

**47970**

DATE: August 5, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing a fifth amendment to the New York State Environmental Restoration Program Grant agreement awarded for additional investigation and remediation of environmental conditions at David's Island, to extend the termination date from December 30, 2012 to December 31, 2015

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Pursuant to Act No. 126-2005 and Resolution 84-2005 approved by the County Board of Legislators and a Board of Acquisition and Contract resolution approved on February 2, 2006, the County entered into two agreements in connection with the award of the New York State Environmental Restoration Program Grant (the "ERP Grant") for additional investigation and remediation of environmental conditions at David's Island, under which the County and the City of New Rochelle (the City") are joint applicants. The two agreements are:

- (1) The State Assistance Contract executed by and between the State, the County and the City awarding the ERP grant and specifying the terms of its administration ("ERP Agreement") ; and
- (2) An Agreement by and between the County and the City outlining the terms applicable to the parties' joint application for the ERP grant ("IMA").

Pursuant to a resolution approved on August 22, 2008, the County entered into a first amendment to the ERP Agreement which increased the amount of the grant funds to be provided by the State and extend the term of the ERP Agreement through December 30, 2008. Pursuant to a resolution approved on May 27, 2010, the County entered into a second amendment under the ERP Agreement to increase the grant funds again and extend the term through December 30, 2010. Pursuant to a resolution approved on January 28, 2011, the County entered into a third amendment to extend the term through December 30, 2011. Pursuant to a resolution approved on January 26, 2012, the County entered into a fourth amendment to extend the term through December 30, 2012. In order to complete the scope of services, a fifth amendment to the ERP

Agreement has been requested to extend the term through December 31, 2015. The goal and objective of this agreement is to provide for the continuation of the investigation and remediation of the environmental conditions on David's Island. The County will continue to monitor the ERP Agreement. The County will not be responsible for any additional funds beyond the County's current total remittance amount of approximately \$59,116.07 which has already been paid. The County is only agreeing to an extension of the term through December 31, 2015 and to any additional funds to be expended by the City and/or the State. No additional approval from the Board of Legislators is necessary since the original Act No. 126-2005 approved by the County Board of Legislators authorized the execution of the ERP Agreement, the County is not disbursing any additional funds, and the authorization did not set a limit on the overall contract amount to be paid by the City and/or the State.

Approval of the attached resolution is respectfully requested.

EB/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/03/2015  
SOPHIA SECY/ASST. SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

**RESOLVED**, that the County of Westchester (the "County") is authorized to execute a fifth amendment to the New York State Environmental Restoration Program State Assistance Contract ("Contract") for the investigation and remediation of environmental conditions at David's Island, to extend the termination date of the Contract from December 30, 2012 to December 31, 2015, at no additional cost to the County; and be it further

**RESOLVED**, that all other material terms and conditions of the Contract shall remain the same; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
					0.00

Budget Funding Year(s)  
(must match resolution)

Start Date December 30, 2008

End Date December 31, 2015

Funding Source

Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$0.00  
(must match resolution)

Federal Aid \_\_\_\_\_

Other \_\_\_\_\_