

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 26, 2021, IN RELATION TO THE REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCAWANA PARK IN THE TOWN OF CORTLANDT, AT THE MAXIMUM ESTIMATED COST OF \$3,300,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$400,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the removal of the county-owned Maiden Lane dam at Oscawana Park in the Town of Cortlandt, pursuant to Act No. 63-2021 duly adopted on April 26, 2021; and

WHEREAS, it is now appropriate to authorize such purpose, 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. 63-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$400,000 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 REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCAWANA PARK IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 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 \$3,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCAWANA PARK IN THE TOWN OF CORTLANDT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,300,000 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; \$3,300,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management in connection with the construction and inspection of the removal of the Maiden Lane Dam located within the County-owned Oscawana Park in the Town of Cortlandt, 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 \$3,300,000. The plan of financing includes the issuance of \$3,300,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$3,300,000 bonds authorized by this Act are 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

\$3,300,000. 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 \$3,300,000 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.

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 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 \$3,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCAWANA PARK IN THE TOWN OF CORTLANDT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on April 26, 2021 and amended on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the construction and inspection of the removal of the Maiden Lane Dam located within the County-owned Oscawana Park in the Town of Cortlandt, 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: \$3,300,000; 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:* BPL40	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-14-2023
Fact Sheet Year:* 2023	Project Title:* STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II	Legislative District ID: 9
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 2168

Overall Project Description

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|--|---|
| <input 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	2023	2024	2025	2026	2027	Under Review
Gross	10,625	7,725	0	0	0	0	0	2,900
Less Non-County Shares	475	475	0	0	0	0	0	0
Net	10,150	7,250	0	0	0	0	0	2,900

Expended/Obligated Amount (in thousands) as of : 3,265

Current Bond Description: This project will fund construction and inspection of the removal of the Maiden Lane Dam located within the County-owned Oseawana Park in the Town of Cortlandt. The dam is in disrepair and the project will reduce flooding conditions in the area and improve fish passage along Furnace Brook. A Capital Budget Amendment is also requested to add funds to BPL40 for this requested project.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,900,000
Cash:	0
Total:	\$ 2,900,000

SEQR Classification:

TYPE I

Amount Requested:

2,900,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2013	5,000,000	\$3,750,000 - CONSTRUCTION ON BRONX RIVER & ANITA LANE BRIDGE; \$1,250,000 - CONSTRUCTION ON BRONX RIVER AT HARNEY RD
2016	1,475,000	\$475,000 NCS FOR FULTON BROOK; \$1,000,000 FOR CONTINUATION OF THIS PROJECT
2020	500,000	CONTINUATION OF THIS PROJECT
2021	750,000	CONTINUATION OF THIS PROJECT \$500,000 ; FEASIBILITY STUDY FOR BRONX RIVER FLOOD MITIGATION \$250,000

Total Appropriation History:

7,725,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	26	1,250,000	1,083,188	STORMWATER MANAGEMENT - BOTH SIDES OF BRONX RIVER BY TOWN OF EASTCHESTER AND CITY OF YONKERS
16	61	850,000	701,446	RESTORE WATERWAY & BANKS- CONFLUENCE OF BRX RIV & SPRAIN BR IN BNXVLE & YONK
19	13	1,000,000	672,959	STORMWATER MANAGEMENT- VARIOUS COUNTY FACILITIES II
19	174	400,000	400,000	
21	63	400,000	88,952	STORMWATER MANAGEMENT - OSCAWANA PARK TOWN OF CORTLANDT
21	60	1,500,000	0	0 STORMWATER MANAGEMENT - EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK CITY OF RYE
21	156	250,000	0	0 STORMWATER MANAGEMENT BRP VILLAGE OF SCARSDALE (1707) CONTINUES BPL23
22	91	2,000,000	0	0 (ID-1941) STORMWATER MANAGEMENT - EDITH READ WILDLIFE SANCTUARY AND PLAYLAND PARK CITY OF RYE

Total Financing History:

7,650,000

Recommended By:

Department of Planning WBB4	Date 03-02-2023
Department of Public Works RJB4	Date 03-08-2023
Budget Department DEV9	Date 03-12-2023
Requesting Department WBB4	Date 03-12-2023

STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II (BPL40)

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	2023	2024	2025	2026	2027	Under Review
Gross	7,725	7,725	3,265						
Non County Share	(475)	(475)	1						
Total	7,250	7,250	3,266						

Project Description

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

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
2013	5,000,000	\$3,750,000 - Construction on Bronx River & Anita Lane Bridge; \$1,250,000 - Construction on Bronx River at Harney Rd	Anita Lane - AWAITING BOND AUTHORIZATION; Harney Rd - COMPLETE
2016	1,475,000	\$475,000 NCS for Fulton Brook; \$1,000,000 for continuation of this project	FULTON BROOK - COMPLETE ; \$1,000,000 - AWAITING BOND AUTHORIZATION
2020	500,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	750,000	Continuation of this project \$500,000 ; Feasibility study for Bronx River Flood Mitigation \$250,000	AWAITING BOND AUTHORIZATION
Total	7,725,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,250,000	2,946,544	4,303,456
State Funds	475,000		475,000
Others		(688)	688
Total	7,725,000	2,945,855	4,779,145

**STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II
(BPL40)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance			
26 14	1,250,000	12/15/16	63,549	166,812			
		12/15/17	129,277				
		12/15/17	23,737				
		12/15/17	201				
		12/10/18	363,679				
		12/10/19	264,920				
		12/10/19	52,315				
		04/30/20	164,510				
		10/28/20	17,816				
		10/28/20	2,496				
		10/28/20	688				
		61 16	850,000		12/15/16	35,761	148,554
					12/15/17	94,934	
12/15/17	17,431						
12/15/17	147						
12/10/18	249,897						
12/10/19	182,021						
12/10/19	35,945						
04/30/20	85,312						
13 19	1,000,000	12/10/19	75,158	327,041			
		12/10/19	14,842				
		04/30/20	191,430				
		12/01/21	127,600				
		12/01/22	240,070				
		12/01/22	23,858				
174 19	400,000	12/01/21	400,000				
63 21	400,000	12/01/22	80,911	311,048			
		12/01/22	8,041				
60 21	1,500,000			1,500,000			
156 21	250,000			250,000			
91 22	2,000,000			2,000,000			
Total	7,650,000		2,946,545	4,703,455			