

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 26, 2021 IN RELATION TO THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, AT THE MAXIMUM ESTIMATED COST OF \$8,000,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$5,000,000 bonds to finance the cost of the reconstruction of the County-owned Woodlands Lake Dam, including removal of a portion of the existing dam, stabilization and reconstruction of the river adjacent to the dam, replacement of the bridge and railing as well as associated infrastructure and site work, pursuant to Act No. 64-2021 duly adopted on April 26, 2021; and

WHEREAS, it has been determined that the cost of such purpose has increased due to additional costs for modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes 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 (A). The bond act duly adopted by this Board on April 26, 2021,
entitled:

“ACT NO. 64-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 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 \$8,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,000,000 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, \$8,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the reconstruction of the County-owned Woodlands Lake Dam, including removal of a portion of the existing dam, stabilization and reconstruction of the river adjacent to the dam, replacement of the bridge and railing as well as associated infrastructure and site work, also including modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes, 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 \$8,000,000. The plan of financing includes the issuance of \$8,000,000 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.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 22(a) of the Law, is thirty (30) 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 \$8,000,000. 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 \$8,000,000 as the estimated total cost of the aforesaid specific 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.

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 April 26, 2021 and 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 \$8,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE RECONSTRUCTION OF THE COUNTY-OWNED WOODLANDS LAKE DAM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$8,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on April 26, 2021 and on _____, 20____)

object or purpose: to finance the reconstruction of the County-owned Woodlands Lake Dam, including removal of a portion of the existing dam, stabilization and reconstruction of the river adjacent to the dam, replacement of the bridge and railing as well as associated infrastructure and site work, also including modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes, as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$8,000,000; thirty (30) 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:* RMAC4	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 10-02-2023
Fact Sheet Year:* 2023	Project Title:* WOODLANDS LAKE DAM AT V.E.MACY PARK	Legislative District ID: 12,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2397

Overall Project Description

This project includes extensive repairs to the component dam, bridge and sidewalk and decommissioning the Woodlands Lake Dam. This Dam is in poor condition and is within the permitting threshold of the New York State DEC. Work includes rebuilding the masonry, repairs to the bridge structure, repointing and regrouting, installation of shot-crete, concrete and reinforcement bars, as well as waterproofing, railing replacement, and new asphalt pavement, site work, and safety items such as additional railing, curbing and shoreline stabilization adjacent to the dam and spillway.

<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	8,000	5,000	0	0	0	0	0	3,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,000	5,000	0	0	0	0	0	3,000

Expended/Obligated Amount (in thousands) as of : 4,936

Current Bond Description: Funding is requested for construction and construction management associated with additional costs for modifications deemed necessary during construction pertaining to the pedestrian bridge foundation, earthwork operations and site utility changes.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE I

Amount Requested:

3,000,000

Expected Design Work Provider:

<input type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input checked="" type="checkbox"/> Not Applicable
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Comments:

A capital budget amendment in the amount of \$3,000,000 is requested and shown under review to fund the increase in costs associated with modifications to the pedestrian footbridge foundation, earthwork operations and site utility changes. The existing stone masonry dam structure which was intended to serve as the foundation for the new pedestrian bridge structure was deemed unsuitable to support the new pedestrian bridge. New reinforced concrete footings, piers and abutments are needed to support the new bridge structure. Additional excavation of sediment and filling of suitable backfill materials are needed to meet design elevations and to stabilize the edges of the new stone channel. Existing utility lines and structures could not be reused as initially intended and are in need of replacement.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2011	2,500,000	DESIGN & CONSTRUCTION OF DAM REPAIRS
2017	1,700,000	ADDITIONAL CONSTRUCTION COSTS.
2019	800,000	FUNDS FOR CONSTRUCTION

Total Appropriation History:

5,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	64	5,000,000	589,088	REMOVAL OF PORTION OF EXISTING WOODLAND LAKE DAM

Total Financing History:

5,000,000

Recommended By:**Department of Planning**

MLLL

Date

10-11-2023

Department of Public Works

RJB4

Date

10-12-2023

Budget Department

DEV9

Date

10-26-2023

Requesting Department

RCL3

Date

10-26-2023

WOODLANDS LAKE DAM AT V.E.MACY PARK (RMAC4)

User Department : Parks, Recreation & Conservation

Managing Department(s) : Parks, Recreation & Conservation ; 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	2023	2024	2025	2026	2027	Under Review
Gross	5,000	5,000	4,934						
Non County Share									
Total	5,000	5,000	4,934						

Project Description

This project includes extensive repairs to the component dam, bridge and sidewalk and decommissioning the Woodlands Lake Dam. This Dam is in poor condition and is within the permitting threshold of the New York State DEC. Work includes rebuilding the masonry, repairs to the bridge structure, repointing and regrouting, installation of shot-crete, concrete and reinforcement bars, as well as waterproofing, railing replacement, and new asphalt pavement, site work, and safety items such as additional railing, curbing and shoreline stabilization adjacent to the dam and spillway.

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
2011	2,500,000	Design & construction of dam repairs	CONSTRUCTION
2017	1,700,000	Additional construction costs.	CONSTRUCTION
2019	800,000	Funds for construction	CONSTRUCTION
Total	5,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,000,000	589,088	4,410,912
Total	5,000,000	589,088	4,410,912

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
64 21	5,000,000	12/01/22	535,836	4,410,912
		12/01/22	53,252	
Total	5,000,000		589,088	4,410,912