

ID28583

August 8, 2012

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Authority to enter into a five year agreement with the City of New York, Department of Environmental Protection, to provide the City with access to County property in connection with the Rehabilitation of the New Croton Dam Outlet Works Project

Authority is requested for the County of Westchester to enter into a five year agreement with the New York City Department of Environmental Protection (the "NYCDEP") to enter, use and occupy County property at Croton Gorge Park for the purpose of providing construction access and a staging area in connection with the NYCDEP New Croton Dam Outlet Structure Rehabilitation Project.

NYCDEP has advised that the New Croton Dam, which they own and operate, is governed by New York State Department of Environmental Conservation's dam safety program, and under this program NYCDEP must reconstruct the outlet works.

In the sale of the Croton Gorge Park property to the County, the City reserved certain rights providing for the City's use of the subject County property as necessary to maintain, repair and operate the new Croton Dam. In order to conduct the proposed rehabilitation project, the NYCDEP needs to utilize a limited portion of Croton Gorge Park during the construction at the New Croton Dam for site access and as a staging area. Public access to Croton Gorge Park shall be preserved for the duration of the contract term. To facilitate public access to the Croton River and the cascading spill channel, the area between the temporary chain link fence and the staging area shall remain open to pedestrians. The City has agreed to protect several trees in the vicinity of the staging area with the installation of fences and will also install a new ornamental railing around the fountain located in Croton Gorge Park as approved by the County Parks Department. The Agreement shall also specify the restoration of park vegetation as approved by the County Parks Department after construction activities have ceased.

The goals and objectives of this agreement are to allow NYCDEP to access areas of Croton Gorge Park necessary for the reconstruction of the Outlet works of the New Croton Dam. The Agreement is in the public's best interest and promotes the health, safety and general

welfare of the public by facilitating the operation and maintenance of this Water supply infrastructure and to the patrons of Croton Gorge Park. The Department will monitor this Agreement through frequent site visits.

Based upon the foregoing, approval of the attached resolution is most respectfully requested.

KOC/dm

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/30/2012 - JOMARY VIERA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation, and Conservation, be it hereby

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a five year agreement, effective upon execution, with the City of New York, acting by and through the Department of Environmental Protection, to enter, use and occupy a limited portion of County property at Croton Gorge Park for the purpose of providing site access and a staging area during the City’s New Croton Dam Outlet Structure Rehabilitation Project; and be it further

RESOLVED, public access to Croton Gorge Park shall be preserved for the duration of the contract term; and be it further

RESOLVED, that the agreement shall provide that the City shall protect several trees identified by the County Parks Department in the vicinity of the staging area with the installation of fences and shall also install a new ornamental railing around the fountain located in Croton Gorge Park as approved by the County Parks Department. The Agreement shall also specify the restoration of park vegetation and replacement of guard rails as approved by the County Parks Department after construction activities have ceased; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby empowered to execute all documents and take all actions necessary to effectuate the purposes hereof.

Original Agreement \$
 First Amendment \$
This Amendment \$ _____
 TOTAL \$ n/a

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
n/a					

Budget Funding Year(s) 2012-2017 Start Date upon execution End Date 5 years from execution
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ n/a Federal Aid _____
 (must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/30/2012 - JOMARY VIEIRA, SECRETARY