

14147

Date: September 20, 2010

To: The Honorable Board of Acquisition and Contract

From: Thomas J. Lauro, PE  
Commissioner of Environmental Facilities

Re: **Authority for the County to enter into an Intermunicipal Agreement with each of the Villages of Tarrytown, Sleepy Hollow and Briarcliff Manor (together the “Villages”) in order to facilitate the provision of ultraviolet light (“UV”) treated water to residents of Westchester County**

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Attached for your consideration is a Resolution which, if approved, will authorize the County of Westchester (the “County”), to enter into an intermunicipal agreement (the “IMA”) with each of the Villages of Tarrytown, Sleepy Hollow and Briarcliff Manor (together the “Villages”) whereby the County will grant each Village the right to connect to the DEP Pipeline Connection, which consists of two 48 inch pipes to the UV water treatment facility currently under construction by the Department of Environmental Protection (“DEP”) at its Eastview site adjacent to the Grasslands Campus, and the right to use of the proposed County-owned distribution chamber (the “County Distribution Chamber” and together with the DEP Pipeline Connection the “DEP Connection”) to facilitate connection to and distribution of DEP ultra-violet treated water from the DEP Connection.

Pursuant to the terms of the proposed IMA, each Village agrees to pay an amount equal to its pro rata share of the costs of the DEP Connection (including the \$5,063,741, plus interest) assumed by the County for the DEP Pipeline Connection, as well as such costs as may be incurred by the County in connection with the construction of the County Distribution Chamber (to be determined) based upon the maximum capacity requested by each Village in direct proportion to the DEP Connection Capacity and any on-going operation and maintenance (“O&M”) costs and expenses assumed or incurred by the County in connection with all facilities constructed and/or maintained by the County. The term of the IMA will commence upon execution and continue for a period commensurate with the period of probable usefulness of the bonds anticipated to be issued by the County to finance the County Distribution Chamber,

currently estimated to be forty (40) years. Please note that by **Act No. 60-2010** this IMA has been approved by the Board of Legislators.

The objective of this IMA is to provide UV treated water for citizens of Westchester County. The public purpose is to protect the health and welfare of the residents of the County. The project shall be tracked and monitored by the Department of Environmental Facilities, which will have on-going oversight of the work being performed. Pursuant to Section 3(a)(iii) of the Westchester County Procurement Policy, this IMA is exempt as a contract with a political subdivision of the State of New York.

Based on the benefit to the County, I recommend approval of this Resolution.

TJL/KAR/eos  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-7-2010 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into an intermunicipal agreement (the "IMA") with each of the Villages of Tarrytown, Sleepy Hollow and Briarcliff Manor (together the "Villages"), whereby the County will grant the Villages the right to connect to the DEP Pipeline Connection, which consists of two 48 inch pipes to the UV water treatment facility currently under construction by the Department of Environmental Protection ("DEP") at its Eastview site adjacent to the Grasslands Campus, and the right to use the proposed County-owned distribution chamber (the "County Distribution Chamber" and together with the DEP Pipeline Connection the "DEP Connection") to facilitate connection to and distribution of DEP ultra-violet treated water from the DEP Connection; and be it further

**RESOLVED**, that each Village agrees to pay an amount equal to its pro rata share of the costs of the DEP Connection (including the \$5,063,741, plus interest, assumed by the County for the DEP Pipeline Connection, as well as such costs as may be incurred by the County in connection with construction of the County Distribution Chamber (to be determined)) based upon the maximum capacity requested by each Village in direct proportion to the DEP Connection Capacity and any on-going operation and maintenance ("O&M") costs and expenses assumed or incurred by the County in connection with all facilities constructed and/or maintained by the County; and be it further

**RESOLVED**, that the IMA shall commence upon execution and will continue for a period commensurate with the period of probable usefulness of the bonds anticipated to be issued by the County to finance the County Distribution Chamber currently estimated to be Forty (40) years; and be it further

**RESOLVED**, that that the County Executive or his duly authorized designee is authorized to execute all documents necessary and appropriate to carry out the purpose of this Resolution.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
Tarrytown – 6.42%	241	60	5110	9670		\$562,095
Sleepy Hollow – 3.95%	241	60	5110	9670		\$345,838
Briarcliff Manor – 5.14%	241	60	5110	9670		\$450,027
Tarrytown – 6.42%	TBD					6.42% of Total Expense
Sleepy Hollow – 3.95%	TBD					3.95% of Total Expense
Briarcliff Manor – 5.14%	TBD					5.14% of Total Expense

Budget Funding Year(s) Start Date: Upon Execution End Date: 40 years after execution  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 TBD \_\_\_\_\_ Federal Aid \_\_\_\_\_  
 (must match resolution) Other Revenue - TBD

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-7-2010 - JOMARY VEIRA