

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

**DRAFT
IMA ON FILE**

Your Committee is in receipt of a communication from the County Executive wherein he requests that your Honorable Board authorize the County of Westchester (the "County") to enter into an intermunicipal agreement ("IMA") with the City of Yonkers ("City") whereby the County will contribute an amount not to exceed \$150,000.00 towards the construction and installation of the Enslaved Africans' Rain Garden (the "Project") being undertaken by the City on the real property (the "Open Space Parcel") located at 22 Water Grant Street, Yonkers, New York (Block 640, Lot 1 and a portion of Block 2600, Lot 7), which is owned by the Yonkers Industrial Development Agency (the "Yonkers IDA").

Your Committee is advised that, for the Project, the City is going to build a permanent outdoor sculpture exhibit dedicated to the legacy of enslaved Africans that once lived at nearby Philipse Manor Hall and were freed more than sixty (60) years before the Emancipation Proclamation. There will be five (5) life-size bronze sculptures placed on four (4) concrete pads along the Hudson River esplanade on the Open Space Parcel immediately west of the newly constructed Apex Apartments. The Project will be in an area that is approximately .4 acre within the Open Space Parcel and will include landscaping, custom seating at each of the four (4) concrete pad areas and a stone river bed meandering behind the sculptures.

Under the proposed IMA, the City will be responsible for all work on the Project, including the design, construction, and installation of the sculptures, in accordance with applicable laws.

The total cost for construction of the Project is estimated to be \$157,138.70. The County will reimburse the City an amount not to exceed \$150,000.00 to be used towards construction of the Project, including the cost of earth work, a faux gravel brook, foundations for the sculptures, landscaping, benches, native species plantings and lighting.

Pursuant to the IMA, the County's reimbursement will be subject to, among other things, the City providing the County with proof of the execution of the following two (2) agreements:

(1) an easement agreement between the City and the Yonkers IDA in which the Yonkers IDA will grant a permanent easement over the Open Space Parcel to the City to access, display and maintain the Project and to the general public to access and view the Project for pedestrian and passive viewing; and

(2) a license agreement between the City, the Yonkers IDA, Water Grant Street, LLC, and any other necessary persons or entities granting the City, its agents, contractors, subcontractors, and consultants the right to access the Project over the adjoining parcel identified as Block 643, Lot 1, which is owned by the Yonkers IDA and leased to Water Grant Street LLC, and over the Open Space Parcel for the purpose of constructing, installing and maintaining the Project.

Following construction, the City will be responsible to provide for the maintenance, repair and security of the Project at its own expense. The Project will be accessible to all County residents. The term of the IMA will be five (5) years commencing upon execution of the IMA and terminating five (5) years thereafter, unless terminated sooner in accordance with the provisions of this IMA.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQRA") have been met. The Planning Department advises that, pursuant to SEQRA, the Yonkers Community Development Agency (the "CDA") classified the Project as an Unlisted action. On January 21, 2021, the CDA issued a notice of intent to serve as lead agency and circulated Part 1 of Short Environmental Assessment Form. On February 22, 2021, the CDA issued a Negative Declaration for the Project. Since the CDA undertook a coordinated review, and the County was included as an involved agency, then, in accordance with section 617.6(b)(3) of SEQRA, no further environmental review is required by the County. Your Committee concurs with this conclusion.

It should be noted that approval of the Act authorizing the County to enter into this IMA requires the affirmative vote of a majority of the voting strength of your Honorable Board.

Your Committee believes that this IMA is in the best interest of the County and recommends adoption of the annexed Act.

Dated: March 22, 2021
White Plains, New York

Benjamin Boyfan II

Benjamin Boyfan II
Culmville NY

Public Works &
Transportation COMMITTEE ON
C/ran 3.2.2021

Budget & Appropriations

Dated: March 22, 2021
White Plains, New York

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

Committee(s) on:

Budget & Appropriations

Nancy E. Dunn

Velet Galin

Margaret A. Cunzio

Klauson R. Maher

Catherine F. Parker

Alfreda Willis

David J. Jabrot

Ruth Walker

Christopher

Public Works & Transportation

Velet Galin

Mary Jane Skomsky

Christopher

Catherine F. Parker

David J. Jabrot

Ruth Walker

Christopher

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL32 CASH TO CAPITAL 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 \$ - 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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by: Lorraine Yazzetta

Title: Assoc Budget Director


Department: Budget

Date: March 4, 2021

Reviewed By: 
Budget Director

Date: 3/4/21

TO: Rachel Noe, Associate County Attorney
Department of Law

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

DATE: March 1, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
ENSLAVED AFRICANS' RAIN GARDEN**

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

The action involves an intermunicipal agreement with the City of Yonkers whereby the County will contribute funds toward the construction and installation of the "Enslaved Africans' Rain Garden" on a 0.4-acre site along the Hudson River Esplanade at 22 Water Grant Street in Yonkers. The project includes the construction of a meandering stone river bed, landscaping with native plants, park seating, and the installation of five bronze statues on four concrete pads.

Pursuant to SEQR, the Yonkers Community Development Agency (CDA) classified this project as a Unlisted action. On January 21, 2021, the CDA issued a notice of intent to serve as lead agency and circulated Part 1 of a Short Environmental Assessment Form. On February 22, 2021, the CDA issued a Negative Declaration for the project. Since the CDA undertook coordinated review and the County of Westchester was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

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

DSK/cnm

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

ACT NO. 41 - 2021

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the City of Yonkers whereby the County will contribute funds toward the construction and installation of the Enslaved Africans' Rain Garden to be maintained by the City and accessible to all County residents.

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

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

Section 1. The County of Westchester ("County") is hereby authorized to enter into an intermunicipal agreement ("IMA") with the City of Yonkers ("City") whereby the City will be responsible for all work, including the design, construction, and installation of a permanent outdoor sculpture exhibit dedicated to the legacy of enslaved Africans that once lived at nearby Philipse Manor Hall (the "Enslaved Africans' Rain Garden"). The Enslaved Africans' Rain Garden will be constructed on a portion of the real property (the "Open Space Parcel") located at 22 Water Street, Yonkers, New York (Block 640, Lot 1 and a portion Block 2600, Lot 7), which is owned by the Yonkers Industrial Development Agency (the "Yonkers IDA"). Pursuant to the IMA, the County will reimburse the City an amount not to exceed One Hundred and Fifty Thousand (\$150,000.00) Dollars towards the cost of earth work, faux gravel brook, foundations for the sculptures, pedestals for the sculptures, landscaping, benches, native species plantings and lighting for the Project.

§2. Pursuant to the IMA, the City will be responsible for all work on the Project, including the design, construction, and installation of the sculptures in accordance with applicable laws. The County's reimbursement will be subject to, among other things, the City providing the County with proof of the execution of the following two (2) agreements:

(1) an easement agreement between the City and the Yonkers IDA in which the Yonkers IDA will grant a permanent easement over the Open Space Parcel to the City to access, display and maintain the Project and to the general public to access and view the Project for pedestrian and passive viewing; and

(2) a license agreement between the City, the Yonkers IDA, Water Grant Street, LLC, and any other necessary persons or entities granting the City, its agents, contractors, subcontractors, and consultants the right to access the Project over the adjoining parcel identified as Block 643, Lot 1, which is owned by the Yonkers IDA and leased to Water Grant Street LLC, and over the Open Space Parcel for the purpose of constructing, installing and maintaining the Project.

§3. Following the construction and installation of the Project, the City will be responsible for the maintenance, repair, and security of the Project at its own expense, and the Project will be open to all Westchester County residents.

§4. The term of the IMA shall be five (5) years commencing upon execution of the IMA and terminating five (5) years thereafter, unless terminated sooner in accordance with the provisions of the IMA.

§5. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§6. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 41 - 2021, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on March 22, 2021, and approved by the County Executive on March 23, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 24th day of March, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

