

50108

Date:

To: Honorable Members of the Board of Acquisition and Contract

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

Kathleen O'Connor, Commissioner
Department of Parks, Recreation and Conservation

Jay T. Pisco, P.E., Commissioner
Department of Public Works and Transportation

RE: Authority to enter into a license agreement with the New York City Department of Environmental Protection ("NYCDEP") commencing upon execution and terminating on December 31, 2017, pursuant to which the County will give NYCDEC a license to enter onto County lands to survey cross sections at various locations in the Croton River, and observe and photograph banks and wetlands along the shoreline.

Authority is requested for the County of Westchester (the "County"), acting by and through its Department of Environmental Facilities ("DEF"), Department of Parks, Recreation and Conservation ("Parks") and its Department of Public Works and Transportation ("DPW&T"), to enter into a license agreement (the "License") with the City of New York, acting by and through its Department of Environmental Protection ("NYCDEP") commencing upon execution and terminating on December 31, 2017, pursuant to which the County will give NYCDEP a license to enter onto County lands, as set forth on Schedule "A" to the attached Resolution, to survey cross sections at various locations in the Croton River, and observe and photograph banks and wetlands along the shoreline.

NYCDEP will be conducting repairs to the Delaware Aqueduct in approximately late 2022 which will require taking the Delaware Aqueduct out of service for up to eight months and result in increased usage of the Croton Reservoir. In connection therewith, NYCDEP is in the process of conducting studies to prepare for the repair work. Under the proposed License terms the County will grant NYCDEP non-exclusive permission to enter onto County lands, as set forth on Schedule "A" to the attached Resolution, to survey cross sections at various locations in the Croton River, and observe and photograph banks and wetlands along the shoreline. NYCDEP shall provide the County with copies of its study methodology and any data (in electronic format) created, including but not limited to topographical survey data and analysis results. The results of any hydrologic or hydraulic modeling conducted with this data will be provided to the County. NYCDEP will defend and indemnify the County for claims arising out of this agreement and will cause its independent contractors and subcontractors to keep in force and

effect insurance as required by the County. Either party shall have the right to terminate the agreement on thirty (30) days prior written notice to the other.

The goal and objective of the proposed License agreement is to enable NYCDEP to conduct studies in connection with repairs to the Delaware Aqueduct. The public purpose is to protect the health and welfare of the residents of the County by studying the potential effects of the increased usage of the Croton Reservoir. The goals and objectives of the proposed license agreement will be tracked and monitored by the Departments.

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

TJL/DO/JTP/EOS

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/21/2016 - LIS/MAJUS SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, Commissioner of Parks, Recreation and Conservation and Commissioner of Public Works and Transportation, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a license agreement (the "License") with the City of New York, acting by and through its Department of Environmental Protection ("NYCDEP") commencing upon execution and terminating on December 31, 2017, pursuant to which the County will give NYCDEP a license to enter onto County lands, as set forth on Schedule "A" which is attached hereto, to survey cross sections at various locations in the Croton River; and observe and photograph banks and wetlands along the shoreline; and be it further

RESOLVED, that as consideration for the License NYCDEP will provide the County with copies of its study methodology and any data (in electronic format) created, including but not limited to topographical survey data and analysis results, defend and indemnify the County for claims arising out of this agreement, and will cause its independent contractors and subcontractors to keep in force and effect insurance as required by the County; 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)
(must match resolution)

Start Date upon execution End Date 12/31/2017.

Funding Source Tax Dollars _____.

State Aid _____

\$ _____ Federal Aid _____

(must match resolution)

Other _____