

Robert P. Astorino
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.
Commissioner

48263

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Commissioner of Environmental Facilities

DATE: September 1, 2015

SUBJECT: Resolution authorizing the County of Westchester (the "County") to enter into an intermunicipal agreement with the City of White Plains ("White Plains") in connection with Capital Project WD103 – County Water District No. 1 Alternate Water Supply ("WD103") for the purpose of carrying out WD103, including the construction of improvements at two White Plains locations in order to provide ultraviolet treated water to County Water District No. 1 and to comply with the Long Term 2 Enhanced Surface Water Treatment Rule mandated by the U.S. Environmental Protection Agency

Attached for your Honorable Board's consideration and approval is a resolution authorizing the County of Westchester (the "County") to enter into an intermunicipal agreement (the "IMA") with the City of White Plains ("White Plains") commencing upon execution of the IMA and continuing for the period of twenty years with the option of renewing the IMA for an additional twenty year period if agreed to between the County and White Plains and upon obtaining all necessary legal approvals, for the purpose of carrying out Capital Project WD103 – County Water District No. 1 Alternate Water Supply ("WD103") for the construction of certain improvements, including the installation of two ultraviolet ("UV") disinfection units (the "Improvements") to be located at the White Plains Central Avenue Pumping Station ("CAPS") facility and the White Plains Orchard Street Pumping Station facility ("OSPS") both located in

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White Plains. The purpose of WD103 is to provide ultraviolet treated water to County Water District No. 1 in order to comply with the Long Term 2 Enhanced Surface Water Treatment Rule mandated by the U.S. Environmental Protection Agency.

The IMA will provide for the construction and installation of the Improvements. It shall also include the granting of two easements from White Plains to the County for the purpose of constructing, operating, maintaining, repairing, replacing, inspecting, restoring, and utilizing the Improvements to be constructed at each location at the cost of a yearly fee of \$5.12 per square foot payable in monthly installments with an annual increase of 2.5 % per year commencing within thirty (30) days of the date that the Notice to Proceed is issued for the Improvements. It shall also include the granting of Temporary Licenses from White Plains to the County for the purpose of ingress and egress and construction staging necessary for the construction of the Improvements lying within the easement properties at both the CAPS and OSPS facilities. Further, at the CAPS facility, White Plains shall construct a new fluoride chemical storage facility or a temporary fluoride chemical storage facility on or before February 29, 2016. Water District No. 1 (the "District") shall be responsible for a portion of the costs associated with the fluoride chemical storage facility up to an amount not to exceed \$400,000 with the remaining costs being the responsibility of White Plains. Also at the CAPS facility, the District will purchase and install a gas booster pump to the emergency generator located at that facility and White Plains shall pay to the District an amount not to exceed \$70,000 upon execution of the IMA for this purchase and installation.

It should be noted that the County Board of Legislators authorized WD103 and the IMA, including the acceptance of any and all grants of property rights necessary in the furtherance of the IMA, by the adoption of Act 185-2014 on October 6, 2014.

This IMA is necessary, is in the public's best interest and will serve a public purpose in that it will enable the County to provide ultraviolet treated water to County Water District No. 1 and to comply with the requirements of the Long Term 2 Enhanced Surface Water Treatment Rule.

The goals and objectives of this IMA will be to comply with the EPA requirements and to provide safe drinking water to the residents of County Water District No.1.

The goals and objectives of this IMA will be tracked and monitored by the Department.

As I believe this IMA is necessary and is in the best interests of the County, I most respectfully urge your Honorable Board to approve the attached resolution.

TJL/lac
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County” or “District”) is hereby authorized to enter into an intermunicipal agreement with the City of White Plains (“White Plains”) commencing upon execution of the IMA and continuing for the period of twenty years with the option to renew the IMA if agreed to between the County and White Plains, and upon obtaining all necessary legal approvals, for the purpose of carrying out Capital Project WD103 – County Water District No. 1 Alternate Water Supply (“WD103”) in order to provide ultraviolet treated water to County Water District No. 1 and to comply with the Long Term 2 Enhanced Surface Water Treatment Rule mandated by the United States Environmental Protection Agency, including the granting of two easements and temporary licenses from White Plains to the County to carry out WD103 at the City of White Plains Central Avenue Pumping Station facility and the City of White Plains Orchard Street Pumping Station facility ; and be it further

RESOLVED, that the District shall pay a yearly fee for each easement in the amount of \$5.12 per square foot payable in monthly installments with an annual increase of 2.5% per year, commencing within thirty days of the issuance of the Notice to Proceed for the Improvements; and be it further

RESOLVED, that the District shall pay to White Plains an amount not to exceed \$400,000 for the relocation or construction of a chemical storage facility at the Central Avenue Pumping Station facility; and be it further

RESOLVED, that the District shall purchase and install a gas booster pump and appurtenances thereto for the emergency generator located at the Central Avenue Pumping Station facility and White Plains shall pay to the District an amount not to exceed \$70,000 upon execution of the IMA for the purchase and installation of same; and be it further

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

Account to be Charged/Credited:

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Bond Act	Dollars
Lease payments – year 1	241	60	5110	4320		\$73,088 + CPI for all other years
WP Payment to WD#1 - revenue	241	60	5110	9570		\$70,000 revenue
Fluoride facility	324	60	WD103-01 C	6050	65-2015	\$400,000
Gas Booster Pump	324	60	WD103-01 C	6050	65-2015	TBD

Budget Funding Year(s): est 2015-2035 Start Date: upon execution End Date: 20 years after execution date

Funding Source

Tax Dollars: 100% of all expenses

State Aid _____

Federal Aid _____

Other revenue – WP payment to WD#1

\$73,088 lease payt (year 1); \$400,000 (one time payt); \$70,000 (one time revenue); \$TBD gas booster
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT 09/03/2015 - JEAN COCCIARDI, SECRETARY