

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

Your Committee is in receipt of a transmittal from the Westchester County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$6,000,000 to finance capital project RB03V – Oak Street Over Bronx River, Yonkers (“RB03V”). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the cost of reconstruction of the Oak Street bridge over the Bronx River located in the City of Yonkers, including design, construction management and construction associated with the removal and replacement of the structural concrete deck, waterproofing membrane, asphalt wearing surface, concrete sidewalks, bridge railings and fencing, rehabilitation of the existing steel beams and concrete abutments, replacement of the bearings, and related work.

The Department of Public Works and Transportation (“Department”) has advised that this bridge, which was built in 1954 and has an annual daily traffic count (“AADT”) of 13,270, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2015 the New York State Department of Transportation gave the bridge a condition rating of 4.93 and the roadway has continued to deteriorate. The bridge was again inspected in 2019 under the revised State and Federal standards and given a new condition rating of 5.367. 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 shall be scheduled and is anticipated to take nine months. It is anticipated that construction will take approximately eighteen months and shall begin after award and execution of the construction contracts. It is anticipated that the work will be completed using consultants.

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

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: Aug 27, 2019.
White Plains, New York

9/9/19.

Margaret Shinsky
Carl Park
Joseph Pan
Benjamin Boyfan
David J. Iubisto

Carl Boy
Margaret A. Cyro
Carl Park
Joseph Wilkins
Joseph Pan

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB03V

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 20 Anticipated Interest Rate 1.89%

Anticipated Annual Cost (Principal and Interest): \$ 359,525

Total Debt Service (Annual Cost x Term): \$ 7,190,499

Finance Department: Interest rates from July 22, 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: 65

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: 7/24/19

Reviewed By: 

Budget Director

Date: 7/25/19

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

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

DATE: July 11, 2019

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB03V Oak Street over Bronx River, Yonkers (BIN 3348960)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-05-2019 (Unique ID: 1089)

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.
-

COMMENTS: This project is adjacent to and will need to coordinate with capital project RB03U (Unique ID 1088) which is also being proposed at this time. The two projects combined will not exceed any of the thresholds that would disqualify them from the Type II classification.

DSK/cnm

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

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF RECONSTRUCTION OF THE OAK STREET BRIDGE OVER THE BRONX RIVER LOCATED IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$6,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of reconstruction of the Oak Street bridge over the Bronx River located in the City of Yonkers, including design, construction management and construction associated with the removal and replacement of the structural concrete deck, waterproofing membrane, asphalt wearing surface, concrete sidewalks,

bridge railings and fencing, rehabilitation of the existing steel beams and concrete abutments, replacement of the bearings, 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 \$6,000,000. The plan of financing includes the issuance of \$6,000,000 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 applicable to the specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$6,000,000. 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 \$6,000,000 as the estimated total cost of the aforesaid object or purpose 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.

* * *

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, 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 \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF RECONSTRUCTION OF THE OAK STREET BRIDGE OVER THE BRONX RIVER LOCATED IN THE CITY OF YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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 reconstruction of the Oak Street bridge over the Bronx River located in the City of Yonkers, including design, construction management and construction associated with the removal and replacement of the structural concrete deck, waterproofing membrane, asphalt wearing surface, concrete sidewalks, bridge railings and fencing, rehabilitation of the existing steel beams and concrete abutments, replacement of the bearings, 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: \$6,000,000; 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

Project ID:*
RB03V

CBA

Fact Sheet Date:*
05-07-2019

Fact Sheet Year:*
2019

Project Title:*
OAK STREET OVER BRONX RIVER,
YONKERS (BIN 3348960)

Legislative District ID:
14,

Category*
ROADS & BRIDGES

Department:*
PUBLIC WORKS

CP Unique ID:
1089

Overall Project Description

Work to include removal and replacement of structural concrete deck, waterproof membrane, asphalt wearing surface, concrete sidewalks and bridge railing and fencing. Existing steel beams to be repaired as required and painted. Bearings to be replaced. Concrete repairs to existing abutments, seats, pedestals, stem, etc. and reinforced concrete facing after removal of deteriorated abutments. The structure is 60' long by 52' wide. The structure was built in 1954. This project to be coordinated with RB03U, Sherwood Avenue over Bronx River Parkway, Yonkers (BIN 3348970).

- | | | |
|---|--|--|
| <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	6,000	6,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,000	6,000	0	0	0	0	0	0

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

Current Bond Description: Funding is requested for design, construction management and construction associated with the removal and replacement of the structural concrete deck, waterproofing membrane, asphalt wearing surface, concrete sidewalks, bridge railings and fencing; rehabilitation of the existing steel beams and concrete abutments; replacement of the bearings; and related work.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

6,000,000

Comments:

This project shall be coordinated with RB03U, Sherwood Avenue over Bronx River Parkway, Yonkers (BIN 3348970).

Bridge Condition Rating: 4.933 (2015); AADT: 13,270

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2018	6,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

6,000,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
06-05-2019

Department of Public Works
RJB4

Date
06-05-2019

Budget Department
LMY1

Date
06-06-2019

Requesting Department
RJB4

Date
06-06-2019

**OAK STREET OVER BRONX RIVER, YONKERS (BIN 3348960)
(RB03V)**

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	6,000	6,000							
Non County Share									
Total	6,000	6,000							

Project Description

Work to include removal and replacement of structural concrete deck, waterproof membrane, asphalt wearing surface, concrete sidewalks and bridge railing and fencing. Existing steel beams to be repaired as required and painted. Bearings to be replaced. Concrete repairs to existing abutments, seats, pedestals, stem, etc. and reinforced concrete facing after removal of deteriorated abutments. The structure is 60' long by 52' wide. The structure was built in 1954. This project to be coordinated with RB03U, Sherwood Avenue over Bronx River Parkway, Yonkers (BIN 3348970).

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
2018	6,000,000	Design, construction and construction management.	AWAITING BOND AUTHORIZATION
Total	6,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,000,000		6,000,000
Total	6,000,000		6,000,000