000		
175 21	270,000			270,000		

**FLOOD MITIGATION
(BPL26)**

Total	8,306,500	5,843,365	2,463,135
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