

George Latimer
County Executive

August 28, 2019

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue an additional \$2,730,000 in bonds of the County to finance the following capital project:

RB133 – Bedford Road, C.R. 27 & 106, Pleasantville ("RB133").

The Bond Act, in the total amount of \$3,100,000, which includes \$370,000 in previously authorized bonds of the County, would fund the cost of design, construction management and construction associated with the rehabilitation of approximately 1.21 miles of roadway from the Pleasantville/Mount Pleasant Town Line to Broadway. Work will include: milling; joint and crack refurbishment; resurfacing; concrete curb replacement; resetting of existing stone curbing; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work.

The Department of Public Works and Transportation (the "Department") has advised that this road, which has an average annual daily traffic count ("AADT") of 14,671, is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index ("PCI") in 2016 was 68 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Design is currently underway and is expected to be completed by the 3rd quarter of 2019. It is anticipated that construction will take approximately nine (9) months and shall 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 which financed an earlier phase of this project as follows: Bond Act No. 222-2016 in the amount of \$370,000 which financed the design work in connection with RB133. This bond has

Office of the County Executive

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White Plains, New York 10601

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not been sold. It is now requested that Bond Act No. 222-2016 be amended to increase the initial amount authorized by \$2,730,000, for a total authorized amount, as amended, of \$3,100,000, to revise the scope of said Act to include costs related to the construction phase of RB133, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised that based on its review, the above referenced capital project has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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
County Executive

GL/HG/RA/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an amended bond act (the “Bond Act”) in the total amount of \$3,100,000, which includes \$370,000 in previously authorized bonds of the County of Westchester (the “County”), to finance capital project RB133 – Bedford Road, C.R. 27 & 106, Pleasantville (“RB133”).

Your Committee is advised that the Bond Act, prepared by the law firm Hawkins Delafield & Wood, LLP, would fund the cost of design, construction management and construction associated with the rehabilitation of approximately 1.21 miles of roadway from the Pleasantville/Mount Pleasant Town Line to Broadway. Work will include: milling; joint and crack refurbishment; resurfacing; concrete curb replacement; resetting of existing stone curbing; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work.

The Department of Public Works and Transportation (the “Department”) has advised that this road, which has an average annual daily traffic count (“AADT”) of 14,671, is in need of rehabilitation to provide a safe roadway for the traveling public. The associated pavement condition index (“PCI”) in 2016 was 68 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that design is currently underway and is expected to be completed by the 3rd quarter of 2019. It is anticipated that construction will take approximately nine (9) months and shall begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which financed an earlier phase of this project as follows: Bond Act No. 222-2016 in the amount of \$370,000 which financed the design work in connection with RB133. This bond has not been sold. It is now requested that Bond Act No. 222-2016 be amended to increase the initial amount authorized by \$2,730,000, for a total authorized amount, as amended, of

\$3,100,000, to revise the scope of said Act to include costs related to the construction phase of RB133, and to increase the period of probable usefulness of said bonds.

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

It should be noted that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: _____, 2019
White Plains, New York

COMMITTEE ON

k/jpg/7/30/19

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB133

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 \$ 3,100,000 PPU 15 Anticipated Interest Rate 1.44%

Anticipated Annual Cost (Principal and Interest): \$ 230,473

Total Debt Service (Annual Cost x Term): \$ 3,457,094

Finance Department: Interest rates from August 8, 2019 Bond Buyer - jrf9

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): N/A

Potential Related Revenues (Annual): N/A

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: 34

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Prog Coord (Capital Planning)

Department: Public Works/Transportation


Date: 8/14/19

Reviewed By: 

Budget Director

Date: 8/15/19

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Assistant County Attorney

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

DATE: August 8, 2019

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB133 BEDFORD ROAD, CR 27 AND 106, PLEASANTVILLE**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 07-25-2019 (Unique ID: 1131)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
 - **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes.
 - **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways.
-

COMMENTS: None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20 _____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JUNE 20, 2016 IN RELATION TO THE CONSTRUCTION OF IMPROVEMENTS TO CR 27 AND 106, BEDFORD ROAD, AT THE TOTAL ESTIMATED COST OF \$3,100,000. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance planning the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the construction of improvements to CR 27 and 106, Bedford Road, at the estimated maximum cost of \$370,000, pursuant to Act No. 222-16 duly adopted on June 20, 2016; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the appropriation for such project for estimated costs of such improvements and increase the period of probable usefulness for such improvements;

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 June 20, 2016, entitled:

“ACT NO. 222-16

BOND ACT AUTHORIZING THE ISSUANCE OF \$370,000 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 IMPROVEMENTS TO CR 27 & 106, BEDFORD ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$370,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$370,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO CR 27 AND 106, BEDFORD ROAD, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$3,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,100,000 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; \$3,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the planning, construction management and construction of improvements to CR 27 and 106, Bedford Road, including the rehabilitation of approximately 1.21 miles of roadway from the Pleasantville/Mount Pleasant Town Line to Broadway including milling; joint and crack refurbishment; resurfacing; concrete curb replacement; resetting of existing stone curbing; installation of ADA sidewalk ramps; new traffic loops; new pavement markings 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 total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$3,100,000. The plan of financing includes the issuance of \$3,100,000 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 specific object or purpose for which said \$3,100,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.20(c) of the Law, is fifteen (15) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of

\$3,100,000. 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 \$3,100,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved, and as the amount of bonds herein authorized is not in excess of \$10,000,000, this Act is not subject to referendum.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the

renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF 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 June 20, 2016 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 \$3,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO CR 27 AND 106, BEDFORD ROAD, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$3,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,100,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on June 20, 2016 and amended on _____, 20____)

object or purpose: to finance the planning, construction management and construction of improvements to CR 27 and 106, Bedford Road, including the rehabilitation of approximately 1.21 miles of roadway from the Pleasantville/Mount Pleasant Town Line to Broadway including milling; joint and crack refurbishment; resurfacing; concrete curb replacement; resetting of existing stone curbing; installation of ADA sidewalk ramps; new traffic loops; new pavement markings 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: \$3,100,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:*
RB133

CBA

Fact Sheet Date:*
06-20-2019

Fact Sheet Year:*
2019

Project Title:*
BEDFORD ROAD, CR 27 AND 106,
PLEASANTVILLE

Legislative District ID:
3,

Category*
ROADS & BRIDGES

Department:*
PUBLIC WORKS

CP Unique ID:
1131

Overall Project Description

The improvements to Bedford Road will include cold milling and removal of the existing asphalt overlay, joints and cracks will be cleaned, filled and sealed, the roadway tack-coated and paved with asphalt. Work will also include replacement of sections of concrete curbing, resetting of existing stone curbing, replacement or adjustment of utility castings, installation of handicap sidewalk ramps, new traffic loops and new pavement markings. Project limits are from Pleasantville/Mount Pleasant Town Line to Broadway. A distance of 1.21 miles.

- | | | |
|---|--|--|
| <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	2019	2020	2021	2022	2023	Under Review
Gross	3,100	2,900	200	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,100	2,900	200	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 109

Current Bond Description: Funding is requested for design, construction management and construction associated with the rehabilitation of approximately 1.21 miles of roadway from the Pleasantville/Mount Pleasant Town Line to Broadway including milling; joint and crack refurbishment; resurfacing; concrete curb replacement; resetting of existing stone curbing; installation of ADA sidewalk ramps; new traffic loops; new pavement markings and related work.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	2,730,000
Cash:	0
Total:	\$ 2,730,000

SEQR Classification:
TYPE II

Amount Requested:
2,730,000

Comments:
PCI: 68 (2016); AADT: 14,671

Energy Efficiencies:
N/A

Appropriation History:

Year	Amount	Description
2016	2,900,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT,
2019	200,000	COST ESCALATION

Total Appropriation History:
3,100,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	222	370,000		0 BEDFORD ROAD (CR 27 & 106) PLANNING

Total Financing History:

370,000

Recommended By:

Department of Planning
WBB4

Date
07-25-2019

Department of Public Works
RJB4

Date
07-25-2019

Budget Department
LMY1

Date
07-26-2019

Requesting Department
RJB4

Date
07-30-2019

BEDFORD ROAD, CR 27 AND 106, PLEASANTVILLE (RB133)

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	2019	2020	2021	2022	2023	Under Review
Gross	3,100	2,900	109	200					
Non County Share									
Total	3,100	2,900	109	200					

Project Description

The improvements to Bedford Road will include cold milling and removal of the existing asphalt overlay, joints and cracks will be cleaned, filled and sealed, the roadway tack-coated and paved with asphalt. Work will also include replacement of sections of concrete curbing, resetting of existing stone curbing, replacement or adjustment of utility castings, installation of handicap sidewalk ramps, new traffic loops and new pavement markings. Project limits are from Pleasantville/Mount Pleasant Town Line to Broadway. A distance of 1.21 miles.

Current Year Description

The current year request funds cost escalation for this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2019	200,000			200,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2016	2,900,000	Design, construction and construction management,	\$370,000 -DESIGN; \$2,530,000 - AWAITING BOND AUTHORIZATION
Total	2,900,000		

Prior Appropriations

Bond Proceeds	Appropriated	Collected	Uncollected
	2,900,000		2,900,000
Total	2,900,000		2,900,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
222 16	370,000			370,000
Total	370,000			370,000