

50818

Date: January 20, 2016

To: The Board of Acquisition and Contract

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

RE: Authority to amend a resolution approved on October 22, 2015 which authorized the County of Westchester to enter into an agreement with Patrick and Michele McInerney (the "Permittees") pursuant to which the County would issue to the Permittees an Out-of-District Wastewater Discharge Permit to allow the Permittees to discharge sanitary wastewater from premises located at 1450 Roosevelt Avenue, Bronx, New York and designated as BIN# 2082936, Block No. 5651, Lot No. 0069 on the official tax maps of Bronx County, into the County Trunk Sewer System for a term of up to three (3) years commencing on January 1, 2016 and terminating on December 31, 2018, for an annual permit fee of \$910.50, by: 1) changing the street address of the premises from 1450 Roosevelt Avenue, Bronx, New York to 1433 Roosevelt Avenue, Bronx, New York; 2) changing the tax map designation of the premises from BIN# 2082936, Block No. 5651, Lot No. 0069, to BIN# 2127301, Block No. 5651, Lot No. 0065; 3) changing the commencement date of the permit from January 1, 2016 to the date title closes on the premises; and 4) changing the annual permit fee for the first year from \$910.50 to \$1,231.54.

By resolution approved on October 22, 2016 (the "October 22nd Resolution") your Honorable Board authorized the County of Westchester, acting on behalf of the New Rochelle Sanitary Sewer District ("District"), to enter into an agreement (the "Agreement") with Patrick and Michele McInerney (the "Permittees"), pursuant to which the County would issue to the Permittees an Out-of-District Wastewater Discharge Permit (the "Permit") to allow the Permittees to discharge sanitary wastewater from premises the Permittees are under contract to purchase and which is located at 1450 Roosevelt Avenue, Bronx, New York, and designated as BIN# 2082936, Block No. 5651, Lot No. 0069 on the official tax maps of Bronx County, into the County trunk sewer serviced by the New Rochelle Sanitary District (the "District"), for a term of up to three (3) years commencing on January 1, 2016 and terminating on December 31, 2018. The Agreement has not yet been executed.

As your Honorable Board may recall, the Permittees seek to build a home on the property and have petitioned that the property be granted a temporary out of district permit, as there is no access to the New York City sewer system and septic systems are not permitted in the area.

We were recently notified by the Permittees that the subject property consists of three (3) tax parcels and we were inadvertently given the incorrect street address and tax map designation for the parcel on which the Permittees seek to build their home. The correct street address is 1433 Roosevelt Avenue, Bronx, New York and the correct tax map designation is BIN# 2127301, Block No. 5651, Lot No. 0065. In addition, the Permittees have advised that they are not expected to close title on the premises before March or April 2016. As such it will be necessary to change the commencement date of the Agreement from January 1, 2016 to the date title actually closes on the premises. Lastly, since we were given the incorrect tax map designation, it was necessary to recalculate the Full Equalized Value for the actual tax parcel to be improved. This has resulted in a new permit fee of \$1,231.54 for the first year of the Permit.

Accordingly, authority is requested to amend the October 22nd Resolution in order to 1) change the street address of the premises from 1450 Roosevelt Avenue, Bronx, New York to 1433 Roosevelt Avenue, Bronx, New York; 2) change the tax map designation from BIN# 2082936, Block No. 5651, Lot No. 0069 to BIN# 2127301, Block No. 5651, Lot No. 0065; 3) change the commencement date of the Permit from January 1, 2016 to the date title actually closes on the premises; and 4) change the annual permit fee for the first year of the Permit from \$910.50 to \$1,231.54.

Except as specifically amended hereby, all remaining terms and conditions set forth in the October 22nd Resolution shall remain in full force and effect.

The goals and objectives of this agreement are to grant an out-of-district permit to Permittees to allow them to discharge sanitary wastewater from their premises into the County trunk sewer serviced by the District. The goals and objectives are in the best interests of the County in terms of public health and the environment. The goals and objectives will be tracked and monitored through regular inspection by County officials.

The granting of an out-of-district discharge permit under the County Sewer Act is not a procurement and therefore not subject to the County Procurement Policy.

Accordingly, I most respectfully recommend your favorable consideration of the annexed Resolution approving the proposed Permit Agreement.

TJL/JA/jpg

RESOLUTION

Upon a communication from the Commissioner of the Department of Environmental Facilities, it is hereby:

RESOLVED, that the resolution approved on October 22, 2015 (the "October 22nd Resolution") which authorized the County of Westchester ("County"), acting on behalf of the New Rochelle Sanitary Sewer District ("District"), to enter into an agreement (the "Agreement") with Patrick and Michele McInerney ("Permittees") pursuant to which the County would issue to Permittees an Out-of-District Wastewater Discharge Permit (the "Permit") which would allow Permittees to discharge sanitary wastewater from premises which Permittees are under contract to purchase and which is located at 1450 Roosevelt Avenue, Bronx, New York, and designated as BIN# 2082936, Block No. 5651, Lot No. 0069 on the official tax maps of Bronx County, into the County trunk sewer serviced by the District, for a term of up to three (3) years commencing on January 1, 2016 and terminating on December 31, 2018, is hereby amended by 1) changing the street address of the premises from 1450 Roosevelt Avenue, Bronx, New York to 1433 Roosevelt Avenue, Bronx, New York; 2) changing the tax map designation from BIN# 2082936, Block No. 5651, Lot No. 0069, to BIN# 2127301, Block No. 5651, Lot No. 0065; 3) changing the commencement date of the Permit from January 1, 2016 to the date title actually closes on the premises; and 4) changing the annual permit fee for the first year from \$910.50 to \$1,231.54; and be it further

RESOLVED that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the October 22nd Resolution shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Year one est	221	60	0110:0081	9670		\$1,231.54

Budget Funding Year(s) 2016-2018 Start Date 01/01/2016 End Date 12/31/2018
 (must match resolution)

Funding Source

\$1,231.54 year 1
 (must match resolution)

Tax Dollars _____
 State Aid _____
 Federal Aid _____
 Other Revenue \$1,231.54