

19637

Date: June 9, 2011

To: Honorable Members of the Board of Acquisition and Contract

From: Robert F. Meehan
Westchester County Attorney

Re: Authority to enter into an agreement with the New York State Department of Public Service to accept and receive Intervenor Funding in connection with the County's participation in the Article VII Application of Champlain-Hudson Power Express, Inc. for a Certificate of Environmental compatibility and Public Need for the Construction, Operation, and Maintenance of a High Voltage Direct Circuit from the Canadian Border to New York City for an initial period commencing on October 1, 2010 and ending on June 2, 2012, for an amount not-to-exceed Thirty-Four Thousand Eight-Hundred and Two Dollars and Seventy-Six Cents (\$34,802.76).

Authority is hereby requested for the County of Westchester (the "County") to enter into an agreement with the New York State Department of Public Service (the "PSC"), pursuant to which the County will accept and receive from the PSC Intervenor Funding pursuant to Public Service Law §122(5) and 16 NYCRR §§85-2.4(d), in connection with the County's participation in the Article VII Application of Champlain-Hudson Power Express, Inc. for a Certificate of Environmental compatibility and Public Need for the Construction, Operation, and Maintenance of a High Voltage Direct Circuit from the Canadian Border to New York City (the "Champlain-Hudson Case"), for an initial period commencing on October 1, 2010 and ending on June 2, 2012 (the "Agreement").

The proposed Agreement is for an amount not-to-exceed Thirty-Four Thousand Eight-Hundred and Two Dollars and Seventy-Six Cents (\$34,802.76). This amount is based upon the County's Intervenor Funding Application and is payable at various periods based upon quarterly submissions of work completed by the County in compliance with the Intervenor Funding Application.

The County is participating as an Active Party in the Champlain-Hudson Case, *inter alia*, to assure the protection of the County's infrastructure during the installation, operation, and maintenance of the proposed Champlain-Hudson Electric Transmission Line. In connection with this participation, various employees of the Department of Environmental Facilities ("DEF") will be needed to engage in review and assessment of the location and construction techniques to be

used in the installation of the proposed Electric Transmission Line, as well as be available to participate in meetings and hearings. The County, through the County Attorney's Office, applied for Intervenor Funding to offset the costs of the DEF employee time.

The proposed Agreement will serve a public purpose by allowing the County to recoup the actual expenses incurred for the DEF employee time, up to Thirty-Four Thousand Eight-Hundred and Two Dollars and Seventy-Six Cents (\$34,802.76).

The goal and objective of the proposed Agreement includes assuring that the County taxpayers are not responsible for the costs associated with the expert review of the Champlain-Hudson Case by the County DEF employees identified in Appendix D to the Agreement.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility because without this Board's approval of the Agreement with respect to the County's receipt of funds, the County will not be able to receive Intervenor Funding for which it has applied and been granted, and the County will be solely responsible for the payment of the DEF employee time dedicated to the Champlain-Hudson Case.

The goal and objective of the proposed Agreement will be tracked and monitored by the Chair of the County of Westchester Public Utility Service Agency and its Executive Director, as well as by the Office of the County Attorney.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

RFM/mjr

RESOLUTION

Upon a communication from the Westchester County Attorney, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with the New York State Department of Public Service (the "PSC"), pursuant to which the County will accept and receive from the PSC Intervenor Funding pursuant to Public Service Law §122(5) and 16 NYCRR §§85-2.4(d), in connection with the County's participation in the Article VII Application of Champlain-Hudson Power Express, Inc. for a Certificate of Environmental compatibility and Public Need for the Construction, Operation, and Maintenance of a High Voltage Direct Circuit from the Canadian Border to New York City (the "Champlain-Hudson Case"), for an initial period commencing on October 1, 2010 and ending on June 2, 2012 (the "Agreement"), for an amount not-to-exceed Thirty-Four Thousand Eight-Hundred and Two Dollars and Seventy-Six Cents (\$34,802.76); and be it further

RESOLVED, that the County Executive, or his duly authorized designee, is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/Credited:

Fiscal Year	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	60	0110	9670		\$23,213.00
2012	60	0110	9670		\$11,589.76

Budget Funding Year(s): 2011/2012 Start Date: October 1, 2010 End Date: June 2, 2012

Funding Source: Tax Dollars: _____

State Aid: _____

\$34,802.76 Federal Aid: _____

Other: NYS PSC Intervenor Funding pursuant to Public Service Law §122(5) and 16 NYCRR §§85-2.4(d)