

# 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](http://www.westchesterlegislators.com)

---

**Monday, September 30, 2024**

**10:00 AM**

**Committee Room**

---

**Joint with PWT, HP, and LHR**

## 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.

Legislator Colin Smith will be participating remotely from 1132 Main St. Suite 1, Peekskill, NY 10566.

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

1. [2024-488](#) **BOND ACT-WCC91-Technology Upgrade On-Campus '17-'18-'21-22**

A BOND ACT authorizing the issuance of SEVEN HUNDRED THOUSAND (\$700,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC91 - Technology Upgrade on-Campus 2017/18 - 2021/22.

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

Joint with PWT.

Guests: Westchester Community College

Ben Naylor, Chief of Staff and VP of Strategic Operations

Garrett McAlister, Acting VP of Information Technology

Ross Garrett, Acting Director of Physical Plant

Scott Sullivan, Director of Security

**2. [2024-489](#) BOND ACT-WCC97-Virginia Marx Children Center**

A BOND ACT authorizing the issuance of THREE HUNDRED TWENTY-SIX THOUSAND (\$326,000) DOLLARS in bonds of Westchester County to finance Capital Project WCC97 - Virginia Marx Children Center.

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

Joint with PWT.

Guests: Westchester Community College

Ben Naylor, Chief of Staff and VP of Strategic Operations

Garrett McAlister, Acting VP of Information Technology

Ross Garrett, Acting Director of Physical Plant

Scott Sullivan, Director of Security

**3. [2024-490](#) BOND ACT-CC108-Safety and Security Improvements-Campus Wide**

A BOND ACT authorizing the issuance of ONE MILLION, THREE HUNDRED SEVENTY-FOUR THOUSAND (\$1,374,000) DOLLARS in bonds of Westchester County to finance Capital Project CC108 - Safety and Security Improvements - Campus Wide.

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

Joint with PWT.

Guests: Westchester Community College

Ben Naylor, Chief of Staff and VP of Strategic Operations

Garrett McAlister, Acting VP of Information Technology

Ross Garrett, Acting Director of Physical Plant

Scott Sullivan, Director of Security

**4. [2024-480](#) PH-Proposed Increase & Improvements of Facilities for County Water Dist. 1**

A RESOLUTION to set a Public Hearing authorizing the County of Westchester to proceed with Capital Project WD103 - County Water District #1-Alternate Water Supply (WD103) and Capital Project WD105 - County Water District #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline (WD105) for the benefit of County Water District No. 1. [Public Hearing set for \_\_\_\_\_, 2024 at \_\_\_\_ .m.].

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

Deputy Commissioner Erin O'Shea

Director Joseph Gibney

5.     [2024-481](#)     **ACT-Proposed Increase & Improvements of Facilities for County Water Dist. 1**

AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital Project WD103 and WD105 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

Deputy Commissioner Erin O'Shea

Director Joseph Gibney

6.     [2024-482](#)     **ACT-Authorizing Chair of BOL to Execute All Instruments-Proposed Increase & Improvements of Facilities for County Water Dist. 1**

AN ACT to authorize the Chairman of the Board of Legislators or his authorized designee to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County's issuance of bonds for an increase and improvement of facilities of County Water District No. 1.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

Deputy Commissioner Erin O'Shea

Director Joseph Gibney

7. [2024-483](#)      **RES-State Regulations Resolution-County Water Dist. 1**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment from the proposed increase and improvement of facilities of the District as describe as Capital Project WD103 - County Water District #1 - Alternate Water Supply and Capital Project WD105 - County Water District 1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

Deputy Commissioner Erin O'Shea

Director Joseph Gibney

8. [2024-484](#)      **BOND ACT-WD103-County Water Dist. 1-Alternate Water Supply**

A BOND ACT authorizing the issuance of SIX MILLION (\$6,000,000) DOLLARS in bonds of Westchester County to finance Capital Project WD103 - County Water District 1 - Alternate Water Supply.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

Deputy Commissioner Erin O'Shea

Director Joseph Gibney

9. [2024-485](#)      **BOND ACT-WD105-County Water Dist. 1-Rehabilitation of the 48 inch Kensico-Bronx Pipeline**

A BOND ACT authorizing the issuance of TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$2,750,000) DOLLARS in bonds of Westchester County to finance Capital Project WD105 - County Water District 1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

Deputy Commissioner Erin O'Shea

Director Joseph Gibney

10. [2024-492](#) **ACT-Amendment of Restrictive Covenants-98 Washington Avenue, Pleasantville**

AN ACT approving Lifting Up Westchester as the new developer and authorizing the County of Westchester to enter into a Restated and Amended Declaration of Restrictive Covenants to be recorded against 98 Washington Avenue, in the Village of Pleasantville in order to allow the current owner Migi Asset Acquisition, LLC to assign and Lifting Up Westchester to assume as the new owner, all of the rights and responsibilities included in the original Declaration of Restrictive Covenants, and to amend the affordability requirements for the fifty (50) year period of affordability.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING**

Joint with HP.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director of Community Development Len Gruenfeld

11. [2024-486](#) **BOND ACT-BPL26-2442-Flood Mitigation**

A BOND ACT authorizing the issuance of FOUR HUNDRED FIFTY THOUSAND (\$450,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL26 - Flood Mitigation.

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

Joint with PWT.

Guests: Planning Department

Director of Flood Mitigation and Stability Dean Tarulli

12. [2024-487](#) **IMA-Flood Mitigation-BPL26-2442-Greenburgh**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Greenburgh in connection with a flood mitigation project (Capital Project BPL26 - Unique ID# 2442).

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

Joint with PWT.

Guests: Planning Department

Director of Flood Mitigation and Stability Dean Tarulli

13. [2024-496](#) **CBA-RB04T-Halstead Avenue Over Mamaroneck River,  
Mamaroneck**

AN ACT amending the 2024 County Capital Budget Appropriations for Capital Project RB04T - Halstead Avenue Over Mamaroneck River, Mamaroneck.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

Department of Planning

Assistant Commissioner David Kvinge

14. [2024-497](#) **BOND ACT-RB04T-Halstead Avenue Over Mamaroneck River,  
Mamaroneck**

A BOND ACT authorizing the issuance of THREE MILLION, THREE HUNDRED FIFTY THOUSAND (\$3,350,000) DOLLARS in bonds of Westchester County to finance Capital Project RB04T - Halstead Avenue Over Mamaroneck River, Mamaroneck.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

Department of Planning

Assistant Commissioner David Kvinge

**15. [2024-437](#) BOND ACT-Amending Bond Act 23-2021-Bridge Rehab. Projects**

A BOND ACT to amend prior Bond Act No. 23-2021 to remove a total authorization of ONE MILLION, EIGHT HUNDRED THOUSAND (\$1,800,000) DOLLARS attributable to Capital Projects RB04C-Lincoln Avenue Bridge Over Blind Brook, Rye Brook, RB04D-Park Avenue Viaduct Over Bronx River Parkway, Yonkers, and RB03Z-Pump House Road Over Peekskill Hollow Brook, Cortlandt, to decrease the estimated maximum amount of bonds authorized from SIX MILLION, ONE HUNDRED THOUSAND (\$6,100,000) DOLLARS to FOUR MILLION, THREE HUNDRED THOUSAND (\$4,300,00) DOLLARS.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

**16. [2024-438](#) BOND ACT(Amended)-RB04C-Lincoln Avenue Bridge Over Blind Brook, Rye Brook**

A BOND ACT (Amended) authorizing the issuance of TWO MILLION, NINE HUNDRED THOUSAND (\$2,900,000) DOLLARS in bonds of Westchester County to finance Capital Project RB04C - Lincoln Avenue Bridge Over Blind Brook, Rye Brook.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

**17. [2024-439](#) BOND ACT(Amended)-RB04D-Park Avenue Viaduct Over Bronx River Pkwy., Yonkers**

A BOND ACT (Amended) authorizing the issuance of FOUR MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$4,750,000) DOLLARS in bonds of Westchester County to finance Capital Project RB04D - Park Avenue Viaduct Over Bronx River Parkway, Yonkers.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

18. [2024-440](#) **BOND ACT(Amended)-RB03Z-Pump House Road Over Peekskill Hollow Brook, Cortlandt**

A BOND ACT (Amended) authorizing the issuance of THREE MILLION, NINE HUNDRED SEVENTY THOUSAND (\$3,970,000) DOLLARS in bonds of Westchester County to finance Capital Project RB03Z - Pump House Road Over Peekskill Hollow Brook, Cortlandt.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

First Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

19. [2024-491](#) **ACT-Agreement-Co. of West. & WCC Federation of Teachers 9-1-19 through 8-31-25**

AN ACT approving certain financial terms and conditions of employment requiring the Legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County and the Westchester County Community College represented by the Westchester Community College Federation of Teachers for the six years commencing September 1, 2019 and ending August 31, 2025.

**COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS AND LABOR & HUMAN RIGHTS**

Joint with LHR.

Guest:

Michael R. Hekle, Attorney at Law-Jackson Lewis P.C.

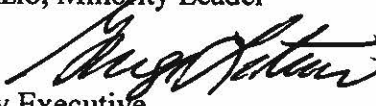
## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

September 12, 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 – WCC91 –  
Technology Upgrade On-Campus 2017/18-2021/22**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$700,000 to finance the following capital project: WCC91.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 6, 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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$700,000 to finance the following capital project:

WCC91 – Technology Upgrade On-Campus 2017/18-2021/22 ("WCC91").

The Bond Act, in the amount of \$700,000, would finance the County's approximately 50% share of the cost of Phase V of WCC91. This phase will allow for comprehensive and long-range planning for preservation and enhancement of technology at the main campus in Valhalla. This phase will include Academic Technology Initiatives, and Network Access Control security replacement. It also includes laptops, personal computers, phone, printer, scanner, server, switch, tape drive, uninterruptible power supply, and wireless improvements.

Westchester Community College (the "College") has advised that the total anticipated cost of Phase V is \$1,400,000, of which 50% will be funded by New York State and 50% by the County.

Following receipt by the College of State funds and bonding authorization from the County, the College anticipates that the work will be completed within approximately twenty-four months. It is anticipated that the design work will be completed by in-house staff.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with prior phases of WCC91 as indicated in the annexed fact sheet.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written over a horizontal line.

George Latimer  
Westchester 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 by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$700,000, to finance a component of capital project WCC91 – Technology Upgrade On-Campus 2017/18-2021/22 (“WCC91”).

The Bond Act, prepared by the law firm Hawkins, Delafield & Wood, will finance the County’s approximately 50% share of the cost of Phase V of WCC91. This phase will allow for comprehensive and long-range planning for preservation and enhancement of technology at the main campus in Valhalla. This phase will include Academic Technology Initiatives, and Network Access Control security replacement. It also includes laptops, personal computers, phone, printer, scanner, server, switch, tape drive, uninterruptible power supply, and wireless improvements.

Westchester Community College (the “College”) has advised that the total anticipated cost of Phase V is \$1,400,000, of which 50% will be funded by New York State and 50% by the County.

Following receipt by the College of State funds and bonding authorization from the County, the College anticipates that the work will be completed within approximately twenty-four months. It is anticipated that the design work will be completed by in-house staff.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with prior phases of WCC91 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, WCC91 may be 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 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 #: WCC91

☐ 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 \$ 700,000 PPU 5 Anticipated Interest Rate 2.49%

Anticipated Annual Cost (Principal and Interest): \$ 152,181

Total Debt Service (Annual Cost x Term): \$ 760,903

Finance Department: maab 9-3-24

## 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):

No Operating Impact

## 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: Dawn Gillins

Title: Assistant Vice President/Comptroller

Department: WCC


Date: 9/6/24

Reviewed By: 

Date: 9/9/24

Budget Director

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: August 6, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC91 TECHNOLOGY UPGRADE ON-CAMPUS 2017/18-2021/22**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
07-16-2024 (Unique ID: 2579)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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)(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.
- 

**COMMENTS:** None

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dawn Gillins, Westchester Community College  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. - 20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE PHASE V OF THE WESTCHESTER COMMUNITY COLLEGE TECHNOLOGY UPGRADE-ON CAMPUS PROGRAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$700,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$700,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; 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, \$700,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance Phase V of the Westchester Community College Technology Upgrade-On Campus program, including Academic Technology Initiatives and Network Access Control Security Replacement as well as laptops, personal computers, phone, printer, scanner, server, switch, tape drive, uninterruptible power supply and wireless, 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 class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,400,000. The plan of financing includes the issuance of \$700,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$700,000 expected to be received from the State of New York to be expended towards the cost of said class of objects or purposes.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$700,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 35 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 \$700,000. 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 \$1,400,000 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 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\_\_\_.

(SEAL)

The Clerk and Chief Administrative Officer  
of the County Board of Legislators  
County of Westchester, New York

## 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 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 \$700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE PHASE V OF THE WESTCHESTER COMMUNITY COLLEGE TECHNOLOGY UPGRADE-ON CAMPUS PROGRAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$700,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$700,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_)

Object or purpose:

to finance Phase V of the Westchester Community College Technology Upgrade-On Campus program, including Academic Technology Initiatives and Network Access Control Security Replacement as well as laptops, personal computers, phone, printer, scanner, server, switch, tape drive, uninterruptible power supply and wireless, 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: \$700,000; five (5) 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

<b>Project ID:*</b> WCC91	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> TECHNOLOGY UPGRADE ON-CAMPUS 2017/18-2021/22	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2579

### Overall Project Description

Westchester Community College provides educational instruction to approximately 22,000 students each year. Such services must be supported in one way or another by technology. This project provides funding for the equipment and installation of state of the art technology at the Valhalla Campus. The purpose is to give long term consideration to assuring the College can keep up with the rapid and on-going changes which occur with information and educational technologies. It will enable the college to maintain its commitment to providing the high level of instruction expected by the residents of Westchester County and all those who attend.

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input type="checkbox"/> Infrastructure |
| <input 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	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
Gross	6,236	6,236	0	0	0	0	0	0
Less Non-County Shares	3,118	3,118	0	0	0	0	0	0
Net	3,118	3,118	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 1,082

**Current Bond Description:** Current bonding approval is necessary to fund the County's 50% share of Phase V of the Technology Upgrade - On Campus. The project costs for this phase totals \$1,400,000 which supports the comprehensive and long range plan for the preservation and enhancement of technology at the main campus in Valhalla. This phase will include Academic Technology Initiatives, and NAC Security Replacement. It also includes laptops, pc, phone, printer, scanner, server, switch, tape drive, ups, wireless which are mostly on a 5 year replacement cycle.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 700,000
Bonds/Notes:	700,000
Cash:	0
Total:	<u>\$ 1,400,000</u>

#### SEQR Classification:

TYPE II

#### Amount Requested:

700,000

#### Expected Design Work Provider:

- |                                       |                                     |  |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|--|

#### Comments:

The amount appropriated for Phase V is \$1,400,000. This bonding request in the amount of \$700,000 represents the County's 50% share of approved Capital Project WCC91 Technology Upgrade On Campus. The state has approved funding on the remaining 50%.

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2017	1,236,000	TECHNOLOGY UPGRADE ON CAMPUS PH I
2018	1,200,000	TECHNOLOGY UPGRADE ON CAMPUS PH II
2019	1,200,000	TECHNOLOGY UPGRADE ON CAMPUS PH III
2020	1,200,000	TECHNOLOGY UPGRADE ON CAMPUS PH IV
2021	1,400,000	TECHNOLOGY UPGRADE ON CAMPUS PH V

**Total Appropriation History:**

6,236,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	99	618,000	250,004	TECHNOLOGY UPGRADE OFF CAMPUS 2017/18-2021/22
22	19	600,000	0	TECHNOLOGY UPGRADE OFF CAMPUS 2017/18-2021/22
23	37	600,000	0	TECHNOLOGY UPGRADE ON-CAMPUS
23	192	600,000	0	TECHNOLOGY UPGRADE OFF CAMPUS - PHASE IV

**Total Financing History:**

2,418,000

**Recommended By:****Department of Planning**

MLLL

**Date**

07-16-2024

**Department of Public Works**

RJB4

**Date**

07-17-2024

**Budget Department**

DEV9

**Date**

07-18-2024

**Requesting Department**

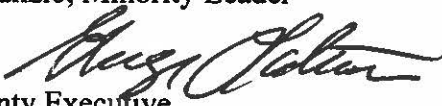
DAGX

**Date**

07-19-2024

September 12, 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 – WCC97 – Virginia Marx Children Center.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$326,000 to finance the following capital project: WCC97.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 6, 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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$326,000 to finance the following capital project:

WCC97 – Virginia Marx Children Center ("WCC97").

The Bond Act, in the amount of \$326,000, would finance the County's approximately 50% share of construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves.

Westchester Community College (the "College") has advised that the Virginia Marx Children Center requires improvements and upgrades in various building systems in order to maintain the operation of comfortable working environments.

The College has advised that the total amount appropriated for WCC97 is \$652,000. This bond request, in the amount of \$326,000, represents the County's 50% share WCC97. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 24 months to complete. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written over the word "Sincerely,".

George Latimer  
Westchester 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 by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$326,000 to finance capital project WCC97 – Virginia Marx Children Center (“WCC97”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the County’s approximately 50% share of construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves.

Westchester Community College (the “College”) has advised that the Virginia Marx Children Center requires improvements and upgrades in various building systems in order to maintain the operation of comfortable working environments.

The College has advised that the total amount appropriated for WCC97 is \$652,000. This bond request, in the amount of \$326,000, represents the County’s 50% share WCC97. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 24 months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, WCC97 may be 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 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**

c mg 7-29-24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC97

☐ 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 \$ 326,000 PPU 10 Anticipated Interest Rate 2.64%

Anticipated Annual Cost (Principal and Interest): \$ 37,769

Total Debt Service (Annual Cost x Term): \$ 377,691

Finance Department: maab 9-3-24

## 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):

No Operating impact

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 3

Prepared by: Dawn Gillins

Title: Assistant Vice President/Comptroller

Department: WCC

Date: 9/6/24


Reviewed By: 

@ 9/9/24  
DVA/1/24

Budget Director

Date: 9/9/24

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: August 29, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WCC97 VIRGINIA MARX CHILDREN CENTER**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 07-16-2024 (Unique ID: 2581)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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.

---

**COMMENTS:** None.

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  
Dawn Gillins, Westchester Community College  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$326,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS TO THE VIRGINIA MARX CHILDREN CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$652,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$326,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$326,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; 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, \$326,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves; 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 \$652,000. The plan of financing includes the issuance of \$326,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds, and the application of \$326,000 expected to be received from the State of New York to be expended towards the cost of said class of objects or purposes.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$326,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.13 of the Law, is ten (10) 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 \$652,000. 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 \$652,000 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 not earlier than \_\_\_\_\_, 20\_\_ and 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 \$326,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS TO THE VIRGINIA MARX CHILDREN CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$652,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$326,000 BONDS HEREIN AUTHORIZED, AND THE APPLICATION OF \$326,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_)

Object or purpose: to finance the cost of the construction of various building system improvements to the Virginia Marx Children Center, including: improvements and upgrades to the HVAC system, generator, controls, as well as replacing the floor tile and actuator valves; 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: \$326,000; ten (10) 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

<b>Project ID:*</b> WCC97	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> VIRGINIA MARX CHILDREN CENTER	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2581

### Overall Project Description

The Virginia Marx Children Center was constructed in 1996 and has 11,833 sq ft. The center provides infant, toddler, and pre-school children's programs. This Virginia Marx Children Center project will address upgrades and replacements.

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input type="checkbox"/> Infrastructure |
| <input 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	2024-25	2025-26	2026-27	2027-28	2028-29	Under Review
<b>Gross</b>	652	652	0	0	0	0	0	0
<b>Less Non-County Shares</b>	326	326	0	0	0	0	0	0
<b>Net</b>	326	326	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 0

**Current Bond Description:** Current bonding approval is necessary to fund the County's 50% share of \$652,000 for this Virginia Marx Children Center Project. This project will address the interior of the Virginia Marx Children Center, which is showing signs of deterioration and has leaks throughout the building. Some systems require upgrades and/or replacements: HVAC, generator, controls, and energy related upgrades are recommended, as well as replacing the floor tile and actuator valves.

### Financing Plan for Current Request:

Non-County Shares:	\$ 326,000
Bonds/Notes:	326,000
Cash:	0
<b>Total:</b>	<b>\$ 652,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

326,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

The amount appropriated for this project is \$652,000. This bonding requests is in the amount of \$326,000 and represents the County's 50% share of approved Capital Project WCC97 Virginia Marx Children Center. The state has approved funding on the remaining 50%.

### Energy Efficiencies:

HVAC

**Appropriation History:**

Year	Amount	Description
2024	652,000	VIRGINIA MARX CHILDREN CENTER

**Total Appropriation History:**  
652,000

**Total Financing History:**  
0

**Recommended By:**

<b>Department of Planning</b>	<b>Date</b>
MLLL	07-16-2024


<b>Department of Public Works</b>	<b>Date</b>
RJB4	07-17-2024

<b>Budget Department</b>	<b>Date</b>
DEV9	07-18-2024

<b>Requesting Department</b>	<b>Date</b>
DAGX	07-19-2024

September 12, 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 – CC108 –  
Safety and Security Improvements – Campus Wide.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,374,000 to finance the following capital project: CC108.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 6, 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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,374,000 to finance the following capital project:

CC108 – Safety and Security Improvements – Campus Wide ("CC108").

The Bond Act, in the amount of \$1,374,000, would finance the County's approximately 50% cost of CC108, consisting of installation of a Security Back-Up Command Center, upgrade and addition of electronic locks and attendant software maintenance, necessary Information Technology upgrades and security systems back-up servers, electronic security components and hardware replacements, upgrade of the Emergency Notification System, installation of new cameras and attendant infrastructure, repairs to the perimeter fence and walls, repairs and upgrades to physical building perimeter access points, service and support for electronic security systems and equipment, and outdoor illumination upgrades.

Westchester Community College (the "College") has advised that the College's security systems need upgrades and improvements.

The College has advised that the total amount appropriated for CC108 is \$2,748,000. This bond request, in the amount of \$1,374,000, represents the County's 50% share of CC108. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 36 months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
Westchester 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 by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,374,000 to finance capital project CC108 – Safety and Security Improvements – Campus Wide (“CC108”). The Bond Act, which was prepared by the law firm Bryant Rabbino LLP, will finance the County’s approximately 50% cost of CC108, consisting of installation of a Security Back-Up Command Center, upgrade and addition of electronic locks and attendant software maintenance, necessary Information Technology upgrades and security systems back-up servers, electronic security components and hardware replacements, upgrade of the Emergency Notification System, installation of new cameras and attendant infrastructure, repairs to the perimeter fence and walls, repairs and upgrades to physical building perimeter access points, service and support for electronic security systems and equipment, and outdoor illumination upgrades,

Westchester Community College (the “College”) has advised that the college’s security systems need further upgrades and improvements.

The College has advised that the total amount appropriated for CC108 is \$2,748,000. This bond request, in the amount of \$1,374,000, represents the County’s 50% share of CC108. The remaining 50% will be funded by New York State.

Following bonding authorization, design will be scheduled and is anticipated to take 36 months to complete. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised your Committee that based on its review, CC108 may be 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 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

c/mg 7-29-24

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

**CAPITAL PROJECT #:** CC108

☐ **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**    \$                    1,374,000            **PPU**    5            **Anticipated Interest Rate**    2.49%

**Anticipated Annual Cost (Principal and Interest):**                    \$    298,709

**Total Debt Service (Annual Cost x Term):**                    \$    1,493,544

**Finance Department:**            maaab 9-3-24

## 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):

No operating impact

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

**Number of Full Time Equivalent (FTE) Jobs Funded:**                    14

**Prepared by:**                    Dawn Gillins

**Title:**                    Assistant Vice President/Comptroller

**Department:**                    WCC


**Date:**                    9/6/24

**Reviewed By:**

*DP 9/17/24  
CP 9/19/24*  
**Date:**

*[Signature]*  
**Budget Director**  
9/9/24

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: August 29, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
CC108 SAFETY AND SECURITY IMPROVEMENTS – CAMPUS WIDE**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
07-16-2024 (Unique ID: 2583)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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)(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.
- 

**COMMENTS:** None.

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  
Dawn Gillins, Westchester Community College  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. \_\_\_\_\_ – 2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,374,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAFETY AND SECURITY IMPROVEMENTS – CAMPUS WIDE AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,748,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,374,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$1,374,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY’S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted September \_\_, 2024)

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, \$1,374,000 bonds of the County of Westchester (the “County”), or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of Safety and Security Improvements – Campus Wide at the Westchester Community College Campus, which consist of the installation of a Security Back-Up Command Center, upgrade and addition of electronic locks and attendant software maintenance, necessary Information Technology upgrades and security

systems back-up servers, electronic security components and hardware replacements, upgrade of the Emergency Notification System, installation of new cameras and attendant infrastructure, repairs to the perimeter fence and walls, repairs and upgrades to physical building perimeter access points, service and support for electronic security systems and equipment, and outdoor illumination upgrades, 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$2,748,000. The plan of financing includes the issuance of \$1,374,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$1,374,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the objects or purposes for which the bonds authorized by this Act are to be issued within the limitations of Section 11.00 a. 35 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 \$1,374,000. 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 \$2,748,000 as the estimated total cost of the aforesaid 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, 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

:

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 \_\_\_\_\_, 2024 and approved by the County Executive on \_\_\_\_\_, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate

seal of said County Board of Legislators this \_\_\_\_\_ day  
of \_\_\_\_\_, 2024

(SEAL)

The Clerk and Chief Administrative Officer of the  
County Board of Legislators

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on September \_\_, 2024 and approved by the County Executive on September \_\_, 2024, 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 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. \_\_\_\_\_ – 2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,374,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAFETY AND SECURITY IMPROVEMENTS – CAMPUS WIDE AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,748,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,374,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$1,374,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID CLASS OF OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted September \_\_, 2024)

object or purpose:                      to finance the cost of Safety and Security Improvements – Campus Wide at the Westchester Community College Campus, which consist of the installation of a Security Back-Up Command Center, upgrade and addition of electronic locks and attendant software maintenance, necessary Information Technology upgrades and security systems back-up servers, electronic security components and hardware replacements, upgrade of the Emergency Notification System, installation of new cameras and attendant infrastructure, repairs to the perimeter fence and walls, repairs and upgrades to physical building perimeter access points, service and support for electronic security systems and equipment, and outdoor illumination upgrades, 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: \$1,374,000; five (5) years

Dated: September \_\_, 2024  
White Plains, New York

Sunday Vanderberg  
Clerk and Chief Administrative Officer of the County  
Board of Legislators of the County of Westchester, New  
York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> CC108	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> SAFETY AND SECURITY IMPROVEMENTS - CAMPUS WIDE	<b>Legislative District ID:</b> 3,
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2583

### Overall Project Description

This Safety and Security Improvements - Campus Wide project is necessary to enhance Westchester Community College's security infrastructure and systems to be adequate and current. The Back-Up Command Center is needed for operational redundancy in the event that the primary Command Center becomes inoperable. The upgrade and addition of electronic locks and attendant software maintenance will provide physical security protection for all interior areas that contain high-value assets or proprietary information.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue                   |
| <input checked="" type="checkbox"/> Security                  | <input type="checkbox"/> Other                   |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	24-25	25-26	26-27	27-28	28-29	Under Review
<b>Gross</b>	2,748	2,748	0	0	0	0	0	0
<b>Less Non-County Shares</b>	1,374	1,374	0	0	0	0	0	0
<b>Net</b>	1,374	1,374	0	0	0	0	0	0

### Expended/Obligated Amount (in thousands) as of : 0

**Current Bond Description:** Current bonding approval in the amount of \$1,374,000 is necessary to fund the County's 50% of this Safety and Security Improvements - Campus Wide project. The project costs total \$2,748,000 for installation of a Security Back-Up Command Center, upgrade and addition of electronic locks and attendant software maintenance, necessary Information Technology upgrades and security systems back-up servers, electronic security components and hardware replacements, upgrade of the Emergency Notification System, installation of new cameras and attendant infrastructure, repairs to the perimeter fence and walls, repairs and upgrades to physical building perimeter access points, service and support for electronic security systems and equipment, and outdoor illumination upgrades.

### Financing Plan for Current Request:

Non-County Shares:	\$ 1,374,000
Bonds/Notes:	1,374,000
Cash:	0
<b>Total:</b>	<b>\$ 2,748,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

1,374,000

### Expected Design Work Provider:

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

### Comments:

The amount appropriated for this project is \$2,748,000. This bonding request in the amount of \$1,374,000 represents the County's 50% share of approved Capital Project WCC108 Safety and Security Improvements - Campus Wide. The state has approved funding on the remaining 50%.

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2024	2,748,000	SAFETY AND SECURITY IMPROVEMENTS - CAMPUS WIDE

**Total Appropriation History:**

2,748,000

**Total Financing History:**

0

**Recommended By:****Department of Planning**

MLLL

**Date**

07-16-2024

**Department of Public Works**

RJB4

**Date**

07-18-2024

**Budget Department**

DEV9

**Date**

07-18-2024

**Requesting Department**

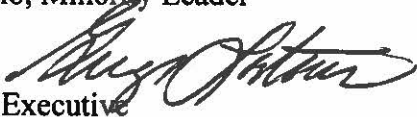
DAGX

**Date**

07-19-2024

September 12, 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: **2 Acts, 1 Resolution,  
and 2 Bond Acts: WD103 & WD105.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a legislative package which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to proceed with Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105"), for the benefit of County Water District No. 1 ("District"), subject to an order issued by the Comptroller of the State of New York ("State Comptroller") permitting the expenditure, as described herein.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 6, 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 legislative package which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to proceed with Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105"), for the benefit of County Water District No. 1 ("District"), subject to an order issued by the Comptroller of the State of New York ("State Comptroller") permitting the expenditure, as described herein.

The Department of Environmental Facilities ("Department") has advised that WD103 and WD105 (together the "Program") will provide for an alternate water supply connection to the New York City Department of Environmental Protection ("DEP") Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting at this time, the study, design, and construction management funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District's infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing Kensico Bronx Pipeline ("KBP"). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply ("UPS") for the District's Central Avenue Pumping Station ultraviolet ("UV") facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP.

As you may recall, your Honorable Board, by Bond Act Nos. 3-2011, 187-2014, and 65-2015, previously authorized the County to issue bonds of the County for WD103, in an amount not-to-exceed \$9,419,000 for the study, design, construction management, and

construction of two UV disinfection facilities; the Central Avenue and Orchard Street facilities, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District. I am advised that these bonds have been partially sold, and at this time, there remains a balance of \$51,780.24. It is now requested that your Honorable Board authorize the issuance of bonds of the County in an amount not-to-exceed \$8,750,000 for the study, design, and construction management of this Program. It is estimated that study and design will take approximately twenty-four (24) months to complete. After design has been completed, a new request for the issuance of bonds of the County for the construction component of the Program will be submitted to your Honorable Board. The total estimated cost for the entire Program is \$105,000,000.

The Department prepared a report dated August 15, 2024 (“District Report”) on behalf of the District, which recommends this Program. In its report, the Department has advised that the Program is necessary for the proper maintenance and service of District facilities and therefore is in the public interest. It will provide greater redundancy and reliability in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements. Based on its review, the Department has determined that the proposed Program is the best, most cost effective option available to the District for this purpose. A copy of the District Report is attached hereto for your Honorable Board’s review.

Your Honorable Board will recall that the District was duly established by Act No. 29-1964 (the “Act”), of the Westchester County Board of Supervisors. The District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of the KBP for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment. The four zones of assessment to assess District costs is as follows: White Plains 30%, Mount Vernon 28%; Yonkers 24%; and Scarsdale 18%.

As your Honorable Board may further recall, Article 5-A of the New York County Law (“Article 5-A”) imposes certain legal requirements on the County before projects can move forward. One such requirement is that your Honorable Board must conclude, after holding a public hearing that the proposed action is in the public interest. In this regard, a proposed resolution authorizing legal notice for the necessary public hearing is attached hereto (“Public Hearing Resolution”), which sets a date for a public hearing and annexes a copy of the notice to be published (“Notice”), as well as directing the Clerk to publish said Notice.

Further, as your Honorable Board may recall, pursuant to Article 5-A, approval of the New York State Comptroller’s Office (“State Comptroller”) is required in certain instances for the issuance of bonds to finance an increase and improvement of water district facilities. Section 268.3 of Article 5-A provides, in pertinent part, that:

“Whenever it is proposed or required that the county in which a district is located shall finance an expenditure or contract for the purposes authorized in this section by the issuance of the bonds...and the cost to the typical property or, if different, the typical one or two family home...is above the average estimated cost to the typical properties or or homes for similar types of expenditures as may be annually computed by the state

comptroller, no such expenditure shall be made or contract let, unless the state comptroller, on behalf of the state, shall consent to such expenditure.” (Emphasis added).

In accordance with the above-referenced section, the State Comptroller typically issues annual guidelines setting forth average estimated costs with respect to, among other things, county water districts. The guidelines designate cost thresholds for such special districts at or below which approval by the State Comptroller’s Office is determined to be unnecessary. For 2024, the State Comptroller published that “there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the State Comptroller’s approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.” The State Comptroller’s Office did not issue a 2024 cost threshold for water districts, so approval of the State Comptroller is required for this Program. A copy of the guidelines has been annexed hereto.

In order to comply with Article 5-A, and for the purposes of the public hearing, the Department, in conjunction with the Finance Department, has calculated that the issuance of \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65, as more fully set forth in the District Report.

Further, in order to obtain the approval of the State Comptroller, State regulations require that the County submit a verified application (“Application”) in the form prescribed by 2 NYCRR Part 85 (“State Regulations”), to the Office of the State Comptroller. The State Regulations further require that your Honorable Board adopt a resolution (“State Regulations Resolution”) stating that it believes the following: the contents of the Application are accurate; that the proposed improvements are in the public interest; that said improvements will not constitute an undue burden on the property that will bear the cost thereof; and if the cost of the proposed improvements are to be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded. Should your Honorable Board, after the conclusion of the public hearing determine that the proposed increase and improvements are in the public interest, the Application and State Regulations Resolution are annexed hereto for your Honorable Board’s review and approval.

In order to proceed with the Program, approval of your Honorable Board is needed as follows:

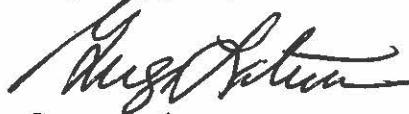
1. Public Hearing Resolution – authorizing a public hearing to be held;
2. Act – authorizing the County to proceed with the Program for the benefit of the District and to implement improvements necessary, subject to an order of the State Comptroller;
3. Act - authorizing that a verified application be submitted to the State Comptroller;

4. State Regulations Resolution – as required by the State Regulations (2 NYCRR Part 85) in order to submit the verified application to the State Comptroller; and

5. Bond Acts – authorizing the issuance of up to an additional \$8,750,000 in bonds of the County to finance the study, design and construction management for the Program, subject to the consent of the State Comptroller authorizing such expenditure.

Accordingly, based upon the importance of this Program, I respectfully recommend that your Honorable Board adopt the Public Hearing Resolution. Furthermore, in the event that your Honorable Board should, following the hearing, conclude that the proposed actions are in the public interest, then I urge adoption of the Public Hearing Resolution, Acts, State Regulations Resolution, and Bond Acts.

Very truly yours,

A handwritten signature in dark ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
County Executive

GL/VK/LAC  
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of a legislative package which, if approved by your Honorable Board would authorize the County of Westchester ("County") to proceed with Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105"), for the benefit of County Water District No. 1 ("District"), subject to an order issued by the Comptroller of the State of New York ("State Comptroller") permitting the expenditure, as described herein.

The Department of Environmental Facilities ("Department") has advised that WD103 and WD105 (together the "Program") will provide for an alternate water supply connection to the New York City Department of Environmental Protection ("DEP") Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District's infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing Kensico Bronx Pipeline ("KBP"). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply ("UPS") for the District's Central Avenue Pumping Station ultraviolet ("UV") facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP.

As your Honorable Board may recall, by Bond Act Nos. 3-2011, 187-2014, and 65-2015, previously authorized the County to issue bonds of the County for WD103, in an amount not-to-exceed \$9,419,000 for the study, design, construction management, and construction of two UV disinfection facilities; the Central Avenue and Orchard Street facilities, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District. Your Committee is advised that these bonds have been partially sold, and at this time, there remains \$51,780.24. It is now requested that your Honorable Board authorize the issuance of bonds of the County in an amount not-to-exceed \$8,750,000 for the study, design, and construction management of the Program. It is estimated that study and design will take approximately twenty-four (24) months to complete. After design has been completed, a new request for the issuance of bonds of the County for the construction component of the Program will be submitted to your Honorable Board. The total estimated cost for the entire Program is \$105,000,000.

Your Committee is advised that the Department prepared a report dated August 15, 2024 (“District Report”) on behalf of the District, which recommends this Program. In its report, the Department has advised that the Program is necessary for the proper maintenance and service of District facilities and therefore is in the public interest. It will provide greater redundancy and reliability in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements. Based on its review, the Department has determined that the proposed Program is the best, most cost effective option available to the District for this purpose. A copy of the District Report is attached hereto for your Honorable Board’s review.

Your Honorable Board will recall that the District was duly established by Act No. 29-1964 (the “Act”), of the Westchester County Board of Supervisors. The District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of the KBP for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment. The four zones of assessment to assess District costs is as follows: White Plains 30%, Mount Vernon 28%; Yonkers 24%; and Scarsdale 18%.

As your Honorable Board may further recall, Article 5-A of the New York County Law (“Article 5-A”) imposes certain legal requirements on the County before projects can move forward. One such requirement is that your Honorable Board must conclude, after holding a public hearing that the proposed action is in the public interest. In this regard, a proposed resolution authorizing legal notice for the necessary public hearing is attached hereto (“Public Hearing Resolution”), which sets a date for a public hearing and annexes a copy of the notice to be published (“Notice”), as well as directing the Clerk to publish said Notice.

Further, as your Honorable Board may recall, pursuant to Article 5-A, approval of the New York State Comptroller’s Office (“State Comptroller”) is required in certain instances for the issuance of bonds to finance an increase and improvement of water district facilities. Section 268.3 of Article 5-A provides, in pertinent part, that:

“Whenever it is proposed or required that the county in which a district is located shall finance an expenditure or contract for the purposes authorized in this section by the issuance of the bonds...and the cost to the typical property or, if different, the typical one or two family home...is above the average estimated cost to the typical properties or or homes for similar types of expenditures as may be annually computed by the state comptroller, no such expenditure shall be made or contract let, unless the state comptroller, on behalf of the state, shall consent to such expenditure.” (Emphasis added).

In accordance with the above-referenced section, the State Comptroller typically issues annual guidelines setting forth average estimated costs with respect to, among other things, county water districts. The guidelines designate cost thresholds for such special districts at or below which approval by the State Comptroller’s Office is determined to be unnecessary. For 2024, the State Comptroller published that “there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the State Comptroller’s approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.” The State Comptroller’s Office did not issue a 2024 cost threshold for water districts, so approval of the State Comptroller is required for this Project. A copy of the guidelines has been annexed hereto.

Your Committee is advised that in order to comply with Article 5-A, and for the purposes of the public hearing, the Department, in conjunction with the Finance Department, has calculated that the issuance of \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the

above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels of the District, the weighted average cost to the typical District property is approximately \$118.65, as more fully set forth in the District Report.

Further, in order to obtain the approval of the State Comptroller, State regulations require that the County submit a verified application ("Application") in the form prescribed by 2 NYCRR Part 85 ("State Regulations"), to the Office of the State Comptroller. The State Regulations further require that your Honorable Board adopt a resolution ("State Regulations Resolution") stating that it believes the following: the contents of the Application are accurate; that the proposed improvements are in the public interest; that said improvements will not constitute an undue burden on the property that will bear the cost thereof; and if the cost of the proposed improvements are to be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded. Should your Honorable Board, after the conclusion of the public hearing determine that the proposed increase and improvements are in the public interest, the Application and State Regulations Resolution are annexed hereto for your Honorable Board's review and approval.

The Department of Planning ("Planning") has advised that based on its review, the actions described in this legislation have been classified as "Type II" pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 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". Therefore, no further environmental review is required. The SEQR status sheets prepared by Planning are annexed hereto. Your Committee has reviewed the status sheets prepared by Planning and concur with this conclusion.

In order to proceed with the Program, approval of your Honorable Board is needed as follows:

1. Public Hearing Resolution – authorizing a public hearing to be held;
2. Act – authorizing the County to proceed with the Program for the benefit of the District and to implement improvements necessary, subject to the approval of the State Comptroller;
3. Act; authorizing that a verified application be submitted to the State Comptroller;

4. State Regulations Resolution – as required by the State Regulations (2 NYCRR Part 85) in order to submit the verified application to the State Comptroller; and

5. Bond Acts – authorizing the issuance of up to an additional \$8,750,000 in bonds to finance the study, design and construction management for the Program subject to the consent of the State Comptroller authorizing such expenditure.

Please note that an affirmative vote of two thirds of the members of your Honorable Board is required in order to adopt the Bond Acts, while a majority vote is required to adopt the remainder of the legislative package.

Your Committee has carefully considered the proposed Program and based on its importance, it is recommended that your Honorable Board adopt the Public Hearing Resolution. Furthermore, in the event that your Honorable Board should, following the public hearing, conclude that the proposed actions are in the public interest, it is recommended that your Honorable Board adopt the remainder of the legislative package.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**RESOLUTION NO. \_\_\_\_ – 2024**

**WHEREAS**, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators (“Board”) duly established County Water District No. 1 (“District”) in 1964 pursuant to Article 5-A of the New York State County Law (“Article 5-A”) by Act No. 29-1964; and

**WHEREAS**, the District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale; and

**WHEREAS**, the District includes four zones of assessment as follows: White Plains 30%; Mount Vernon 28%; Yonkers 24% and Scarsdale 18%, noting that said zones of assessment relate to the apportionment of District costs; and

**WHEREAS**, the Department of Environmental Facilities (“Department”) has prepared and submitted to this Honorable Board a report dated August 15, 2024, as may be amended from time to time (“District Report”), which recommends the following capital projects: Capital Project WD103 – County Water District #1 – Alternate Water Supply (“WD103”) and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline (“WD105”), for the benefit of County Water District No. 1 (“District”), subject to an order issued by the Comptroller of the State of New York (“State Comptroller”) permitting the issuance of bonds of the County for such expenditure; and

**WHEREAS**, WD103 and WD105 (together the “Program”) will provide for an alternate water supply connection to the New York City Department of Environmental Protection (“DEP”) Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District’s infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing

Kensico Bronx Pipeline (“KBP”). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply (“UPS”) for the District’s Central Avenue Pumping Station ultraviolet (“UV”) facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP, which is a specific object or purpose in and for the benefit of the District; and

**WHEREAS**, the County is currently seeking authorization of the issuance of up to \$8,750,000 in bonds of the County to finance the study, design and construction management of the Program, stating the estimated maximum cost of the entire Program is \$105,000,000; noting that the financing plan of the Program includes \$9,419,000 in bonds previously authorized by Act Nos. 3-2011, 187-2014, and 65-2015 for WD103; and

**WHEREAS**, the Department has advised that in order to comply with Article 5-A, and for the purposes of the public hearing, the Department, in conjunction with the Finance Department, has calculated that the issuance of \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65, as more fully set forth in the District Report; and

**WHEREAS**, in accordance with Article 5-A, this Board is required to schedule a public hearing.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that a public hearing shall be held upon the proposed increase and improvement of facilities for the District, as more fully set forth in the District Report dated August 15, 2024 as may be amended from time to time; said hearing to be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_.; and be it further

**RESOLVED**, that the Clerk of the Board is hereby authorized and empowered take all necessary steps in furtherance hereof; and be it further

**RESOLVED**, that the Clerk of the Board is hereby directed to cause notice of such public hearing to be published in the official newspapers of the County of Westchester having a general circulation in the District and in the manner required by law, the first publication thereof to be not less than ten (10) or more than twenty (20) days before the date set forth above for the public hearing. Such Notice shall be substantially in the form attached hereto; and be it further

**RESOLVED**, that this Resolution shall take effect immediately

## NOTICE OF PUBLIC HEARING

Property owners in Westchester County Water District No. 1, comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale ("District") are hereby notified that legislation is currently before the Westchester County Board of Legislators ("Board") to carry out the following proposed Capital Project WD103 – County Water District No. 1 – Alternate Water Supply ("WD103") and Capital Project WD105- County Water District No. 1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105" and together with WD103 the "Program") for the benefit of Water District No. 1 ("District") which is a proposed increase, addition and improvement of District facilities, as more fully set forth herein and in the District Report dated August 15, 2024, as may be amended from time to time ("District Report"). The District Report is available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities.

The issuance of bonds would provide for an alternate water supply connection to the New York City Department of Environmental Protection ("DEP") and would provide Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District's infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing Kensico Bronx Pipeline ("KBP"). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply ("UPS") for the District's Central Avenue Pumping Station ultraviolet ("UV") facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP, which is a specific object or purpose in and for the benefit of the District. The Department has determined that the Program is necessary for the proper maintenance and service of District facilities and therefore is in the public interest. It will provide greater redundancy and reliability in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements. Based on its review, the Department has determined that the proposed Program is the best, most cost effective option available to the District for this purpose.

The County is currently seeking authorization of a bond act to authorize the issuance of up to \$8,750,000 in additional bonds of the County, for the study, design, and construction management of the Program, noting the estimated maximum cost of the Program is \$105,000,000 including \$9,419,000 in previously authorized bonds of the County. The issuance of up to \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65.

Notice is hereby given that a public hearing will be held by the Board of Legislators of Westchester County on the \_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_.m. in the chambers of the Westchester County Board of Legislators, 8th floor, 148 Martine Avenue, White Plains, New York for the purpose of hearing persons or parties interested in the aforementioned increase and improvement of facilities for the District.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

---

Clerk and Chief Administrative Officer of the County  
Board of Legislators Westchester County, New York

**County of Westchester Department of Environmental Facilities**

**CAPITAL PROJECTS WD103 & WD105:**  
**COUNTY WATER DISTRICT NO. 1 -**  
**ALTERNATE WATER SUPPLY &**  
**REHABILITATION OF THE 48-INCH KENSICO-BRONX PIPELINE**

**DISTRICT REPORT**

Dated: August 15, 2024

Vincent F. Kopicki, P. E.  
Commissioner

## **I. INTRODUCTION**

The Department of Environmental Facilities (the “Department”) on behalf of Westchester County Water District No. 1 (the “District”) is proposing an increase, addition and improvement of existing District facilities, which is necessary for the continued effective operation of the District in compliance with state, federal, and local law as described herein, and for which the Department at this time, seeks approval of a bond act of the County, in an amount not to exceed \$8,750,000 to finance the study, design, and construction management of a comprehensive program to rehabilitate, improve, and provide a redundant connection for the 48-inch Kensico-Bronx Pipeline (KBP) (the “Program”). However, at this time, the Department is currently requesting the New York State Comptroller’s approval for a total maximum not-to-exceed cost of \$105,000,000 which accounts for the estimated ultimate total cost of this Program, including the elements of work mentioned above and the construction costs. The Department plans to seek the County’s approval for the construction funding at a later date.

### **Capital Projects WD103 & WD105: County Water District No. 1 – Alternate Water Supply and Rehabilitation of the 48-inch Kensico-Bronx Pipeline**

The current upgrade Program that is the subject of this District Report is described herein in Section III, and will provide funding for the upgrade of drinking water treatment and conveyance equipment and systems, in the District, to improve the reliability of the County’s drinking water service to the member municipalities, which consist of the Village of Scarsdale, and the Cities of White Plains, Mount Vernon, and Yonkers.

The Department’s plan of financing for this Program includes previous requests totaling \$9,419,000 authorized by Bond Act Nos. 3-2011, 187-2014, and 65-2015 for WD103, for the study, design, construction management, and construction of two ultraviolet (UV) disinfection facilities, the Central Avenue facility and the Orchard Street facility, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District.

## **II. BACKGROUND**

By Act No. 29-1964 (the “Act”), the Westchester Board of Supervisors established the District comprising the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of a forty-eight (48) inch pipeline, known as the KBP, owned by the City of New York for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment.

The District includes four (4) zones of assessment, which were established correlating to the municipalities in the District, and the apportionment of taxes for the cost of acquisition, reconstruction, rehabilitation, operation and maintenance of District facilities.

### **III. THE CURRENT RECOMMENDED PROGRAM**

#### **WD103 Alternative Water Supply & WD105 Rehabilitation of the 48-inch Kensico Bronx Pipeline**

The Department is requesting study, design, construction management, and construction funding authorization for the comprehensive upgrade Program that will consist of multiple projects to improve the resiliency, reliability and redundancy of the District's critical delivery infrastructure.

This Program will provide for an alternate water supply connection to the NYCDEP Delaware Aqueduct at Shaft 23, located in the City of Yonkers. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing KBP. The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48-inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize potential impacts of water supply disruptions that would occur due to pipe failures at points along the existing KBP. Improvements to County facilities located at New York City's Shaft 22 in Yonkers, which provides water to the KBP, will also be required, and is included in this approval request.

In addition, this Program will also address the need to install an un-interruptible power supply (UPS) for the District's Central Avenue Pumping Station (CAPS) UV facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages.

The Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48-inch KBP. The overall condition of the existing KBP will be assessed to identify all needed pipe rehabilitation or site drainage improvements as well as evaluating pipe replacement and routing alternatives for new piping. Construction phasing and methods to maintain operations during construction, and preliminary costs estimates for each type of deficiency identified, will also be included in the study. A design for the rehabilitation of the KBP will be developed based on the results of the study.

### **IV. EFFECT ON COST OF OPERATION**

The cost of the proposed improvements for this Program will be assessed against all District properties benefiting from the Program, noting that no benefited property will be excluded.

The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment. The anticipated additional cost is \$340,000 annually.

For purposes of calculating the cost to the typical District property in accordance with Article 5-A of the County Law, the following calculations are based on the total estimated cost of \$105,000,000 as for the portions of the Program described above in Section III.

The County Finance Department has calculated that the issuance of \$105,000,000 in bonds of the County, equates to an estimated annual debt service payment of \$ 6,636,993. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65.

Please refer to Attachment No. 1 for a detailed summary of the estimated total costs for the Program.

## **V. FINDINGS AND RECOMMENDATIONS**

The Department has carefully reviewed the proposed increase and improvement of the District facilities and recommends approval of the above referenced Program. This Program is necessary for the proper maintenance and service of District facilities, and therefore in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements and is the best, most cost effective option available for this purpose.

**Attachment No. 1**

The proposed estimated cost of the portions of the Program described above in Section III include an amount not-to-exceed \$105,000,000 for the benefit of County Water District No. 1 (the "District") which is comprised of four (4) zones of assessment as follows:

<b><u>Municipalities/Zones</u></b>	<b><u>Percent</u></b>	<b><u>Program Cost</u></b>
Mount Vernon	28.00%	\$29,400,000
White Plains	30.00%	\$31,500,000
Yonkers	24.00%	\$25,200,000
Scarsdale	18.00%	\$18,900,000
<b>Total</b>	<b>100.00%</b>	<b>\$105,000,000</b>

The Executive Director of the Westchester County Tax Commission advised the Department that the following are the assessed values that approximate the assessed value of a majority of the typical properties in the municipalities forming the District:

**Municipality Typical Residential Assessed Value:**

City of Mount Vernon:	\$9,807
City of White Plains:	\$14,554
City of Yonkers:	\$11,266
Village of Scarsdale:	\$1,606,457

Following the formula set forth in 2 NYCRR 85.4(q), the Department calculated that it is estimated that the owner of a typical one or two family home will be required to pay \$118.65 "in the first year . . . for debt service, operation and maintenance and other charges...related to the proposed improvements . . . ."

**Vedat Gashi**

Chairman of the Board  
Legislator, 4th District



TO: Hon. Jewel Williams Johnson  
Chair, Budget & Appropriations

Hon. Erika Pierce  
Chair, Public Works & Transportation

FROM: Hon. Vedat Gashi  
Chairman of the Board

DATE: September 18, 2024

RE: Item 2024-480 – PH-Proposed Increase & Improvements of Facilities for County Water Dist. 1 and Item 2024-481 - ACT-Proposed Increase & Improvements of Facilities for County Water Dist. 1

---

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations and Public Works & Transportation:

Thank you.

(ID: 2024-480) **PH-Proposed Increase & Improvements of Facilities for County Water Dist. 1**

A RESOLUTION to set a Public Hearing authorizing the County of Westchester to proceed with Capital Project WD103 - County Water District #1-Alternate Water Supply (WD103) and Capital Project WD105 - County Water District #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline (WD105) for the benefit of County Water District No. 1. [Public Hearing set for \_\_\_\_\_, 2024 at \_\_\_\_ .m.].

(ID: 2024-481) **ACT-Proposed Increase & Improvements of Facilities for County Waste Dist. 1**

AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital Project WD103 and WD105 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York.

CC: Marcello Figueroa  
Dayana Gomez  
James Silverberg  
Sunday Vanderberg

**ACT NO. \_\_\_\_ - 2024**

**AN ACT** to increase and improve Westchester County Water District No. 1 facilities to carry out capital projects WD103 and WD105 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York

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

Section 1. This Board finds, after holding a public hearing pursuant to Section 268 of Article 5-A of the New York County Law, that the proposed increase and improvement to Westchester County Water District No. 1 (“District”), described as Capital Project WD103 – County Water District #1 – Alternate Water Supply (“WD103”) and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline (“WD105” and together with WD103 the “Program”) as set forth in the District Report of the Department of Environmental Facilities dated August 15, 2024 (“District Report”), at a maximum estimated cost of One Hundred Five Million (\$105,000,000) Dollars, is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose.

§2. The County of Westchester, on behalf of the District is hereby authorized and empowered to proceed with the increase and improvement for the District substantially in accordance with the District Report, subject to an order of the Comptroller of the State of New

York approving the expenditure of bonds of the County. The expense shall be proportioned among the benefited municipalities in accordance with the duly established zones of assessment, as follows: City of White Plains 30%; City of Mount Vernon 28%; City of Yonkers 24% and the Village of Scarsdale 18%, of the total cost.

§3. The Clerk of the Board of Legislators shall, within ten (10) days of the enactment of this Act, cause certified copies of this Act to be filed with and recorded in the Office of the County Clerk and shall also file certified copies of this Act with the State Department of Audit and Control in Albany, New York.

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

§5. This Act shall take effect immediately.

**Vedat Gashi**

Chairman of the Board  
Legislator, 4th District



TO: Hon. Jewel Williams Johnson  
Chair, Budget & Appropriations

Hon. Erika Pierce  
Chair, Public Works & Transportation

FROM: Hon. Vedat Gashi  
Chairman of the Board

DATE: September 18, 2024

RE: Item 2024-480 – PH-Proposed Increase & Improvements of Facilities for County Water Dist. 1 and Item 2024-481 - ACT-Proposed Increase & Improvements of Facilities for County Water Dist. 1

---

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations and Public Works & Transportation:

Thank you.

(ID: 2024-480) **PH-Proposed Increase & Improvements of Facilities for County Water Dist. 1**

A RESOLUTION to set a Public Hearing authorizing the County of Westchester to proceed with Capital Project WD103 - County Water District #1-Alternate Water Supply (WD103) and Capital Project WD105 - County Water District #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline (WD105) for the benefit of County Water District No. 1. [Public Hearing set for \_\_\_\_\_, 2024 at \_\_\_\_ .m.].

(ID: 2024-481) **ACT-Proposed Increase & Improvements of Facilities for County Waste Dist. 1**

AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital Project WD103 and WD105 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York.

CC: Marcello Figueroa  
Dayana Gomez  
James Silverberg  
Sunday Vanderberg

ACT NO. \_\_\_\_\_ - 2024

AN ACT to authorize the Chairman of the Board of Legislators or his authorized designee to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County's issuance of bonds for an increase and improvement of facilities of County Water District No. 1

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

Section 1. This Board finds, after holding a public hearing pursuant to Section 268 of Article 5-A of the New York County Law, that the proposed increase and improvement to Westchester County Water District No. 1 ("District"), described as Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105" and together with WD103 the "Program") as set forth in the District Report of the Department of Environmental Facilities dated August 15, 2024 ("District Report"), at a maximum estimated cost of One Hundred Five Million (\$105,000,000) Dollars, is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose. Accordingly, Act No. \_\_\_\_\_-2024 was duly adopted by this Board on \_\_\_\_\_.

§2. This Board finds that pursuant to Section 268 of Article 5-A of the New York County Law, in order to proceed with the proposed increase and improvement to the District, approval of the Comptroller of the State of New York is required.

§3. The Chairman of the Board of the Board or his authorized designee is hereby directed and empowered to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York County Law for an order approving the County's issuance of bonds of the County in an amount not to exceed One Hundred Five Million (\$105,000,000) Dollars for the proposed increase and improvement of District facilities substantially in accordance with the District Report.

§4. This Act shall take effect immediately.

**RESOLUTION NO. \_\_\_\_ – 2024**

**WHEREAS**, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators duly established Water District No. 1 (the "District") in the County of Westchester, New York by Act No. 29-1964; and

**WHEREAS**, by Act No. \_\_\_\_-2024, which was duly adopted by this Honorable Board on \_\_\_\_, 2024, pursuant to the requirements of Section 268 of the New York County Law, this Board found that the proposed increase and improvement of facilities of the District described as Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105" and together with WD103 the "Program") as set forth in the report of the Department of Environmental Facilities dated August 15, 2024 (the "District Report"), is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose; and

**WHEREAS**, pursuant to Article 5-A of the New York County Law, in order to proceed with the proposed increase and improvement of the facilities of the District, approval of the Comptroller of the State of New York (the "State Comptroller") is required; and

**WHEREAS**, by Act No. \_\_\_\_-2024, the Chairman of the Board of Legislators or his authorized designee, was directed to make an application to the State Comptroller ("Application to the State Comptroller") for an order approving the expenditure for the increase and improvement of District facilities, which study, design, and construction management for the Program is to be financed by previously authorized bonds of the County in the amount of \$9,419,000 and the issuance of bonds of the County in an amount not to exceed \$8,750,000 with an additional issuance of bonds of the County at a later date in an amount not to exceed \$86,831,000 for the construction of the Program; and

**WHEREAS**, the regulations of the State Comptroller require that additional determinations be made by this Board with respect to the Application to the State Comptroller.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that by Act No. \_\_\_\_-2024, which was duly adopted by this Honorable Board on \_\_\_\_\_, 2024, this Honorable Board, directed the preparation of the Application to the State Comptroller; and it is further

**RESOLVED**, that this Honorable Board, believes that the contents of the Application to the State Comptroller, which has been submitted to this Board for review, are accurate; and it is further

**RESOLVED**, that this Honorable Board, having adopted Act No. \_\_\_\_-2024, which found that the improvements proposed in the District Report were in the public interest, and now, having reviewed the Application to the State Comptroller, reaffirms its earlier determination and further finds that the proposed improvements will not constitute an undue burden on the property which will bear the cost thereof and to the extent that the cost of the proposed improvements will be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded; and it is further

**RESOLVED**, that this Resolution shall take effect immediately.

-----X  
In the Matter of the Application of the  
County of Westchester to the State of New  
York State Comptroller pursuant to Section 268,  
subsection 3, of Article 5-A of the New York  
County Law for permission for an increase and  
improvement of Westchester County Water  
District No. 1 facilities to proceed with capital projects  
WD103 (County Water District No. 1 Alternate  
Water Supply) and WD105 (County Water District No. 1  
Rehabilitation of the 48 inch Kensico-Bronx Pipeline)  
necessary and desirable for the proper maintenance and  
service of District facilities and to ensure the continued  
effective operation of the District by issuing an amount  
not-to-exceed \$105,000,000 in bonds, notes or other  
evidences of indebtedness of the County.  
-----X

**VERIFIED  
APPLICATION**

Vedat Gashi, being duly sworn, hereby deposes and says:

1. I am the Chairman of the Board of Legislators of Westchester County (the "Board of Legislators") and am making this application to the Comptroller of the State of New York ("State Comptroller") on behalf of Westchester County (the "County") pursuant to Section 268, subsection 3, of the New York County Law for permission for an increase and improvement of Westchester County Water District No. 1 ("Water District No. 1" or the "District") facilities in order to proceed with a capital project identified as WD103 (County Water District No.1 Alternate Water Supply) (hereafter "WD103") and capital project identified as WD105 (County Water District No. 1 Rehabilitation of the 48 inch Kensico-Bronx Pipeline) (hereafter WD105) which are necessary and desirable for the proper maintenance and service of District facilities and to ensure the continued effective operation of the District at a total cost not-to-exceed \$105,000,000 in bonds, notes, certificates or other evidences of indebtedness of the County.

2. I have been directed by §\_ of Act No. \_\_\_\_-2024 of the Board of Legislators, which was duly adopted on \_\_\_\_\_ to execute all instruments and take all actions reasonable, necessary and appropriate to petition the State Comptroller pursuant to Section 268 of the New

York County Law for an order approving the issuance of bonds in a maximum amount not-to-exceed \$105,000,000 by the County for the proposed increase and improvement of facilities of Water District No. 1, substantially in accordance with the district report dated August 15, 2024 (the "District Report") submitted by the Westchester County Department of Environmental Facilities ("Environmental Facilities") on behalf of the District. This application is being made in accordance with the regulations of the State Comptroller which are contained in Title 2, Part 85 of the New York Code of Rules and Regulations ("NYCRR"). For convenience, references will be made in brackets at the end of each point in this application to the applicable provision of the Comptroller's regulations, which that particular point is addressing. A copy of the Committee Report, a certified copy of Resolution No. \_\_\_\_-2024 (which was adopted to set the public hearing required by Section 268 of the New York County Law) and a certified copy of Act No. \_\_\_\_-2024 is annexed hereto and made a part hereof as Exhibit "A". A copy of the District Report for Water District No. 1 is annexed hereto and made a part hereof as Exhibit "B". [Part 85.3]

3. By Act No. \_\_\_\_-2024, the County Board of Legislators determined that the proposed increase and improvement of facilities of Water District No. 1 set forth in the District Report is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose. (See Exhibit "A"). [Part 85.4(a)]

4. Pursuant to two memoranda from the Westchester County Department of Planning ("Planning"), and in accordance with SEQRA regulations, the proposed improvements can be classified as Type II actions. Said memoranda are annexed hereto and made a part hereof as Exhibit "C". [Part 85.3]

5. 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 requires a report of the Westchester County Planning Board (the "Planning Board") with

respect to the physical aspects of the project. The necessary Planning Board resolution and report for WD103 and WD105 are annexed hereto and made a part hereof as Exhibit "D". [Part 85.3]

6. By Resolution No. \_\_\_\_-2024, which was duly adopted on \_\_\_\_\_, 2024, the Board of Legislators directed that this application be prepared, found that the proposed increase and improvement of facilities of Water District No. 1 is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, that the cost of the proposed improvements will be assessed against all benefited properties in said District and that no benefited property will be excluded, and that said Board of Legislators believes that the contents of this application are accurate. A certified copy of Resolution No. \_\_\_\_-2024 is annexed hereto and made a part hereof as Exhibit "E" ("State Regulations Resolution"). [Part 85.3(b) (1)]

7. The opinion of legal counsel is annexed hereto and made a part hereof as Exhibit "F". [Part 85.3(b) (2) and Part 85.5]

8. All statements below are made upon information and belief. I believe that the following statements are true based upon the exhibits which are annexed hereto and made a part of this application and upon information provided to me by various County officials, including staff of the County Departments of Environmental Facilities, Planning, Budget and Finance, as well as, officials from the following four (4) municipalities: City of Mount Vernon; City of White Plains; City of Yonkers; and Village of Scarsdale, which comprise Water District No. 1.

9. All documents and information required to be included by Section 268 of the County Law are as follows: the plan of the proposed increase and improvement of District facilities is the District Report for Water District No. 1, (see Exhibit "B"); a certified copy of Resolution No. \_\_\_\_-2024, authorizing the publication of a Notice of Hearing, which is annexed hereto and made a part hereof as Exhibit "G"; a copy of the proof of publication of the Notice of Public Hearing which was published on \_\_\_\_\_, 2024 (see also Exhibit "G"); the public hearing was held on \_\_\_\_\_, 2024 at \_\_\_\_\_ p.m.; and Act No. \_\_\_\_-2024, which notes that a public hearing was held and that the County Board of Legislators found the proposed increase and improvement

of facilities is in the public interest and which directs the County Commissioner of Environmental Facilities to proceed with the improvement. (see Exhibit "A"). [Part 85.4 (a)].

10. A description of the proposed improvement is contained in the District Report, (see Exhibit "B"). [Part 85.4 (b)].

11. The statement setting forth the maximum cost of the proposed improvement is contained in the District Report, (see Exhibit "B"). [Part 85.4 (c)].

12. The statement containing the factors, which the Board of Legislators considered can be found in Act No. \_\_\_\_-2024 and the accompanying Committee Report (see Exhibit "A"), which references the District Report (see Exhibit "B"). [Part 85.4 (d)]. The primary reasons cited by the Board of Legislators in Act. \_\_\_\_-2024, based upon the information contained in the District Report, are that the proposed increase and improvement is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose. In addition, the District Report (see Exhibit "B") recommends assessing the cost of these improvements over Water District No. 1, pursuant to the previously established zones of assessment. It further indicates that the cost of the proposed improvements will be assessed against all District properties benefiting from the program, noting that no benefited property will be excluded.

13. The statement describing the proposed manner of financing the cost of the improvement is attached hereto as Exhibit "H. [Part 85.4 (e) (1)]. There is no proposed State or Federal aid in connection with the proposed improvement. [Part 85.4 (e) (2)].

14. An estimate of the cost of operating and maintaining the proposed improvement can be found in Section IV of the District Report annexed thereto (see Exhibit "B"). [Part 85.4 (f)].

15. The statements detailing the manner in which it is proposed to raise the cost of debt service and operation and maintenance is contained in Exhibit "H" hereto. [Part 85.4(g)].

(Parts 85.4 (h) and (i) do not apply to this application.)

16. While this application is being made pursuant to Section 268 of the County Law, it is not proposing to establish two or more zones of assessment within the District. It should however be noted that a statement of the allocation of costs of the proposed improvement between the previously established zones of assessment is included in the District Report (see Exhibit "B"). [Part 85.4 (j)].

17. A statement of the average full valuation of the taxable real property of the County computed pursuant to the first paragraph of subdivision seven-a of Section 2.00 of the Local Finance Law is annexed hereto and made a part hereof as Exhibit "I". [Part 85.4 (k)].

18. In lieu of the statements required by subdivisions (l) and (m), the County has submitted its most recent Constitutional Debt Statement which is annexed hereto and made a part hereof as Exhibit "J". [Part 85.4 (n)].

19. The current tax rates and assessments applicable to the taxable real property which will bear the cost of the improvement is annexed hereto and made a part hereof as Exhibit "K". [Part 85.4 (o)].

20. A statement of the assessed value of a Typical Property can be found in Attachment No. 1 to the District Report. (see Exhibit "B"). [Part 85.4 (p)].

21. The statement setting forth the amount it is estimated that the owner of a Typical Property and, if different, a Typical One- or Two-Family Home will be required to pay in the first year following approval of the application, if granted, for debt service, operation and maintenance and other charges, related to the proposed improvement, together with an explanation of how such costs have been computed, can be found in Exhibit "K" attached hereto

and made a part hereof. The figures were prepared for all previously established zones of assessment and are illustrative of the spectrum of property valuation in the District. [Part 85.4 (q)].

22. The statement setting forth the maximum amount any real property owner will be required to pay in the first year following approval of the application, if granted, for debt service, operation, maintenance and other charges related to the proposed improvement, together with an explanation of how such costs have been computed is annexed hereto and made a part hereof as Exhibit "L". [Part 85.4 (r)].

23. Upon information and belief, the only State lands in Water District No. 1 are as set forth in Exhibit "M," which is attached hereto and forms a part hereof. No costs will be borne by the aforementioned State lands, which are exempt. [Part 85.4 (s)].

24. Upon information and belief, there are no areas of the District that are located in an existing or proposed agricultural district. [Part 85.4 (t)].

25. The statement setting forth the population of Water District. No. 1, which will bear the costs of the improvement and the number of one and two-family homes located in Water District No. 1, along with a statement of the assessed value of the Typical One- or Two-Family Home, and a description of any non-residential areas, including the total assessed value thereof is annexed hereto and made a part hereof as Exhibit "N." [Part 85.4 (u)].

26. It has been determined by the governing board that the proposed improvement may benefit vacant land within the District. The status of any proposals for the development of such land was not a factor in the governing board's determination that the cost of the proposed improvements will not constitute an undue burden on the area which will bear the cost of those improvements. That is, that determination is not dependent, in whole or in part, on the development of vacant land. Any such future development will only serve to reduce the cost of the proposed improvement in future years below the maximum cost contained in the District Report. (see Exhibit "B"). [Part 85.4 (v)].

(Part 85.4 (w) does not apply to this application.)

27. No other actions have been taken by the County Board of Legislators, other than those actions required by the applicable provisions of the New York County Law, to apprise the owners of properties which will bear the cost of the proposed improvement of the cost, including estimated first year costs. [Part 85.4 (y)]

28. Upon information and belief, no objections have been received from the owners of real property that will bear the cost of the proposed improvement relating to such costs. [Part 85.4 (z)]

VERIFICATION

STATE OF NEW YORK     )  
                                      )  
COUNTY OF WESTCHESTER)

Vedat Gashi, being duly sworn, deposes and says that he is the Chairman of the County Board of Legislators of the County of Westchester, the applicant named in the above caption; and that he has read the foregoing application and knows the contents thereof; and that the same is true to his own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

\_\_\_\_\_  
Chairman  
Westchester County Board of Legislators

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

**Exhibit "A"**

**COMMITTEE REPORT;**

**CERTIFIED COPY OF ACT NO. \_\_\_\_-2024;**

**CERTIFIED COPY OF ACT NO. \_\_\_\_-2024;**

**AND**

**CERTIFIED COPY OF RESOLUTION NO. \_\_-2024**

**ARE ATTACHED HERETO**

**Exhibit "B"**

**DISTRICT REPORT FOR WATER DISTRICT NO. 1 IS ATTACHED HERETO**

**Exhibit "C"**

**SEQRA MEMORANDA FROM THE WESTCHESTER COUNTY DEPARTMENT OF  
PLANNING IS ATTACHED HERETO**

**Exhibit "D"**

**WESTCHESTER COUNTY PLANNING BOARD RESOLUTION AND REPORT  
ARE ATTACHED HERETO**

**Exhibit "E"**

**CERTIFIED COPY OF STATE REGULATIONS RESOLUTION ATTACHED HERETO**



**Exhibit "F"**

**OPINION OF LEGAL COUNSEL ATTACHED HERETO**



**Exhibit "H"**

**THE PROPOSED MANNER OF FINANCING ATTACHED HERETO**

## BOND DEBT SERVICE

County of Westchester, New York  
 Series 2024 EDS  
 Special District Estimated Debt Service Schedule  
 30 Year Amortization

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/15/2025			2,493,750.00	2,493,750.00	
09/15/2025	1,649,492.66	4.750%	2,493,750.00	4,143,242.66	
12/31/2025					6,636,992.66
03/15/2026			2,454,574.55	2,454,574.55	
09/15/2026	1,727,843.57	4.750%	2,454,574.55	4,182,418.12	
12/31/2026					6,636,992.67
03/15/2027			2,413,538.26	2,413,538.26	
09/15/2027	1,809,916.13	4.750%	2,413,538.26	4,223,454.39	
12/31/2027					6,636,992.65
03/15/2028			2,370,552.76	2,370,552.76	
09/15/2028	1,895,887.15	4.750%	2,370,552.76	4,266,439.91	
12/31/2028					6,636,992.67
03/15/2029			2,325,525.44	2,325,525.44	
09/15/2029	1,985,941.79	4.750%	2,325,525.44	4,311,467.23	
12/31/2029					6,636,992.67
03/15/2030			2,278,359.32	2,278,359.32	
09/15/2030	2,080,274.03	4.750%	2,278,359.32	4,358,633.35	
12/31/2030					6,636,992.67
03/15/2031			2,228,952.81	2,228,952.81	
09/15/2031	2,179,087.04	4.750%	2,228,952.81	4,408,039.85	
12/31/2031					6,636,992.66
03/15/2032			2,177,199.49	2,177,199.49	
09/15/2032	2,282,593.68	4.750%	2,177,199.49	4,459,793.17	
12/31/2032					6,636,992.66
03/15/2033			2,122,987.89	2,122,987.89	
09/15/2033	2,391,016.88	4.750%	2,122,987.89	4,514,004.77	
12/31/2033					6,636,992.66
03/15/2034			2,066,201.24	2,066,201.24	
09/15/2034	2,504,590.18	4.750%	2,066,201.24	4,570,791.42	
12/31/2034					6,636,992.66
03/15/2035			2,006,717.23	2,006,717.23	
09/15/2035	2,623,558.21	4.750%	2,006,717.23	4,630,275.44	
12/31/2035					6,636,992.67
03/15/2036			1,944,407.72	1,944,407.72	
09/15/2036	2,748,177.23	4.750%	1,944,407.72	4,692,584.95	
12/31/2036					6,636,992.67
03/15/2037			1,879,138.51	1,879,138.51	
09/15/2037	2,878,715.65	4.750%	1,879,138.51	4,757,854.16	
12/31/2037					6,636,992.67
03/15/2038			1,810,769.01	1,810,769.01	
09/15/2038	3,015,454.64	4.750%	1,810,769.01	4,826,223.65	
12/31/2038					6,636,992.66
03/15/2039			1,739,151.97	1,739,151.97	
09/15/2039	3,158,688.73	4.750%	1,739,151.97	4,897,840.70	
12/31/2039					6,636,992.67
03/15/2040			1,664,133.11	1,664,133.11	
09/15/2040	3,308,726.45	4.750%	1,664,133.11	4,972,859.56	
12/31/2040					6,636,992.67
03/15/2041			1,585,550.85	1,585,550.85	
09/15/2041	3,465,890.96	4.750%	1,585,550.85	5,051,441.81	
12/31/2041					6,636,992.66
03/15/2042			1,503,235.94	1,503,235.94	
09/15/2042	3,630,520.78	4.750%	1,503,235.94	5,133,756.72	

## BOND DEBT SERVICE

County of Westchester, New York  
 Series 2024 EDS  
 Special District Estimated Debt Service Schedule  
 30 Year Amortization

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/31/2042					6,636,992.66
03/15/2043			1,417,011.08	1,417,011.08	
09/15/2043	3,802,970.51	4.750%	1,417,011.08	5,219,981.59	
12/31/2043					6,636,992.67
03/15/2044			1,326,690.53	1,326,690.53	
09/15/2044	3,983,611.61	4.750%	1,326,690.53	5,310,302.14	
12/31/2044					6,636,992.67
03/15/2045			1,232,079.75	1,232,079.75	
09/15/2045	4,172,833.16	4.750%	1,232,079.75	5,404,912.91	
12/31/2045					6,636,992.66
03/15/2046			1,132,974.96	1,132,974.96	
09/15/2046	4,371,042.74	4.750%	1,132,974.96	5,504,017.70	
12/31/2046					6,636,992.66
03/15/2047			1,029,162.70	1,029,162.70	
09/15/2047	4,578,667.27	4.750%	1,029,162.70	5,607,829.97	
12/31/2047					6,636,992.67
03/15/2048			920,419.35	920,419.35	
09/15/2048	4,796,153.96	4.750%	920,419.35	5,716,573.31	
12/31/2048					6,636,992.66
03/15/2049			806,510.69	806,510.69	
09/15/2049	5,023,971.28	4.750%	806,510.69	5,830,481.97	
12/31/2049					6,636,992.66
03/15/2050			687,191.38	687,191.38	
09/15/2050	5,262,609.91	4.750%	687,191.38	5,949,801.29	
12/31/2050					6,636,992.67
03/15/2051			562,204.39	562,204.39	
09/15/2051	5,512,583.88	4.750%	562,204.39	6,074,788.27	
12/31/2051					6,636,992.66
03/15/2052			431,280.52	431,280.52	
09/15/2052	5,774,431.62	4.750%	431,280.52	6,205,712.14	
12/31/2052					6,636,992.66
03/15/2053			294,137.77	294,137.77	
09/15/2053	6,048,717.12	4.750%	294,137.77	6,342,854.89	
12/31/2053					6,636,992.66
03/15/2054			150,480.74	150,480.74	
09/15/2054	6,336,031.18	4.750%	150,480.74	6,486,511.92	
12/31/2054					6,636,992.66
	105,000,000.00		94,109,779.92	199,109,779.92	199,109,779.92



**Date:** July 29, 2024

**To:** County of Westchester, New York  
148 Martine Ave  
White Plains, New York 10601

**From:** Joseph Nocerino  
Vice President  
Munistat Services, Inc.

**Re:** Water District 1 Amortization Assumptions

In order to assist the County in its application to the Office of the State Comptroller for approval of Water District 1, there follows our statement describing the proposed manner of financing the cost of the project. Munistat Services, Inc. is registered as a Municipal Advisor with the Securities Exchange Commission as well as the Municipal Securities Rulemaking Board. As Advisor to hundreds of municipalities in the State of New York, we advise on the issuance of approximately 150 bond and note issues with a total par amount of over \$1.4 billion on an annual basis.

When issued, the County's bonds will be general obligation bonds, structured with level debt service and sold via competitive public sale. Because of the County's excellent credit ratings of "AAA" from Fitch Ratings, "Aa1" from Moody's Investors Service, and "AA+" from S&P Global, strong debt profile, wealthy tax base, strong reserves and the strength of its management team, the County has historically received a great reception from its investors.

An estimated debt service schedule for the issuance of the bonds is attached. The term of the bonds will be for 30 years. The estimates include a rate of 4.75% which we feel represents a reasonable and conservative rate based on current market conditions.

**Exhibit "I"**

**STATEMENT OF THE AVERAGE FULL VALUATION OF THE TAXABLE REAL  
PROPERTY OF THE COUNTY**

**Statement of Full Valuation of the Taxable Real Property of the County**

Assessment Year	Full Value
2023	230,656,380,857
2022	209,995,464,095
2021	190,866,449,724
2020	187,487,527,225
2019	184,332,939,754
Total	1,003,338,761,655
Avg Full Value	200,667,752,330.99

**Exhibit "J"**

**CONSTITUTIONAL DEBT STATEMENT ATTACHED HERETO**

EXHIBIT J

water and certain sewer facilities and cash or appropriations for current debt service. The constitutional method for determining average full valuation is calculated by taking the assessed valuations of taxable real estate for the last five completed assessment rolls and applying thereto the ratio which such assessed valuation bears to the full valuation; full valuation is determined by the New York State Office of Real Property Services or such other State agency or officer as the State Legislature shall direct. The Legislature also is required to prescribe the manner by which such ratio shall be determined by such authority.

The following table sets forth the debt limit of the County and its debt contracting margin under such constitutional standard.

**TABLE 5**

Summary of Constitutional Debt Statement Prepared as of December 31, 2023

Five-year average full valuation of taxable real property .....	\$200,762,740,689
Debt limit (7% thereof).....	<u>14,053,391,848</u>
Outstanding indebtedness:	
Bonds .....	\$ 1,494,629,305
Bond Anticipation Notes .....	-
Less Exclusions:	
Current year Debt Service Appropriation (principal only)	
General Fund and Special Revenue Fund Airport .....	98,042,526
District Funds .....	11,866,619
Certain Sewer District Debt .....	244,215,510
Water District Debt .....	<u>20,527,912</u>
Total Exclusions .....	<u>374,652,567</u>
Total Net Indebtedness .....	\$ <u>1,119,976,738</u>
Net Debt — contracting margin .....	<u>\$12,933,415,110</u>
Percentage of Debt Contracting Power Exhausted as of December 31, 2023	<u>7.93%</u>

There is no constitutional limitation on the amount that may be raised by the County by tax on real estate in any fiscal year to pay interest and principal on all indebtedness. However, the Tax Levy Limitation Law imposes a statutory limit on the amount of taxes the County may levy. See "FINANCIAL FACTORS - Tax Levy Limitation Law" herein.

In prior years, the County has advance refunded various County bonds by placing the proceeds of the refunding bonds in irrevocable trusts to provide for all future debt service payments. These bonds continued to be general obligations of the County. However, inasmuch as moneys held in an escrow fund will be sufficient to meet all debt service requirements for such bonds, it is not anticipated that any other source of payment will be required. As of December 31, 2023 there is no remaining future debt service for advance refunded bonds.

*General.* The County is further subject to constitutional limitation by the general constitutionally imposed duty on the State Legislature to restrict the power of taxation, assessment, borrowing money, contracting indebtedness and loaning the credit of the County so as to prevent abuses in taxation and assessments and in contracting indebtedness; however, the State Legislature is prohibited by a specific constitutional provision from restricting the power of the County to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limitation Law imposes a statutory limit on the power of the County to increase its annual tax levy. (See "FINANCIAL FACTORS - Tax Levy Limitation Law" herein).

**Exhibit "K"**

**THE CURRENT TAX RATES AND ASSESSMENTS APPLICABLE TO THE TAXABLE  
REAL PROPERTY WHICH WILL BEAR THE COST OF THE IMPROVEMENTS  
IS ATTACHED HERETO**

Westchester County Water District #1	Mount Vernon (28%)	White Plains (30%)	Yonkers (24%)	Scarsdale (18%)	Total	
assessed value of typical home	\$9,807	\$14,554	\$11,266	\$1,606,457		
Project cost	\$29,400,000	\$31,500,000	\$25,200,000	\$18,900,000	\$105,000,000	
Annual Debt share	\$1,858,357.94	\$1,991,097.80	\$1,592,878.24	\$1,194,658.68	\$6,636,993	
Additional O&M	\$95,200.00	\$102,000.00	\$81,600.00	\$61,200.00	\$340,000	
total annual project costs	\$1,953,557.94	\$2,093,097.80	\$1,674,478.24	\$1,255,858.68	\$6,976,993	\$105,340,000 total project cost
2023 taxable assessed value from assessment rolls	\$146,057,523	\$280,525,842	\$465,411,451	\$9,165,980,480		
tax rate Increase for project	\$13.3753	\$7.4613	\$3.5978	\$0.1370		
typical cost Increase calculated	\$131.171	\$108.592	\$40.533	\$220.106	\$118.65	weighted average
2024 county water tax rate	\$9.0086	\$5.0802	\$2.4102	\$0.0923		
2024 tax roll taxable assessed value	\$146,039,014	\$277,465,127	\$467,876,202	\$9,158,361,052		
2024 county water tax per tax rolls (TDV)	\$1,315,614	\$1,409,587	\$1,127,670	\$845,752	\$4,698,623	
2024 typical cost	\$88.35	\$73.94	\$27.15	\$148.35		
new tax rate	\$22.3839	\$12.5416	\$6.0080	\$0.2294		
total typical water cost after improvement	\$219.52	\$182.53	\$67.69	\$368.46	\$209.55	average
rate for project debt on 2024 TAV	12.7251	7.1760	3.4045	0.1304		
rate for project increased O&M on 2024 TAV	0.6519	0.3676	0.1744	0.0067		
typical increase for project debt	\$124.79	\$104.44	\$38.35	\$209.55		
typical increase for project O&M	\$6.39	\$5.35	\$1.96	\$10.74		

**Exhibit "L"**

**STATEMENT SETTING FORTH THE MAXIMUM AMOUNT ANY REAL PROPERTY  
OWNER WILL BE REQUIRED TO PAY IN THE FIRST YEAR IS ATTACHED  
HERETO**

**Exhibit "M"**

**A DESCRIPTION OF THE STATE LANDS OF THE DISTRICT IS ATTACHED  
HERETO**

**Exhibit "N"**

The population of Water District No. I which will bear the costs of the improvements is 359,576.

The number of one and two-family homes located in Water District No. I is the following:

**City of Mount Vernon: 7,315**

**City of White Plains: 7,613**

**City of Yonkers: 23,098**

**Town of Scarsdale: 5,378**

**Cities/Town 2023 Typical Assessed Value of One or Two Family Homes**

<b>City of Mount Vernon</b>	<b>\$9,568</b>
<b>City of White Plains</b>	<b>\$13,336</b>
<b>City of Yonkers</b>	<b>\$11,233</b>
<b>Town of Scarsdale</b>	<b>\$1,607,000</b>

**Nonresidential Areas Total Assessed Value**

<b>City of Mount Vernon</b>	<b>\$114,244,468</b>
<b>City of White Plains</b>	<b>\$288,556,348</b>
<b>City of Yonkers</b>	<b>\$444,557,991</b>
<b>Town of Scarsdale</b>	<b>\$1,450,508,056</b>

ACT NO. \_\_\_\_\_ - 2024

BOND ACT DATED \_\_\_\_\_, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR AN ALTERNATE WATER SUPPLY CONNECTION TO THE DELAWARE AQUEDUCT AT SHAFT 23 IN THE CITY OF YONKERS, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, except for required proceedings to be completed in compliance with Section 268 of the County Law, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such improvement;  
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the design and construction management costs for the for an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes, there are hereby authorized to be issued \$6,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any

details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$6,000,000, and that the plan for the financing thereof is by the issuance of the \$6,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to

the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of

Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to County Water District

No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2024

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York,  
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of  
Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_,  
2024, with the original thereof on file in my office, and that the same is a true and correct transcript  
therefrom and of the whole of said original so far as the same relates to the subject matters therein  
referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to  
Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the  
Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice  
of the time and place of said meeting to be given to the following newspapers and/or other news  
media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2024.

---

Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL)

# **2024 Capital Project Requests**

## **Report of the Westchester County Planning Board**

**July 11, 2023**

George Latimer  
County Executive

Richard Hyman  
Chair  
Westchester County Planning Board

**WD103 County Water District #1 - Alternate Water Supply****FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Approp- riated	2024	2025	2026	2027	2028	Under Review
Gross	93,107	16,857	76,250					
Non-County Share								
County Share	93,107	16,857	76,250					

**Project Description**

This project will fund the installation of two Ultraviolet (UV) facilities at the northern portion of the 48-inch Kensico-Bronx pipeline (KBP) for County Water District #1; and now will provide for an alternate water supply connection at the southern end of the KBP. The first phase of the project included the installation of UV facilities at the Central Avenue Pumping Station (CAPS) and the Orchard Street Pumping Station which are now complete. However, the Westchester County Health Department (WCDOH) has identified some deficiencies in the emergency backup power system that will be addressed in a subsequent phase. Phase II: Design for the southern connection and the facilities emergency backup system upgrade are anticipated to start in 2023 with construction appropriations shown in 2024. A budget modification is requested to increase the 2024 appropriations for Phase II.

**Appropriation Requests**

2003: \$200,000 for Study.

2014: \$9,219,000 for Design and Construction.

2016: \$1,438,000 for Construction and Cost Escalation.

2020: \$1,000,000 for Construction and Cost Escalation.

2021: \$5,000,000 for Construction and Cost Escalation.

2024: \$76,250,000 for Construction.

**Justification**

In 2006, the Long Term 2 Surface Water Treatment ("LT2") Rule established regulations which would require public water suppliers to provide enhanced disinfection treatment of drinking water to reduce potential for contamination from microbial organisms (cryptosporidium and giardia). This alternative connection will provide redundancy and protect against the loss of water in the event of a break in the pipe. Furthermore, the NYC DEP has announced that they will be conducting a series of shutdowns of the Delaware Aqueduct for maintenance. The southern connection portion of this project needs to be expedited in order to provide an alternate water source for the KB Pipeline when the Delaware Aqueduct water supply is unavailable.

**Consistency with Programs or Plans**

The project is consistent with the policies of "Westchester 2025", the County's long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for water distribution and resource management.

**Planning Board Analysis**

**PL2:** The Planning Board acknowledges the importance of protecting drinking water supplies and maintaining those DEF facilities that provide and distribute drinking water. Plans should be coordinated with Planning Department staff to ensure that impacts to the sites and vicinities are kept to a minimum during the proposed work. Plans for the Kensico Dam site will be coordinated with any park improvements planned by the Parks Department.

**RESOLUTION 23-8**  
**WESTCHESTER COUNTY PLANNING BOARD**

2024 Capital Project Requests  
**Adoption of Planning Board Report**

**WHEREAS**, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2024 capital projects to the County Executive, Budget Director and Capital Projects Committee; and

**WHEREAS**, the Planning Department staff prepared a revised draft report on the 2024 capital project requests and provided it to the Planning Board for their review and consideration; and

**WHEREAS**, the Planning Board held a meeting on June 13, 2023 to discuss the draft report on the 2024 capital project requests; and

**WHEREAS**, any additional recommendations, comments and changes suggested by the Planning Board and contained within the minutes of the Planning Board's July 11, 2023 meeting shall be incorporated into the Planning Board Report on the 2024 Capital Project Requests; and

**WHEREAS**, the Planning Board finds that the proposed 2024 Capital Project Requests have been reviewed with respect to the adopted policies of the board including *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*; now, therefore, be it

**RESOLVED**, that the Westchester County Planning Board, pursuant to Section 167.13 of the County Charter, adopts the Planning Board Report on the 2024 Capital Project Requests dated July 11, 2023 as amended by the comments contained in the minutes of the Planning Board's July 11, 2023 meeting.

Adopted this 11<sup>th</sup> day of July, 2023.

  
Richard Hyman, Chair

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD103

☐ 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 \$ 6,000,000 PPU 5 Anticipated Interest Rate 2.85%

Anticipated Annual Cost (Principal and Interest): \$ 1,319,611

Total Debt Service (Annual Cost x Term): \$ 6,598,056

Finance Department: maab 8-23-24

## 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: 65

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 9/7/24

Reviewed By: 

Budget Director

Date: 9/7/24

TO: Lynne Colavita, Senior Assistant County Attorney  
Department of Law

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

DATE: February 21, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WD103 COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
02-07-2024 (Unique ID: 2468)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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 and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/jfg

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  
Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 2024 and approved by the County Executive on \_\_\_\_\_, 2024 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 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. \_\_\_\_\_-2024

BOND ACT DATED \_\_\_\_\_, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR AN ALTERNATE WATER SUPPLY CONNECTION TO THE DELAWARE AQUEDUCT AT SHAFT 23 IN THE CITY OF YONKERS, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

class of objects or purposes:	design and construction management costs for the for an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof
-------------------------------	--

period of probable usefulness:	five years
--------------------------------	------------

amount of obligations to be issued:	\$6,000,000
-------------------------------------	-------------

Dated: \_\_\_\_\_, 2024  
White Plains, New York

---

Clerk of the County Board of Legislators of the County of  
Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> WD103	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-25-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY	<b>Legislative District ID:</b> 5, 17, 16, 15, 14, 13,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2468

### Overall Project Description

Funds from this project will provide an alternate water supply connection for the 48" Kensico Bronx Pipeline (KBP) in County Water District #1. In 2006 the US EPA established regulations which required enhanced disinfection treatment of drinking water. In response to these regulations the County is required to provide two ultraviolet (UV) disinfection facilities in White Plains to serve the northern portion of the KBP which will bring all of CWD#1 into compliance with the mandated regulations.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input 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
<b>Gross</b>	93,107	16,857	0	76,250	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	93,107	16,857	0	76,250	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 10,817

**Current Bond Description:** Design and Construction Management funding for an alternate water supply connection to the NYCDEP Delaware Aqueduct at Shaft 23, located in the City of Yonkers. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing KBP.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,000,000
Cash:	0
<b>Total:</b>	<b>\$ 6,000,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

6,000,000

#### Expected Design Work Provider:

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

#### Comments:

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2003	200,000	STUDY OF ALTERNATE SUPPLY FROM HILLVIEW RESERVOIR, CITY OF MT, VERNON AND YONKERS TO STUDY
2014	9,219,000	DESIGN & CONSTRUCTION OF ULTRA-VIOLET TREATMENT FACILITIES
2016	1,438,000	ADDITIONAL CONSTRUCTION COSTS
2020	1,000,000	COST ESCALATION
2021	5,000,000	DESIGN AND CONSTRUCTION MANAGEMENT OF SOUTHERN CONNECTION.

**Total Appropriation History:**

16,857,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
11	3	200,000	178,890	COUNTY DISTRICT #1 FEASABILITY STUY
14	187	0	0	ALTERNATE WATER SUPPLY FOR COUNTY WATER DISTRICT NO. 1 FOR UVL TREATED WATER
15	65	9,219,000	9,188,329	COUNTY WATER DISTRICT NO. 1 IMPROVEMENTS

**Total Financing History:**

9,419,000

**Recommended By:**

Department of Planning  
SEDR

Date  
02-07-2024

Department of Public Works  
RJB4

Date  
02-08-2024

Budget Department  
DEV9

Date  
02-13-2024

Requesting Department  
JWBA

Date  
02-14-2024

## COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY ( WD103 )

**User Department :** Environmental Facilities

**Managing Department(s) :** Environmental Facilities ; Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** 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	93,107	16,857	10,817		76,250				
Non County Share									
Total	93,107	16,857	10,817		76,250				

### **Project Description**

Funds from this project will provide an alternate water supply connection for the 48" Kensico Bronx Pipeline (KBP) in County Water District #1. In 2006 the US EPA established regulations which required enhanced disinfection treatment of drinking water. In response to these regulations the County is required to provide two ultraviolet (UV) disinfection facilities in White Plains to serve the northern portion of the KBP which will bring all of CWD#1 into compliance with the mandated regulations.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2003	200,000	Study of alternate supply from Hillview Reservoir, City of Mt, Vernon and Yonkers to study	COMPLETE
2014	9,219,000	Design & Construction of Ultra-Violet Treatment Facilities	CONSTRUCTION
2016	1,438,000	Additional construction costs	CONSTRUCTION
2020	1,000,000	Cost escalation	AWAITING BOND AUTHORIZATION
2021	5,000,000	Design and construction management of southern connection.	AWAITING BOND AUTHORIZATION
Total	16,857,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	15,419,000	9,236,303	6,182,697
Funds Revenue	1,438,000	1,438,000	
Total	16,857,000	10,674,303	6,182,697

# COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY ( WD103 )

## Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
3 11	200,000	11/19/15	164,723	21,109
		11/19/15	13,277	
		11/19/15	891	
187 14				
65 15	9,219,000	12/15/16	1,440,364	159,771
		12/15/17	5,567,592	
		12/15/17	922,588	
		12/15/17	12,063	
		12/10/18	955,659	
		12/10/19	149,870	
		12/10/19	11,093	
Total	9,419,000		9,238,120	180,880

ACT NO. \_\_\_\_\_ - 2024

BOND ACT DATED \_\_\_\_\_, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF VARIOUS ASPECTS OF THE KENSICO-BRONX PIPELINE, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, except for required proceedings to be completed in compliance with Section 268 of the County Law, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such improvement;  
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes,

there are hereby authorized to be issued \$2,750,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,750,000, and that the plan for the financing thereof is by the issuance of the \$2,750,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance

Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment,

and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said

County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to County Water District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2024

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York,  
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of  
Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_,  
2024, with the original thereof on file in my office, and that the same is a true and correct transcript  
therefrom and of the whole of said original so far as the same relates to the subject matters therein  
referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to  
Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the  
Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice  
of the time and place of said meeting to be given to the following newspapers and/or other news  
media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL)

# **2023 Capital Project Requests**

**Adopted**

**Report of the  
Westchester County Planning Board**

**July 5, 2022**

George Latimer  
County Executive

Richard Hyman  
Chair  
Westchester County Planning Board

## WD105 CWD #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross	22,750	750	2,000		20,000			
Non-County Share								
County Share	22,750	750	2,000		20,000			

### Project Description

This project will fund the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1. Over the years, various issues have occurred with the 48" KBP, which is approximately 71,000 LF in length, such as breaks, joint leaks and drainage deficiencies. The drainage deficiencies have resulted in erosion of the soil under and over the pipeline. To ensure reliability and continued operation of the 48" KBP, this project will be broken down into study, design and construction phases. A Study will first evaluate its overall condition and identify any needed rehabilitation and drainage improvements as well as study replacement and routing alternatives. Approximate cost estimates for each type of deficiency will be provided and possible construction phasing will be determined once the Study has progressed.

The Study funds have already been appropriated and the study is scheduled to be conducted in 2022. Design and construction appropriations are shown to 2023 and 2025, respectively.

### Appropriation Requests

2018: Study.

2023: Design.

2025: Construction and Construction Management.

### Justification

County Water District No. 1 (CWD #1) comprises the cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. The Kensico-Bronx Pipeline (KBP) 48" connection to the Kensico Reservoir is at the base of the Kensico Dam. Since the 48" KBP has not been rehabilitated since acquisition from the City of New York in 1964, it is necessary to inspect the condition of the pipeline and perform any necessary repairs to ensure the reliability and continued operation.

### Consistency with Programs or Plans

The project is consistent with the policies of "*Westchester 2025*", the County's long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for water distribution and resource management.

## **Planning Board Analysis**

**PL2:** The Planning Board acknowledges the importance of protecting drinking water supplies and maintaining those DEF facilities that provide and distribute drinking water. Plans should be coordinated with Planning Department staff to ensure that impacts to the sites and vicinities are kept to a minimum during the proposed work. Plans for the Kensico Dam site will be coordinated with any park improvements planned by the Parks Department.

RESOLUTION 22 12  
WESTCHESTER COUNTY PLANNING BOARD

2023 Capital Project Requests  
Adoption of Planning Board Report

**WHEREAS**, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2023 capital projects to the County Executive, Budget Director and Capital Projects Committee; and

**WHEREAS**, the Planning Department staff prepared a revised draft report on the 2023 capital project requests and provided it to the Planning Board for their review and consideration; and

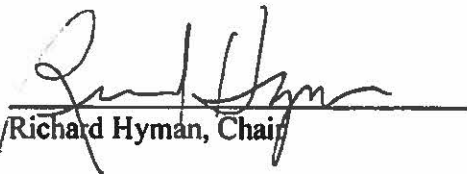
**WHEREAS**, the Planning Board held a meeting on June 8, 2022 to discuss the draft report on the 2023 capital project requests; and

**WHEREAS**, any additional recommendations, comments and changes suggested by the Planning Board and contained within the minutes of the Planning Board's July 5, 2022 meeting shall be incorporated into the Planning Board Report on the 2023 Capital Project Requests; and

**WHEREAS**, the Planning Board finds that the proposed 2023 Capital Project Requests have been reviewed with respect to the adopted policies of the board including *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*; now, therefore, be it

**RESOLVED**, that the Westchester County Planning Board, pursuant to Section 167.13 of the County Charter, adopts the Planning Board Report on the 2023 Capital Project Requests dated July 5, 2022 as amended by the comments contained in the minutes of the Planning Board's July 5, 2022 meeting.

Adopted this 5<sup>th</sup> day of July, 2022.

  
Richard Hyman, Chair

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 2024 and approved by the County Executive on \_\_\_\_\_, 2024 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 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. \_\_\_\_\_-2024

BOND ACT DATED \_\_\_\_\_, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF VARIOUS ASPECTS OF THE KENSICO-BRONX PIPELINE, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

class of objects or purposes:	design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline for the use and benefit of County Water District No. 1, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof
-------------------------------	--

period of probable usefulness:	five years
--------------------------------	------------

amount of obligations to be issued:	\$2,750,000
-------------------------------------	-------------

Dated: \_\_\_\_\_, 2024  
White Plains, New York

---

Clerk of the County Board of Legislators of the County of  
Westchester, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD105

☐ 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 \$ 2,750,000 PPU 5 Anticipated Interest Rate 2.85%

Anticipated Annual Cost (Principal and Interest): \$ 604,822

Total Debt Service (Annual Cost x Term): \$ 3,024,109

Finance Department: maab 8-23-24

## 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: 30

Prepared by: Dianne Vanadia

Title: Associate Budget Director


Department: Budget

Date: 9/7/24

Reviewed By: *Lawrence C. Lantz*

*09/17/24* Budget Director

Date: *9/9/24*

TO: Lynne Colavita, Senior Assistant County Attorney  
Department of Law 

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

DATE: February 21, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
WD105 CWD #1 - Rehabilitation Of The 48 Inch Kensico-Bronx Pipeline**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 02-07-2024 (Unique ID: 2469)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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 study, design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/jfg

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  
Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> WD105	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-25-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE	<b>Legislative District ID:</b> 5, 17, 16, 15, 14, 13,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2469

### Overall Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input 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
<b>Gross</b>	22,750	2,750	0	20,000	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	22,750	2,750	0	20,000	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 0

**Current Bond Description:** Study, Design, and Construction Management funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1. The study will evaluate its overall condition; identify recommended rehabilitation, drainage improvements, replacement, and routing alternatives; and provide conceptual cost estimates. The work will include improvements to County owned facilities located at New York City's Shaft 22 in Yonkers, such as the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves. The project will also include the installation of a new uninterruptible power supply at the Central Avenue Pumping Station.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,750,000
Cash:	0
<b>Total:</b>	<b>\$ 2,750,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

2,750,000

### Expected Design Work Provider:

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

### Comments:

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2018	750,000	EVALUATION STUDY.
2023	2,000,000	DESIGN AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**

2,750,000

**Total Financing History:**

0

**Recommended By:****Department of Planning**

SEDR

**Date**

02-07-2024

**Department of Public Works**

RJB4

**Date**

02-08-2024

**Budget Department**

DEV9

**Date**

02-13-2024

**Requesting Department**

JWBA

**Date**

02-14-2024

## CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE ( WD105 )

**User Department :** Environmental Facilities  
**Managing Department(s) :** Environmental Facilities ; Public Works ;  
**Estimated Completion Date:** TBD  
**Planning Board Recommendation:** 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	22,750	2,750			20,000				
Non County Share									
Total	22,750	2,750			20,000				

### Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

### Current Year Description

There is no current year request.

### Impact on Operating Budget

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

### Appropriation History

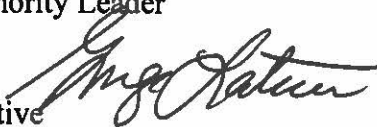
Year	Amount	Description	Status
2018	750,000	Evaluation study.	AWAITING BOND AUTHORIZATION
2023	2,000,000	Design and Construction Management	AWAITING BOND AUTHORIZATION
Total	2,750,000		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,750,000		2,750,000
Total	2,750,000		2,750,000

September 16, 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 – Amendment of Restrictive Covenants – 98 Washington Avenue, Pleasantville.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is an Act, as referenced above.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 16, 2024

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

Dear Honorable Members of the Board of Legislators:

On June 6, 2016, your Honorable Board enacted legislation in connection with “Capital Project BPL10-New Homes Land Acquisition” (“Capital Project BPL10”) and “Capital Project BPL50-Fair and Affordable Housing” (“Capital Project BPL50”), in support of the real property purchase and conveyance by the County of Westchester (the “County”), and development financing for the construction of one (1) building with fourteen (14) affordable rental units that would affirmatively further fair housing (the “Affordable AFFH Units”) at 98 Washington Avenue in the Village of Pleasantville (the “Property”). The Property is currently owned by Migi Asset Acquisition, LLC (“Migi”). Of the fourteen (14) Affordable AFFH Units, three (3) units were to be available to eligible households that earn at or below fifty (50%) percent of the Westchester County area median income (“AMI”), and the remaining eleven (11) units would be available to eligible households that earn up to sixty (60%) percent of AMI, all to remain affordable for a period of not less than fifty (50) years (the “Development”).

In particular, your Honorable Board approved Resolution No. 74-2016 which issued a Negative Declaration declaring that the Property purchase and conveyance, and construction of the Development would have no significant adverse impact on the environment; Act No. 173-2016 which amended the 2016 County Capital Budget for Capital Project BPL50 for an increase in an amount of \$993,000; Act No. 174-2016 which authorized the issuance of bonds of the County in an amount not-to-exceed \$1,800,000 as part of Capital Project BPL10 to finance the Property purchase and conveyance; Act No. 176-2016 which authorized the County to purchase and convey the Property in an amount not to exceed \$1,800,000; and Bond Act No. 175-2016 which authorized the issuance of bonds of the County in an amount not-to-exceed \$993,000 as part of Capital Project BPL50 in support of a portion of the costs of the Development.

The closing for the transaction took place on December 28 2016, and construction of the Development was to be completed on or before June 30, 2020. Migi failed to complete construction of the Development and your Honorable Board subsequently authorized the commencement of litigation by the County against Migi by Act No. 41-2022.

By Act No. 88-2024, your Honorable Board authorized the settlement of the litigation, upon certain terms and conditions detailed in Act No. 88-2024 (the “Settlement”).

Office of the County Executive

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

Telephone: (914)995-2900

email: [ceo@westchestercountyny.gov](mailto:ceo@westchestercountyny.gov)



In accordance with the Settlement, Lifting Up Westchester (“LUW”) has entered into an agreement with Migi for the purchase of the Property in an amount of \$2,100,000. Upon acquisition of the Property, LUW has agreed to complete the construction of the Affordable AFFH Units.

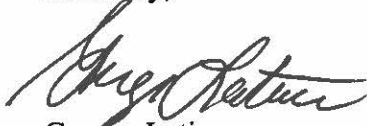
It is anticipated that the County will provide an amount not to exceed \$3,250,000 from the HOME-ARP Program to LUW to assist in the purchase of the Property and the construction of the Development. Pursuant to the requirements of the HOME-ARP Program, ten (10) of the Affordable AFFH Units will be available to households that are homeless and have an income at or below fifty (50%) percent of AMI, with priority given to those who are employed full time. Marketing of these units will be conducted through the County Continuum of Care program. The remaining four (4) units will be available to households with incomes at or below sixty (60%) percent of AMI. These units will be marketed through the County’s approved marketing plan.

I have been advised that on May 3, 2016, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 16-22 which recommended funding for the Property purchase and conveyance, and a portion of the costs for the construction of the Development. Since there is no material change to the plans for the Development, the original Planning Board resolution is still in force and effect. However, I have been informed that the Planning Board was apprised of the Settlement by memorandum as an information item on September 10, 2024. Resolution No. 16-22 and the memorandum are annexed hereto.

Authority is being requested from your Honorable Board to enact the proposed Act in order to approve LUW as the new Developer, to restate and amend the existing Declaration of Restrictive Covenants (“DRC”) in order to allow Migi to assign, and LUW to assume as the new owner, all of the rights and responsibilities included in the DRC, and to amend the affordability requirements as stated herein, for a fifty (50) year period of affordability. Please note that the fifty (50) year period of affordability does not commence until the Affordable AFFU Units are completed and occupied.

Based on the importance of the completion and occupancy of the Affordable AFFH Units, your favorable action on the annexed Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", is written over a horizontal line.

George Latimer  
County Executive

Attachments  
GL/BL/LAC

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

Your Committee is advised that on June 6, 2016, your Honorable Board enacted legislation in connection with “Capital Project BPL10-New Homes Land Acquisition” (“Capital Project BPL10”) and “Capital Project BPL50-Fair and Affordable Housing” (“Capital Project BPL50”), in support of the real property purchase and conveyance by the County of Westchester (the “County”), and development financing for the construction of one (1) building with fourteen (14) affordable rental units that would affirmatively further fair housing (the “Affordable AFFH Units”) at 98 Washington Avenue in the Village of Pleasantville (the “Property”). The Property is currently owned by Migi Asset Acquisition, LLC (“Migi”). Of the fourteen (14) Affordable AFFH Units, three (3) units were to be available to eligible households that earn at or below fifty percent (50%) percent of the Westchester County area median income (“AMI”), and the remaining eleven (11) units would be available to eligible households that earn up to sixty percent (60%) percent of AMI, all to remain affordable for a period of not less than fifty (50) years (the ‘Development”).

In particular, your Honorable Board approved Resolution No. 74-2016 which issued a Negative Declaration declaring that the Property purchase and conveyance, and construction of the Development, would have no significant adverse impact on the environment; Act No. 173-2016 which amended the 2016 County Capital Budget for Capital Project BPL50 for an increase in an amount of \$993,000; Bond Act No. 174-2016 which authorized the issuance of bonds of the County in an amount not-to-exceed \$1,800,000 as part of Capital Project BPL10 to finance the Property purchase and conveyance; Act No. 176-2016 which authorized the County to acquire and convey the Property in an amount not to exceed \$1,800,000; and Bond Act No. 175-2016 which authorized the issuance of bonds of the County in an amount not-to-exceed \$993,000 as part of Capital Project BPL50 in support of a portion of the costs of the Development.

Your Committee is further advised that the closing for the transaction took place on December 28, 2016, and construction of this Development was to be completed on or before June 30, 2020. Migi failed to complete construction of the Development and your Honorable

Board subsequently authorized the commencement of litigation by the County against Migi by Act 41-2022.

Your Committee is further advised that your Honorable Board authorized the settlement of the litigation, upon certain terms and conditions detailed in Act No. 88-2024 (the “Settlement”). As part of the Settlement, Lifting Up Westchester (“LUW”) has entered into an agreement with Migi for the purchase of the Property in an amount of \$2,100,000. Upon acquisition of the property, LUW has agreed to complete the construction of the Affordable AFFH Units.

Further, your Committee is advised that it is anticipated that the County will provide \$3,250,000 from the HOME-ARP Program to assist in the purchase of the Property and the construction of the Development. Pursuant to the requirements of the HOME ARP Program, ten (10) of the Affordable AFFH Units will be available to households that are homeless and have an income at or below fifty (50%) percent of AMI, with priority given to those who are employed full time. Marketing of these units will be conducted through the County Continuum of Care program. The remaining four (4) units will be available to households with incomes at or below sixty (60%) percent of AMI. These units will be marketed through the County’s approved marketing plan.

Your Committee has been advised that on May 3, 2016, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 16-22 which recommended funding for the Property purchase and conveyance, and a portion of the costs for the construction of the Development. Since there is no material change to the plans for the Development, the original Planning Board Resolution is still in force and effect. However, your Committee is informed that the Planning Board was apprised of the Settlement by memorandum as an information item on September 10, 2024. Resolution No. 16-22 and the memorandum are annexed hereto.

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 (“SEQRA”)

have been met. The Department of Planning (“Planning”) has advised that it classified the original action as an Unlisted action. A Short Environmental Assessment Form was prepared and a Negative Declaration was issued by Resolution No. 74-2016 of your Honorable Board. Planning has advised that, since the County’s action merely involves the amendment of the developer constructing the Development and the affordability requirements associated with it, and there is no physical change to the Development itself, with respect to SEQRA, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental reviewed is required and the original Negative Declaration remains valid. A copy of Planning’s memorandum is attached for your Honorable Board’s review. Your Committee concurs with this analysis.

Annexed hereto is a proposed Act which, if enacted would authorize LUW as the new Developer for the construction of the Development, to restate and amend the existing Declaration of Restrictive Covenants (“DRC”) in order to allow Migi to assign, and LUW to assume as the new owner, all of the rights and responsibilities included in the DRC, and to amend the affordability requirements as stated herein, for a fifty (50) year period of affordability. Your Committee is informed that the fifty (50) year period of affordability does not commence until the Affordable AFFU Units are completed and occupied.

After careful review, your Committee believes that the proposed Act is in the best interest of the County and therefore recommends its adoption, noting that it requires no more than an affirmative vote of the majority of your Honorable Board.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**  
c/lac/9.11.24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL50

☒ 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

98 Washington Ave Pleasantville amend for new owner info and affordability requirements

## 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:

n/a

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 9/12/24

Reviewed By:

*09/13/24*  
*09/14/24*

Date:

Budget Director

9/10/24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL10

☒ 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

98 Washington Ave Pleasantville amend for new owner info and affordability requirements

## 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: n/a

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 9/12/24

Reviewed By: 

Budget Director

Date: 9/13/24

TO: Leonard Gruenfeld  
Program Administrator

FROM: David S. Kvinge   
Assistant Commissioner

DATE: September 12, 2024

SUBJECT: **SEQR DOCUMENTATION FOR AMENDMENT OF RESTRICTIVE  
COVENANTS – 98 WASHINGTON AVENUE, PLEASANTVILLE**

---

Pursuant to your request for an environmental review of the above referenced action, the Planning Department has determined that no environmental review is necessary.

The property involves a one affordable housing building located at 98 Washington Avenue in Pleasantville, which was constructed with financial assistance from multiple sources, including the County's New Homes Land Acquisition Fund and Housing Implementation Fund, to facilitate affordable housing. A Negative Declaration was adopted by the County in 2016 for the original project. However, construction was never completed by the original owner and a new owner has entered into an agreement to complete the construction. Authorization of the Board of Legislators is being sought to approve the new developer and restate and amend the existing Declaration of Restrictive Covenants to allow the transfer of the property to the new owner and amend the affordability requirements.

Since the County's action merely involves the amendment of the developer constructing the project and affordability requirements associated with it and there is no physical change to the project itself, with respect to the State Environmental Quality Review (SEQR) Act, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required and the original Negative Declaration remains valid.

cc: Blanca P. Lopez, Commissioner  
Claudia Maxwell, Principal Environmental Planner

**To:** Honorable Members of the Westchester County Planning Board

**From:** Blanca P. Lopez  
Commissioner  
Department of Planning

Leonard Gruenfeld  
Program Director– Community Development  
Department of Planning

**Re:** Information Item  
Change in ownership and Amendment of Declaration of Restrictive Covenants for 98 Washington Avenue in the Village of Pleasantville

**Date:** September 10, 2024

---

In 2016, 98 Washington Avenue in the Village of Pleasantville was assisted by the County of Westchester (the “County”), through both the New Homes Land Acquisition (\$1,800,000) (“NHLA”) and the Fair and Affordable Housing (\$993,000) (“FAH”). This development (the “Development”) was to include the construction of 14 affordable units that would affirmatively further fair housing (“Affordable AFFH Units”). Eight years later, the Development remains incomplete, vacant and a blight in the downtown area of the Village of Pleasantville. Construction and occupancy of this Development by the current owner, Migi Asset Acquisition, LLC (“Migi”) was supposed to have been completed on or before June 30, 2020. Your Honorable Board approved a resolution on May 3, 2016, recommending the County funding proposed to proceed with the Development.

Migi failed to complete construction of the Development and the County commenced litigation against Migi in 2022, pursuant to approval of the County Board of Legislators. Subsequently, the County and Migi reached a settlement of the litigation (the “Settlement”) which included the sale of the Development to a not for profit affordable housing developer and services provider Lifting Up Westchester (“LUW”) in the amount of \$2,100,000. LUW will be responsible for completing construction of the Development. The Settlement was approved by the County Board of Legislators on May 6, 2024.

To facilitate the sale and completion of the Development, it is anticipated that the County will provide an amount not to exceed \$3,250,000 from the HOME-ARP Program to LUW to assist in the purchase of the Property and the construction of the Development. Pursuant to the

requirements of the HOME-ARP Program, ten (10) of the Affordable AFFH Units will be available to households that are homeless and have an income at or below fifty (50%) percent of AMI, with a priority given to those who are employed full time. Marketing of these units will be conducted through the County Continuum of Care program. The remaining four (4) units will be available to households with incomes at or below sixty (60%) percent of AMI. These units will be marketed through the County's approved marketing plan.

Therefore, in accordance with the approved Settlement, the County will proceed, subject to the approval of the County Board of Legislators, to amend the existing Declaration of Restrictive Covenants ("DRC") in order to authorize Migi's assignment of the rights and responsibilities of the DRC, the assumption of the rights and responsibilities of the DRC by LUW, and to amend the affordability requirements of the DRC so as to meet the affordability requirements of the HOME-ARP Program.

As an information item, there is no action required by the Planning Board at this time.

RESOLUTION 16- 22

**WESTCHESTER COUNTY PLANNING BOARD**

**BPL50 Fair and Affordable Housing and BPL10 New Homes Land Acquisition  
Capital Project Funding Requests  
98 Washington Avenue, Village of Pleasantville**

**WHEREAS**, Board of Legislators Act No. 155-2009 (as amended) required the County Budget Office to establish a capital project, which capital project would be financed by \$21.6 million in non-County shares Community Development Block Grant (CDBG) monies in the County's federal HUD account and \$30 million which would be financed by County funds, as required pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with the lawsuit titled, *U.S. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County* ("Settlement Agreement"); and

**WHEREAS**, in furtherance of the foregoing, Capital Project BPL50 Fair and Affordable Housing ("FAH") was created; and

**WHEREAS**, these funds are to be used to finance developments that affirmatively further fair housing ("AFFH") as set forth in 432 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement; and

**WHEREAS**, Westchester County has established Capital Project BPL10 New Homes Land Acquisition ("NHLA") to assist in the acquisition of property associated with the development of affordable housing; and

**WHEREAS**, Westchester County proposes to purchase a 0.17 acre lot, improved with a partially constructed structure that will be demolished, to facilitate construction of 14 affordable AFFH rental units (the "Affordable AFFH Units") at 98 Washington Avenue (the "Development") in the Village of Pleasantville, identified on the tax maps as Section:106.6, Block:1, Lot:44 (the "Property"), and sell it to Marathon Development Group, LTD (the "Developer"), its successors or assigns; and

**WHEREAS**, the County proposes to purchase from the owner of record the Property upon which the Affordable AFFH Units will be built in an amount not-to-exceed \$1,800,000 from BPL10 NHLA and sell it to the Developer, its successors or assigns for one dollar (\$1); and

**WHEREAS**, the County proposes to fund development costs related to the proposed Development in support of the 14 Affordable AFFH Units for an amount not-to-exceed \$993,000 from Capital Project BPL50 FAH; and

**WHEREAS**, following said purchase, and prior to the sale of the Property to the Developer, a Declaration of Restrictive Covenants will be filed against the Property to include affordability restrictions that require the Affordable AFFH units be rented to households with incomes at or below 50% and 60% of the Westchester County Area Median Income for a period of not less than 50 years; and

**WHEREAS**, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators which would amend Capital Project BPL10 NHLA to add the Development in order to authorize bonding in an amount of \$1,800,000 in support of the acquisition of the Property; and

**WHEREAS**, in furtherance of the above, the County Executive will also be submitting legislation to the Board of Legislators which would add this Property to and increase Capital Project BPL50 FAH in an amount of \$993,000 in order to authorize bonding for certain development costs to create the 14 Affordable AFFH Units; and

**WHEREAS**, the Property is located in a census block that meets the requirements set forth in Paragraph 7(a) of the of the Settlement Agreement, under which the County is to ensure the development of at least 750 units of affordable AFFH housing; and

**WHEREAS**, these one- and two-bedroom Affordable AFFH Units will be rented to eligible households pursuant to an approved Affirmative Fair Housing Marketing Plan; and

**WHEREAS**, the funding to support the development of fair and affordable housing is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types affordable to all income levels;" and

**WHEREAS**, the staff of the County Department of Planning has reviewed the proposal and recommends the requested funding associated with the acquisition of the Property and development costs; and

**WHEREAS**, advancement of the development is subject to appropriate approvals by the Village of Pleasantville; now, therefore, be it

**RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the proposed capital projects recommend it, noting that it is currently proposed that the County provide the following:

\$ 1,800,000	BPL10 NHLA Acquisition
\$ 993,000	BPL50 FAH for Development Costs
<b>\$ 2,793,000</b>	<b>Total; and be it further</b>

**RESOLVED**, that the County Planning Board amends its Report on the 2016 Capital Project Requests to include the proposed AFFH Units located at 98 Washington Avenue in the Village of Pleasantville as a new component project in Capital Project BPL10 NHLA and in Capital Project BPL50FAH under the heading of Buildings, Land and Miscellaneous.

Adopted this 3<sup>rd</sup> day of May 2016.

  
Jeremiah Lynch, Chair

**ACT NO. \_\_\_\_ - 2024**

**AN ACT** approving Lifting Up Westchester as the new developer and authorizing the County of Westchester to enter into a Restated and Amended Declaration of Restrictive Covenants to be recorded against 98 Washington Avenue, in the Village of Pleasantville in order to allow the current owner Migi Asset Acquisition, LLC to assign, and Lifting Up Westchester to assume as the new owner, all of the rights and responsibilities included in the original Declaration of Restrictive Covenants, and to amend the affordability requirements for the fifty (50) year period of affordability

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

**Section 1.** The County of Westchester (the "County") hereby approves Lifting Up Westchester as the new developer for the development described in a certain Declaration of Restrictive Covenants recorded against 98 Washington Avenue, in the Village of Pleasantville ("Declaration of Restrictive Covenants"), and hereby authorizes the County to enter into a Restated and Amended Declaration of Restrictive Covenants in order to allow the current owner, Migi Asset Acquisition, LLC to assign, and Lifting Up Westchester to assume as the new owner, all of the rights and responsibilities included in the Declaration of Restrictive Covenants.

§2. The affordability requirements contained in the Declaration of Restrictive Covenants shall be amended as follows: ten (10) of the Affordable AFFH Units will be available to households that are homeless and have an income at or below fifty (50%) percent of the area median income for Westchester County, as established by the U.S. Department of Housing and Urban Development ("AMI"), with a priority given to those who are employed full time. The marketing of these units will be conducted through the County Continuum of Care program. The remaining four (4) units will be available to households with incomes at or below sixty

(60%) percent of AMI. These units will be marketed through the County's approved marketing plan.

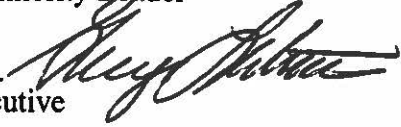
§3. All of the remaining terms and conditions of the Declaration of Restrictive Covenants, except as amended herein, shall remain in full force and effect.

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

**§5. This Act shall take effect immediately.**

September 12, 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 – BPL26 (2442) – Flood Mitigation, and IMA w/Greenburgh.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act (the “Bond Act”) which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to Four Hundred Fifty Thousand (\$450,000.00) Dollars in bonds of the County 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 Greenburgh (the “Town”) setting forth the terms of the flood mitigation project.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



September 6, 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 by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to Four Hundred Fifty Thousand (\$450,000.00) Dollars in bonds of the County 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 Greenburgh (the "Town") setting forth the terms of the flood mitigation project.

The Bond Act, in the amount of Four Hundred Fifty Thousand (\$450,000.00) Dollars, would fund up to 50% of the costs associated with a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan. The analysis will take approximately twenty-four (24) months to complete.

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 Nine Hundred Thousand (\$900,000.00) Dollars. The County will pay to the Town, on a reimbursement basis, an amount not to exceed Four Hundred Fifty Thousand (\$450,000.00) Dollars.

In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") 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. 124-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Bronx River Watershed. Hartsdale Brook is identified as an area 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 Town to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Bronx River Watershed.

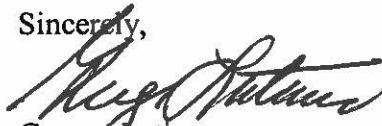
It should be noted that your Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth in the attached fact sheet.

It should be further noted 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 2024 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.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act as well as the Act authorizing the IMA.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written over a horizontal line.

George Latimer  
County Executive

GL/BL/ML/DK/jpg  
Attachments

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

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 \$450,000.00 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 Greenburgh (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 comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan. The analysis will take approximately twenty-four (24) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the Town in connection with the flood mitigation 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 \$900,000.00. The County will pay to the Town, on a reimbursement basis, an amount not-to-exceed \$450,000.00.

Your Committee is advised that this 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. 124-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Bronx River Watershed. Hartsdale Brook is identified as an area 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 Town to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Bronx River Watershed.

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 in the attached fact sheet.

The Planning Department has advised your Committee that based on its review, the above referenced capital project may be 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 environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

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 2024 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 an affirmative vote of a 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.

Dated: \_\_\_\_\_, 2024

White Plains, New York

C:\jpg\3.06.24

COMMITTEE ON

# 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

**HARTSDALE BROOK AREA TOWN OF GREENBURGH**

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 450,000 PPU 5 Anticipated Interest Rate 2.85%

Anticipated Annual Cost (Principal and Interest): \$ 98,971

Total Debt Service (Annual Cost x Term): \$ 494,854

Finance Department: maab 8-29-30

## 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: 5

Prepared by: Michael Lipkin

Title: Associate Planner

Department: Planning

Date: 9/3/24


Reviewed By: 

09/13/24

Budget Director

Date: 9/5/24

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: April 17, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPL26 FLOOD MITIGATION – HARTSDALE BROOK, GREENBURGH**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
02-05-2024 (Unique ID: 2442)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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:** None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Blanca P. Lopez, Commissioner of Planning  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

**RESOLUTION 22- 14**

**WESTCHESTER COUNTY PLANNING BOARD**

**Amendment of Planning Board Report on 2022 Capital Project Requests  
BPL26 Flood Mitigation**

**WHEREAS**, the County of Westchester has established Capital Project **BPL26 Flood Mitigation**, a general fund, to provide a 50% maximum share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County; and

**WHEREAS**, the Town of Greenburgh has submitted an application for County Flood Mitigation funding assistance for the preparation of an engineering analysis focused on developing solutions to flooding in the area of Hartsdale Brook in the Town of Greenburgh, identified as Flood Problem Area GRB-13 in the Stormwater Reconnaissance Plan for the Bronx River Watershed; 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**, the development of the plan will include consultation with the Town of Greenburgh and the Village of Scarsdale and other neighboring municipalities, and any proposed solutions will not create or exacerbate flooding conditions in the Town of Greenburgh, Village of Scarsdale or elsewhere; 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 location to Capital Project BPL26 and authorize bonding to fund project costs; 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 2022 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation proposed study to alleviate flooding in the area of Hartsdale Brook in the Town of Greenburgh.

Adopted this 6<sup>th</sup> day of September 2022

  
Richard Hyman, Chair

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$450,000 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 TOWN OF GREENBURGH IN THE BRONX RIVER STORMWATER RECONNAISSANCE PLAN; STATING THE ESTIMATED TOTAL COST THEREOF IS \$450,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$450,000 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, \$450,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued 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 a comprehensive engineering feasibility analysis towards the

development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan; 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$450,000. The plan of financing includes the issuance of \$450,000 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 \$450,000 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 total amount of \$450,000. 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 \$450,000 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 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\_\_.

(SEAL)                                   The Clerk and Chief Administrative Office of the  
County Board of Legislators County of Westchester,  
New York

## 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 \$450,000 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 TOWN OF GREENBURGH IN THE BRONX RIVER STORMWATER RECONNAISSANCE PLAN; STATING THE ESTIMATED TOTAL COST THEREOF IS \$450,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$450,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)**

**object or purpose:** 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 a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan; 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.

**amount of obligations to be issued:**

**and period of probable usefulness:** \$450,000; five (5) 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

**ACT NO. 2024 - \_\_\_\_\_**

**AN ACT** authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Greenburgh in connection with a flood mitigation project (Capital Project BPL26, Unique ID# 2442).

**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 enter into an intermunicipal agreement (the “IMA”) with the Town of Greenburgh (the “Town”), in substantially the form attached hereto, in connection with a flood mitigation project to be conducted in the Town to mitigate flooding in the area of Hartsdale Brook.

**§2.** The term of the IMA shall commence upon execution thereof by both parties and approval of same by the Office of the County Attorney, and shall continue for a period of five (5) years.

**§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.

**AGREEMENT**, made the            day of            , 2024 by and between

**COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601,

(hereinafter referred to as the “County”)

and

**TOWN OF GREENBURGH**, a municipal corporation of the State of New York, having an office and place of business at 177 Hillside Avenue, Greenburgh, New York 10607,

(hereinafter referred to as the “Municipality”).

### **RECITALS**

**WHEREAS**, in response to serious flooding issues throughout Westchester County, in 2011 the County enacted the Westchester County Storm Water Management Law (“SWML”) 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. The SWML authorizes the creation of a Storm Water Advisory Board (the “SWAB”) to assist County municipalities in addressing flooding; and

**WHEREAS**, the SWML enables the County to partner with municipalities located in Westchester to provide funding for flood mitigation and/or flood damage reduction projects; and

**WHEREAS**, the SWML funding program is divided into “Phase I” funding and “Phase II” funding; and

**WHEREAS**, Phase I funding is up to fifty (50) percent toward the costs for the preparation of detailed engineering analysis, design, specification and construction documents for flood mitigation and/or flood damage reduction projects; and

**WHEREAS**, Phase II funding is up to fifty (50) percent toward the costs for the implementation and construction of flood mitigation and/or flood damage reduction projects; and

**WHEREAS**, approval by the Board of Legislators for Phase I funding does not guarantee approval for Phase II funding; and

**WHEREAS**, the Municipality wishes to participate in the SWML funding program and has submitted an application to the County for Phase I financial assistance to address flooding problems within the Municipality; and

**WHEREAS**, a Storm Water Reconnaissance Plan has been prepared by the County departments of Planning and Public Works and Transportation pursuant to the SWML entitled the Stormwater Reconnaissance Plan for the Bronx River Watershed (the “Reconnaissance Plan”); and

**WHEREAS**, the Reconnaissance Plan was recommended by the SWAB to the County Executive and the Board of Legislators; and

**WHEREAS**, the Board of Legislators approved the Reconnaissance Plan on June 24, 2014 by Act No. 124 - 2014; and

**WHEREAS**, the area of flooding for which the Municipality wishes to participate in the SWML funding program is identified as a flood problem area in the Reconnaissance Plan; and

**WHEREAS**, pursuant to the SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or storm water pipes, and County parkland and other municipal and private property, the County desires to contribute Phase I funding to the costs of a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the in the Stormwater Reconnaissance Plan for the Bronx River (the “Project”), and further described herein, to be undertaken by the Municipality; and

**WHEREAS**, the Municipality has prepared documentation in support of the need for the Project and the Project has been presented to and received support from the County Stormwater Advisory Board.

**NOW, THEREFORE**, in consideration of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

## **ARTICLE I**

### **TERM**

**Section 1.0.** The recitals are hereby incorporated by reference into the body of this Agreement.

**Section 1.1.** The term of this Agreement shall be for a period of five (5) years commencing upon full execution as evidenced by the date on the top of page 1 of this Agreement.

## **ARTICLE II**

### **TERMS OF PAYMENT AND MUNICIPALITY REPRESENTATIONS**

**Section 2.0.** Pursuant to the County's SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or stormwater pipes, and County parkland and other municipal and private property, the County desires at this time to contribute Phase I funding toward a comprehensive engineering feasibility analysis of the Project. The Project is owned by the Municipality and consists of flood mitigation and/or flood damage reduction work. The scope of work for this Phase I funding agreement is more fully described in Schedule "A", attached hereto and made a part hereof. In consideration for the County's aforesaid contribution, the Municipality represents that it shall complete the study of the Project in accordance with Schedule "A" and all of the other terms of this Agreement.

The County agrees to finance the study for the Project on a reimbursement basis. It is recognized and understood by the Municipality that at the time of execution of this Agreement, the County has obtained appropriations and bonding authority to fund its share of the cost of the study for the Project. Eligible project costs up to Nine Hundred Thousand (\$900,000.00 shall be paid up to fifty (50) percent by the County (up to \$450,000.00) and fifty (50) percent by the Municipality; provided, however, should the total eligible project costs be less than \$900,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in relation to the Project that exceed the County's contribution set forth herein, and under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder in connection with this Project except as herein expressly set forth.

The County does not provide or extend any warranty of fitness for a particular purpose or workmanship for any work undertaken in connection with, or paid under, this Agreement. Payment

hereunder by the County shall operate as a release to the County from any and all obligations or liabilities in connection herewith to the Municipality, its contractor(s), or subcontractor(s) hereunder.

**Section 2.1.** The Municipality represents that within one (1) year of the date hereof that the “Flood Mitigation Criteria” as set forth in that certain document entitled “Development and Planning Standards of the Westchester County Flood Action Task Force” developed by the SWAB and approved by the Board of Legislators will have been adopted in the Municipality’s appropriate land use regulations, guidelines and policies or in stand-alone form, and documentation of the adoption of such policies must be provided to and approved by the Commissioner of the County Department of Planning (“Planning Commissioner”). It is understood and agreed to by the Municipality that the payment of County funds under this Agreement for the Project is contingent upon the Municipality’s adoption of the aforesaid policies.

**Section 2.2.** The parties agree that all payments made by the County to the Municipality shall be on a reimbursement basis only. Any and all requests for payment to be made, including any request for partial payment upon completion of a portion of the Project, shall be submitted by the Municipality on an invoice and shall be paid only after approval by the Planning Commissioner and the Commissioner of the Westchester County Department of Public Works and Transportation (“DPWT Commissioner”). The Municipality agrees that it shall submit all documentation that the County may require to substantiate all requests for payment. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall a *final* payment be made to the Municipality prior to completion of the Project and the approval of same by the Planning Commissioner and DPWT Commissioner. If at any time the Municipality shall neglect or fail to perform properly any of its obligations under this Agreement, the County shall have the right to withhold, in whole or in part, any payments otherwise due or to become due to the Municipality hereunder until such neglect or failure shall have been remedied to the reasonable satisfaction of the County.

**Section 2.3.** The Municipality represents warrants and guarantees that:

(a) It is a municipal corporation duly organized, validly existing under the laws of the State of New York; the execution and performance of this Agreement by the Municipality has been duly authorized by its governing body; this Agreement, and any other documents required to be delivered by the Municipality when so delivered, will constitute the legal, valid and binding obligations of the

Municipality in accordance with their respective terms; and the Municipality will deliver to the County at the time of execution of this Agreement a resolution adopted by its governing body authorizing the execution of this Agreement, and any other documents required to be delivered by the Municipality, including the aforesaid Easement;

(b) The person signing this Agreement on behalf of the Municipality has full authority to bind the Municipality to all of the terms and conditions of this Agreement pursuant to the resolution granting such authority by the Municipality's governing body, as noted above;

(c) It is financially and technically qualified to perform its obligations hereunder, including without limitation, full implementation of the Project; and

(d) The Municipality acknowledges that the County is acting in reliance on the above representations.

### **ARTICLE III**

#### **MANAGEMENT OF THE PROJECT**

**Section 3.0.** The Municipality shall be responsible for all engineering phases of the Project, including, but not limited to, any additional study or engineering necessary to fully comply with the requirements of the funding program, final engineering, specifications and designs. The Municipality shall submit any required documentation, including additional engineering or progress reports, to the DPWT Commissioner or his duly authorized representative and to the Planning Commissioner or her duly authorized designee for review, and said design plans and specifications shall be mutually approved by all parties. The Municipality shall fully complete the project tasks as set forth in Schedule "A" and submit proof of such completion to the County for its review and approval on or before eighteen (18) months from the date of the execution of this Agreement by all parties. Notwithstanding the foregoing, the parties may agree to a twelve (12) month extension of time for completion, subject to all necessary legal approvals for such extension of time. In the event that the Municipality fails to complete the scope of work set forth in Schedule "A" and submit proof of such completion to the County in a timely manner as set forth herein, including any twelve (12) month extension agreed to between the parties, it shall remit all funds disbursed hereunder to the County within thirty (30) days of receipt of written request from the County unless an extension of time for completion is mutually agreed to between the parties, subject to all necessary legal approvals for said extension of time.

**Section 3.1.** In connection with the Project, the Municipality shall obtain all required approvals and permits and promptly execute and comply with all statutes, ordinances, rules, orders, regulations, codes and requirements of the Federal, State, County and municipal governments of the County. The Municipality shall also comply with any and all sanitary rules and regulations of the State and County Health Departments and with the State Environmental Quality Review Act. The Municipality shall comply with the aforementioned statutes, ordinances, rules, orders, regulations, codes and requirements in its implementation of the Project including, but not limited to management, operation, maintenance and supervision of same.

**ARTICLE IV**  
**FAIR AND AFFORDABLE HOUSING CONDITIONS**

**Section 4.0.** The Municipality hereby commits to the County that it is in compliance with the terms and conditions set forth in the County's Discretionary Funding Policy annexed hereto and forming a part hereof as Schedule "E" or has submitted documentation to the satisfaction of the County that the Municipality is not considered an eligible municipality under these requirements.

**Section 4.1.** As further consideration for the County's financial contribution toward the Project, the Municipality certifies that it has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions and the Municipality is committed to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions.

**Section 4.2.** The Municipality agrees to offer to the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing ("AFFH").

**Section 4.3.** The Municipality agrees to actively affirmatively further fair housing through its land use regulations and other affirmative measures to assist the development of affordable housing.

**Section 4.4.** The Municipality further agrees to market housing units that affirmatively further fair housing in accordance with Westchester County's Affirmative Fair Housing Marketing Plan throughout the period of affordability.

**Section 4.5.** Nothing in this Agreement is intended to affect the County's interest in the Project or release the Municipality from its obligations under the law with respect to affordable AFFH units.

**Section 4.6.** Should the Municipality fail to abide by any of the above conditions, the Municipality shall, upon thirty (30) days written notice by the County, refund any funds paid to the Municipality under this Agreement.

## **ARTICLE V** **ACCOUNTING**

**Section 5.0.** The Municipality shall cause accurate records and books of account to be maintained in which shall be entered all matters relating to this Agreement, including all liabilities thereof and all expenditures, and payments to any and all contractors or subcontractors involved in the Project. Such books and records shall be maintained in accordance with generally accepted accounting principles, consistently applied and shall be kept at a location within Westchester County. The Municipality will provide the County with documentation, upon the County's request, in order to verify same. The County shall have the right to audit, inspect, examine and copy such books and records of the Municipality at all reasonable times during normal business hours at the office of the Municipality. The County's audit rights hereunder extend to all documents, reports, and records which relate to the Municipality's commitment to affirmatively further fair housing as described in Article IV herein.

## **ARTICLE VI**

### **NOTICES**

**Section 6.0.** All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, (with acknowledgement received and a copy of the notice sent by registered or certified mail, postage pre-paid), as 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. Notices shall be sent to the following:

To the County: Commissioner  
Department of Planning  
County of Westchester  
148 Martine Avenue  
White Plains, New York 1060

Commissioner  
Department of Public Works and Transportation  
County of Westchester  
148 Martine Avenue  
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 Municipality: Town Supervisor  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, New York 10607

with a copy to:

## **ARTICLE VII**

### **INDEMNIFICATION**

**Section 7.0.** To the fullest extent permitted by law, the Municipality shall defend, indemnify and hold harmless the County, its elected officials, officers, employees and agents (the "Indemnitees") from and against, any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly from the Project, including any which may arise from a change in applicable laws, rules and regulations, that may be imposed upon or incurred by or asserted against any of the Indemnitees by reason of any of the following:

(a) **Work.** Any construction, repair, alteration, addition, replacement, restoration or improvement work done by or on behalf of the Municipality in, on or about the Project or any part thereof;

(b) **Use.** The use, occupation, condition, operation, maintenance, management, supervision or development of or providing security for all or any portion of the Project, or the affected portion thereof, by or on behalf of the Municipality, including without limitation, any liability with respect to the any violations imposed by any governmental authorities in respect of any of the foregoing;

(c) **Act or Failure to Act of Municipality.** Any act performed by, or any failure to perform any act required to be performed by the Municipality, a third party under the direction or control of the Municipality, or any of the Municipality's officers, agents, contractors, servants, employees, lessees or invitees in connection with this Agreement or the Project;

(d) **Accidents, Injury to Person or Property.** Any accident, injury, (including death at any time resulting therefrom) or damage to any person, including, without limitation, employees of the Municipality or any Indemnatee, or property occurring in, on, or about the Project or any part thereof; or

(e) **Breach of Municipality's Obligation.** Any failure or refusal on the part of the Municipality to perform its obligations pursuant to this Agreement.

(f) **Municipality's Obligations.** The Municipality's failure, within any applicable grace period, to perform or comply with any of the covenants, terms or conditions contained in this Agreement on the Municipality's part to be kept, observed, performed or complied with within any applicable grace period.

**Section 7.1.** The Municipality hereby further acknowledges and agrees that it shall defend, indemnify and hold harmless the County for any "Environmental Damages" to the Property. "Environmental Damages" shall mean all claims, damages, demands losses, penalties, fines, fees,

liabilities (including strict liability), encumbrances, liens, costs and expenses of investigation and defense of any, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or unmatured, foreseeable or unforeseeable, including, without limitation, reasonable attorney's fees and disbursements and consultants' fees, any of which are incurred as the result of the existence of "Hazardous Material" or "Hazardous Waste" upon, beneath, or about the Property or migrating or threatening to migrate to or from the Property, or the existence of a violation of "Environmental Requirements" pertaining to the Property, regardless of whether the existence of such "Hazardous Materials" or "Hazardous Waste" or the violation of "Environmental Requirements" arose prior to the Municipality or County's ownership of the Property, including, without limitation:

- (i) damages for personal injury, or injury to Property or natural resources occurring upon or off the Property, foreseeable or unforeseeable, including, without limitation, lost profits, consequential damages, the cost of demolition or rebuilding of any improvements of real property, interest and penalties;
- (ii) fees incurred for the service of attorneys, consultants, contractors or experts, laboratories and all other costs incurred in connection with the investigation or remediation of such "Hazardous Materials" or "Hazardous Waste" or violation of "Environmental Requirements" including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or reasonably necessary to make the full use of the Property or any other property or otherwise expended in connection with such conditions; and
- (iii) liability to any third person or governmental agency to indemnify such person or agency for the costs expended in connection with the items referenced in subparagraph (ii) herein;
- (iv) diminution in the value of the Property and damages for loss of business and restriction on the use of the Property or any part thereof.

**Section 7.1.a. Definitions.** For the purposes of this Agreement, the following definitions shall apply:

- (1) "Hazardous Materials" or "Hazardous Waste" shall mean any substance:
  - (i) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy or common law; or
  - (ii) which is or becomes defined as a hazardous waste, hazardous substance, pollutant or contaminant under any federal, state or local statute, regulation, rule, or ordinance or

amendments thereto including, without limitations, the United States Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC §9601 (14) 42 USC §9602 and any “hazardous waste” as defined in or listed under the United States Solid Waste Disposal Act, as amended, 42 USC §6901(5), 42 USC §6921; or

(iii) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of New York or any political subdivision thereof; or

(iv) the presence of which, on the Property, causes or threatens to cause a nuisance on the Property or to nearby properties or poses or threatens to pose a hazard to the health and safety of persons on, about or nearby the Property; or

(v) the presence of which on nearby properties would constitute a trespass by the owner of the Property; or

(vi) without limitation which contains gasoline, diesel fuel, or other petroleum hydrocarbons; or

(vii) without limitation which contains polychlorinated bipheynols (PCBs), asbestos, or urea formaldehyde foam insulation.

(2) “Environmental Requirements” shall mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all government agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, the State of New York and the political subdivisions thereof; and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment.

**Section 7.2.** The Municipality shall promptly notify the County in writing of any claims made or any suits instituted against the Municipality of which it has knowledge arising from its performances hereunder or in connection with this Agreement or in connection with the Project.

**Section 7.3.** In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of all or part of this Article, then the Municipality shall reimburse the County’s reasonable attorney’s fees incurred in connection with the defense of any action, and in connection with enforcing all or part of this Article of the Agreement.

**Section 7.4.** This Article shall survive termination or expiration of this Agreement.

**ARTICLE VIII**  
**MISCELLANEOUS**

**Section 8.0.** Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void.

**Section 8.1.** The Municipality shall submit documentation to the County demonstrating compliance with the State Environmental Quality Review Act and its implementing regulations ("SEQR"), including those activities that have been determined not to constitute an action as defined by SEQR or activities determined to be Type II actions as defined by SEQR. The Municipality shall act as the lead agency for meeting the requirements of SEQR for any Unlisted or Type I action that is undertaken pursuant to this Agreement, unless otherwise directed by the Planning Commissioner. The Municipality shall include the County as an Involved Agency (as defined in SEQR) in all matters relating to SEQR and conduct a coordinated review where applicable.

**Section 8.2.** The failure of the County to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the County may have and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

**Section 8.3.** It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns.

**Section 8.4.** This Agreement and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties, and approved by the Office of the County Attorney.

**Section 8.5.** It is recognized and understood that the Municipality is not an agent of the County and in accordance with such status, the Municipality, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the term of this Agreement neither hold themselves out as, nor claim to be acting in the capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

**Section 8.6.** The Municipality shall comply with the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions," attached hereto and made a part hereof. The Municipality may, in lieu of procuring and maintaining the aforesaid insurance, elect to obtain such coverage through a program of self-insurance, which coverage and program shall be in accordance with generally accepted standards for similarly situated entities. In addition to the foregoing, the Municipality shall contractually ensure that all of its contractors, subcontractors and/or independent contractors (individually a "Contractor" or collectively, the "Contractors") that are engaged to construct the Project shall provide such insurance coverage as described in Schedule "C" naming as additional insured, the Municipality and the County and their respective officials (elected or otherwise), officers, employees and agents (collectively the "Additional Insureds"). The Municipality shall require, before the Project commences that each such insurance policy be endorsed to contain the following clauses: (a) the insurer shall have no right to recovery or subrogation against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents), it being the intention that the insurance policy shall protect both the insured and the Additional Insureds and be primary coverage for any and all losses covered by such insurance; (b) the clause "other insurance provisions" in any such insurance policy shall not apply to the Additional Insureds or their insurance policies; (c) the insurer issuing the policy shall have no recourse against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents) for payment of any premiums or for assessments under any form of policy; and (d) any and all deductibles in such insurance policy shall be assumed by and be for the account of, and at the sole risk of the Contractor.

**Section 8.7.** This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

**Section 8.8.** In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

**Section 8.9.** This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account thereof shall be incurred by the County beyond the amount of such appropriated funds.

**Section 8.10.** All covenants, stipulations, promises, agreements and obligations of the Municipality and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Municipality and the County and not of any member, officer or employee of the Municipality or the County in his/her individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Municipality or the County or any natural person executing this Agreement.

**Section 8.11.** The parties represent that they have all requisite power and authority to execute, deliver and perform this Agreement, and this Agreement has been duly authorized by all necessary action on the part of the parties. The parties each agree to execute and deliver such further instruments and to seek such additional authority as may be required to carry out the intent and purpose of this Agreement, including providing the County with any necessary property interests in the Project in order for the County to fund the Project.

**Section 8.12.** This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.

**Section 8.13.** Nothing in this Agreement shall act to confer third-party beneficiary rights on any person or entity not a party to this Agreement.

**Section 8.14.** The headings in this Agreement are for reference purposes only and shall not be used in construing the terms of this Agreement.

**Section 8.15.** The Municipality agrees to comply with the terms set forth in Schedule "D", attached hereto and made a part hereof, regarding Vendor Direct Payment Terms.

**Section 8.16.** The Municipality hereby acknowledges that any provision of this Agreement which requires consent of the County shall be subject to receipt by the County of any and all necessary legal approvals.

**Section 8.17.** No director, officer, employee, agent or other person authorized to act on behalf of the County shall have any personal liability in connection with this Agreement or any failure of the County to perform its obligations hereunder. No director, officer, employee, agent or other person authorized to act on behalf of the Municipality shall have any personal liability in connection with this Agreement or any failure of the Municipality to perform its obligations hereunder.

**Section 8.18.** The Municipality agrees to allow the County reasonable access to the Project, during normal business hours, to permit inspection and observation of the Project. The Municipality may require the County to provide reasonable notice prior to such inspection and observation.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement on the day and year first above written.

**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Blanca Lopez  
Acting Commissioner of Planning

**TOWN OF GREENBURGH**

By: \_\_\_\_\_  
Name:  
Title:

Approved by the Board of Legislators of the County of Westchester by Act No. 2024-\_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Town Board of the Town of North Salem on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Approved

\_\_\_\_\_  
Sr. Assistant County Attorney  
County of Westchester

**MUNICIPALITY'S ACKNOWLEDGMENT**

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

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_,  
(Officer other than officer signing contract)

certify that I am the \_\_\_\_\_ of  
the \_\_\_\_\_  
(Title)  
(the "Municipality")

a municipal corporation duly organized and in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the  
New York Business Corporate Law)

named in the foregoing agreement; that \_\_\_\_\_

(Person executing agreement)  
who signed said agreement on behalf of the Municipality was, at the time of execution

(Title of such person)  
of the Municipality and that said agreement was duly signed for and on behalf of said Municipality  
by authority of its Board of \_\_\_\_\_, thereunto duly authorized and that  
such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me personally came  
\_\_\_\_\_, whose signature appears above, to me known,  
and known to me to be the \_\_\_\_\_ of \_\_\_\_\_  
(Title)

\_\_\_\_\_, the Municipality described in and which  
executed the above certificate, who being by me duly sworn did depose and say that he/she, the said  
\_\_\_\_\_ of said Municipality resides at \_\_\_\_\_  
\_\_\_\_\_, and that he/she signed his/her name  
hereto by order of the Board of \_\_\_\_\_ of said Municipality.

\_\_\_\_\_  
Notary Public  
County of \_\_\_\_\_

**SCHEDULE "A"**

**SCOPE OF WORK**

The Scope of Work for the Project shall include any work associated with the following tasks. Funds may be moved between tasks, subject to review and approval by the County. Reimbursements will be made in accordance with the requirements and procedures specified in this agreement. The total amount reimbursed by the County shall not exceed the maximum amount stated herein.

<b>SCOPE TASK</b>		<b>AMOUNT</b>	<b>50%</b>
1.a.	Project management and Grant Administration	\$30,000	\$15,000
1.b.	Boundary Topographic and Utility Survey	\$147,000	\$73,500
1.c.	Geotechnical Investigation	\$170,000	\$85,000
1.d.	Phase 1 Environmental Site Assessment	\$8,000	\$4,000
1.e.	Phase 2 Environmental Site Assessment	\$60,000	\$30,000
2	Historic Resources Assessment	\$7,000	\$3,500
3	Archeological Resources Assessment	\$3,000	\$1,500
4	Natural Resources Assessment	\$8,000	\$4,000
5	Hydrologic and Hydraulic Sensitivity Analysis	\$73,000	\$36,500
6	Permitting Analysis	\$8,000	\$4,000
7	Stakeholder Coordination & Outreach	\$20,000	\$10,000
8	Alternative Development	\$38,000	\$19,000
9	Final Feasibility Report	\$28,000	\$14,000
10	Contingency	\$300,000	\$150,000
<b>Subtotal</b>		<b>\$900,000</b>	<b>\$450,000</b>
<b>10% Contingency</b>			
<b>TOTAL</b>		<b>\$900,000</b>	<b>\$450,000</b>

**SCHEDULE "B"**

**Omitted**

DRAFT

## **SCHEDULE "C"**

### **STANDARD INSURANCE PROVISIONS** **(MUNICIPALITY)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
  - i. Premises - Operations.
  - ii. Broad Form Contractual.
  - iii. Independent Contractor and Sub-Contractor.
  - iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
  - (i) Owned automobiles.
  - (ii) Hired automobiles.
  - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

**SCHEDULE "D"**  
**VENDOR DIRECT PAYMENT TERMS**

**Westchester County Vendor Direct Program Frequently Asked Questions**

**1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?**

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

**2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?**

Yes.

**3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?**

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

**4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?**

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

**5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?**

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

**6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?**

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

**7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?**

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

**8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?**

This is to ensure the authenticity of the account being set up to receive your payments.

## INSERT VENDOR DIRECT FORM

DRAFT

## **SCHEDULE “E”**

County’s Discretionary Funding Policy attached hereto.

### **WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING IMPLEMENTATION PLAN August 9, 2010**

---

**Appendix D-2(ii):** Discretionary Funding Allocation Policy  
as approved January 10, 2012

## **DISCRETIONARY FUNDING POLICY**

In August 2009, Westchester County entered into a Stipulation and Order of Settlement and Dismissal in *US. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County, New York* (the "Settlement Agreement"). Beginning on March 1, 2012, the grant of discretionary intermunicipal funding, including but not limited to County Open Space funds and CDBG funding, ("Discretionary Funding") to municipalities eligible under the Settlement Agreement ("Recipient Eligible Municipalities") shall be conditioned, as appropriate, upon the Recipient Eligible Municipality's commitment to affirmatively further fair housing within its borders. This policy does not apply to municipalities in Westchester County other than the Recipient Eligible Municipalities.

Each Recipient Eligible Municipality shall be required to commit to the County, in writing, that it is in compliance with the following terms and conditions in connection with its commitment to affirmatively further fair housing:

- (a) Recipient Eligible Municipality has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions approved pursuant to the Settlement Agreement and demonstrate a commitment by the Recipient Eligible Municipality to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions;
- (b) Recipient Eligible Municipality will offer the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing; and
- (c) Recipient Eligible Municipality will actively further implementation of the Settlement Agreement through its land use regulations and other affirmative measures to assist the development of affordable housing.

Such commitments by Recipient Eligible Municipality shall be stated in the funding agreement between the County and the Recipient Eligible Municipality.

The funding agreement will also provide that housing units that affirmatively further fair housing must be marketed in accordance with Westchester County's Affirmative Fair Housing Marketing Plan approved pursuant to the Settlement Agreement, throughout the period of affordability.

Applications for Discretionary Funding submitted by non-municipal entities will be reviewed to determine whether or not such entity is acting as an agent of a municipality for purposes of the project for which funding is sought. If such entity is deemed to be acting in the capacity of agent for a municipality, the application will be subject to a review of the agent-municipality's compliance with the policy of affirmatively furthering fair housing stated above. The determination as to whether an agency relationship exists will be based on the principles of law relating to agency relationships in New York State, and the fact that the non-municipal entity/applicant may be required by local municipal codes to obtain municipal approvals or abide by municipal processes for such approvals in connection with such application will not be determinative of the agency relationship. Westchester County will provide notice of all non-municipal applications for funding to the local municipality in which the funding is proposed to be spent.

The County's audit rights under any grant of or funding agreement for Discretionary Funding will extend to all documents, reports, and records which relate to the Recipient Eligible Municipality's commitment to affirmatively further fair housing as described herein. Should Recipient Eligible Municipality fail to abide by any of the above conditions, Recipient Eligible Municipality will be obliged, upon thirty (30) days written notice by the County to refund any Discretionary Funding paid to the Recipient Eligible Municipality.

DRAFT

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BPL26</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 01-10-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> FLOOD MITIGATION	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 2442

### Overall 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, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- |   |   |  |
|---|---|--|
| <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 checked="" type="checkbox"/> Other(FLOOD MITIGATION) |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	116,500	49,250	27,250	5,000	5,000	5,000	5,000	20,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	116,500	49,250	27,250	5,000	5,000	5,000	5,000	20,000

**Expended/Obligated Amount (in thousands) as of :** 12,815

**Current Bond Description:** This request will fund a comprehensive engineering feasibility analysis towards the development of a flood mitigation project for the Hartsdale Brook area in the Town of Greenburgh, identified as flood problem area GRB-13 in the Bronx River Stormwater Reconnaissance Plan.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	450,000
Cash:	0
<b>Total:</b>	<b>\$ 450,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

450,000

### Expected Design Work Provider:

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

### Comments:

The Town of Greenburgh has applied for a FEMA grant and will also be conducting an RFP for this project.

### Energy Efficiencies:

**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	150,000	DESIGN OF A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS
2023	17,500,000	\$10,300,000 CONTINUATION OF THIS PROJECT; \$7,000,000 FOR MAMARONECK/SHELDRAKE RIVERS, AND \$200,000 FOR CITY OF YONKERS SCOTTI FIELD FLOOD PROJECT
2024	27,250,000	1) PELHAM FLOOD MITIGATION (\$16,000,000); 2) PELHAM MANOR FLOOD MITIGATION (\$6,000,000); 3) BRONXVILLE STORMWATER CONVEYANCE SYSTEM (\$200,000); 4) CITY OF RYE STORMWATER SYSTEM IMPROVEMENTS FOR FLOOD MITIGATION (\$250,000); 5) COUNTY SHARE OF ACE PRO

**Total Appropriation History:**

76,500,000

## 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 PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>116,500</b>	<b>49,250</b>	<b>12,826</b>	<b>27,250</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>20,000</b>
<b>Non County Share</b>									
<b>Total</b>	<b>116,500</b>	<b>49,250</b>	<b>12,826</b>	<b>27,250</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>20,000</b>

### **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, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

### **Current Year Description**

The current year request funds a continuation of the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	27,250,000			27,250,000

### **Impact on Operating Budget**

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

## FLOOD MITIGATION ( BPL26 )

### Appropriation History

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	\$2,256,500 COMPLETE; \$2,743,500 DESIGN/CONSTRUCTION
2013	5,000,000	Flood related projects	\$1,500,000 COMPLETE; \$1,436,500 CONSTRUCTION; \$2,063,500 AWAITING BOND AUTHORIZATION
2015	150,000	Design of 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
2022	11,000,000	The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers	AWAITING BOND AUTHORIZATION
2023	17,500,000	\$10,300,000 continuation of this project; \$7,000,000 for Mamaroneck/Sheldrake Rivers, and \$200,000 for City of Yonkers Scotti Field flood project	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>49,250,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	49,250,000	6,891,825	42,358,175
<b>Total</b>	<b>49,250,000</b>	<b>6,891,825</b>	<b>42,358,175</b>

## FLOOD MITIGATION ( BPL26 )

### Bonds Authorized

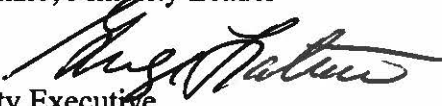
Bond Act	Amount	Date Sold	Amount Sold	Balance
79 09	900,000	12/02/10	358,000	499
		12/02/10	(358,000)	
		11/30/11	522,141	
		11/30/11	77,859	
		11/19/15	250,434	
		11/19/15	48,566	
		11/19/15	501	
140 09	2,441,625	10/24/12	740,494	
		10/24/12	75,506	
		10/24/12	6,240	
		12/10/13	852,989	
		12/10/13	104,011	
		12/10/13	2,925	
		11/19/15	334,212	
		11/19/15	64,813	
		11/19/15	669	
		12/15/16	259,766	
11 17	2,974,875	12/15/17	31,948	472,636
		12/15/17	5,866	
		12/15/17	50	
		12/15/17	29,606	
		12/15/17	5,436	
		12/15/17	46	
		12/10/18	660,625	
		12/10/19	959,846	
		12/10/19	189,546	
		12/10/19	117,641	
		12/10/19	23,231	
		04/30/20	478,398	
171 18				
107 19	300,000	12/01/21	123,508	176,493
247 19				
171 21	350,000			350,000
175 21	270,000			270,000

## FLOOD MITIGATION ( BPL26 )

85	22	130,000		130,000
92	22	2,200,000		2,200,000
95	22	220,000		220,000
54	22	1,200,000		1,200,000
23	23	2,500,000		2,500,000
196	23	150,000		150,000
198	23	3,870,000		3,870,000
206	23	121,250		121,250
208	23	128,750		128,750
Total		17,756,500	5,966,873	11,789,627

September 13, 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: **CBA & Bond Act – RB04T – Halstead Avenue Over Mamaroneck River, Mamaroneck.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well as adopt a related bond act (the "Bond Act") to finance the following capital project: RB04T.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

# Westchester County

George Latimer  
County Executive

September 6, 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 Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well as adopt a related bond act (the "Bond Act") to finance the following capital project:

RB04T – Halstead Avenue Over Mamaroneck River, Mamaroneck (BIN3348290) ("RB04T").

The proposed Capital Budget Amendment will amend the County's 2024 capital budget to appropriate \$3,350,000 for the design portion of this project.

The Bond Act, in the amount of \$3,350,000, would finance the cost of design associated with the replacement of the existing bridge structure with a span to match the design channel proposed by the U.S. Army Corp of Engineers for this reach of the Mamaroneck River, and related work.

The Department of Public Works and Transportation (the "Department") has advised that the current bridge, which was built in 1910 and has an annual daily traffic count ("AADT") of 7,311, is in need of replacement to maintain a safe roadway for the traveling public. In 2024 the New York State Department of Transportation gave the bridge a condition rating of 5.517 and the bridge has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

Office of the County Executive

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

Telephone: (914) 995-2900

E-mail: [ceo@westchestercountyny.gov](mailto:ceo@westchestercountyny.gov)

As your Honorable Board may know, 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 is herewith attached.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
Westchester County Executive

GL/HJG/RA/jpg/nn

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if approved, will authorize the County to issue \$3,350,000 in bonds of the County to finance capital project RB04T – Halstead Avenue Over Mamaroneck River, Mamaroneck (BIN3348290) (“RB04T”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s 2024 capital budget to appropriate \$3,350,000 for the design portion of this project.

The related Bond Act, in the amount of \$3,350,000 and prepared by the law firm Hawkins, Delafield & Wood, LLP, would finance the cost of design associated with the replacement of the existing bridge structure with a span to match the design channel proposed by the U.S. Army Corp of Engineers for this reach of the Mamaroneck River, and related work.

The Department of Public Works and Transportation (the “Department”) has advised that the current bridge, which was built in 1910 and has an annual daily traffic count (“AADT”) of 7,311, is in need of replacement to maintain a safe roadway for the traveling public. In 2024 the New York State Department of Transportation gave the bridge a condition rating of 5.517 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

The Planning Department has advised your Committee that based on its review, RB04T may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

As your Honorable Board may know, 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 is herewith attached.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County’s Capital Budget and to adopt the Bond Act.

Dated: \_\_\_\_\_, 2024.  
White Plains, New York

**COMMITTEE ON**

s/jpg/8-14-24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB04T

☐ 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 \$ 3,350,000 PPU 5 Anticipated Interest Rate 2.40%

Anticipated Annual Cost (Principal and Interest): \$ 726,397

Total Debt Service (Annual Cost x Term): \$ 3,631,983

Finance Department: maab 9-10-24

## 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: Robert Abbamont

Title: Director of Operations (Capital)

Department: DPWT

Date: 9/10/24

Reviewed By: 

Budget Director

Date: 9/10/24

9/10/24

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 4, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB04T Halstead Avenue Over Mamaroneck River, Mamaroneck (BIN 3348290)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
07-24-2024 (Unique ID: 2591)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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.

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  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

RESOLUTION 24- 37  
WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2024 Capital Project Requests  
**RB04T Halstead Avenue over Mamaroneck River, Mamaroneck**

**WHEREAS**, the County Executive will submit legislation to the County Board of Legislators for a Capital Budget Amendment to advance the design funding of capital project **RB04T Halstead Avenue over Mamaroneck River, Mamaroneck**, for design costs associated with reconstruction of this bridge: and

**WHEREAS**, the Department of Public Works and Transportation has advised that the current bridge, built in 1910, has reached the end of its useful life and requires replacement of the existing structure;

and **WHEREAS**, the bridge has a condition rating of 5.517 (2024); and an average annual daily traffic count (AADT) of 7,311 vehicles (2024); and

**WHEREAS**, this project will incorporate a span to match the design channel proposed the US Army Corps of Engineers (USACE) for this reach of the Mamaroneck River, which will provide the Village will additional stormwater management; and

**WHEREAS**, the capital budget amendment of \$3,350,000 will fund the design of this project; and

**WHEREAS**, this is a programmed project and is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995, as it will maintain existing transportation infrastructure and ease movement on travel routes as well as improve stormwater management; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report of 2024 Capital Project Requests to include the capital project **RB04T Halstead Avenue over Mamaroneck River, Mamaroneck** with the rating of "PL2" – "Approved in concept, subject to review when more detailed studies or plans are prepared."

Adopted this September 4<sup>th</sup>, 2024

  
Richard Hyman, Chair

## RB04T Halstead Avenue over Mamaroneck River

### FIVE YEAR CAPITAL PROGRAM

(in thousands)

Funding Type	Estimated Total Project Cost	Appropriated	Expended or Obligated	2024	2025	2026	2027	2028	Under Review
Gross Amount	30,900	0	0		27,550	0	0	0	3,350
Less Non-County Shares									
Net County Amount	30,900	0	0		27,550	0	0	0	3,350

### Project Description

This project will fund the replacement of the bridge originally built in 1910. The project was initiated due to the deteriorating condition, design deficiencies, and hydraulic vulnerability of the existing bridge. The bridge has a condition rating of 5.517 (2024); and an average annual daily traffic count (AADT) of 7,311 vehicles (2024). To address the stormwater vulnerability of the existing bridge, this project will incorporate a span to match the design channel proposed by the US Army Corps of Engineers (USACE) for this reach of the Mamaroneck River, which will provide the Village with additional stormwater management.

2024: Design

2025: Construction management and construction

The current request is for a Capital Budget Amendment to the 2024 Capital Budget to fund the design for \$3,350,000. The 2025 requested amount for construction and construction management would be reduced if and when this capital budget amendment is approved.

### Appropriation History

Year	Amount	Purpose
Under Review	3,350,000	Design and engineering

### Justification

To maintain the County's infrastructure and provide a safe travelway.

Bridge Rating: 5.51 (2024)

AADT: 7,311

### Consistency with Programs or Plans

This is a programmed project. The proposed project is consistent with "**Westchester 2025**", the County Planning Board's long-range planning policy document, as it will maintain existing transportation infrastructure and ease movement on travel routes.

### Planning Board Analysis

**PL2** The Planning Board supports the proposed improvements. Planning Department staff will monitor the progress of design to address safety, aesthetic, and environmental planning concerns.

As per Westchester County policy, stormwater management must be addressed with every capital project where feasible. Designs should comply with the latest version of the NYS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control.

An Act amending the 2024 County  
Capital Budget Appropriations for  
Capital Project RB04T HALSTEAD  
AVENUE OVER MAMARONECK  
RIVER, MAMARONECK (BIN 3348290)

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

Section 1. The Capital section of the 2024 County Budget is hereby amended as follows:

	Previous 2024 Appropriation	Change	Revised 2024 Appropriation
I. Appropriation		\$3,350,000	\$3,350,000

Section 2. The estimated method of financing in the Capital Section of the 2024 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$0	\$3,350,000	\$3,350,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$0	\$3,350,000	\$3,350,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,350,000 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 HALSTEAD AVENUE BRIDGE OVER THE MAMARONECK RIVER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,350,000 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, \$3,350,000 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 planning the replacement of the Halstead Avenue Bridge over the Mamaroneck River with a span to match the design channel proposed by US Army Corp of Engineers (USACE) for this reach of the

Mamaroneck River (from STA 33+20 to STA 18+30) and related work; 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 \$3,350,000. The plan of financing includes the issuance of \$3,350,000 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 \$3,350,000 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 \$3,350,000. 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 \$3,350,000 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 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\_\_.

(SEAL) The Clerk and Chief Administrative Office of the  
County Board of Legislators County of Westchester,  
New York

## 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 \$3,350,000 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 HALSTEAD AVENUE BRIDGE OVER THE MAMARONECK RIVER; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,350,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)

object or purpose:       to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the replacement of the Halstead Avenue Bridge over the Mamaroneck River with a span to match the design channel proposed by US Army Corp of Engineers (USACE) for this reach of the Mamaroneck River (from STA 33+20 to STA 18+30) and related work; 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:       \$3,350,000; five (5) 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

<b>Project ID:*</b> RB04T	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-15-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> HALSTEAD AVENUE OVER MAMARONECK RIVER, MAMARONECK (BIN 3348290)	<b>Legislative District ID:</b> 7,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2591

### Overall Project Description

This project will fund the replacement of the existing structure with a span to match the design channel proposed by US Army Corp of Engineers (USACE) for this reach of the Mamaroneck River (from STA 33+20 to STA 18+30) and related work. The structure was built in 1910 and is 68' long by 45' wide.

<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
<b>Gross</b>	30,900	0	0	27,550	0	0	0	3,350
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	30,900	0	0	27,550	0	0	0	3,350

**Expended/Obligated Amount (in thousands) as of :** 0

**Current Bond Description:** Funding is requested for design associated with the replacement of the existing structure with a span to match the design channel proposed by US Army Corp of Engineers (USACE) for this reach of the Mamaroneck River (from STA 33+20 to STA 18+30) and related work.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,350,000
Cash:	0
<b>Total:</b>	<b>\$ 3,350,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

3,350,000

### Expected Design Work Provider:

☐ County Staff      ☒ Consultant      ☐ Not Applicable

### Comments:

A capital budget amendment (CBA) in the amount of \$3,350,000 (shown "Under Review") is requested to fund design. The total estimated cost for design and construction to replace the bridge is \$27,550,000. This amount will be reflected in the 2025 capital budget year for the proposed 2025-2029 capital plan. The design is being advanced per this request. If approved in 2024, the 2025 requested amount will be reduced accordingly.

Bridge Condition Rating: 5.517 (2024); AADT: 7,311

### Energy Efficiencies:

### Total Financing History:

0



George Latimer  
County Executive

August 1, 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 are four bond acts ("Bond Acts") of the County of Westchester ("County") as follows:

- (1) a bond act to amend prior Bond Act No. 23-2021 to remove a total authorization of \$1,800,000 attributable to Capital Projects RB04C – Lincoln Avenue Bridge Over Blind Brook, Rye Brook ("RB04C"), RB04D – Park Avenue Viaduct Over Bronx River Parkway, Yonkers ("RB04D"), and RB03Z – Pump House Road Over Peekskill Hollow Brook, Cortlandt ("RB03Z"), to decrease the estimated maximum amount of bonds authorized from \$6,100,000 to \$4,300,000 (the "Amending Bond Act"); and
- (2) a bond act authorizing the issuance of bonds in the amount of \$2,900,000 to finance design, construction management and construction costs associated with the rehabilitation of the Lincoln Avenue Bridge in Rye Brook, including the replacement of the concrete deck, painting of all existing steel members and associated work for project RB04C. This \$2,900,000 proposed Bond Act represents an increase in the amount of \$2,475,000 for construction costs and includes the \$425,000 previously authorized for RB04C in Bond Act No. 23-2021 (the "RB04C Consolidated Bond Act"); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$4,750,000 to finance design, construction management and construction costs associated with the rehabilitation of the Park Avenue Viaduct in Yonkers, including rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installation of new pavement and sidewalks and associated work for project RB04D. This \$4,750,000 proposed Bond Act represents an increase in the amount of \$3,875,000 for construction costs and includes the \$875,000 previously authorized for RB04D in Bond Act No. 23-2021 (the "RB04D Consolidated Bond Act"); and
- (4) a bond act authorizing the issuance of bonds in the amount of \$3,970,000 to finance design, construction management and construction costs associated with the rehabilitation of the Pump House Road Bridge in Cortlandt, including replacement of the existing asphalt wearing surface and waterproofing; structural deck rehabilitation; a new elastomeric concrete joint system; new elastomeric bearings; rehabilitation of the undermined footing area, concrete wingwalls, and railing system; and associated work for project RB03Z. This \$3,970,000 proposed Bond Act represents an increase in the amount of \$3,470,000 for construction costs and includes the \$500,000 previously authorized for RB03Z in Bond Act No. 23-2021 (the "RB03Z Consolidated Bond Act").

Office of the County Executive

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

Email: [CE@westchestercountyny.gov](mailto:CE@westchestercountyny.gov)  
Telephone: (914)995-2900

Your Honorable Board is advised that the anticipated cost estimates, Bridge Condition Rating (BCR), Annual Average Daily Traffic (AADT) count, anticipated project timeline, and whether the design is currently being undertaken in-house or by consultants for each capital project, is set forth below:

**BOND ACT – BRIDGE PROJECTS CONSTRUCTION**

Cap ID	Project	Anticipated Amount	BCR	AADT	Design Assignment	Design Cmplt	Const (Months)
RB04C	Lincoln Avenue Bridge Over Blind Brook, Rye Brook	\$2,900,000	4.56 (2023)	4,240	Consultant	3Q24	12
RB04D	Park Avenue Viaduct Over Bronx River Parkway, Yonkers	\$4,750,000	3.97 (2023)	2,710	Consultant	3Q24	18
RB03Z	Pump House Road Over Peekskill Hollow Brook, Cortlandt	\$3,970,000	4.69 (2022)	1,618	Consultant	3Q24	12

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

Sincerely,



George Latimer  
County Executive

GL/HJG/jpg/nn  
Attachments

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

Your Committee is in receipt of an amended bond act (the “Amending Bond Act”) of the County of Westchester (“County”), authorizing an amendment to prior Bond Act No. 23-2021 to remove \$425,000 of the authorization allocable to Capital Project RB04C – Lincoln Avenue Bridge Over Blind Brook, Rye Brook (“RB04C”), \$875,000 allocable to Capital Project RB04D - Park Avenue Viaduct Over Bronx River Parkway, Yonkers (“RB04D”), and \$500,000 allocable to Capital Project RB03Z - Pump House Road Over Peekskill Hollow Brook, Cortlandt (“RB03Z”), to decrease the estimated maximum amount of bonds authorized from \$6,100,000 to \$4,300,000.

The Amending Bond Act, which was prepared by the law firm Hawkins Delafield and Wood, LLP, is required to remove design bonding authorizations related to projects RB04C, RB04D, and RB03Z, so that those authorizations may be included in consolidated bond acts for those projects. The consolidated bond acts will include construction and construction management funding.

The Planning Department has advised that the proposed Amending Bond Act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. 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.

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

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BELOW

☐ 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

AMEND BOND ACT 3-2021 TO INCLUDE ONLY BCR61; RB04E, BLR12, BPF40

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,300,000 PPU 5 Anticipated Interest Rate 2.84%

Anticipated Annual Cost (Principal and Interest): \$ 945,570

Total Debt Service (Annual Cost x Term): \$ 4,727,850

Finance Department: maab 7-31-24

## 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: 47

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/1/24

Reviewed By: Christine Pampato

Budget Director

Date: 8/1/24

REFERENCES BCR61  
RB04E  
BLR12  
BPF40

ACT NO. -20\_\_\_\_\_

AMENDING BOND ACT AUTHORIZING THE ISSUANCE OF \$4,300,000 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 CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_\_\_\_).

WHEREAS, this Board has heretofore duly authorized the issuance of \$6,100,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the construction of various capital improvements in and for the County, pursuant to Act No. 23-2021 duly adopted on February 8, 2021; and

WHEREAS, it is now appropriate to authorize the construction of certain of such capital improvements, and this County Board of Legislators has or will increase the amount of bonds to be issued and the appropriations for such certain capital projects pursuant to other Bond Acts adopted by this Board of Legislators; and

WHEREAS, it is necessary to decrease the amount of bonds of the County authorized pursuant to Act No. 23-2021, now therefore

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 February 8, 2021, entitled:

“ACT NO. 23-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,100,000 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 CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$6,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,100,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS

are hereby amended and consolidated to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,300,000 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

CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$4,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,300,000 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, \$4,300,000 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 planning the construction of various capital improvements in and for the County, including the Department of Corrections parking structure infrastructure, the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and, reconstruction of the abutment walls and associated work of the Austin Avenue Bridge over I-87 in Yonkers, possible additions and renovation strategy for the existing Labs & Research facility, and the phase-one restoration of the Michaelian Office Building Parking Garage including rehabilitation of the concrete columns and beams; replacement of the ramps including new waterproofing; replacement of the existing fire alarm system, ventilation system, carbon monoxide detection system; rehabilitation of the electrical vault on levels B2 and B3;

replacement of the existing expansion joint on both sides of Martin Luther King, Jr. Boulevard and associated plaza restoration; replacement of the existing lighting with new LED fixtures in the affected work areas; replacement of any plumbing and drainage piping as required; installation of an iDAS telecommunications system; and associated work; 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 \$4,300,000. The plan of financing includes the issuance of \$4,300,000 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 class of objects or purposes for which the 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 \$4,300,000. 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 \$4,300,000 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.

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 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\_\_\_\_.

(SEAL)

The Clerk and Chief Administrative Office of the  
County Board of Legislators County of  
Westchester, New York

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on February 8, 2021, and amended 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.

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 \$4,300,000 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 CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$4,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on February 8, 2021 and amended on \_\_\_\_\_, 20\_\_\_\_)

object or purpose:     to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the construction of various capital improvements in and for the County, 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:     \$4,300,000; five (5) 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

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

Your Committee is in receipt of an amended bond act (the “Consolidated Bond Act”) of the County of Westchester (“County”), authorizing the issuance of bonds in the total amount of \$2,900,000 to finance Capital Project RB04C – Lincoln Avenue Bridge Over Blind Brook, Rye Brook (“RB04C”).

The Consolidated Bond Act, which was prepared by the law firm of Hawkins, Delafield and Wood, LLP, would finance the cost of design, construction management and construction associated with the rehabilitation of the Lincoln Avenue Bridge in Rye Brook, including the replacement of the concrete deck, painting of all existing steel members and associated work. The proposed Consolidated Bond Act, in the amount of \$2,900,000, represents an increase of \$2,475,000 for construction and construction management costs and includes \$425,000 previously authorized for RB04C under Bond Act No. 23-2021.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which has an annual daily traffic count (“AADT”) of 4,240, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2023 the New York State Department of Transportation gave the bridge a condition rating of 4.56 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently being undertaken by consultants and is expected to be completed by the end of the third quarter of 2024. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB04C as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RB04C may be 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 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 Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

CJPG/6-21-24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB04C

☐ 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 \$ 2,900,000 PPU 20 Anticipated Interest Rate 3.17%

Anticipated Annual Cost (Principal and Interest): \$ 267,666

Total Debt Service (Annual Cost x Term): \$ 5,353,323

Finance Department: maab 8-1-24

## 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: 32

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/1/24


Reviewed By: *Christina Langosta*

08/11/24

Budget Director

Date: 8/1/24

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: July 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB04C Lincoln Avenue Bridge Over Blind Brook, Rye Brook (BIN 3348490)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
05-31-2024 (Unique ID: 2558)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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.
- 

**COMMENTS:** None.

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  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF LINCOLN AVENUE BRIDGE OVER BLIND BROOK, IN RYE BROOK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted \_\_\_\_\_, 20\_\_\_\_)

WHEREAS, this Board has heretofore duly authorized the issuance of \$425,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of Lincoln Avenue bridge over Blind Brook, in Rye Brook (the "Project"), pursuant to Act No. 23-2021 duly adopted on February 8, 2021; and

WHEREAS, it is now appropriate to authorize the Project, 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 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, \$2,900,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction for the rehabilitation of Lincoln Avenue bridge over Blind Brook, in Rye Brook, including rehabilitation of the existing structure including the replacement of the concrete deck, painting of all existing steel members and associated work; 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 \$2,900,000. The plan of financing includes the issuance of \$2,900,000 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 said specific object or purpose, 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 \$2,900,000. 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 \$2,900,000 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.

\* \* \*

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 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 \$2,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF LINCOLN AVENUE BRIDGE OVER BLIND BROOK, IN RYE BROOK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction management and construction for the rehabilitation of Lincoln Avenue bridge over Blind Brook, in Rye Brook, including rehabilitation of the existing structure including the replacement of the concrete deck, painting of all existing steel members and associated work; 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: \$2,900,000; twenty (20) 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

<b>Project ID:*</b> <b>RB04C</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 05-21-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> LINCOLN AVENUE BRIDGE OVER BLIND BROOK, RYE BROOK (BIN 3348490)	<b>Legislative District ID:</b> 6,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2558

**Overall Project Description**

This project funds the rehabilitation of the existing structure.

- |   |  |  |
|---|--|--|
| <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
<b>Gross</b>	2,900	2,900	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	2,900	2,900	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 205

**Current Bond Description:** Funding is requested for construction and construction management associated with rehabilitation of the existing structure including the replacement of the concrete deck, painting of all existing steel members and associated work.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	2,475,000
Cash:	0
<b>Total:</b>	<b>\$ 2,475,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

2,475,000

**Expected Design Work Provider:**

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

**Comments:**

Bridge Condition Rating: 4.56 (2023); AADT: 4,240

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2021	2,900,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**

2,900,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	23	425,000		0 LINCOLN AVENUE BRIDGE OVER BLIND BROOK, RYE BROOK (BIN 3348490)

**Total Financing History:**

425,000

**Recommended By:****Department of Planning**

MLLL

**Date**

05-31-2024

**Department of Public Works**

RJB4

**Date**

05-31-2024

**Budget Department**

DEV9

**Date**

06-13-2024

**Requesting Department**

RJB4

**Date**

06-13-2024

# LINCOLN AVENUE BRIDGE OVER BLIND BROOK, RYE BROOK (BIN 3348490) ( RB04C )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** 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	2,900	2,900	205						
Non County Share									
Total	2,900	2,900	205						

### **Project Description**

This project funds the rehabilitation of the existing structure.

### **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
2021	2,900,000	Design, construction and construction management	\$425,000 DESIGN ; \$2,475,000 AWAITING BOND AUTHORIZATION
Total	2,900,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	2,900,000		2,900,000
Total	2,900,000		2,900,000

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21	425,000			425,000
Total	425,000			425,000

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

Your Committee is in receipt of an amended bond act (the “Consolidated Bond Act”) of the County of Westchester (“County”), authorizing the issuance of bonds in the total amount of \$4,750,000 to finance Capital Project RB04D – Park Avenue Viaduct Over Bronx River Parkway, Yonkers (“RB04D”) (“RB04D”).

The Consolidated Bond Act, which was prepared by the law firm of Hawkins, Delafield and Wood, LLP, would finance the cost of design, construction management and construction associated with the rehabilitation of the Park Avenue Viaduct in Yonkers, including rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installation of new pavement and sidewalks and associated work. The proposed Consolidated Bond Act, in the amount of \$4,750,000, represents an increase of \$3,875,000 for construction and construction management costs and includes \$875,000 previously authorized for RB04D under Bond Act No. 23-2021.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which has an annual daily traffic count (“AADT”) of 2,710, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2023 the New York State Department of Transportation gave the bridge a condition rating of 3.97 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently being undertaken by consultants and is expected to be completed by the end of the third quarter of 2024. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB04D as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RB04D may be 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 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 Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

C:JPG/6-21-24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB04D

☐ 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 \$ 4,750,000 PPU 20 Anticipated Interest Rate 3.17%

Anticipated Annual Cost (Principal and Interest): \$ 320,255

Total Debt Service (Annual Cost x Term): \$ 6,405,109

Finance Department: maab 8-01-24

## 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: 52

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/1/24


Reviewed By: *Christine Rangel*

07/31/24

Budget Director

Date: 8/1/24

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: July 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB04D PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY,  
YONKERS (BIN 3348850)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-31-2024 (Unique ID: 2487)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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;

---

**COMMENTS:** None.

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  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.  
(Adopted \_\_\_\_\_, 20\_\_\_\_\_)

WHEREAS, this Board has heretofore duly authorized the issuance of \$875,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers (the "Project"), pursuant to Act No. 23-2021 duly adopted on February 8, 2021; and

WHEREAS, it is now appropriate to authorize the Project, 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 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, \$4,750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work; 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 \$4,750,000. The plan of financing includes the issuance of \$4,750,000 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 said specific object or purpose, 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

\$4,750,000. 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 \$4,750,000 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.

\* \* \*

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 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 \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work; 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: \$4,750,000; twenty (20) 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

<b>Project ID:*</b> <b>RB04D</b>	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-05-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)	<b>Legislative District ID:</b> 15,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2487

### Overall Project Description

This project funds the rehabilitation of the existing structure.

- |   |  |  |
|---|--|--|
| <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
<b>Gross</b>	4,750	4,750	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,750	4,750	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 310

<b>Current Bond Description:</b>	
Funding is requested for construction and construction management associated with the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	3,875,000
Cash:	0
<b>Total:</b>	<b>\$ 3,875,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

3,875,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

Bridge Condition Rating: 3.97 (2023); AADT: 2,710

### Energy Efficiencies:

### Appropriation History:

Year	Amount	Description
2021	4,750,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

### Total Appropriation History:

4,750,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	23	875,000		0 PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)

**Total Financing History:**

875,000

**Recommended By:****Department of Planning**

MLLL

**Date**

05-31-2024

**Department of Public Works**

RJB4

**Date**

05-31-2024

**Budget Department**

DEV9

**Date**

06-13-2024

**Requesting Department**

RJB4

**Date**

06-13-2024

# PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850) ( RB04D )

**User Department :** Public Works

**Managing Department(s) :** 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	4,750	4,750	310						
Non County Share									
Total	4,750	4,750	310						

## **Project Description**

This project funds the rehabilitation of the existing structure.

## **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
2021	4,750,000	Design, construction and construction management	\$875,000 DESIGN ; \$3,875,000 AWAITING BOND AUTHORIZATION
Total	4,750,000		

## **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	4,750,000		4,750,000
Total	4,750,000		4,750,000

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21	875,000			875,000
Total	875,000			875,000

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

Your Committee is in receipt of an amended bond act (the “Consolidated Bond Act”) of the County of Westchester (“County”), authorizing the issuance of bonds in the total amount of \$3,970,000 to finance Capital Project RB03Z – Pump House Road Over Peekskill Hollow Brook, Cortlandt (“RB03Z”) (“RB03Z”).

The Consolidated Bond Act, which was prepared by the law firm of Hawkins, Delafield and Wood, LLP, would finance the cost of design, construction management and construction associated with the rehabilitation of the Pump House Road Bridge in Cortlandt, including replacement of the existing asphalt wearing surface and waterproofing; structural deck rehabilitation; a new elastomeric concrete joint system; new elastomeric bearings; rehabilitation of the undermined footing area, concrete wingwalls, and railing system; and associated work. The proposed Consolidated Bond Act, in the amount of \$3,970,000, represents an increase of \$3,470,000 for construction and construction management costs and includes \$500,000 previously authorized for RB03Z under Bond Act No. 23-2021.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which has an annual daily traffic count (“AADT”) of 1,618, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022 the New York State Department of Transportation gave the bridge a condition rating of 4.69 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently being undertaken by consultants and is expected to be completed by the end of the third quarter of 2024. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RB03Z as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RB03Z may be 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 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 Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

CJPG 6-21-24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB03Z

☐ 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 \$ 3,970,000 PPU 20 Anticipated Interest Rate 3.17%

Anticipated Annual Cost (Principal and Interest): \$ 195,524

Total Debt Service (Annual Cost x Term): \$ 3,910,488

Finance Department: maab 8-01-24

## 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: 43

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/1/24


Reviewed By: *Christina Rangel*

08/1/24

Budget Director

Date: 8/1/24

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: July 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RB03Z PUMP HOUSE ROAD OVER PEEKSKILL HOLLOW BROOK,  
CORTLANDT (BIN 3348430)**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
06-14-2024 (Unique ID: 2557)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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)(5):** repaving of existing highways not involving the addition of new travel lanes.

---

**COMMENTS:** The work in the stream channel will be limited to the immediate vicinity of the bridge to rectify and protect the existing infrastructure.

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  
Susan Darling, Chief Planner  
Claudia Maxwell, Principal Environmental Planner  
Michael Lipkin, Associate Planner

ACT NO. -20\_\_\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,970,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF PUMP HOUSE ROAD BRIDGE OVER PEEKSKILL HOLLOW BROOK, IN THE TOWN OF CORTLANDT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,970,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,970,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted \_\_\_\_\_, 20\_\_\_\_)

WHEREAS, this Board has heretofore duly authorized the issuance of \$500,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of Pump House Road bridge over Peekskill Hollow Brook, in the Town of Cortlandt (the "Project"), pursuant to Act No. 23-2021 duly adopted on February 8, 2021; and

WHEREAS, it is now appropriate to authorize the Project, 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 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, \$3,970,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction management and construction for the rehabilitation of Pump House Road bridge over Peekskill Hollow Brook, in the Town of Cortlandt, including replacement of the existing asphalt wearing surface and waterproofing; structural deck rehabilitation; a new elastomeric concrete joint system; new elastomeric bearings; rehabilitation of the undermined footing area, concrete wingwalls, and railing system; and associated work, as well as the work in the stream channel will include cofferdams, new rip-rap, and rehabilitation of scour locations; 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 \$3,970,000. The plan of financing includes the issuance of \$3,970,000 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 said specific object or purpose, 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 \$3,970,000. 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 \$3,970,000 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.

\* \* \*

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 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 \$3,970,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF PUMP HOUSE ROAD BRIDGE OVER PEEKSKILL HOLLOW BROOK, IN THE TOWN OF CORTLANDT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,970,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,970,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance the design, construction management and construction for the rehabilitation of Pump House Road bridge over Peekskill Hollow Brook, in the Town of Cortlandt, including replacement of the existing asphalt wearing surface and waterproofing; structural deck rehabilitation; a new elastomeric concrete joint system; new elastomeric bearings; rehabilitation of the undermined footing area, concrete wingwalls, and railing system; and associated work, as well as the work in the stream channel will include cofferdams, new rip-rap, and rehabilitation of scour locations; 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: \$3,970,000; twenty (20) 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

<b>Project ID:*</b> RB03Z	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 05-21-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> PUMP HOUSE ROAD OVER PEEKSKILL HOLLOW BROOK, CORTLANDT (BIN 3348430)	<b>Legislative District ID:</b> 1,
<b>Category*</b> ROADS & BRIDGES	<b>Department:*</b> PUBLIC WORKS	<b>CP Unique ID:</b> 2557

### Overall Project Description

This project shall fund the removal and replacement of the existing asphalt wearing surface and waterproofing, structural deck rehabilitation, replacement of the existing joint system with a new elastomeric concrete joint system, existing bearings to be replaced with new elastomeric bearings, rehabilitation of undermined footing areas and concrete wingwalls, railing system to be strengthened as necessary and associated work. Stream channel work to include cofferdams, new rip-rap and rehabilitation of scour locations. The existing structure was built in 1930 and is 57' long by 30' wide.

- |   |  |  |
|---|--|--|
| <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	3,970	3,970	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,970	3,970	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 193

<b>Current Bond Description:</b> Funding is requested for construction and construction management associated with the rehabilitation of the bridge, including replacement of the existing asphalt wearing surface and waterproofing; structural deck rehabilitation; a new elastomeric concrete joint system; new elastomeric bearings; rehabilitation of the undermined footing area, concrete wingwalls, and railing system; and associated work. In addition, the work in the stream channel will include cofferdams, new rip-rap, and rehabilitation of scour locations.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	3,470,000
Cash:	0
Total:	<u>\$ 3,470,000</u>

### SEQR Classification:

TYPE II

### Amount Requested:

3,470,000

### Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

### Comments:

Bridge Condition Rating: 4.69 (2022); AADT: 1,618

### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2021	820,000	DESIGN AND CONSTRUCTION MANAGEMENT
2023	3,150,000	CONSTRUCTION

**Total Appropriation History:**

3,970,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
21	23	500,000		0 PUMP HOUSE ROAD OVER PEEKSKILL HOLLOW BROOK, CORTLANDT (BIN 3348430)

**Total Financing History:**

500,000

**Recommended By:****Department of Planning**

MLLL

**Date**

06-14-2024

**Department of Public Works**

RJB4

**Date**

06-14-2024

**Budget Department**

DEV9

**Date**

06-17-2024

**Requesting Department**

RJB4

**Date**

06-17-2024

# PUMP HOUSE ROAD OVER PEEKSKILL HOLLOW BROOK, CORTLANDT (BIN 3348430) ( RB03Z )

**User Department :** Public Works

**Managing Department(s) :** Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** 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	3,970	3,970	193						
Non County Share									
Total	3,970	3,970	193						

## **Project Description**

This project shall fund the removal and replacement of the existing asphalt wearing surface and waterproofing, structural deck rehabilitation, replacement of the existing joint system with a new elastomeric concrete joint system, existing bearings to be replaced with new elastomeric bearings, rehabilitation of undermined footing areas and concrete wingwalls, railing system to be strengthened as necessary and associated work. Stream channel work to include cofferdams, new rip-rap and rehabilitation of scour locations. The existing structure was built in 1930 and is 57' long by 30' wide.

## **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
2021	820,000	Design and construction management	\$500,000 DESIGN ; \$320,000 AWAITING BOND AUTHORIZATION
2023	3,150,000	Construction	AWAITING BOND AUTHORIZATION
Total	3,970,000		

## **Prior Appropriations**

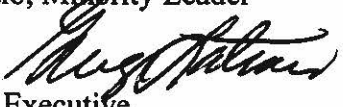
	Appropriated	Collected	Uncollected
Bond Proceeds	3,970,000		3,970,000
Total	3,970,000		3,970,000

## **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21	500,000			500,000
Total	500,000			500,000

September 12, 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 – Agreement  
between the County of Westchester and the WCC Federation of  
Teachers.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 16, 2024 Agenda.

Please see the attached, as referenced above.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 16, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

September 10, 2024

Honorable Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Re: Approval of Agreement Between the County of Westchester and the Westchester  
Community College Federation of Teachers

Dear Members of the Honorable Board of Legislators:

This is to advise you that the Administration and the Westchester Community College Federation of Teachers have, subject to the approval of your Honorable Board, reached an Agreement on a six-year contract commencing September 1, 2019 through August 31, 2025. In compliance with the Fair Employment Act (Taylor Law), I am outlining for you those provisions of the Agreement that require legislative action for your consideration and approval.

**Professional Development Fund:**

The Professional Development Fund shall be increased by \$5,000 from \$35,000 to \$40,000 per year.

**Compensation:**

**A. Wages (Base Rate & Longevity)**

Year 1 (2019-20)- 1% (as provided and paid for in the 2019-21 MOA) Year 2 (2020-21) - 1% (as provided and paid for in the 2019-21 MOA) Year 3 (2021-22)- 3.0%  
Year 4 (2022-23)-3.0%  
Year 5 (2023-24)- 3.5%  
Year 6 (2024-25)- 3.5%

Payment of retroactive wages shall be implemented within a reasonable period of time following full ratification of the Agreement and the College shall commence any work to determine eligibility for retroactive payment upon receiving notice that the union membership has ratified the agreement.

Office of the County Executive

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

Email: GLatimer@westchestergov.com  
Telephone: (914)995-2900

westchestergov.com

Eligibility for retroactive payments is limited to:

1. Unit members on payroll effective the date of ratification by the Union membership.
  - a. With respect to adjuncts, the phrase "on payroll" above shall be interpreted as those who worked for the Employer during the term of this Agreement
2. Unit members who retired during the term of this Agreement.
  - a. For the purpose of this provision "retired" covers unit members who would have been eligible to receive retirement benefit payments from the New York State Teacher Retirement System ("NYSTRS") on the day after s/he left service from the College. Notwithstanding this definition, retroactivity shall not be limited to unit members enrolled in NYSTRS.

**B. Bonuses**

1. Fulltime Faculty Bonus: One-time \$2,500 bonus for full-time faculty on payroll at the time of the Union's ratification of this Agreement. Payment shall be made within 60 days of full ratification by the parties.
2. Adjunct Faculty Bonus: Adjunct faculty who were on the payroll at any time between September 1, 2022 and August 31, 2023, shall receive a one-time bonus of \$350, provided the adjunct has earned in excess of \$1,000 pre-tax during the aforementioned period of time.

**Other Terms:** Except as expressly modified herein, all other terms and conditions of the Parties' collective bargaining agreement and the 2019-2012 Memorandum of Agreement shall continue in full force and effect.

Respectfully submitted,



George Latimer  
County Executive  
Attach.  
GL/fs

HONORABLE BOARD OF LEGISLATORS  
WESTCHESTER COUNTY

Your Committee is in receipt of a communication from the County Executive pertaining to approval of the Agreement between the County of Westchester and the Westchester Community College Federation of Teachers. This is a six-year contract commencing September 1, 2019 through August 31, 2025. In accordance with the terms of the Fair Employment Act (Taylor Law) those terms and conditions of employment that require legislation or appropriation are outlined below.

**Professional Development Fund:**

The Professional Development Fund shall be increased by \$5,000 from \$35,000 to \$40,000 per year.

**Compensation:**

**A. Wages (Base Rate & Longevity)**

Year 1 (2019-20)- 1% (as provided and paid for in the 2019-21 MOA)  
Year 2 (2020-21) - 1% (as provided and paid for in the 2019-21 MOA)  
Year 3 (2021-22)- 3.0%  
Year 4 (2022-23)-3.0%  
Year 5 (2023-24)- 3.5%  
Year 6 (2024-25)- 3.5%

Payment of retroactive wages shall be implemented within a reasonable period of time following full ratification of the Agreement and the College shall commence any work to determine eligibility for retroactive payment upon receiving notice that the union membership has ratified the agreement.

Eligibility for retroactive payments is limited to:

- 1 Unit members on payroll effective the date of ratification by the Union membership.
  - a. With respect to adjuncts, the phrase "on payroll" above shall be interpreted as those who worked for the Employer during the term of this Agreement
- 2 Unit members who retired during the term of this Agreement.

- a. For the purpose of this provision "retired" covers unit members who would have been eligible to receive retirement benefit payments from the New York State Teacher Retirement System ("NYSTRS") on the day after s/he left service from the College. Notwithstanding this definition, retroactivity shall not be limited to unit members enrolled in NYSTRS.

**B. Bonuses**

1. **Fulltime Faculty Bonus:** One-time \$2,500 bonus for full-time faculty on payroll at the time of the Union's ratification of this Agreement. Payment shall be made within 60 days of full ratification by the parties.
2. **Adjunct Faculty Bonus:** Adjunct faculty who were on the payroll at any time between September 1, 2022 and August 31, 2023, shall receive a one-time bonus of \$350, provided the adjunct has earned in excess of \$1,000 pre-tax during the aforementioned period of time.

**Other Terms:** Except as expressly modified herein, all other terms and conditions of the Parties' collective bargaining agreement and the 2019-2022 Memorandum of Agreement shall continue in full force and effect.

Your Committee has carefully considered the subject matter and the attached Act and recommends approval.

Dated: White Plains, New York  
\_\_\_\_\_, 2024

1:fms

COMMITTEE ON

## FISCAL IMPACT STATEMENT

**SUBJECT: WCCFT Settlement**

☐ NO FISCAL IMPACT PROJECTED

## COMMUNITY COLLEGE BUDGET IMPACT

**To Be Completed by Submitting Department and Reviewed by Budget**

**SECTION A - FUND - N/A**

☐ GENERAL FUND☐ AIRPORT FUND

**SPECIAL DISTRICTS FUND**

## SECTION B - EXPENSES AND REVENUES

<b>Total Current Year Expense</b>	<b>\$</b>	<b>11,836,121</b>
-----------------------------------	-----------	-------------------

**Total Current Year Revenue**

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

## Additional Appropriations

☐ Other (explain) \_\_\_\_\_

**Identify Accounts:** Salary; Longevity; Pension; FICA; MTCD Tax;

**Potential Related Operating Budget Expenses:**

Annual Amount

**Describe:**

**Potential Related Operating Budget Revenues:**

Annual Amount

**Describe:**

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

**Current Year:**

### Next Four Years:

**Prepared by:** Michael Dunn

**Title:** Senior Budget Analyst

**Department:** **Budget**

**Date:** September 12, 2024

Reviewed By:

### Budget Director

**Date:**

ACT NO. \_\_\_\_\_ 2024

AN ACT approving certain financial terms and conditions of employment requiring the Legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County and the Westchester County Community College represented by the Westchester Community College Federation of Teachers for the six years commencing September 1, 2019 and ending August 31, 2025.

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

Section 1. Duration: The Agreement shall commence September 1, 2019 and expire on August 31, 2025.

Section 2. Compensation

A. Wages (Base Rate & Longevity)

Year 1 (2019-20)- 1% (as provided and paid for in the 2019-21 MOA)  
Year 2 (2020-21) - 1% (as provided and paid for in the 2019-21 MOA)  
Year 3 (2021-22)- 3.0%  
Year 4 (2022-23)-3.0%  
Year 5 (2023-24)- 3.5%  
Year 6 (2024-25)- 3.5%

Payment of retroactive wages shall be implemented within a reasonable period of time following full ratification of the Agreement and the College shall commence any work to determine eligibility for retroactive payment upon receiving notice that the union membership has ratified the agreement.

Eligibility for retroactive payments is limited to:

- 1 Unit members on payroll effective the date of ratification by the Union membership.

- a. With respect to adjuncts, the phrase "on payroll" above shall be interpreted as those who worked for the Employer during the term of this Agreement
- 2 Unit members who retired during the term of this Agreement.
  - a. For the purpose of this provision "retired" covers unit members who would have been eligible to receive retirement benefit payments from the New York State Teacher Retirement System ("NYSTRS") on the day after s/he left service from the College. Notwithstanding this definition, retroactivity shall not be limited to unit members enrolled in NYSTRS.

#### B. Bonuses

**Fulltime Faculty Bonus:** One-time \$2,500 bonus for full-time faculty on payroll at the time of the Union's ratification of this Agreement. Payment shall be made within 60 days of full ratification by the parties.

**Adjunct Faculty Bonus:** Adjunct faculty who were on the payroll at any time between September 1, 2022 and August 31, 2023, shall receive a one-time bonus of \$350, provided the adjunct has earned in excess of \$1,000 pre-tax during the aforementioned period of time.

#### Section 3. Professional Development Fund:

The Professional Development Fund shall be increased by \$5,000 from \$35,000 to \$40,000 per year.

Section 4. Except as expressly modified herein, all other terms and conditions of the Parties' collective bargaining agreement and the 2019-2012 Memorandum of Agreement shall continue in full force and effect.

#### Section 5. This Act shall take effect immediately.