

COUNTY OF ORANGE



**EXECUTIVE ORDER NO. 9 OF 2020 DECLARING A
STATE OF EMERGENCY in ORANGE COUNTY
IN RELATION TO THE
RECONSTRUCTION OF BEAVER DAM LAKE DAM**

I, Steven M. Neuhaus, County Executive of the County of Orange, State of New York, do hereby declare as an EXECUTIVE ORDER the following:

WHEREAS, the County of Orange, New York, is an owner (on behalf of the Beaver Dam Lake Protection and Rehabilitation District) of Beaver Dam Lake Dam, which is located at the south end of Beaver Dam Lake in the Town of Blooming Grove; and

WHEREAS, Beaver Dam Lake Dam is classified as a “Class C” (high hazard) dam, which means that failure of the structure would likely result in the loss of human life and/or substantial environmental damage, as well as damage to people’s homes, main highways, industrial and/or commercial buildings, railroads, and/or utilities (i.e. water supply, sewage treatment, fuel and power infrastructure); and

WHEREAS, an evaluation of the Beaver Dam Lake Dam on behalf of the County revealed deficiencies in the structural stability and spillway capacity of the dam, as well as an inability to properly operate the dam’s two (2) low level outlets – and that the dam needed to be replaced; and

WHEREAS, upon application to the New York State Comptroller pursuant to County Law §268, the County of Orange was authorized to spend up to \$5,000,000 for all services/work relating to the replacement of the Beaver Dam Lake Dam; and

WHEREAS, the County retained the services of an engineering firm to prepare the plans, specifications and other documentation necessary for the replacement of the Beaver Dam Lake Dam; and

WHEREAS, based on these plans and specifications, the County of Orange received bids from potential contractors, which were based on approximate quantities of materials that would be necessary to complete the dam replacement project (i.e. 1,708 cubic yards of Cast in Place Concrete); and

WHEREAS, based on the bids received, the County retained a contractor and work to replace Beaver Dam Lake Dam commenced in 2018; and

WHEREAS, the County recently determined that completion of the project will exceed the \$5,000,000 authorized by the New York State Comptroller, and it is expected that the cost of the project would exceed \$5,000,000 by \$659,000; and

WHEREAS, this increase primarily stems from a necessary redesign of a portion of the project due to an unforeseen condition of the dam; and

WHEREAS, in compliance with County Law §268, on June 22, 2020, the County submitted a further application to the New York State Comptroller to obtain authorization to spend in excess of \$5,000,000 for the dam rehabilitation project; and

WHEREAS, it is anticipated that it will take approximately three (3) months to obtain such authorization from the New York State Comptroller, which would require the work relating to the dam replacement project to be halted; and

WHEREAS, an engineering determination has been made that the work on Beaver Dam Lake Dam is at a critical phase, and that stoppage of the work until the end of September would result in a heightened and unreasonable risk that the dam being constructed would fail; and

WHEREAS, the failure of this incomplete structure would endanger the life and safety of citizens of Orange County downstream of the structure, as well as the environment, homes, businesses and infrastructure also located downstream.

NOW, THEREFORE, I, STEFAN “STEVEN” M. NEUHAUS, County Executive of the County of Orange, New York, do hereby find, declare and order the following:

I HEREBY FIND, based on the foregoing, that stoppage of work relating to the reconstruction of Beaver Dam Lake Dam presents a reasonable apprehension of immediate danger; and

I FURTHER FIND, based on the foregoing, that public safety would be imperiled if the work relating to the reconstruction of Beaver Dam Lake Dam is stopped; and

I HEREBY DECLARE, a local state of emergency for the County of Orange, pursuant to, *inter alia*, the authority granted by New York State Executive Law §24, and powers vested in me by the Orange County Charter, beginning at 3:00 p.m. on August 18, 2020, and terminating pursuant to law, solely for the purpose of protecting, *inter alia*, the people, environment and infrastructure of Orange County from the reasonably apprehended immediate danger associated with stopping work on the reconstruction of Beaver Dam Lake Dam; and

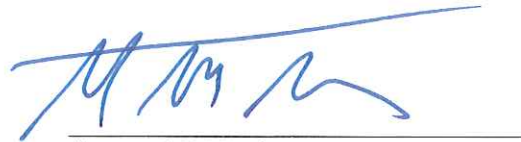
I HEREBY ORDER, based on the foregoing declaration, that the Commissioner of Public Works for the County of Orange take whatever steps may be necessary to protect, *inter alia*, the people, environment and infrastructure of the County of Orange, from the aforesaid reasonably apprehended immediate danger, including the utilization of unexpended operating funds of the Beaver Dam Lake Protection and Rehabilitation District for the continuation of work relating to the reconstruction of Beaver Dam Lake Dam; and

I FURTHER ORDER that this Executive Order be published as soon as practicable in a newspaper of general circulation in Orange County, and transmitted to the radio and television media for publication and broadcast; and

I FURTHER ORDER that this Executive Order be filed within seventy-two (72) hours, or as soon as practicable, in the offices of the following: (a) the Orange County Clerk; (b) the Clerk of the Orange County Legislature; (c) the Secretary of State of the State of New York; and (d) the New York State Division of Homeland Security and Emergency Services, Office of Emergency Management; and

I FURTHER ORDER that my declaration regarding the existence of a local state of emergency for Orange County shall be deemed repealed thirty (30) days hereafter unless extended, and that my local emergency orders issued pursuant to this Executive Order shall be deemed repealed five (5) days hereafter unless extended.

Ordered this 18th day of August 2020



Steven M. Neuhaus
County Executive