

George Latimer County Executive

July 13, 2021

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, would authorize the County of Westchester (the "County") to issue bonds in the amount of \$250,000.00 to finance a component of the following capital project:

BPL40 - Stormwater Management - Various County Facilities II ("BPL40").

The Bond Act, in the amount of \$250,000.00, would fund a stormwater management project along the Bronx River Parkway in the Village of Scarsdale.

The Department of Planning (the "Department") has advised that this capital program is a continuation of capital project BPL23 Stormwater Management – Various County Facilities, which funds stormwater management projects for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). The current request will fund the design of a project to mitigate flooding along the Bronx River Parkway in the Village of Scarsdale. The project will reconnect the river to the grassed floodplain on the west side of the southbound lane of the parkway just north of Strathmore Road. The project is identified in the Bronx River Corridor Study and Plan prepared in 2020 for the County Soil and Water Conservation District.

The Department anticipates that following bonding authorization, this project will take approximately twelve (12) months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for prior separate components of this capital project as set forth in the attached fact sheet.

The Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Email: CE@westchestergov.com

Telephone: (911)995-2900

Office of the County Executive

It should be noted that since BPL40 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 County's 2021 Capital Budget to reflect 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 BPL40 is annexed.

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

Sincerely.

George Latimer County Executive

GL/ND/WB/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (the "County") of a bond act (the "Bond Act") in the amount of \$250,000.00 to finance a component of capital project BPL40 - Stormwater Management - Various County Facilities II ("BPL40"). The Bond Act, which was prepared by the law firm of Hawkins Delafield & Wood, LLP, will fund a stormwater management project along the Bronx River Parkway in the Village of Scarsdale.

The Department of Planning (the "Department") has advised that this capital program is a continuation of capital project BPL23 Stormwater Management – Various County Facilities, which funds stormwater management projects for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). The current request will fund the design of a project to mitigate flooding along the Bronx River Parkway in the Village of Scarsdale. The project will reconnect the river to the grassed floodplain on the west side of the southbound lane of the parkway just north of Strathmore Road. The project is identified in the Bronx River Corridor Study and Plan prepared in 2020 for the County Soil and Water Conservation District.

The Department anticipates that following bonding authorization, this project will take approximately twelve (12) months to complete.

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

The 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 SEQR documentation and concurs with this conclusion.

Your Committee is further advised that since BPL40 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 County's 2021 Capital Budget to reflect 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 BPL40 is annexed.

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:

, 2021

White Plains, New York

**COMMITTEE ON** 

k/jpg/06.16.2021

## **FISCAL IMPACT STATEMENT**

CAPITAL PROJECT	#:BPL40	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BUI To Be Completed by	
X GENERAL FUN	D AIRPORT FUND	SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
		X Capital Budget Amendment
	SECTION B - BONDING AU  To Be Completed by	
Total Principal	\$ 250,000 <b>PPU</b>	5 Anticipated Interest Rate 0.39%
Anticipated Ar	nnual Cost (Principal and Interest):	\$ 50,578
Total Debt Ser	vice (Annual Cost x Term):	\$ 252,890
Finance Depar	tment: Interest rates from July 1, 202	21 Bond Buyer - ASBA
S	To Be Completed by Submitting Department	
Potential Rela	ted Expenses (Annual): \$	-
The state of the s	ted Revenues (Annual): \$	· · · · · · · · · · · · · · · · · · ·
00 Mar	vings to County and/or impact of departs	ment operations
	etail for current and next four years):	
-		*
A	SECTION D - EMPLO s per federal guidelines, each \$92,000 of a	
	l Time Equivalent (FTE) Jobs Funded:	NA NA
	SECTION E - EXPECTED DESIGN	WORK PROVIDER
County Staff	X Consultant	Not Applicable
Prepared by:	William C. Brady	
Title:	Chief Planner	Reviewed By:
Department:	Planning	Budget Director
Date:	7/9/21	Date: 7 17 21



#### Memorandum Department of Planning

TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

Director of Environmental Planning

DATE:

June 30, 2021

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

BPL40 Stormwater Management - Various County Facilities II

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

06-11-2021 (Unique ID: 1707)

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)(27): conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for design only. Funds for construction management will not be expended until construction funding is approved.

#### DSK/dvw

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Tami Altschiller, Assistant Chief Deputy County Attorney

Gideon Grande, Deputy Budget Director

Lorraine Yazzetta, Associate Budget Director

Anthony Zaino, Assistant Commissioner

William Brady, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Associate Environmental Planner

## RESOLUTION 21-\_17

#### WESTCHESTER COUNTY PLANNING BOARD

## Amendment of Planning Board Report of Capital Project <u>BPL40 Stormwater Management - Various County Facilities II</u>

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending an existing "fund" type capital project BPL40 Stormwater Management — Various County Facilities II to fund the design and of flood mitigation and stream restoration projects within the Bronx River Parkway Reservation; and

WHEREAS, the projects will help protect the reservation from repeated inundation, particularly during more frequent small storm events, and will enhance the quality and stability of the Bronx River, its tributaries and its floodplain; and

WHEREAS, the project is generally consistent with Westchester 2025 – Policies to Guide County Planning, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010, in that it will preserve and protect natural resources, control and treat stormwater, mitigate or reduce the impacts of flooding and also enhance the use of recreational facilities; now, therefore, be it

RESOLVED, that the County Planning Board includes the location of the above-described work in its Report on the 2020 Capital Projects Requests to include the location of the above-described project in the program of BPL40 Stormwater Management – Various County Facilities II.

Adopted this 6th day of July, 2021.

Richard Hyman, Chair

#### ACT NO. -20

BOND ACT AUTHORIZING THE ISSUANCE OF \$250,000 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 THE CONSTRUCTION OF STORMWATER MANAGEMENT MEASURES AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$250,000 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, to the provisions of other laws applicable thereto, \$250,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the construction of stormwater management measures at various County facilities, to wit: the mitigation of flooding along the Bronx River Parkway in the Village of Scarsdale including the reconnection of the river

to the grassed floodplain on the west side of the southbound lane of the parkway just north of Strathmore Road; 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$250,000. The plan of financing includes the issuance of \$250,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$250,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2<sup>nd</sup>) of the Law, is five (5) 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 \$250,000. 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 \$250,000 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 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 No20 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 ado	pted by the County Board of Legislators of the County
of Westchester on , 20 and appr	oved 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
(SEAL)	The Clerk and Chief Administrative Office of the County Board of Legislators County of Westchester, New York

#### LEGAL NOTICE

Legislators on and the validity of the obligations were author New York, is not author with as of the date of puproceeding contesting sor such obligations were	obligations authorized for an object rized to expend mublication of this leach validity is core authorized in view of the co	hich is published herewith, has been adopted by the Board of and approved by the County Executive on, 20
inspection during norma	al business hours:	at the Office of the Clerk of the Board of Legislators of the County of twenty days from the date of publication of this Notice.
ACT NO20		
WESTCHESTER, OIL COST OF PREPAR SPECIFICATIONS STORMWATER M. STATING THE EST PLAN OF FINANCI HEREIN AUTHORIZ	R SO MUCH THE ATION OF SECTION OF	ISSUANCE OF \$250,000 BONDS OF THE COUNTY OF HEREOF AS MAY BE NECESSARY, TO FINANCE THE URVEYS, PRELIMINARY AND DETAILED PLANS, ITES NECESSARY FOR THE CONSTRUCTION OF MEASURES AT VARIOUS COUNTY FACILITIES; XIMUM COST THEREOF IS \$250,000; STATING THE ST INCLUDES THE ISSUANCE OF \$250,000 BONDS OVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND sted on, 20)
object or purpose:	specifications a management m flooding along including the re side of the sout	ost of preparation of surveys, preliminary and detailed plans, and estimates necessary for the construction of stormwater easures at various County facilities, to wit: the mitigation of the Bronx River Parkway in the Village of Scarsdale econnection of the river to the grassed floodplain on the west shound lane of the parkway just north of Strathmore Road; in the County's Current Year Capital Budget, as amended.
amount of obligations to and period of probable t		\$250,000; five (5) years
Dated: White Plains, N	, 20 New York	
31 W 11 31 711 34 1		Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

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#### **CAPITAL PROJECT FACT SHEET**

Project ID:* BPL40	≭ CI	ВА			act Sheet 6-11-2021			
Fact Sheet Year:*	Proje	ect Title:*		1	.egislativo	District	ID:	
2021		RMWATER MANA IOUS COUNTY FA		Γ- Ι	0, 15			
Category*	Deps	rtment:*			CP Unique	: ID:		
BUILDINGS, LAND & MISCELLANEOUS	PLAI	NNING			707			
Overall Project Description								
This capital program is a continual project will fund stormwater man administered by the NYSDEC) at Budget Amendment.	agement for bot	th water quality (in o	compliance	e with fed	eral MS4	stormwate	r regulație	ons
■ Best Management Practices	□ En	ergy Efficiencies		4	] Infrastru	cture		
☐ Life Safety	□ Pro	oject Labor Agreem	ent		] Revenue			
☐ Security	≭ Ot	her(FLOOD MITIG	ATION)					
FIVE-YEAR CAPITAL PROG	RAM (in thou:	sands)			-			
	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	9,475	7,725	750	500	500	0	0	0
Less Non-County Shares	475	475	0	0	0	0	0	0
Net	9,000	7.250	750	500	500	0	0	0
Expended/Obligated Amount (i	n thousands) a	s of: 2,896						
Current Bond Description: The in the Village of Scarsdale. The p of the parkway just north of Stratt 2020 for the County Soil and Water	roject will recor hmore Road. Th	nnect the river to the se project is identific	grassed f	loodolain	on the we	st side of t	he southb	ound land
Financing Plan for Current Rec	quest:							
Non-County Shares:		S 0						
Bonds/Notes:		250,000						
Cash:		0						
Total:		\$ 250,000						
SEQR Classification:								
TYPE II								
Amount Requested:								
250,000								
Comments: Design and Construction Manage	ment							
Energy Efficiencies:								

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#### **Appropriation History:**

Year	Amount	Description
2013	5,000,000	\$3,750,000 - CONSTRUCTION ON BRONX RIVER & ANITA LANE BRIDGE; \$1,250,000 - CONSTRUCTION ON BRONX RIVER AT HARNEY RD
2016	1,475,000	\$475,000 NCS FOR FULTON BROOK; \$1,000,000 FOR CONTINUATION OF THIS PROJECT
2020	500,000	CONTINUATION OF THIS PROJECT
2021	750,000	CONTINUATION OF THIS PROJECT \$500,000; FEASIBILITY STUDY FOR BRONX RIVER FLOOD MITIGATION \$250,000

#### **Total Appropriation History:**

7,725,000

#### Financing History:

Year	Bond Act #	Amount	Issued	Description
14	26	1,250,000		STORMWATER MANAGEMENT - BOTH SIDES OF BRONX RIVER BY TOWN OF EASTCHESTER AND CITY OF YONKERS
16	61	850,000	701,446	RESTORE WATERWAY & BANKS- CONFLUENCE OF BRX RIV & SPRAIN BR IN BNXVLLE & YONK
19	13	1,000,000	281,430	STORMWATER MANAGEMENT- VARIOUS COUNTY FACILITIES II
19	174	400,000	0	

#### **Total Financing History:**

3,500,000

#### Recommended By:

Department of Planning
DSK2

06-11-2021

Department of Public Works
RJB4

06-14-2021

Budget Department
GKGA

Date
06-14-2021

**Requesting Department** 

WBB4

Date 06-16-2021

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### STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II (BPL40)

**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 PR		thousands) Appropriated	Exp / Obl	2021	2022	2023	2024	2025 Under Review
Gross	8,725	6,975	2,891	750	500	500		
Non County Share	(475)	(475)	1					
Total	8,250	6,500	2,892	750	500	500		

#### **Project Description**

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

#### **Current Year Description**

The current year request funds the continuation of this project, \$500,000 and a feasibility study for Bronx River Flood Mitigation, \$250,000.

<b>Current Year</b>	Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2021	750,000			750,000

#### **Impact on Operating Budget**

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

Year	Amount	Description	Status
2013	5,000,000	\$3,750,000 - Construction on Bronx River & Anita Lane Bridge; \$1,250,000 - Construction on Bronx River at Harney Rd	Anita Lane - AWAITING BOND AUTHORIZATION; Harney Rd - CONSTRUCTION
2016		\$475,000 NCS for Fulton Brook; \$1,000,000 for continuation of this project	IN PROGRESS
2020	500,000	Continuation of this project	AWAITING BOND AUTHORIZATION
Total	6,975,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	6,500,000	2,066,063	4,433,937
State Funds	475,000		475,000
Others		(688)	688
Total	6,975,000	2,065,375	4,909,625

# STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II (BPL40)

					nds Aut
Balan	Amount Sold	Date Sold	Amount	ct	Bond A
166,81	63,549	12/15/16	1,250,000	14	26
	129,277	12/15/17			
	23,737	12/15/17			
	201	12/15/17			
	363,679	12/10/18			
	264,920	12/10/19			
	52,315	12/10/19			
	164,510	04/30/20			
	17,816	10/28/20			
	2,496	10/28/20			
	688	10/28/20			
148,55	35,761	12/15/16	850,000	16	61
	94,934	12/15/17			
	17,431	12/15/17			
	147	12/15/17			
	249,897	12/10/18			
	182,021	12/10/19			
	35,945	12/10/19			
	85,312	04/30/20			
718,570	75,158	12/10/19	1,000,000	19	13
	14,842	12/10/19			
	191,430	04/30/20			
400,000			400,000	19	174
1,433,93	2,066,064		3,500,000	al	Tot