

50437

**TO:** Board of Acquisition and Contract

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

**DATE:** January 12, 2016

**SUBJECT:** Resolution authorizing the County of Westchester (the "County"), to make an application to the New York State Department of Environmental Conservation ("NYSDEC") and agree to participate in a Municipal Sewage System Asset Management Pilot Program (the Program") whereby, if the County is selected, NYSDEC will select and hire an environmental engineering firm to work with the County to develop and begin the implementation of a sewage system asset management plan, at no out of pocket costs to the County, commencing upon selection by NYSDEC and continuing for a three year term, with the County having the option to "opt-out" of the Program upon written notice to NYSDEC; and further authorization is requested to execute any and all agreements, if required, to participate in the Program described herein.

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Transmitted herewith is a resolution requesting authority for the County of Westchester (the "County"), acting by and through its Department of Environmental Facilities (the "Department") to make an application to the New York State Department of Environmental Conservation ("NYSDEC") and agree to participate in a Municipal Sewage System Asset Management Pilot Program (the "Program") and the "Guidelines for Participating Municipalities" issued by NYSDEC. If the County is selected to be in the Program, NYSDEC will select and hire an environmental engineering firm to work with the County to develop and begin the implementation of a sewage system asset management plan, at no out of pocket costs to the County, commencing upon selection by NYSDEC and continuing for a three year term. The County will have the option to "opt-out" of the Program upon written notice to NYSDEC. The attached resolution would also authorize the County to sign any and all agreements, if required, to participate in the three year Program but only on the material terms and conditions described herein.

NYSDEC is seeking applications from municipalities across New York State (the "State") to participate in the Program. NYSDEC will select up to twenty (20) municipalities for

the Program. The municipalities that are accepted will have the opportunity to provide valuable input in shaping the final guidance and approach that will be set forth in the State's new Municipal Asset Management Program. NYSDEC will select and hire an environmental engineering firm to work with each selected municipality to develop and begin the implementation of the municipality's asset management plan ("AMP"). At the conclusion of the Program, each municipality will have a completed AMP for their sewage system and the tools to implement same. The AMP will be based on the framework outlined in the NYSDEC's draft Municipal Sewage System Asset Management Guide. The County would have no out of pocket costs to participate in this Program, but would be required to commit staff resources and to share and provide information required by NYSDEC.

The application for this Program requires agreement to the NYSDEC "Guidelines for Participating Municipalities" as well as the County's agreement to participate in the Program. In the event that further agreements are required by NYSDEC to participate in the Program, after the County is selected, authority is further requested herein to execute any and all agreements that may be required, but only on the material terms and conditions stated herein.

Submission of the application to NYSDEC and execution of any agreements that may be required in connection with participation in the Program are not procurements and therefore the Westchester County Procurement Policy does not apply.

Application and participation in the Program is in the public's best interest in that it will assist the County in developing an AMP at no out of pocket costs to the County.

I believe that applying for and participating in this worthwhile Program would be beneficial to the County and therefore I respectfully request that your Honorable Board approve the attached resolution.

TEH/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”) acting by and through its Department of Environmental Facilities (the “Department”) is hereby authorized to make an application to the New York State Department of Environmental Conservation (“NYSDEC”), agree to participate in a three year Municipal Sewage System Asset Management Pilot Program (the “Program”) and to agree to the NYSDEC “Guidelines for Participating Municipalities”, commencing upon selection, and continuing for a three year term at no out of pocket costs to the County with the County having an option to opt-out of the Program upon written notice to NYSDEC; and be it further

**RESOLVED**, that the County is authorized to execute any and all other agreements that may be required by NYSDEC for participation in the Program so long as said agreements are on the same material terms and conditions as described herein; 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	Trust Account	Dollars
					N/A

Budget Funding Year(s): N/A    Start Date: upon approval    End Date: 3 years after approval

(must match resolution)

Funding Source

\_\_\_\_\_ (must match resolution)

Tax Dollars: \_\_\_\_\_  
 State Aid: \_\_\_\_\_  
 Federal Aid: \_\_\_\_\_  
 Other: \_\_\_\_\_