

NOTICE OF PUBLIC HEARING

The Public Hearing was called to order at 5:10 p.m. by Leigh J. Benton, Chairman of the Ways and Means Committee.

The Clerk read the Notice of Public Hearing:

PUBLIC NOTICE IS HEREBY GIVEN that the Legislature of the County of Orange will meet at the Legislative Chambers in the Orange County Government Center, 255 Main Street, Goshen, New York 10924 on the 24th day of April 2018 at 5:00 p.m. on that day to hold a Public Hearing to receive public comment on the proposal for the increase and improvement of the facilities of Beaver Dam Lake Protection and Rehabilitation District. The project consists of the design and construction for the rehabilitation of Beaver Dam Lake Dam.

The maximum estimated cost of the increase and improvement of facilities is rehabilitation is \$4,600,000, which will be funded, in part, by \$900,000 of District surplus funds. The remaining cost shall be funded by an anticipated grant of \$999,850 and a bond of \$2,700,150 assessed against taxable real property within the area consisting of the Beaver Dam Lake Rehabilitation and Protection District.

NOTICE IS FURTHER GIVEN that the County Legislature has caused to be prepared and filed for public inspection with the Clerk of the Orange County Legislature a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Department of Public Works.

This notice was published in the April 18th issue of the Hudson Valley Press, Times Community Newspapers (the Wallkill Valley and Mid-Hudson Times), and Warwick Valley Dispatch; the April 20th issue of the Orange County Post, Straus Newspapers (Warwick Advertiser, Monroe Photo News, The Chronicle), and the News of the Highlands (Cornwall Local); and the Gazette.

Erik Denega, Commissioner of Public Works, explained that the Beaver Dam Lake Protection and Rehabilitation District is a special district formed in the 1980's by the Orange County Legislature for properties on and around the Beaver Dam Lake with properties spanning to three municipalities, Town of New Windsor, Town of Blooming Grove and the Town of Cornwall. Currently the Orange County Department of Public Works manages the district's funds and provides administration to the district with input from the Beaver Dam Lake Advisory Board. The last rehabilitation of the dam was performed approximately 28 years ago and the dam structure needs to be rehabilitated to be in conformance with the current New York State DEC regulations. The dam rehabilitation project consists of the rehabilitation of a low-level outlet control repair of the spillway opening and dam stability and improvements along with the acquisition of approximately 1.57 acres of property most of which are in the lake bottom to facilitate the dam repairs. Bids for the rehabilitation work were received and the low bid price was higher than previously anticipated. At the time of the notice for this public hearing, it was anticipated that \$900,000 district reserve money would be transferred into the project budget to cover the additional project costs bringing the total project budget to \$4.6 million. However, recently word was received that the State Comptroller's Office that the cost increase for the project must be submitted to their office for review and approval. The New York State Comptroller provides a checks and balances of local municipal finances and must provide overall

cost and affordability for major projects. They were recently advised that additional information and administrative items will be required before the project budget borrowing can be approved by the state. The county must now adjust the dam's budget to reflect approximately \$280,000 that was previously spent on engineering and construction plans. An additional \$120,000 for construction contingencies which will also be included bringing the revised project up to \$5 million total. These revisions drive the need for an additional public hearing next month in May to explain the revised cost to the residents. It is anticipated that there will be minimal change to the current Beaver Dam Lake capital tax charges from where they are currently. They do not have the final numbers right now. The draining of the Lake will be determined by the state Comptroller but it is expected to begin late June early July time frame. The lake will remain empty for the remainder of 2018, possibly into the early part of 2019. More detailed scheduled information will be distributed once it becomes available.

Lawrence Rossini, New Windsor, Chairman of the Beaver Dam Lake District Board: He appreciates all the effort everyone is making on this. The community is not happy with the way that things have gone and it has taken so long and with the latest round of events with the cost increase. They need to get through this. There are approximately 800 families that live at Beaver Dam Lake and 95% of them are all year-round residents. There is a misconception that Beaver Dam Lake is a summer community but that ended in the 1960's. They want the project to get done. It is our lake, it is our community and it is the key to our community. Without the lake it is a whole different economic structure and affects the property value. There are other issues that need to be addressed as part of this project. We are working on it in conjunction with the Department of Public Works as well as with DEC and other state agencies. There is a lot going on behind the scenes. We need to move forward.

With no other speakers wishing to speak, the public hearing recessed at 5:18 p.m.

The public hearing reconvened on May 22, 2018 at 5:15 p.m.

The Public Hearing was called to order at 5:15 p.m. by Barry Cheney, Chairman of the Physical Services Committee.

The Clerk read the Notice of Public Hearing:

PUBLIC NOTICE IS HEREBY GIVEN that the Orange County Legislature will meet at the Legislative Chambers in the Orange County Government Center, 255 Main Street, Goshen, New York 10924 on the 22nd day of May 2018 at 5:15 p.m. on that day to hold a Public Hearing to receive public comment on the proposal for the increase and improvement of the facilities of Beaver Dam Lake Protection and Rehabilitation District. The project consists of the rehabilitation of Beaver Dam Lake Dam, including all engineering and construction services/work.

The maximum estimated cost of the increase and improvement of the facilities of the Beaver Dam Lake Protection and Rehabilitation District is \$5,000,000, which will be funded, in part, by \$900,000 of District surplus funds. The remaining cost shall be funded by an anticipated grant of \$999,850 and a bond of \$3,100,150 assessed against taxable real property within the area consisting of the Beaver Dam Lake Rehabilitation and Protection District.

The annual estimated capital, operational and maintenance cost to the typical district property for the proposed increase and improvement is as follows: within the Town of Blooming Grove, Benefit Area I is \$709.73, Benefit Area II is \$353.71, and Benefit Area III is \$270.11;

within the Town of Cornwall, Benefit Area I is \$487.71, Benefit Area II is \$353.71, and Benefit Area III is \$270.11; within the Town of New Windsor, Benefit Area I is \$533.91, Benefit Area II is \$353.71 and Benefit Area III is \$270.11. See Section 268 of the County Law.

NOTICE IS FURTHER GIVEN that the Orange County Legislature has caused to be prepared and filed for public inspection with the Clerk of the Orange County Legislature a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the Orange County Department of Public Works.

NOTICE IS FURTHER GIVEN that the Orange County Legislature has caused to be prepared and filed for public inspection with the Clerk of the Orange County Legislature the proposed allocation of the cost of the proposed increase and improvements as between the zones of assessment of the Beaver Dam Lake Rehabilitation and Protection District.

This notice was published in the May 9th issue of the Hudson Valley Press, Times Community Newspapers (the Wallkill Valley and Mid-Hudson Times), and Warwick Valley Dispatch; the May 4th issue of the Orange County Post, Straus Newspapers (Warwick Advertiser, Monroe Photo News, The Chronicle), and the News of the Highlands (Cornwall Local); and the Gazette.

Mr. Denega reminded everyone that there was a public hearing last month and based on some changes to the project they were required to have a follow up so this was a continuation of the public hearing. The Legislature will provide them with provisions and prepare the application to resubmit to the Comptroller's office and then a resolution for permission to submit that application to the Comptroller's office. The Beaver Dam Lake Protection and Rehabilitation District is a special district formed in the 1980's by the Orange County Legislature for properties on and around the Beaver Dam Lake with properties spanning to three municipalities, Town of New Windsor, Town of Blooming Grove and the Town of Cornwall. Currently the Orange County Department of Public Works manages the district's funds and provides administration to the district with input from the Beaver Dam Lake Advisory Board. The last rehabilitation of the dam was performed approximately 28 years ago and the dam structure needs to be rehabilitated to be in conformance with the current New York State DEC regulations. The dam rehabilitation project consists of the rehabilitation of a low-level outlet control repair of the spillway opening and dam stability and improvements along with the acquisition of approximately 1.57 acres of property most of which are in the lake bottom to facilitate the dam repairs. Previously a public hearing was held to explain those costs of the dam rehabilitation work and the cost to a typical district property within each a benefit area to each town. An application to the State Comptroller's Office was prepared and submitted, approval was granted for the maximum budget cost of \$3.7 million. The design plans to the project were completed and the project was put out to bid. Bids for the rehabilitation were received and the low bid price was higher than previously anticipated. The price exceeded the maximum cost approved by the State Comptroller and their office confirmed that a new application and public hearing would be required for the increase cost of the project. The New York State Comptroller provides a check and balances of local municipal finances and must provide overall cost and affordability for major projects. During the preparation of the new application it was determined that the preliminary design cost for the project should also be included in the total amount to be approved by the State Comptroller. An updated cost estimate was prepared which included all engineering costs to date, a low bid price for construction, the construction inspection cost, an increase in contingency for any unforeseen construction costs. The updated total project costs is \$5 million which will be funded in part by \$900,000 of district surplus funds. The remaining cost shall be funded by an anticipated grant of nearly \$1 million, the

exact amount is \$999,850 and a bond of \$3,100,150 assessed against actual real property in the area consisting of the Beaver Dam Lake Protection and Rehabilitation District. While the overall cost of the project has increased, the cost of a typical property at the district has gone down from what was previously presented. As those cost anticipated bonding the full \$3.7 million project cost, they are now anticipating bonding a maximum of \$3.1 million. The \$3.7 million did not include the original grant. At this time it is anticipated that there will be little, if any, change to the current Beaver Dam Lake capital tax charges. The draining of the lake will be depending on the timing of the approval of the State Comptroller but is now anticipated to be in late June or early July of this year. The lake will remain empty for the remainder of 2018 and possibly an early portion of 2019. Once a more detail schedule is available, it will be distributed at that time.

Nancy Calhoun, Blooming Grove, former Blooming Grove Supervisor: Honorable Legislators, she comes here today to speak in favor of the action that they are about to take and maybe she can add a little bit of history. She was the Town of Blooming Grove during the 1980s and at that time she contacted those people that were their representatives including Senator Richard Schermerhorn and Senator Bill Larkin. Through their efforts they were able to secure a \$37,500 grant which enabled a map, study and report to be prepared. With that being done, with the guidance with then President of the Board, Eric Lundstrom of the Beaver Dam Community, it was decided to hold a vote of the people of that community for the implementation of the district. When this was done and about 99.5% of those voters who came out to vote approved this. It was a similar situation where there was going to be maintenance at the lake district and it was established as noted, those on lakefront were III Benefit Units, one level off the lake was II and those who were further back were I which is why there are the different areas. The people of that district were very astute and she understood that in anticipation of the repairs have increase their previous payments per year so there would be the anticipated surplus. This is a necessary item and she believed she was correct saying the dam itself is physically in the Town of Blooming Grove but of course many of the people are not all from Blooming Grove but they are Cornwall, New Windsor and Blooming Grove residents. She is speaking today because this is an important issue for them and it is important and as stated by the Commissioner of Public Works, the county will oversee this and the county will do whatever it can to implement this very needed improvement. She thanked the Legislature for holding the hearing and she looked forward to the next 18 months and for the completion.

With no other speakers wishing to speak, the public hearing adjourned at 5:27 p.m.