Reference: BPL26 (Unique ID# 1857)

THE HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER

K . . J .,

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act"), which if adopted, would authorize the County of Westchester (the "County") to issue up to \$2,200,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an intermunicipal agreement ("IMA") with the Town of Mamaroneck (the "Town") setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, would fund up to 50% of the costs associated with a municipally proposed project to replace the Waverly Avenue Bridge with a culvert that is wider and aligned with the stream channel to improve the carrying capacity of the culvert and accommodate flood waters. The project will implement a component of the larger U.S. Army Corps of Engineer's project to reduce flooding and flood damage, particularly in the immediate vicinity of the bridge and along Waverly Avenue, which becomes impassable during even moderate flood events. It is estimated that the project will take three (3) years months to complete.

Your Committee is advised that the IMA, a copy of which is attached, will set forth the responsibilities of the County and the Town in connection with the project. In accordance with the IMA, the County and the Town will each provide up to fifty (50%) percent of the total cost of the project which is estimated to be \$4,169,972.00. The County will pay to the Town, on a reimbursement basis, an amount not to exceed \$2,084,986.00. Your Honorable Board will note that the bonding request is for \$2,200,000 to include additional County costs for staff hours and administration of the project.

Your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") in 2011 to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans", and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 134-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed. The Town and the Mamaroneck River are both identified as areas of recurring flooding in this plan. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the Village to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed.

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Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth on the attached fact sheet.

The Planning Department has advised your Committee that based on its review, the above referenced capital project has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this conclusion.

Your Committee is further advised that since BPL26 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2022 Capital Budget to reflect the specific location of this project component.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 is annexed.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while a simple majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the IMA.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act and Act authorizing the IMA.

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White Plains, New York

Public Works & Transportation C:jpg/3.10.22
Budget & Appropriations

Environment, Energy & Climate

Dated: July 25, 2022 White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 56 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Public Works & Transportation

Environment, Energy & Climate

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Catherine F. Parker

Colin O. SANT

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Catherine F. Parker

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Colin O. SMF

David & Tubist

Catherine F. Parker

FISCAL IMPACT STATEMENT

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CAPITAL PROJECT #	:BPL26	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BUD To Be Completed by	
X GENERAL FUND	AIRPORT FUND	SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
E 2000/10 100 100 100 100 100 100 100 100 1		Capital Budget Amendment
Waverly Ave Bridge		
	SECTION B - BONDING AUT To Be Completed by I	
Total Principal	\$ 2,200,000 PPU	20 Anticipated Interest Rate 3.14%
Anticipated An	nual Cost (Principal and Interest):	\$ 146,424
Total Debt Serv	vice (Annual Cost x Term):	\$ 2,928,480
Finance Depart	tment: Interest rates from May 25, 2	022 Bond Buyer - ASBA
S	ECTION C - IMPACT ON OPERATING BUD To Be Completed by Submitting Departme	
		ent and neviewed by budget
Potential Relat	ed Expenses (Annual): \$	œ
Potential Relat	ed Revenues (Annual): \$	
2	vings to County and/or impact of departr	ment operations
(describe in de	tail for current and next four years):	
<u></u>		
H		
As	SECTION D - EMPLO per federal guidelines, each \$92,000 of a	
	Time Equivalent (FTE) Jobs Funded:	
	SECTION E - EXPECTED DESIGN	WORK PROVIDER
County Staff	Consultant	X Not Applicable
Prepared by:	David Kvinge	26/
Title:	Assistant Commissioner 6	Beviewed By:
Department:	Planning	Budget Director
Date:	6/7/22	Date: 4532



Memorandum Department of Planning

TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

April 14, 2022

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

BPL26 FLOOD MITIGATION (TOWN OF MAMARONECK)

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

03-31-2022 (Unique ID: 1857)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- 617.5(c)(2): replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- 617.5(c)(9): construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

COMMENTS: The replacement bridge will be slightly wider to accommodate sidewalks.

DSK/cnm

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Tami Altschiller, Assistant Chief Deputy County Attorney

Gideon Grande, Deputy Budget Director

Lorraine Marzola, Associate Budget Director

Kelly Sheehan, Assistant Commissioner

William Brady, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Associate Environmental Planner

RESOLUTION 21-24

WESTCHESTER COUNTY PLANNING BOARD

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

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

WHEREAS, the reconstruction of the bridge at Waverly Avenue in the Town of Mamaroneck, in the amount of \$2,200,000, will reduce flooding and flood damage for roadways and properties in the vicinity, including areas included within the study area of the US Army Corps of Engineers General Reevaluation Study of the Mamaroneck and Sheldrake Rivers, included in the stormwater reconnaissance plan for the Coastal Long Island Sound drainage basin; and

WHEREAS, the project has been reviewed and approved by the County Stormwater Advisory Board and will be subject to further detailed review by County staff; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend the Capital Project BPL26 Flood Mitigation to add the project to Capital Project BPL26 and authorize bonding to fund up to 50% of the project; and

WHEREAS, the project is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 - Policies to Guide County Planning*, in that it will help preserve and protect the County's natural resources and environment, both physical and biotic and will help mitigate the impacts of flooding; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report on the 2021 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation for the reconstruction of the bridge at Waverly Avenue in the Town of Mamaroneck.

Adopted this 5th day of October 2021

Richard Hyman, Obair

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ACT NO. -20___

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF WAVERLY AVENUE BRIDGE IN THE TOWN OF MAMARONECK WITH A CULVERT; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$2,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,200,000 BONDS HEREIN AUTHORIZED TO FINANCE SAID COST; 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, to the provisions of other laws applicable thereto, \$2,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the replacement of Waverly Avenue Bridge in the Town of Mamaroneck with a culvert; 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 total estimated maximum cost of said object or purpose,

including preliminary costs and costs incidental thereto and the financing thereof is \$2,200,000. The plan of financing includes the issuance of \$2,200,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

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Section 2. The period of probable usefulness of the object or purpose for which said \$2,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$2,200,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$2,200,000 as the estimated total cost of the aforesaid 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

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.

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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	Y that I have compared the foregoing Act No20 with
the original on file in my office, and t	that the same is a correct transcript therefrom and of the whole
of the said original Act, which was de	uly adopted by the County Board of Legislators of the County
of Westchester on , 20 an	nd approved by the County Executive on , 20
IN WITNESS WHER	REOF, 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
(SEAL)	County Board of Legislators County of Westchester, New York

LEGAL NOTICE

1. . 1. .

Legislators on and the validity of the obligations were autho New York, is not autho with as of the date of proceeding contesting:	, 20 an obligations authorized for an object orized to expend morublication of this Nosuch validity is com	ad approved by the County Exected by such Bond Act may be or purpose for which the County ney or if the provisions of law wortice were not substantially compared to the provisions of the provi	hereafter contested only if such y of Westchester, in the State of hich should have been complied plied with, and an action, suit or er the publication of this Notice
inspection during norm	al business hours at		th shall be available for public pard of Legislators of the County ablication of this Notice.
ACT NO20)		
WESTCHESTER, O COST OF THE REI MAMARONECK W COST THEREOF I INCLUDES THE ISS	R SO MUCH THE PLACEMENT OF TITH A CULVER S \$2,200,000; S SUANCE OF \$2,2 ROVIDING FOR	EREOF AS MAY BE NECES F WAVERLY AVENUE BI T; STATING THE TOTAL TATING THE PLAN OF 00,000 BONDS HEREIN A	NDS OF THE COUNTY OF SSARY, TO FINANCE THE RIDGE IN THE TOWN OF ESTIMATED MAXIMUM FINANCING SAID COST UTHORIZED TO FINANCE CIPAL OF AND INTEREST
object or purpose:		th a culvert; all as set forth i	enue Bridge in the Town of n the County's Current Year
amount of obligations t and period of probable		52,200,000; twenty (20) years	
Dated: White Plains, I	, 20 New York		•
	·		
		erk and Chief Administrative of the County of West	Officer of the County Board of tchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* BPL26	×CF	BA		-	act Sheet 1-03-2022			
Fact Sheet Year:* 2022	Project Title:*Legislative District ID:FLOOD MITIGATION7				ID:			
Category* BUILDINGS, LAND & MISCELLANEOUS	•	rtment:* NNING			P Unique 857	e ID:	٠	
Overall Project Description This project is intended to provide municipalities and approved by the	e a share of the e County. This	cost of funding flood is a general fund, s	d mitigatio	on projects ojects are s	s that are pubject to	proposed b a Capital l	y local Budget Ar	nendment
☐ Best Management Practices	☐ En	ergy Efficiencies		×] Infrastru	cture		
➤ Life Safety	□ Pro	oject Labor Agreeme	ent		Revenue			
☐ Security		ner(FLOOD MITIG						
FIVE-YEAR CAPITAL PROG	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	51,750	20,750	11,000	0	0	0	0	20,00
Less Non-County Shares	0	0	0	0	0	. 0	0	
Net	51,750	20,750	11,000	0	0	0	0	20,00
Current Bond Description: The Mamaroneck with a culvert that is accommodate flood waters. Financing Plan for Current Recommodate flood waters.	e project involv wider and alig	es the replacement of	of the exist channel to	ting Wave improve	rly Avent the carryi	ue Bridge i ng capacit	in the Tow y of the c	n of ulvert and
Non-County Shares:	144044	\$ 0						
Bonds/Notes:		2,200,000						
Cash:		0						
Total:		\$ 2,200,000						
SEQR Classification: TYPE II						-		
Amount Requested: 2,200,000		-						
•		-						

the immediate vicinity and along Waverly Avenue, which access by emergency vehicles to portions of Mamaroneck.

Energy Efficiencies: N/A

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Appropriation History:

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

Total Appropriation History:

31,750,000

Financing History:

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

Total Financing History:

8,306,499

WBB4

Recommended By:

Department of Planning
WBB4
03-31-2022

Department of Public Works
RJB4
04-01-2022

Budget Department
LMY1
04-04-2022

Requesting Department
Date
Date

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04-04-2022

FLOOD MITIGATION (BPL26)

User Department:

Planning

Managing Department(s):

Planning;

Estimated Completion Date:

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL P	ROGRAM (in th	nousands)							277	
	Est Ult Cost Ap	propriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review	
Gross Non County Share	51,750	20,750	6,626	11,000					20,000	
Total	51,750	20,750	6,626	11,000					20,000	

Project Description

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

Current Year Description

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

Current Year	Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2022	11,000,000			11,000,000

Impact on Operating Budget

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

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

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

FLOOD MITIGATION (BPL26)

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

FLOOD MITIGATION (BPL26)

Total

8,306,500

5,843,365

2,463,135