

39028

Date: February 28, 2014

To: Honorable Members of the Board of Acquisition and Contract

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

RE: Authority amend a license agreement with The Trustees of St. Patrick's Cathedral in the City of New York d/b/a Gate of Heaven Cemetery ("Gate of Heaven"), pursuant to which Gate of Heaven will give the County a license to use its property for a staging area in connection with construction of a new connection, transmission pipeline and pump station (the "Project") to service County Water District No. 3 (the "District") in the not to exceed amount of amount of \$60,000 in order to extend the term

By resolution approved on July 15, 2010 (the "Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through County Water District No. 3 (the "District"), to enter into a license agreement (the "License") with The Trustees of St. Patrick's Cathedral in the City of New York d/b/a Gate of Heaven Cemetery ("Gate of Heaven") for a period of eighteen (18) months commencing upon execution, in the not to exceed amount of amount of \$60,000 for Gate of Heaven's professional legal and engineering expenses related to the License. Under the License terms, Gate of Heaven would permit the County to use its property as a staging area in connection with construction of a new connection, transmission pipeline and pump station on adjacent NYCDEP property (the "Project") to service the District during the impending long-term Catskill Aqueduct shutdown(s). The License was subsequently executed on or about July 15, 2010.

Upon completion of the Project Gate of Heaven presented the District with an invoice for its professional legal and engineering fees and costs incurred in connection with the Project to be reimbursed according to the terms of the License. It has come to the District's attention that some of the reimbursable fees contemplated in the License had accrued outside of the term of the License and therefore could not be paid. Accordingly, authority is respectfully requested for the County to amend the License in order to extend the term of the agreement to commence June 1, 2009 and terminate June 30, 2012 in order to enable the County to reimburse Gate of Heaven's professional legal and engineering expenses as was originally intended by the License agreement.

Except as specifically amended hereby, all remaining terms and conditions set forth in the License shall remain in full force and effect.

The proposed License will serve a public purpose by facilitating the work the County must complete in order to ensure a continued supply of clean water to the District during the pending aqueduct shut-down(s), as well as provide a necessary redundant water source for the District in the future.

The goal and objective of the proposed License agreement is to obtain access to Gate of Heaven's property in order to facilitate the work the County must complete to ensure a continued supply of clean water to the District.

The goal and objective of the proposed license agreement is in the best interest of the County in terms of health as it ensures a continued supply of clean water to various District facilities such as the Medical Center and penitentiary.

The goals and objectives of the proposed license agreement will be tracked and monitored by the Department.

This procurement is exempt from the requirements of the County Procurement Policy pursuant to Section 3(b) thereof.

Accordingly, I most respectfully recommend approval of the attached Resolution.

TJL/EOS/mn

APPROVED BOARD OF ACQUISITION & CONTRACTS 04/10/2018 JOMAR VIEIRA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting by and through County Water District No. 3, is hereby authorized to amend a license agreement (the "License") with The Trustees of St. Patrick's Cathedral in the City of New York d/b/a Gate of Heaven Cemetery ("Gate of Heaven") for a period of eighteen (18) months to commence upon execution, pursuant to which Gate of Heaven will give the County a license to use its property for a staging area to facilitate construction of a transmission pipeline and pump station (the "Project") to service the County Water District No. 3 (the "District") the cost payable by the County hereunder is in the not to exceed amount of \$60,000 by extending the term of the agreement to commence June 1, 2009 and terminate June 30, 2012; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions set forth in the License shall remain the same; 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

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

Budget Funding Year(s) 2014 Start Date June 1, 2009 End Date June 30, 2012.
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____

\$ N/A Federal Aid _____
(must match resolution) Other _____