

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 1, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; AT THE TOTAL ESTIMATED COST OF \$4,115,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for recreational area improvements to Lasdon Park, Arboretum and Veterans Memorial in Katonah at the estimated maximum cost of \$600,000 (the "Original Project"), pursuant to Act No. 329-2016, duly adopted on November 1, 2016, and it has now been determined that (i) the costs of recreation area improvements to Lasdon Park, Arboretum and Veteran Memorial in Katonah in the amount of \$3,515,000 shall be added to the costs of the Original Project (collectively, the "Project"), (ii) the maximum cost of the Project shall now total \$4,115,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

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 November 1, 2016,
entitled:

“(BOND) ACT NO. 329-2016

BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$600,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 1, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; AT THE TOTAL ESTIMATED COST OF \$4,115,000. (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, \$4,115,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of recreational area improvements to Lasdon Park, Arboretum and Veterans Memorial in Katonah, including construction, construction management of infrastructure, site work improvements, a new septic system, resurfacing existing pavements, new pathways throughout the arboretum, site work, landscaping and planning costs in connection therewith; 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 \$4,115,000. The plan of financing includes the issuance of \$4,115,000 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 resolution is to be issued, within the limitations of Section 11.00 a. 19(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 \$4,115,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement 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 Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on November 1, 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 OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 1, 2016 IN RELATION TO FINANCING THE COST OF RECREATIONAL AREA IMPROVEMENTS TO LASDON PARK, ARBORETUM AND VETERANS MEMORIAL IN KATONAH; AT THE TOTAL ESTIMATED COST OF \$4,115,000. (Adopted _____, 20__).

object or purpose: to finance the cost of recreational area improvements to Lasdon Park, Arboretum and Veterans Memorial in Katonah, including construction, construction management of infrastructure, site work improvements, a new septic system, resurfacing existing pavements, new pathways throughout the arboretum, site work, landscaping and planning costs in connection therewith; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued: \$4,115,000; fifteen (15) years
and period of probable usefulness:

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:* RLAS6	<input type="checkbox"/> CBA	Fact Sheet Date:* 02-02-2023
Fact Sheet Year:* 2023	Project Title:* LASDON INFRASTRUCTURE/ SITE WORK II	Legislative District ID: 4,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2152

Overall Project Description

This project funds the development of the infrastructure and site work at Lasdon Park, Arboretum and Veterans Memorial, a 228 acre park dedicated in 1993, located in Somers.

- | | | |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	4,115	4,115	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,115	4,115	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 599

Current Bond Description: This request will fund construction and construction management of infrastructure and site work improvements including a new septic system, resurfacing existing pavements and creating new pathways throughout the arboretum. Associated site work and landscaping will be included as well.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,515,000
Cash:	0
Total:	\$ 3,515,000

SEQR Classification:

UNLISTED

Amount Requested:

3,515,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	600,000	DESIGN
2018	3,515,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

4,115,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	329	600,000		0 LASDON INFRASTRUCTURE/SITE WORK II

Total Financing History:

600,000

Recommended By:

Department of Planning
WBB4

Date
04-07-2023

Department of Public Works
RJB4

Date
04-07-2023

Budget Department
DEV9

Date
04-10-2023

Requesting Department
RCL3

Date
09-06-2023

LASDON INFRASTRUCTURE/ SITE WORK II (RLAS6)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; 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	2023	2024	2025	2026	2027	Under Review	
Gross	4,115	4,115	599							
Non County Share										
Total	4,115	4,115	599							

Project Description

This project funds the development of the infrastructure and site work at Lasdon Park, Arboretum and Veterans Memorial, a 228 acre park dedicated in 1993, located in Somers.

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
2016	600,000	Design	DESIGN
2018	3,515,000	Construction and construction management.	AWAITING BOND AUTHORIZATION
Total	4,115,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	4,115,000		4,115,000
Total	4,115,000		4,115,000

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
329 16	600,000			600,000
Total	600,000			600,000