

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

**DRAFT
IMA ON FILE**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an act (the “Act”) which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to amend Act No. 104-2015 which authorized the County to enter into an inter-municipal agreement (“IMA”) with the Village of Tarrytown (“Village”) in connection with the construction of a portion of the County’s RiverWalk Trail (the “Project”), in order to retroactively change the commencement date of the IMA from the date of execution, to June 15, 2015.

By way of background, the Westchester RiverWalk is a planned 51.5-mile multi-faceted pathway paralleling the Hudson River in Westchester. When completed, it will link village centers, historic sites, parks and river access points via a connection of trails, esplanades and boardwalks. RiverWalk spans 14 municipalities in Westchester and is part of the Hudson River Valley Greenway system. RiverWalk is a work in progress that is being developed through a series of projects constructed by the County, local municipalities and other entities, including private developers.

By Act No. 104-2015 (the “Act”), your Honorable Board authorized the County to enter into an IMA with the Village, pursuant to which the County agreed to provide \$470,000.00 in funding to assist the Village in constructing an approximately .25 mile long segment of the RiverWalk trail over a portion of riverfront property located in the Village known as Losee Park (the “Property”). The Act further authorized the Village to convey to the County an easement in, upon, under and over a portion of the Property in order to facilitate the County’s issuance of bonds to pay for the Project. Pursuant to the Act, the County was authorized to undertake the design of the improvements, while the Village was authorized to undertake the construction portion. The Act also provided that the term of the IMA would commence upon execution thereof and terminate upon the retirement of the bonds sold to fund the design and construction of the Project.

Your Committee is advised that although the Project has since been fully completed, due to an administrative oversight, the IMA was never executed. The Village would now like to be

paid the \$470,000.00 it is owed by the County for the design and construction costs. However, the County is unable to pay the Village because Act No. 104-2015 authorized the term of the IMA to commence upon execution, and the IMA was never executed. In order to remedy this problem, authority is respectfully requested to retroactively amend Act No. 104-2015 for the limited purpose of changing the commencement date of the IMA from the date of execution, to June 15, 2015, the date the Act was originally approved by your Honorable Board.

Your Committee is advised that except as specifically amended hereby, the remaining terms and conditions in Act No. 104-2015 shall remain in full force and effect.

The Department of Planning has advised that in accordance with SEQR, the Village of Tarrytown Board of Trustees classified the original project as an Unlisted action, conducted coordinated review (which included the County as an involved agency), and issued a Negative Declaration for the project on March 16, 2015. Since the proposed amendment does not involve nor will result in any physical changes to the project, which has already been completed, the Negative Declaration remains valid and no further environmental review is required. A copy of the SEQR documentation is annexed hereto. Your Committee concurs with this conclusion.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Based on the foregoing, your favorable action on the annexed Act is most respectfully requested.

Dated: September 20, 2021

White Plains, New York

COMMITTEE ON

~~Arthur A.~~
Dedat Joshi
Margaret A. Cypri
Ruth Water

Dedat Joshi
K. J. Scovill
Ruth Water

Ruth Water
~~Benjamin Bayfront~~

~~Benjamin Bayfront~~ Benjamin Bayfront

Budget & Appropriations

Public Works & Transportation

Parks & Recreation

Dated: September 20, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, 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 Q. Jabriob
Klammorn R. Maher
Catherine F. Parker
Mary Jane Skimsky

Budget & Appropriations

David Q. Jabriob
Klammorn R. Maher
Catherine F. Parker
Alfreda Willis
Tye H. C.

Public Works & Transportation

Mary Jane Skimsky
Catherine F. Parker
Tye H. C.
David Q. Jabriob

FISCAL IMPACT STATEMENT

SUBJECT: Riverwalk IMA, Tarrytown

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: No change to current financial plan as this IMA was previously authorized

Next Four Years: _____

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget


Date: July 7, 2021

Reviewed By: 

Budget Director

Date: 7/7/21

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

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

DATE: June 23, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AMENDMENT OF
ACT FOR TARRYTOWN RIVERWALK**

The Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves an amendment to Act 104-2015, which authorized the County to enter into an intermunicipal agreement (IMA) with the Village of Tarrytown for the development of the RiverWalk trail through the Village's Losee Park. The amendment will modify the authorized commencement date of the IMA from the date of execution to June 15, 2015, the date the Act was approved by the County Board of Legislators.

In accordance with SEQR, the Village of Tarrytown Board of Trustees classified the original project as an Unlisted action, conducted coordinated review (which included the County as an involved agency), and issued a Negative Declaration for the project on March 16, 2015. Since the proposed amendment does not involve nor will result in any physical changes to the project, which has already been completed, the Negative Declaration remains valid and no further environmental review is required.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
David Vutera, Associate County Attorney
Anthony Zaino, Assistant Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 2021 - 164

AN ACT authorizing the County of Westchester to amend Act No. 104 -205 which authorized the County to enter into an inter-municipal agreement with the Village of Tarrytown in connection with the construction of a portion of the County's RiverWalk Trail, in order to retroactively change the commencement date of the IMA from the date of execution, to June 15, 2015.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

Section 1. Section 4 of Act No. 104-2015 is hereby deleted in its entirety and the following inserted in its place:

§4. The IMA shall commence on June 15, 2015 and terminate upon the retirement of the bonds sold to fund the design and construction of this portion of the RiverWalk Trailway.

§2. Except as specifically amended hereby, the remaining terms and conditions in Act No. 104-2015 shall remain in full force and effect.

§3. This Act shall take effect immediately.

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 164 - 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 September 20, 2021, and approved by the County Executive on September 21, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 22nd day of September, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

