

Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, February 21, 2024

10:00 AM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2024-65](#) **BOND ACT-Rescinding Bond Act No. 95-2022**

A BOND ACT to rescind Bond Act 95-2022 (A Bond Act originally issued to finance a component of Capital Project BPL26 - Flood Mitigation in the Village of Briarcliff Manor - the Village has since withdrew its request for funding).

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Assistant Commissioner David Kvinge

2. [2024-67](#) **ACT-Acquiring a Permanent Easement from the State of New York**

AN ACT authorizing the County of Westchester to accept an easement from the State of New York in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound in the vicinity of Playland Park.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PARKS & ENVIRONMENT

Joint with P&E.

Guests: Planning Department

Commissioner Blanca Lopez

Assistant Commissioner David Kvinge

3. [2024-50](#) **BOND ACT-B035E-Equipment Acquisition Program, RGP13-Gen'I
Infrast.-Equipment Acquisition**

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project B035E - Equipment Acquisition Program (2021-2025) and Capital Project RGP13 - General Infrastructure - Equipment Acquisition (2021-2025).

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Public Works & Transportation
First Deputy Commissioner Gayle Katzman

Department of Parks, Recreation & Conservation
First Deputy Commissioner Peter Tartaglia
Program Coordinator Rob Lopane

4. [2024-60](#) **ENV RES-RGI04-Glen Island Bridge Rehabilitation III**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment from Capital Project RGI04 - Glen Island Bridge Rehabilitation III.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT, AND PUBLIC WORKS & TRANSPORTATION

Joint with P&E and PWT.

Guests: Department of Parks, Recreation & Conservation
Commissioner Kathleen O'Connor
First Deputy Commissioner Peter Tartaglia
Program Coordinator Rob Lopane

First Deputy Commissioner Gayle Katzman - Public Works and Transportation Department

Principal & Director of Business Development David DeLuca, PE, DBIA - Hardesty and Hanover, LLC

5. [2024-61](#) **BOND ACT(Amended)-RGI04-Glen Island Bridge Rehabilitation III**

A BOND ACT (Amended) authorizing the issuance of FIFTY-TWO MILLION, EIGHT HUNDRED TWENTY-FIVE THOUSAND (\$52,825,000) DOLLARS in bonds of Westchester County to finance Capital Project RG104 - Glen Island Bridge Rehabilitation III.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT, AND PUBLIC WORKS & TRANSPORTATION

Joint with P&E and PWT.

Guests: Department of Parks, Recreation & Conservation
Commissioner Kathleen O'Connor
First Deputy Commissioner Peter Tartaglia
Program Coordinator Rob Lopane

First Deputy Commissioner Gayle Katzman - Public Works and Transportation Department

Principal & Director of Business Development David DeLuca, PE, DBIA - Hardesty and Hanover, LLC

6. [2024-62](#) **ACT-Acquiring Temporary Easement from the City of New Rochelle-RGI04**

AN ACT authorizing the County of Westchester to accept all necessary property rights from the City of New Rochelle in connection with the County's rehabilitation of the Glen Island Bridge.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION

Joint with P&E and PWT.

Guests: Department of Parks, Recreation & Conservation

Commissioner Kathleen O'Connor

First Deputy Commissioner Peter Tartaglia

Program Coordinator Rob Lopane

First Deputy Commissioner Gayle Katzman - Public Works and Transportation Department

Principal & Director of Business Development David DeLuca, PE, DBIA - Hardesty and Hanover, LLC

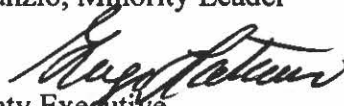
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – Rescinding
Bond Act No. 95-2022.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act (the “Bond Act”), which if adopted by your Honorable Board, will rescind a bond act previously adopted by your Honorable Board.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

January 30, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

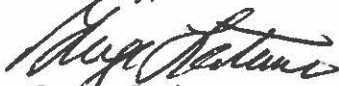
Transmitted herewith for your review and approval is a bond act (the "Bond Act"), which if adopted by your Honorable Board, will rescind a bond act previously adopted by your Honorable Board.

On August 1, 2022, by Bond Act No. 95-2022, your Honorable Board authorized the County of Westchester (the "County") to issue up to Two Hundred Twenty Thousand (\$220,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Bond Act No. 95-2022 was to fund up to 50% of the costs of a study of localized flooding in the Village of Briarcliff Manor (the "Village") near the Pocantico River.

The Department of Planning was notified by the Village that it has withdrawn its request for funding for this project. Accordingly, the Bond Act, if approved by your Honorable Board, will rescind Bond Act No. 95-2022 in its entirety.

As the rescission of Bond Act No. 95-2022 is in the best interests of the County, I most respectfully recommend approval of the attached Bond Act.

Sincerely,



George Latimer
County Executive

GL/BL/LS/jpg/nn
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”) which, if adopted, will rescind a bond act previously adopted by your Honorable Board.

On August 1, 2022, by Bond Act No. 95-2022, your Honorable Board authorized the County of Westchester (the “County”) to issue up to Two Hundred Twenty Thousand (\$220,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Bond Act No. 95-2022 was to fund up to 50% of the costs of a study of localized flooding in the Village of Briarcliff Manor (the “Village”) near the Pocantico River.

The Department of Planning was notified by the Village that it has withdrawn its request for funding for this project. Accordingly, the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, will rescind Bond Act No. 95-2022 in its entirety.

The Planning Department has advised that, based on its review, the proposed rescission of Bond Act No. 95-2022 does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee has reviewed the referenced memorandum and concurs with this conclusion.

It should be noted that an affirmative vote of the majority of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c:jpg 01.19.24

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

Rescind Bond Act 95-2022 BPL26-13 Flood Mitigation Briarcliff Manor Pocantico River

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$ -

Finance Department:

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:

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/30/24

Reviewed By: 

Budget Director

Date: 01/30/24

1/31/24

ACT NO. -20 _____

RESCINDING BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, RESCINDING THE BOND ACT ADOPTED AUGUST 1, 2022 TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF BRIARCLIFF MANOR NEAR THE POCANTICO RIVER. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$220,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of localized flooding in the Village of Briarcliff Manor near the Pocantico River (the "Project"), pursuant to Act No. 95-2022 duly adopted on August 1, 2022; and

WHEREAS, it is now been determined that such Project request has been withdrawn from the Village of Briarcliff Manor, and it is now necessary to rescind such Bond Act;

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than a majority vote of the voting strength of said Board), AS FOLLOWS:

SECTION (A) The bond act duly adopted by this Board on August 1, 2022, entitled:

"ACT NO. 95-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$220,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE

COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF BRIARCLIFF MANOR NEAR THE POCANTICO RIVER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$220,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$220,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS."

is hereby rescinded.

SECTION (B) The rescission 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.

* * *

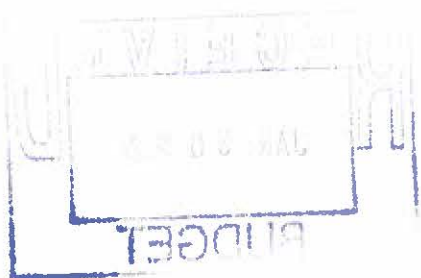
STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

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)



February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **ACT -
Acquiring a Permanent Easement from the State of New York.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Attached for your consideration is a proposed Act which, if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the State of New York.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

February 5, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is a proposed Act which, if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the State of New York, or the current owner of record (the "State"), over approximately 3.8 acres of property along, in and under the waters of the Long Island Sound in the vicinity of Playland Park (the "Easement Area") in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound (the "Project").

The Department of Public Works and Transportation ("DPW&T") has advised that the easement and Project are necessary to provide additional areas within the tidal zone to protect the vulnerable barrier beach located at the eastern edge of Playland Park that contains the driveway entrance to the Edith Read Sanctuary and that also serves as a barrier between the Long Island Sound and Manursing Lake. In order to decrease the wave action on the beach, a series of breakwater barriers will be installed, including a series of boulder sills which will be located in the Easement Area. The construction work will include the installation of breakwater features, intertidal marsh, and a heavily planted berm at the beach area. The breakwater features are designed to temper the wave action at the beach and include boulder sills and reef balls. The reef balls are concrete formed round structures with circular holes formed into the walls and potentially will provide habitat for oysters and mussels. An intertidal marsh will be planted landward of these structures which will further enhance the habitat for shoreline organisms such as crabs, fish and birds. Above the tidal area, a berm will be installed which will consist of a well graded material core and topsoil cover which will be planted with native woody trees, shrubs, perennials and grasses. In addition, the Project will include an educational and outreach component such as interpretive signage and other measures to communicate the importance of living shorelines.

DPW&T has advised that design of the Project has been finalized and permits have been acquired from the United States Army Corps of Engineers, New York State Department of Environmental Conservation, and New York State Department of State. It is estimated that construction will take six (6) months to complete.

DPW&T has further advised that the County must obtain this easement in order to construct the Project on State-owned property in the Long Island Sound and to fund a portion of the Project with proceeds that were previously authorized in connection with Capital Project BLP40 – Stormwater Management – Various County Facilities II, by Bond Act No. 60-2021 in the amount of \$1,500,000, Bond Act No. 91-2022 in the amount of \$500,000 and Bond Act No. 203-2023 in the amount of 2,000,000.

Pursuant to the terms of the easement, the County shall pay the State \$500.00 in administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

Based on the importance of Project to the County and the necessity of the easement, your favorable action on the annexed Act is most respectfully requested.

Very truly yours,



George Latimer
County Executive

GL/jpi
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act which, if adopted, would authorize the County of Westchester (the “County”) to acquire a permanent easement from the State of New York, or the current owner of record (the “State”), over approximately 3.8 acres of property along, in and under the waters of the Long Island Sound in the vicinity of Playland Park (the “Easement Area”) in order to facilitate the County’s construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound (the “Project”).

The Department of Public Works and Transportation (“DPW&T”) has advised that the easement and Project are necessary to provide additional areas within the tidal zone to protect the vulnerable barrier beach located at the eastern edge of Playland Park that contains the driveway entrance to the Edith Read Sanctuary and that also serves as a barrier between the Long Island Sound and Manursing Lake. In order to decrease the wave action on the beach, a series of breakwater barriers will be installed, including a series of boulder sills which will be located in the Easement Area. The construction work will include the installation of breakwater features, intertidal marsh, and a heavily planted berm at the beach area. The breakwater features are designed to temper the wave action at the beach and include boulder sills and reef balls. The reef balls are concrete formed round structures with circular holes formed into the walls and potentially will provide habitat for oysters and mussels. An intertidal marsh will be planted landward of these structures which will further enhance the habitat for shoreline organisms such as crabs, fish and birds. Above the tidal area, a berm will be installed which will consist of a well graded material core and topsoil cover which will be planted with native woody trees, shrubs, perennials and grasses. In addition, the Project will include an educational and outreach component such as interpretive signage and other measures to communicate the importance of living shorelines.

DPW&T has advised that design of the Project has been finalized and permits have been acquired from the United States Army Corps of Engineers, New York State Department

of Environmental Conservation, and New York State Department of State. It is estimated that construction will take six (6) months to complete.

DPW&T has further advised that the County must obtain this easement in order to construct the Project on State-owned property in the Long Island Sound and to fund a portion of the Project with proceeds that were previously authorized in connection with Capital Project BLP40 – Stormwater Management – Various County Facilities II, by Bond Act No. 60-2021 in the amount of \$1,500,000, Bond Act No. 91-2022 in the amount of \$500,000 and Bond Act No. 203-2023 in the amount of 2,000,000.

Pursuant to the terms of the easement, the County shall pay the State \$500.00 in administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

The Department of Planning (“Planning”) has advised your Committee that based on its review, the Project was previously reviewed by the County Board of Legislators, which classified the Project as a “Type I” action under the State Environmental Quality

Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617. In accordance with SEQRA, a Full Environmental Assessment Form was prepared and, on April 26, 2021, a Negative Declaration was issued by the County Board of Legislators (Resolution 88-2021). Planning has further advised that since the current request is for the acceptance of an easement from the State only with no change in the scope of the Project, the original Negative Declaration remains valid and no further environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that an affirmative vote of a majority of the voting strength of the County Board of Legislators is required for approval of the proposed Act.

Your Committee has carefully considered and recommends approval of the proposed Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c/jpi 1.30.24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL40

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

EASEMENT AGREEMENT WITH NYS FOR LIVING SHORELINE \$500 CHARGE TO BPL40-06-E (BOND ACT 203-2023)

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal	PPU	Anticipated Interest Rate
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Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):	\$	-
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Finance Department:

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):	\$	-
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Potential Related Revenues (Annual):	\$	-
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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
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SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/24/24

Reviewed By: 

02/13/24

Budget Director

Date: 1/31/24

TO: John Paul Iannace, Senior Assistant County Attorney
Department of Law

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



DATE: January 23, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
: NYS EASEMENT FOR LIVING SHORELINE/ARTIFICIAL REEF, RYE**

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

The action involves the acceptance of a permanent easement from the State of New York over approximately 3.8 acres of property in and under the waters of Long Island Sound in order to install and maintain an artificial reef in Long Island Sound off the shores of the County's Playland Park and Edith G. Read Wildlife Sanctuary in Rye. The overall project, which is being funded by capital project BPL40, was previously reviewed by the Westchester County Board of Legislators, which classified the project as a Type I action under SEQR. In accordance with SEQR, a Full Environmental Assessment Form was prepared and, on April 26, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 88-2021). Since the current action does not involve a change in scope, the original 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

Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner of Planning
Suzette Lopane, Landscape Architect
Claudia Maxwell, Principal Environmental Planner

AN ACT authorizing the County of Westchester to accept an easement from the State of New York in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound in the vicinity of Playland Park.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to accept all necessary property rights from the State of New York, or the current owner of record (the "State"), including but not limited to a permanent easement, over approximately 3.8 acres of property along, in and under the waters of the Long Island Sound in the vicinity of Playland Park (the "Easement Area") in order to facilitate the County's construction and on-going maintenance of a living shoreline and reef in, under and along the Long Island Sound (the "Project").

§2. Pursuant to the terms of the easement, the County shall pay the State \$500.00 for administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation

and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense of and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

§3. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.

Westchester County

George Latimer
County Executive

January 24, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue bonds in the total amount of \$2,500,000 to finance the following two capital projects for 2024:

B035E – Equipment Acquisition Program (2021-2025) (“B035E”); and

RGP13 – General Infrastructure – Equipment Acquisition (2021 -2025) (“RGP13”).

The Bond Act would authorize the County to issue bonds in the amount of \$2,500,000 to finance the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation (“DPW&T”) in the amount of \$1,500,000. It will also fund the acquisition of heavy equipment and vehicles for the Department of Parks, Recreation and Conservation (“PRC”) in the amount of \$1,000,000.

DPW&T anticipates that the following equipment will be replaced:

- 2005 Gradall (#61046) with a medium sized track excavator
- 2005 International six-wheel dump trucks with plow, wing and spreader (#38146)
- 2008 International six-wheel dump trucks with plow, wing and spreader (#122746)
- 2003 Freightliner tow truck (#025746) with a new flatbed tow truck

PRC anticipates that the following equipment will be replaced:

- 2008 Ford dump truck (#14004) with new dump truck
- 2014 Ford pickup truck (#620242) with new pickup truck with plow and sander
- 2008 Ford pickup truck (#12764) with new pickup truck with plow and sander
- 2008 Chevy dump truck (#149142) with new mason dump truck
- 2006 JCB mini excavator (#76542) with new mini excavator
- 2007 Toro sprayer (#117642) with new sprayer

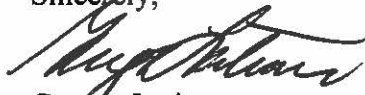
- 2006 Toro sand pro grooming machine (#5903) with new grooming machine
- 2012 Toro sprayer (#550442) with new sprayer
- 2001 Toro mower (#5973) with new mower
- 2009 Toro Mower (#189842) with new mower
- 2009 Lastec mower (#208342) with new procore 1298 aerator

PRC anticipates that the following new equipment will be added:

- Pickup truck with plow and sander
- Pickup truck with plow and sander
- Cargo van
- Cargo van
- Chipper

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”) in the total amount of \$2,500,000 to authorize the County of Westchester (the “County”) to finance the following two capital projects for 2024:

B035E – Equipment Acquisition Program (2021-2025) (“B035E”); and
RGP13 – General Infrastructure – Equipment Acquisition (2021 -2025) (“RGP13”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins, Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$2,500,000 to finance the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation (“DPW&T”) in the amount of \$1,500,000. It will also fund the acquisition of heavy equipment and vehicles for the Department of Parks, Recreation and Conservation (“PRC”) in the amount of \$1,000,000.

DPW&T anticipates that the following equipment will be replaced:

- 2005 Gradall (#61046) with a medium sized track excavator
- 2005 International six-wheel dump trucks with plow, wing and spreader (#38146)
- 2008 International six-wheel dump trucks with plow, wing and spreader (#122746)
- 2003 Freightliner tow truck (#025746) with a new flatbed tow truck

PRC anticipates that the following equipment will be replaced:

- 2008 Ford dump truck (#14004) with new dump truck
- 2014 Ford pickup truck (#620242) with new pickup truck with plow and sander
- 2008 Ford pickup truck (#12764) with new pickup truck with plow and sander
- 2008 Chevy dump truck (#149142) with new mason dump truck
- 2006 JCB mini excavator (#76542) with new mini excavator
- 2007 Toro sprayer (#117642) with new sprayer
- 2006 Toro sand pro grooming machine (#5903) with new grooming machine
- 2012 Toro sprayer (#550442) with new sprayer
- 2001 Toro mower (#5973) with new mower
- 2009 Toro Mower (#189842) with new mower
- 2009 Lastec mower (#208342) with new procore 1298 aerator

PRC anticipates that the following new equipment will be added:

- Pickup truck with plow and sander
- Pickup truck with plow and sander
- Cargo van
- Cargo van
- Chipper

The Planning Department has advised your Committee that based on its review, B035E and RGP13 may be classified as Type “II” actions pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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 Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: _____

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

B035E & RGP13

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,500,000 PPU 15 Anticipated Interest Rate 2.56%

Anticipated Annual Cost (Principal and Interest): \$ 203,021

Total Debt Service (Annual Cost x Term): \$ 3,045,315

Finance Department: Interest rates from January 9, 2024 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: 27

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 1/24/24

Reviewed By: 

DV 1/24/24
Budget Director

Date: 1/25/24

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

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

DATE: September 29, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR 2024 CAPITAL PROJECTS BOND ACT – EQUIPMENT ACQUISITION**

In connection with the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (SEQR), the Department of Planning has reviewed the proposed bond act legislation that would finance the following capital projects:

Capital Project	Project Title	Fact Sheet ID	Approved by Planning
RGP13	General Infrastructure-Equipment Acquisition (2021-2025)	2362	08/28/2023
B035E	Equipment Acquisition Program (2021-2025)	2285	08/22/2023

The Planning Department advises that these projects for which funding is being requested may be classified as **TYPE II actions** pursuant to section(s):

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

As such, no environmental review is required.

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, Associate Budget Director
 Robert Abbamont, Director of Operations, Department of Public Works & Transportation
 Robert Lopane, Program Coordinator, Department of Public Works & Transportation
 Michael Lipkin, Associate Planner
 Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS FOR USE IN AND BY THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 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, Bonds of the County in the respective amounts as set forth in column A of the schedule below, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the respective purposes as set forth in column B of the schedule below; 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 total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$2,500,000. The plan of financing includes the

issuance of \$2,500,000 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.

A	B
\$1,500,000	the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation
1,000,000	the purchase of equipment associated with the maintenance of park facilities under the jurisdiction of the Department of Parks, Recreation and Conservation

Section 2. The period of probable usefulness (“PPU”) of the class of objects or purposes for which said \$2,500,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 .a 28 of the Law, is fifteen (15) 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 total amount of \$2,500,000. 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 \$2,500,000 as the estimated total cost of the aforesaid class of 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)

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 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 \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS FOR USE IN AND BY THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on _____, 20__)

object or purpose: the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation and the purchase of equipment associated with the maintenance of park facilities under the jurisdiction of the Department of Parks, Recreation and Conservation; all as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued and periods of probable usefulness: \$2,500,000; fifteen (15) 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:* B035E	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* EQUIPMENT ACQUISITION PROGRAM (2021-2025)	Legislative District ID: 5,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2285

Overall Project Description

This project funds the acquisition of equipment to ensure Public Works/Transportation can maintain the County roads, bridges and grounds.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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 type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	5,225	2,125	1,500	1,600	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,225	2,125	1,500	1,600	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 2,082

Current Bond Description: Funding is requested for the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,500,000
Cash:	0
Total:	\$ 1,500,000

SEQR Classification:
TYPE II

Amount Requested:
1,500,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

ALL VEHICLES WILL MEET OR EXCEED THE ENVIRONMENTAL PROTECTION AGENCY'S CLEAN AIR STANDARDS. POSSIBLE ENERGY EFFICIENT OR ENVIRONMENTALLY FRIENDLY ALTERNATIVES WILL BE RESEARCHED AND EVALUATED DURING THE EQUIPMENT PURCHASES.

Appropriation History:

Year	Amount	Description
2021	1,100,000	REPLACEMENT OF A BUCKET TRUCK, TWO CRASH ATTENUATOR TRUCKS, AND TWO SKID STEERS AND ASSOCIATED ATTACHMENTS
2022	500,000	CONTINUATION OF THIS PROJECT
2023	525,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

2,125,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	13	1,100,000	497,014	DPW&T RELACEMENT EQUIPMENT
21	205	500,000	160,051	DPW&T RELACEMENT EQUIPMENT
23	31	525,000	0	DPW&T RELACEMENT EQUIPMENT

Total Financing History:

2,125,000

Recommended By:

Department of Planning

MLLL

Date

08-22-2023

Department of Public Works

RJB4

Date

08-22-2023

Budget Department

DEV9

Date

08-23-2023

Requesting Department

RJB4

Date

08-23-2023

EQUIPMENT ACQUISITION PROGRAM (2021-2025) (B035E)

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	5,225	2,125	2,082	1,500	1,600				
Non County Share									
Total	5,225	2,125	2,082	1,500	1,600				

Project Description

This project funds the acquisition of equipment to ensure the Department of Public Works and Transportation can maintain the County roads, bridges and grounds.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,500,000			1,500,000

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
2021	1,100,000	Replacement of a bucket truck, two crash attenuator trucks, and two skid steers and associated attachments	COMPLETE
2022	500,000	Continuation of this project	COMPLETE
2023	525,000	Continuation of this project	IN PROGRESS
Total	2,125,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,125,000	657,065	1,467,935
Total	2,125,000	657,065	1,467,935

**EQUIPMENT ACQUISITION PROGRAM (2021-2025)
(B035E)**

Bonds Authorized					
Bond Act	Amount	Date Sold	Amount Sold	Balance	
13 21	1,100,000	12/01/22	452,086	602,986	
		12/01/22	44,929		
205 21	500,000	12/01/22	145,583	339,949	
		12/01/22	14,468		
31 23	525,000			525,000	
Total	2,125,000		657,065	1,467,935	

CAPITAL PROJECT FACT SHEET

Project ID:* RGP13	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2024
Fact Sheet Year:* 2024	Project Title:* GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021- 2025)	Legislative District ID:
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2362

Overall Project Description

This project funds the continued acquisition of heavy equipment and vehicles throughout the Parks system.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	4,500	2,500	1,000	1,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,500	2,500	1,000	1,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 1,469

Current Bond Description: This request will fund the purchase of equipment associated with the maintenance of park facilities under the jurisdiction of the Department of Parks, Recreation and Conservation.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

1,000,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	1,500,000	CONTINUATION OF THIS PROJECT \$500,000; PURCHASE/INSTALLATION OF SENIOR FITNESS EQUIPMENT \$1,000,000
2022	500,000	CONTINUATION OF THIS PROJECT
2023	500,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

2,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	13	500,000	380,681	PRC EQUIPMENT REPLACEMENT
21	127	1,000,000	0	PRC - OUTDOOR FITNESS EQUIPMENT FOR SENIORS
21	205	500,000	0	PRC EQUIPMENT REPLACEMENT
23	31	500,000	0	PRC EQUIPMENT REPLACEMENT

Total Financing History:

2,500,000

Recommended By:

Department of Planning

MLL

Date

08-28-2023

Department of Public Works

RJB4

Date

08-28-2023

Budget Department

DEV9

Date

08-28-2023

Requesting Department

RCL3

Date

08-29-2023

GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021-2025) (RGP13)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	4,500	2,500	1,469	1,000	1,000				
Non County Share									
Total	4,500	2,500	1,469	1,000	1,000				

Project Description

This project funds the continued acquisition of heavy equipment and vehicles throughout the Parks system.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,000,000			1,000,000

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
2021	1,500,000	Continuation of this project \$500,000; Purchase/installation of senior fitness equipment \$1,000,000	IN PROGRESS
2022	500,000	Continuation of this project	IN PROGRESS
2023	500,000	Continuation of this project	IN PROGRESS
Total	2,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,500,000	380,681	2,119,319
Total	2,500,000	380,681	2,119,319

**GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021-2025)
(RGP13)**

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
13 21	500,000	12/01/21	96,417	119,319
		12/01/22	258,567	
		12/01/22	25,697	
127 21	1,000,000			1,000,000
205 21	500,000			500,000
31 23	500,000			500,000
Total	2,500,000		380,681	2,119,319

February 1, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: Bond Act (Amended) – RGI04 – Glen Island Bridge Rehabilitation III. Act – To Acquire a Temporary Easement from the City of New Rochelle.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 5, 2024 Agenda.

Transmitted herewith for your review and approval is an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$52,825,000 to finance capital project RGI04 - Glen Island Bridge Rehabilitation III (“RGI04”). Also attached is an act (the “Act”) that would authorize the County to acquire a temporary easement from the City of New Rochelle.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 5, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

January 30, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$52,825,000 to finance capital project RGI04 - Glen Island Bridge Rehabilitation III ("RGI04"). Also attached is an act (the "Act") that would authorize the County to acquire a temporary easement from the City of New Rochelle (the "City") over approximately twenty-three thousand (23,000) square feet of property located adjacent to New Rochelle Harbor (the "Property"), in order to facilitate the rehabilitation of the Glen Island Bridge (the "Bridge") and provide the County with a financeable property interest for the issuance of County bonds.

The Amended Bond Act, in the total amount of \$58,000,000, which includes \$5,175,000 in previously authorized bonds of the County, would finance the cost of construction and construction management associated with the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure, as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans. The Amended Bond Act will also finance the cost of construction and construction management of a temporary bridge which will provide access to Glen Island while the Bridge is being repaired.

The Department of Parks, Recreation and Conservation (the "Department") has advised that the Bridge provides sole access from the mainland to Glen Island, which includes Glen Island Park and the Glen Island Harbour Club. The County is required by the U.S. Coast Guard to operate and maintain the Bridge, which also allows access through the channel. The Bridge is an original component of the 1925 development of Glen Island by the County Park Commission. Structural engineering reports by the Department of Public Works and Transportation indicate an urgent need to rehabilitate the Bridge.

The Act will authorize the County to acquire a temporary easement from the City over the Property in order to facilitate the rehabilitation of the Bridge, including the construction of the temporary bridge, and provide the County with a financeable property interest for the issuance of County bonds.

Design is complete and construction is estimated to take thirty (30) months to complete and will begin after award and execution of the construction contracts.

Office of the County Executive


Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RGI04, as follows: Bond Act No. 122-2019 in the amount of \$1,050,000, which funded design of the replacement of the bridge deck and above deck elements, as well as all associated infrastructure; and Bond Act No. 86-2022, which amended Bond Act No. 122-2019 to increase the initial amount authorized thereunder by \$4,125,000, to a new total amount authorized of \$5,175,000, and revised the scope of the project to include additional design services associated with the bridge rehabilitation and the temporary bridge. \$492,830 in bonds authorized by Bond Act No. 86-2022 have been sold. Accordingly, authority is now requested to further amend Bond Act No. 122-2019, as amended by Bond Act No. 86-2022, to increase the total amount of bonds authorized from \$5,175,000 to \$58,000,000, to revise the scope of Bond Act No. 122-2019, as amended, to include work associated with the construction phase of RGI04, and to increase the period of probable usefulness of said bonds.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act and the Act is respectfully requested.

Sincerely,



George Latimer
County Executive

KOC/RL/jpg
Attachments

**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 \$58,000,000, which includes \$5,175,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project RGI04 - Glen Island Bridge Rehabilitation III (“RGI04”). Your Committee is also in receipt of an act (the “Act”) that would authorize the County to acquire a temporary easement from the City of New Rochelle (the “City”) over approximately twenty-three thousand (23,000) square feet of property located adjacent to New Rochelle Harbor (the “Property”), in order to facilitate the rehabilitation of the Glen Island Bridge (the “Bridge”) and provide the County with a financeable property interest for the issuance of County bonds.

The Amended Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, is required to finance the cost of construction and construction management associated with the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure, as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans. The Amended Bond Act will also finance the cost of construction and construction management of a temporary bridge which will provide access to Glen Island while the Bridge is being repaired.

The Department of Parks, Recreation and Conservation (the “Department”) has advised that the Bridge provides sole access from the mainland to Glen Island, which includes Glen Island Park and the Glen Island Harbour Club. The County is required by the U.S. Coast Guard to operate and maintain the Bridge, which also allows access through the channel. The Bridge is an original component of the 1925 development of Glen Island by the County Park Commission. Structural engineering reports by the Department of Public Works and Transportation indicate an urgent need to rehabilitate the Bridge.

Your Committee is advised that the Act will authorize the County to acquire a temporary easement from the City over the Property in order to facilitate the rehabilitation of the Bridge, including the construction of the temporary bridge, and provide the County with a financeable property interest for the issuance of County bonds.

Your Committee is advised that design is complete and that construction is estimated to take thirty (30) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance RGI04, as follows: Bond Act No. 122-2019 in the amount of \$1,050,000, which funded design of the replacement of the bridge deck and above deck elements, as well as all associated infrastructure; and Bond Act No. 86-2022, which amended Bond Act No. 122-2019 to increase the initial amount authorized thereunder by \$4,125,000, to a new total amount authorized of \$5,175,000 and revised the scope of the project to include additional design services associated with the bridge rehabilitation and the temporary bridge. \$492,830 in bonds under Bond Act No. 86-2022 have been sold. Accordingly, authority is now requested to further amend Bond Act No. 122-2019, as amended by Bond Act No. 86-2022, to increase the total amount of bonds authorized from \$5,175,000 to \$58,000,000, to revise the scope of Bond Act No. 122-2019, as amended, to include work associated with the construction phase of RGI04, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, RGI04 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”), which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Short Environmental Assessment Form (EAF) and the criteria contained in Section 617.7 of Title 6 of the New York Codes, Rules and Regulations, the SEQRA regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

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, while an affirmative vote of a majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the temporary easement.

Your Committee recommends the adoption of the proposed Amended Bond Act and the Act authorizing the acquisition on the temporary easement.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

Cjgg/12-07-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RG104

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 \$ 58,000,000 PPU 30 Anticipated Interest Rate 3.31%

Anticipated Annual Cost (Principal and Interest): \$ 2,970,622

Total Debt Service (Annual Cost x Term): \$ 89,118,660

Finance Department: Interest rates from January 31, 2024 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: 630

Prepared by: Robert C. Lopane

Title: Program Coordinator-Capital Planning

Department: Public Works & Transportation

Date: 1/31/24

Reviewed By: 

01/31/24

Budget Director

Date: 2/1/24

RESOLUTION

WHEREAS, there is pending before this Honorable Board an amended bond act and an act authorizing the County to acquire a temporary easement over property belonging to the City of New Rochelle in connection with Capital Project RGI04 – Glen Island Bridge Rehabilitation III (the “Project”); and

WHEREAS, this Honorable Board has determined that the proposed Project would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is conducting uncoordinated review as permitted for Unlisted Actions pursuant to Section 617.6(b)(4) of the implementing regulations for the environmental review of this project; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board’s review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Project; and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the “Determination of Significance” in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

Short Environmental Assessment Form

Part 1 - Project Information

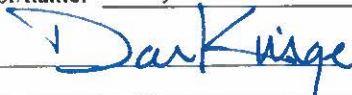
Instructions for Completing

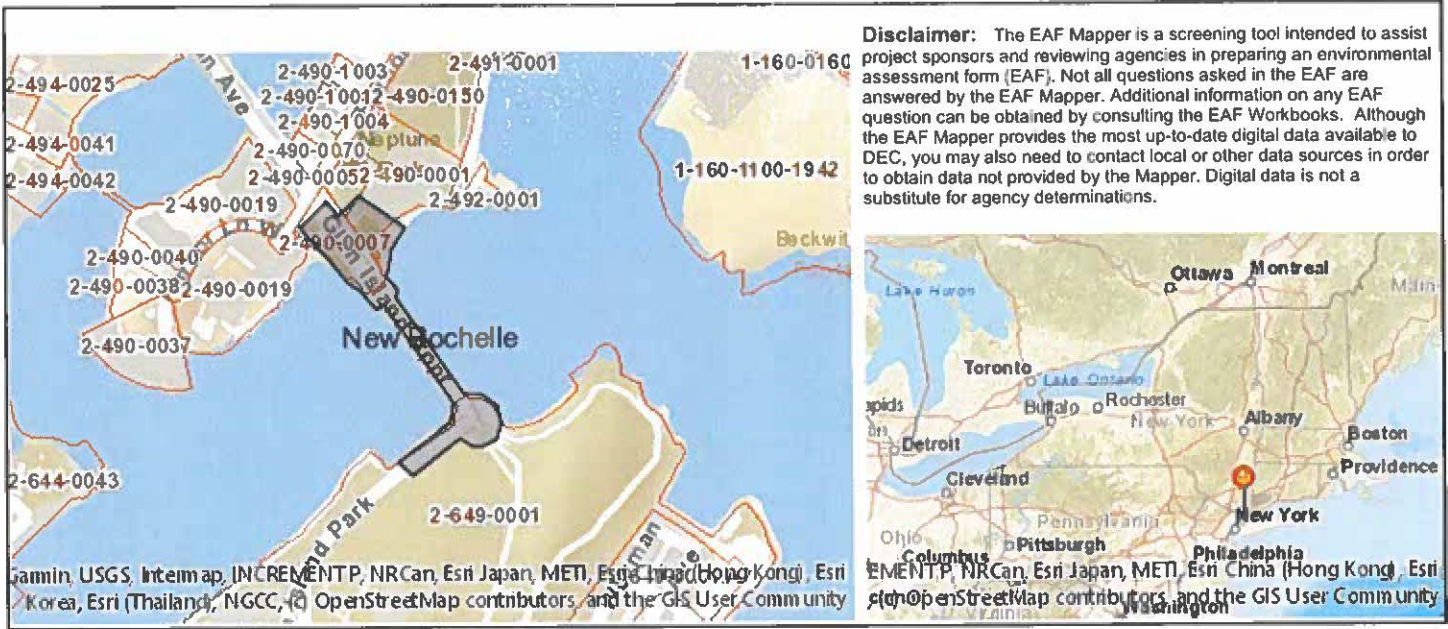
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: Glen Island Bridge Rehabilitation (RGI04)				
Project Location (describe, and attach a location map): Glen Island Approach over New Rochelle Harbor, New Rochelle, Westchester County, NY				
Brief Description of Proposed Action: Proposed work includes: removal and replacement of the bridge deck, sidewalks, handrails, lighting, traffic warning signs and gates, electro-mechanical and counterweight systems for both fixed and bascule spans; painting the bridge superstructure; replacement of the cross bracing, frames, main girders, bearings; repairs to the masonry piers, abutments, and painting of immersed substructure steel. A temporary bridge will be installed on the north side of the existing bridge to allow a long-term shutdown of the existing bridge without interrupting normal traffic flow. This will require a temporary easement over property belonging to the City of New Rochelle as well as temporary relocation of some of the parking spaces on this property. The temporary bridge structure will have a movable span to continue to allow for marine traffic passage. In addition, a submarine cable running underneath the bridge will be replaced. The cable supplies electrical power and communications signals for the Glen Island Bridge. A new fiber optic line will be included within the cable to serve the Parks Department building on the island. The project will also provide for renovations to the existing control house, including upgrading of the kitchenette and restroom facilities, along with a new sewer connection.				
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@WestchesterCountyNY.gov		
Address: 148 Martine Avenue				
City/PO: White Plains		State: NY	Zip Code: 10601	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC Tidal Wetlands Permit, USACOE NWP #3 and #33, U.S. Coast Guard Bridge Permit, New Rochelle Temporary Easement			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2 acres b. Total acreage to be physically disturbed? _____ 1.3 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ Approx. 105 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
	<input type="checkbox"/>		<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
Name: Long Island Sound, Name: County & State Park Lands, Reason: Exceptional or unique character, If Yes, identify: Agency: Westchester County, Date: 1-31-90	<input type="checkbox"/>		<input checked="" type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>		<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>		<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>		<input checked="" type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/>	NO	YES
Glen Island Bridge identified as eligible (see SHPO letter dated December 5, 2022).	<input type="checkbox"/>		<input checked="" type="checkbox"/>
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
The bridge crosses over New Rochelle Harbor, which is in the Littoral Zone of the NYSDEC Tidal Wetlands Map. The bridge substructure and superstructure will be replaced in kind in the same location using the existing piers which will be rehabilitated and, as such, will have minimal waterbody/wetland impacts. The temporary bridge, however, will require the placement of new support piers in the water. It is anticipated that 5-6 piers would be needed resulting in +/-4,000 square feet of temporary disturbance. Replacement of a submarine cable will also cause some in-water disturbance. All temporarily disturbed areas will be restored.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water will primarily be conveyed to existing drainage networks, ultimately outletting to the harbor.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>January 29, 2024</u>		
Signature: <u></u> Title: <u>Assistant Commissioner</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Long Island Sound, Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project: Glen Island Bridge (RGI04)

Date: January 2024

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project:	Glen Island Bridge (RG104)
Date:	January 2024

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project will not have a significant impact on the environment as it entails replacement in kind and any adjacent areas disturbed during construction will be restored following completion of the project. Major rehabilitation is necessary in order to keep the bridge safe and functional. It is the sole access to Glen Island, a heavily used County park with a catering hall in Long Island Sound.

The bridge was built in the 1920s. Although not listed, it is eligible for listing on the National Register of Historic Places. As directed by State Historic Preservation Office, all components for replacement will match existing or be as close as feasible and any alternative materials will match the existing in size, configuration and finish as is feasible.

The original piers for the existing bridge will be rehabilitated. In-water impacts will be limited to the installation of temporary piers for the temporary bridge and some disturbance of bottom sediments/substrate for the replacement of the submarine cable across the channel. Standards and specifications will be followed for erosion and sedimentation control, as well as for construction debris and hazardous materials containment while working in/over the water. Measures include bio-fiber rolls, turbidity curtains, geotextile fabric, platforms, nets and screens. Impacts will also be minimized by timing restrictions. Work below mean high water will be limited to periods of low tide. Benthic disturbances will be limited to October 1 through January 15 to protect summer and winter flounder. All construction materials will be removed and the site restored to preexisting conditions following project completion.

The temporary easement is for the use of approximately a half acre of city property on neighboring Neptune Island to provide for a temporary access bridge and staging area during construction. The property consists of an informal row of bordering trees, a sloping lawn and a level area of gravel parking which serves the City's Neptune Park. The trees are of varying sizes and many are non-native. Tree removals will be replaced with native species. Temporary surface improvements (crushed gravel) will be made to the northwest corner of the city property, which is comprised of compacted dirt, to provide for the temporary relocation of approximately 20 parking spaces. The entire easement area will be restored to its original or slightly better condition. Therefore, there will be no significant impact in connection with the temporary use of City property.

The new sewer line, which will just serve the control house, will be installed within the Glen Island Approach roadway to the nearest sewer main located at the intersection with Harbor Lane/Neptune Island Road. The new fiber optic line will essentially run along the curb line of the access road and utilize microtrenching with HDPE ducts installation. As such, these installations will not have a significant impact on the environment.

The project site is within two County-designated Critical Environmental Areas (CEAs)--(1) Long Island Sound (LIS) and (2) County and State Park Lands. Impacts to the waters of LIS will be temporary and carefully mitigated. The temporary bridge will allow for continued use of this highly popular park during the extended project duration. Overall, the project will benefit the public and the environment by rectifying a hazardous structure, restoring all disturbed areas to renewed condition, and ensuring continued enjoyment of Glen Island Park for years to come.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Board of Legislators

Title of Responsible Officer

Dark Kuisge

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JULY 15, 2019 AND ON JULY 11, 2022, IN RELATION TO THE REPLACEMENT OF THE BRIDGE DECK AND ABOVE ELEMENTS OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, AT THE MAXIMUM ESTIMATED COST OF \$58,000,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,050,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the bridge deck and above elements of the Glen Island Bridge, pursuant to Act No. 122-2019 duly adopted on July 15, 2019; and

WHEREAS, it had been determined that additional funds were required for said preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning of the Glen Island Bridge and the design of a temporary bridge, and it was necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such planning;

WHEREAS, this Board has heretofore duly authorized the issuance of \$4,125,000 additional bonds to finance the cost of preparation of surveys, preliminary and detailed plans, for

planning of the Glen Island Bridge and the design of a temporary bridge, pursuant to Act No. 86-2022 duly adopted on July 11, 2022; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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 July 11, 2022, entitled:

“ACT NO. 86-2022

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,175,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT OF THE BRIDGE DECK AND ABOVE ELEMENTS OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,175,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,175,000 BONDS HEREIN AUTHORIZED; 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 \$58,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REMOVAL AND REPLACEMENT OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$58,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$58,000,000 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; \$58,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management in connection with the removal and replacement of the Glen Island Bridge and the planning of a temporary bridge, including the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans, 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 \$58,000,000. The plan of financing includes the issuance of \$58,000,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$58,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$58,000,000. 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 \$58,000,000 as the estimated maximum 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.

Section 8. 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 WESTCHESTER)

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 July 15, 2019 and amended on July 11, 2022 and 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.

A complete copy 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 \$58,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REMOVAL AND REPLACEMENT OF THE GLEN ISLAND BRIDGE AND THE DESIGN OF A TEMPORARY BRIDGE FOR THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$58,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$58,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on July 15, 2019 and amended on July 11, 2022 and on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the removal and replacement of the Glen Island Bridge and the planning of a temporary bridge, including the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans, 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: \$58,000,000; forty (40) 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:*
RG104

CBA

Fact Sheet Date:*
01-19-2024

Fact Sheet Year:*
2024

Project Title:*
GLEN ISLAND BRIDGE
REHABILITATION III

Legislative District ID:
11,

Category*
RECREATION FACILITIES

Department:*
PARKS, RECREATION &
CONSERVATION

CP Unique ID:
2456

Overall Project Description

Rehabilitation of the bridge as follows: spall repairs, painting of the entire bridge, repair of girders, concrete piers and concrete abutments localized repair to sidewalks, railing, and bridge deck.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	58,000	58,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	58,000	58,000	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,684

Current Bond Description: Funding is requested for construction and construction management associated with the removal and replacement of the bridge deck, sidewalk and handrails, lighting, traffic warning signs and gates, painting of bridge superstructure as well as the electromechanical and counterweight systems for both fixed and bascule sections and spans.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	52,825,000
Cash:	0
Total:	\$ 52,825,000

SEQR Classification:
UNLISTED

Amount Requested:
52,825,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

An IMA will be executed with the City of New Rochelle for the County to obtain a temporary construction easement from the City to allow us to install a temporary bridge and construction staging area on City-owned property.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	9,978,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT.
2022	48,022,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

58,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
19	122	0	0	DESIGN OF REHABILITATION OF ABOVE DECK ELEMENTS OF GLEN ISLAND BRIDGE
22	86	5,175,000	492,830	

Total Financing History:

5,175,000

Recommended By:

Department of Planning	Date
MLLL	01-22-2024
Department of Public Works	Date
RJB4	01-22-2024
Budget Department	Date
DEV9	01-23-2024
Requesting Department	Date
RCL3	01-23-2024

GLEN ISLAND BRIDGE REHABILITATION III (RGI04)

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	2024	2025	2026	2027	2028	Under Review
Gross	58,000	58,000	3,684						
Non County Share									
Total	58,000	58,000	3,684						

Project Description

Rehabilitation of the bridge as follows: spall repairs, painting of the entire bridge, repair of girders, concrete piers and concrete abutments, localized repair to sidewalks, railing, and bridge deck.

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
2017	9,978,000	Design, construction and construction management.	\$5,175,000 - DESIGN; \$4,803,000 - AWAITING BOND AUTHORIZATION
2022	48,022,000	Design, construction and construction management	AWAITING BOND AUTHORIZATION
Total	58,000,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	58,000,000	492,830	57,507,170
Total	58,000,000	492,830	57,507,170

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
122 19				
86 22	5,175,000	12/01/22	448,279	4,682,170
		12/01/22	44,550	
Total	5,175,000		492,830	4,682,170

ACT NO. 2024- _____

AN ACT authorizing the County of Westchester to accept all necessary property rights from the City of New Rochelle in connection with the County's rehabilitation of the Glen Island Bridge.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to accept all necessary property rights from the City of New Rochelle or the current owner of record (the "City"), including but not limited to, a temporary easement substantially in the form attached hereto, in connection with the County's rehabilitation of the Glen Island Bridge (Capital Project RGI04).

§2. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§3. This Act shall take effect immediately.

TEMPORARY EASEMENT AGREEMENT

THIS TEMPORARY EASEMENT AGREEMENT (the “Easement Agreement”), dated as of _____, 2024, between the **CITY OF NEW ROCHELLE** (hereinafter the “Grantor”), a municipal corporation of the State of New York, having a place of business at City Hall, 515 North Avenue, New Rochelle, New York 10801, and the **COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having a place of business at 148 Martine Avenue, White Plains, New York, 10601 (hereinafter the “County” or “Grantee”). The Grantor and the Grantee may be collectively referred to hereinafter as the “Parties” or individually as “Party”.

WHEREAS, the Grantor owns that certain property located adjacent to Glen Island, City of New Rochelle, Westchester County, New York; and

WHEREAS, the Grantee has undertaken a capital project in connection with the rehabilitation of the Glen Island Bridge (the “Bridge”), which serves as a means of ingress and egress to the County-owned Glen Island Park (the “Project”), which Project requires the use of the Grantor’s property as a construction access and staging area; and

WHEREAS, Grantor’s property is also needed as a site for the construction of a temporary bridge to enable access to Glen Island Park while the Bridge is being rehabilitated; and

WHEREAS, the Project is being financed with County Bonds (“the “County Bonds”); and

WHEREAS, Grantor desires to cooperate with Grantee in its effort to undertake this Project.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Grant. In connection with the Project identified as Glen Island Bridge Rehabilitation III, Grantor hereby grants to Grantee, its successors, assigns, employees, invitees, agents, independent contractors and subcontractors (“Grantee’s Representatives”), a non-exclusive temporary easement to access in, on, upon, across, through and over (the “Easement”) the following:

Parcel consisting of approximately .53 acres being a portion of tax Lot 0001 in tax Block 490, Section 2, as shown on the Tax Map of the City of New Rochelle, situated in the City of New Rochelle, County of Westchester, State of New York

(hereinafter the “Premises” or “Easement Area”), all as more particularly described in the Right-of-Way Property Description and Map which are attached hereto and incorporated herein as Schedule “A”.

With respect to the property descriptions for the Easement granted hereunder, if any additions, changes or corrections are required due to accurate survey or field conditions, such additions, changes or corrections may be made by either Party subject to the approval of the other Party in writing. Such approval for the Grantee will be by the Commissioner of Public Works and Transportation and for the Grantor will be by the City Manager, such approval not to be unreasonably withheld or delayed. Such additions, changes or corrections shall also be made to reflect such facts as an accurate survey of final construction and installation may disclose. Any additions, changes or corrections to the legal description of the Easement shall be duly recorded by appropriate instrument prepared and filed by the Grantee in a timely manner in the Westchester County Clerk’s Office, with a copy to the Grantor. In the event any additions, changes or corrections to the legal description of the Easement are undertaken, the consideration will be adjusted proportionately.

2. Use. The Grantee shall have the right to use the Easement Area as a construction access and staging area and for purposes of providing ingress and egress to the Project and to Glen Island. The Easement Area shall also serve as a financeable property interest to enable Grantee to issue County Bonds in accordance with the New York State Local Finance Law.

3. Term and Fee. The term (“Term”) of this Easement Agreement shall commence upon execution of this instrument by both parties (the “Commencement Date”) and shall expire upon completion of the Project.

In consideration for the grant of this Easement by Grantor to Grantee, Grantee will pay to the Grantor the sum of One (\$1.00) Dollar lawful money of the United States, receipt of which is hereby acknowledged.

4. Title. Grantor covenants that Grantor has the right, title and interest to grant the Easement and reserves unto itself such right, title or interest in and to the Premises. Provided the Grantee abides by the provisions set forth in this Easement Agreement, the Grantee, and Grantee’s Representatives shall have non-exclusive quiet and peaceful enjoyment of the Easement for the Term.

5. Subject and Subordinate. The grant of this Easement to Grantee shall be subject and subordinate to: (i) all ground or underlying leases and to all mortgages and deeds of trust and existing liens, encumbrances and agreements which may now or hereafter affect such leases or the real property of which the Easement Area forms a part, and to all renewals, modifications, consolidations, replacements and extensions thereof ; and (ii) all easements, covenants and restrictions of record affecting the Easement Area, if any, which may now or hereafter be in effect.

6. Restoration of Premises; Maintenance and Repair. The Grantee, at its sole cost and expense, shall at all times during this Agreement keep and maintain the Premises in reasonably clean condition and in good order and shall make all reasonable repairs caused by Grantee or Grantee Representatives. Grantee shall stake, secure, fence, and/or barricade the Easement Area during times construction is not underway, and provide all other safety and security measures necessary to protect the public and property during construction.

Upon expiration or termination of this Easement Agreement, Grantee agrees, at its sole cost and expense, to fully repair and restore the Premises to a condition that is similar or better than the condition that existed at or immediately prior to the commencement of this Easement Agreement, to the reasonable satisfaction of the New Rochelle Commissioner of Parks and

Recreation ("City Commissioner"). In addition, at the sole cost and expense of the Grantee, Grantee shall fully repair and restore any and all damage to the Premises caused by Grantee, its officers, employees, agents, invitees, independent contractors or subcontractors.

Upon expiration or termination of this Easement Agreement, at the sole cost and expense of the Grantee, Grantee shall restore to substantially the condition that existed prior to the Commencement of this Easement Agreement, the soil, sod, plants, shrubs, trees, sidewalks, pavement, curbs, gutters, flagging and any and all other facilities and equipment that may be or have been disturbed at the Premises as a result of Grantee's use of the Premises to the reasonable satisfaction of the City Commissioner. Grantee shall also perform backfilling, grading, seeding and replacement of shrubs and trees at its sole cost and expense to restore the Easement Area to the reasonable satisfaction of the City Commissioner. Upon request, Grantee shall provide Grantor with copies of all maintenance, performance, restoration, and repair records relating to the Easement Area. In the event Grantee shall fail to timely make such repairs, Grantee shall pay the Grantor for actual damages sustained by the Grantor directly related to a failure to timely make a repair as reasonably determined by the Grantor, subject to appropriation by Grantee's Board of Legislators. If such a request for payment is made, Grantor shall provide Grantee with written proof of such actual damages sustained, including, but not limited to, photographs and estimates prepared by duly licensed contractors. Grantee shall be responsible for obtaining all permits, licenses and approvals necessary for performing the Project or related work under this Agreement at its sole cost and expense.

Grantee shall be solely responsible and liable for any loss, claim, injury, damage to persons or property occurring within or outside the Easement Area directly arising out of Grantee's or Grantee Representatives negligent or willful acts or omissions during the Project, and/or during the maintenance, repair or restoration of the Premises, except to the extent such claim, injury or damages results from the negligence or willful misconduct of the Grantor, or its officers, employees, agents, independent contractors or subcontractors.

7. Right of Entry. Grantor reserves unto itself, its employees, agents, successors and assigns, the right to enter and cross the Easement Area at all times and for any purpose, using reasonable efforts not to interfere with Grantee's use of the Easement Area and if

avoidance is not possible, limiting to the extent possible the amount of time such limitations of Grantor's use takes place, and will ensure that the Project is not damaged.

8. Expiration of Term. Upon the expiration or termination of this Easement Agreement, the Grantee shall, at its sole cost and expense, remove all of its equipment, materials, supplies and refuse from the Premises.

9. Insurance. In connection with the use by the Grantee of the Easement Area, the Grantee agrees to self-insure all liability for bodily injury and death and property damage under the Grantee's self-insurance program in accordance with Local Law 6-1986 and Chapter 295 of the Laws of Westchester County. Attached hereto as Schedule "C" is a written assurance from the Grantee of its decision to self-insure. Further, if the Grantee changes from a self-insurance program to a traditional insurance program then the Grantee shall forward certificates of General Liability coverage naming the Grantor as an additional insured. The Grantee represents that the Grantee's Contractors will be required to maintain the Grantor as an additional insured on the Contractor's insurance.

10. Indemnification. To the fullest extent permitted by law, the Grantee, its successors or assigns, shall indemnify, defend and hold harmless the Grantor, its employees, officers, successors and assigns (collectively the "Indemnitees") from and against any and all third party claims, lawsuits, damages, fines, causes of action, judgments, penalties, costs, liabilities, settlements, fees and expenses (including reasonable attorneys' fees, court costs and disbursements), losses and awards directly arising out of or as a direct result of (i) this Easement, (ii) construction, reconstruction or maintenance work done by or on behalf of Grantee on or around the Easement Area; (iii) the use, possession, enjoyment or operation of the Easement Area, by Grantee or any of its employees, invitees (including the general public), agents, employees or contractors, (iv) any negligent or willful act or omission by Grantee or anyone acting under the direction or control of the Grantee, or (v) any violation of law or default hereunder. This provisions shall survive the expiration or termination of this Agreement.

11. Default. If Grantee shall not keep or perform the respective terms, covenants or conditions imposed upon it pursuant to the terms of this Agreement, and such default shall continue for a period of thirty (30) calendar days after written notice thereof from the Grantor

(or, in connection with any default not susceptible to being cured with due diligence within thirty (30) days, such longer period of time as may be necessary to complete the same in good faith with due diligence, provided that the cure of such default is promptly commenced and diligently pursued), or in the case of an emergency or hazardous condition, the Grantee fails to proceed promptly to cure the same after service of such written or oral notice, then the Grantee shall be in breach of this Agreement. Upon any breach of this Agreement by the Grantee which is not remedied prior to the expiration of the applicable cure period, the Grantor shall have the right to cancel, terminate or rescind this Agreement, and/or exercise any and all rights and remedies that are available at law or in equity.

12. Enforcement. The Parties shall have the right to enforce this Easement Agreement by any proceeding at law or in equity against any person or persons violating or attempting to violate this Easement Agreement, to restrain said violation, to require specific performance and/or to recover damages, and to recover any legal fees incurred in connection with such proceeding. Failure by either Party to enforce any provision herein contained shall not be deemed a waiver of the right to do so thereafter.

13. No Lease. This Easement Agreement is not a lease and does not grant the Parties rights of a tenant. Under no circumstances shall this Easement Agreement be construed as granting either Party any rights, title or interest of any kind or character in, on, or about the Easement Areas, land, or premises of the Grantor, other than as expressly provided herein.

14. Compliance with Law. Each Party, at its sole cost and expense, shall comply with all Federal, State and local laws, regulations and ordinances applicable to it and to its activities, and shall procure and maintain, in full force and effect for the term of this Easement Agreement, all applicable permits, licenses and approvals from all governmental authorities having jurisdiction required for the lawful operation of this Easement Agreement.

15. Notice. All notices of any nature referred to in this Easement Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses

as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner of Public Works and Transportation
County of Westchester
148 Martine Avenue, Room 518
White Plains, New York 10601

With a copy to:

County Attorney
County of Westchester
148 Martine Avenue, Room 600
White Plains, New York 10601

To the Grantor:

City Manager
City of New Rochelle
City Hall
515 North Avenue
New Rochelle, New York 10801

With a copy to:

Corporation Counsel
City of New Rochelle
City Hall
515 North Avenue
New Rochelle, New York 10801

16. Entire Agreement. This Easement Agreement, including all Exhibits, contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior understandings, if any, with respect thereto. The Parties have made no prior representations with respect to the subject matter of this Easement Agreement and have given no warranties with respect to the subject matter hereof except as provided herein. This Easement Agreement may not be modified, changed or supplemented nor may any obligations hereunder be waived, except by written instrument signed by the Parties hereto.

17. Severability. Invalidation of any one of the provisions of this Easement Agreement by judgment or court order shall not affect the validity of any other provision, which shall remain in full force and effect.

18. Singular and Plural Form. Whenever the sense of this Easement Agreement may make it necessary or appropriate, any singular word or term used herein shall include the plural and any masculine word or term shall include the feminine and/or neuter genders and visa versa.

19. Assignment. Grantee shall not assign or transfer this Easement Agreement or any interest herein without the prior written consent of the Grantor, which consent shall not be unreasonably delayed, withheld or conditioned, subject to the appropriate governmental and legal approvals.

20. No Third Party Rights. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns, including but not limited to the general public, any rights, remedies or basis for reliance upon, under or by reason of this Easement Agreement, except in the event that specific third party rights are expressly granted herein.

21. Governing Law. This Easement Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of New York applicable to agreements made and to be performed wholly within such State.

22. Recording. The Parties agree that the Grantee, at its sole cost and expense, shall cause this Easement Agreement to be recorded in the records of the Westchester County Clerk and shall terminate at the expiration of the Term or earlier termination as set forth herein.

23. Multiple Counterparts. This Easement Agreement may be executed in a number of identical counterparts but all counterparts shall constitute one and the same agreement. This Easement Agreement shall not be binding or effective until duly executed by Grantor and Grantee and delivered by one to the other.

24. Enforceability. This Easement Agreement shall not be enforceable until executed by both Parties and approved by the Office of the Westchester County Attorney and City Manager.

IN WITNESS WHEREOF, the Parties have executed this instrument on the day and date first above mentioned.

CITY OF NEW ROCHELLE

By: _____

Name:

Title:

COUNTY OF WESTCHESTER

By: _____

Name:

Title:

Authorized by the County Board of Legislators by Act. No. 2024-____ on the ____ day of _____, 2024.

Approved:

Sr. Assistant County Attorney
The County of Westchester

Date

Corporation Counsel
City of New Rochelle

Date

SCHEDULE "A"

LEGAL DESCRIPTION

A Temporary Construction Easement being a portion of a parcel consisting of approximately .53 acres being a portion of tax Lot 0001 in tax Block 490, Section 2, as shown on the Tax Map of the City of New Rochelle, situated in the City of New Rochelle, County of Westchester, State of New York and more specifically described below:

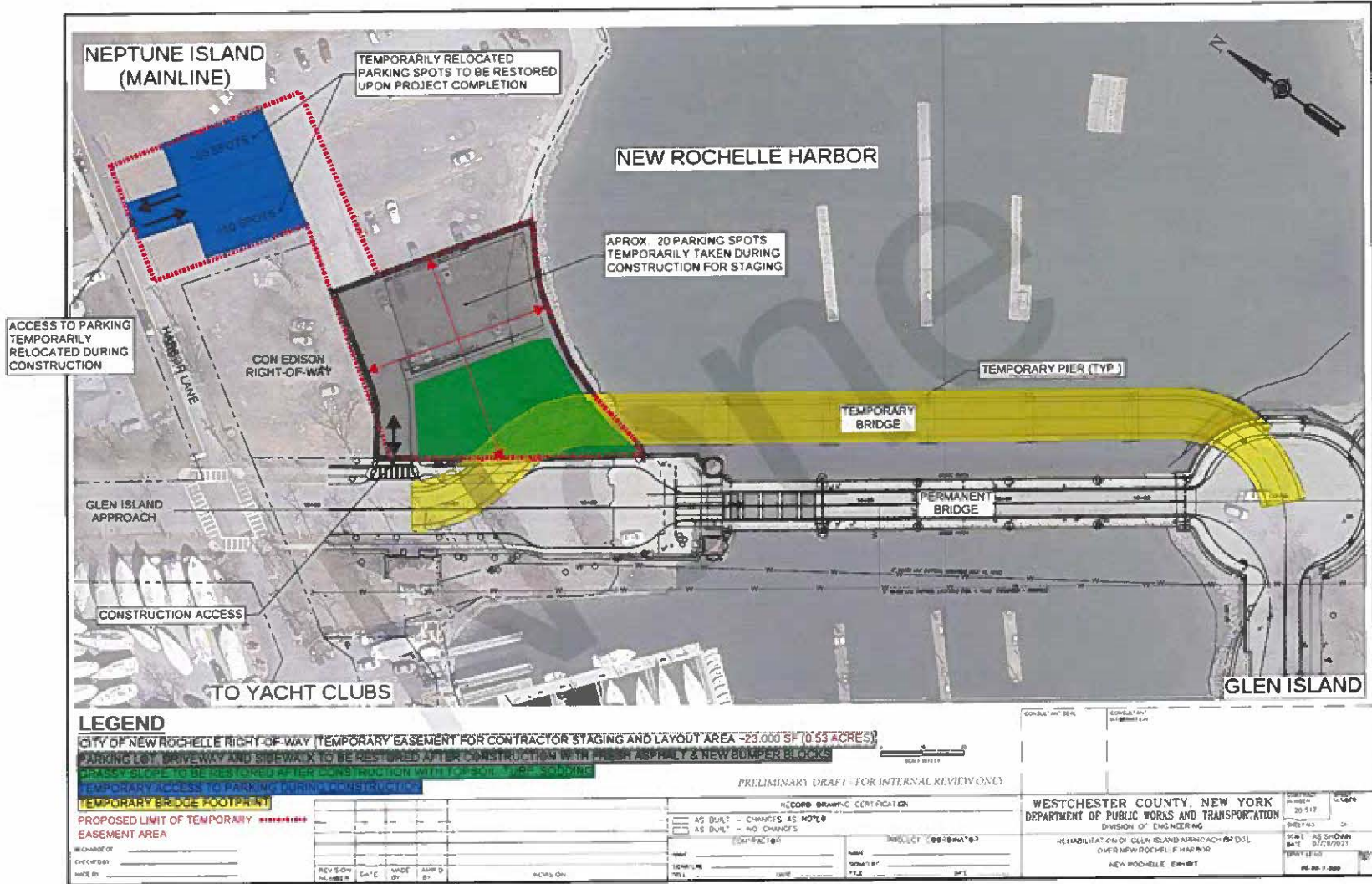
PARCEL NO. ___:

Beginning at a point

DRAFT

MAP
To be attached

DRAFT



LEGEND

- CITY OF NEW ROCHELLE RIGHT-OF-WAY (TEMPORARY EASEMENT FOR CONTRACTOR STAGING AND LAYOUT AREA ~23,000 SF (0.53 ACRES))
- PARKING LOT, DRIVEWAY AND SIDEWALK TO BE RESTORED AFTER CONSTRUCTION WITH FRESH ASPHALT & NEW BUMPER BLOCKS
- GRASSY SLOPE TO BE RESTORED AFTER CONSTRUCTION WITH A PERMANENT SPRING
- TEMPORARY ACCESS TO PARKING DURING CONSTRUCTION
- TEMPORARY BRIDGE FOOTPRINT
- PROPOSED LIMIT OF TEMPORARY EASEMENT AREA

DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____

REV	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION
 AS BUILT - CHANGES AS NOTED
 AS BUILT - NO CHANGES
 CONTRACT NO. _____
 PROJECT NO. 09-000007
 DATE _____
 FILE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 REHABILITATION OF ILLIUM ISLAND APPROACH BRIDGE
 OVER NEW ROCHELLE HARBOR
 NEW ROCHELLE, NEW YORK

CONTRACT NUMBER	20-117
DATE	07/29/2021
SCALE	AS SHOWN
PROJECT NO.	09-000007

SCHEDULE "B"
Grantees' Self Insurance Letter
(SAMPLE ONLY)

DATE: _____, 2023

TO: CITY OF NEW ROCHELLE
City Hall
515 North Avenue
New Rochelle, New York 10801

Dear Sir or Madam:

This letter is being provided as evidence of the County of Westchester's financial security in support of any indemnity contained in the Temporary Construction Easement Agreement between the County of Westchester and the City of New Rochelle.

The County of Westchester is self-funding its casualty and liability exposures in accordance with Local Law 6-1986 that amended the Laws of Westchester County to add a new Chapter 295 providing for the establishment and management of a liability and casualty reserve fund. Contribution to this dedicated reserve fund is actuarially determined and funded on an annual basis.

Current assets exceed Ten Million Dollars (\$10,000,000.00)

Sincerely,

Risk Management

Description:
Temporary Construction Easement Agreement for Parcel ____