

Date: January 6, 2010

To: The Honorable Board of Acquisition and Contract

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

Re: **Authority to enter into an Intermunicipal Agreement by and between the Town of Mount Pleasant and the County of Westchester, on behalf of Water District No. 3, granting the County the right to construct a new connection in order to provide Water District No. 3 access to clean water during pending shutdowns of the Catskill Aqueduct.**

Attached for your consideration is a Resolution which, if approved, will authorize the County of Westchester (the "County"), on behalf of Water District No. 3 (the "District"), to enter into an intermunicipal agreement (the "IMA") with the Town of Mount Pleasant (the "Town"), whereby the County would be granted the right to construct a connection (the "Connection") to a pipeline (the "Pipeline") being built by the New York City Department of Environmental Protection ("DEP") for the Town. The Connection is intended to provide clean water to the District during DEP scheduled shutdowns of the Catskill Aqueduct. The Connection will continue to serve as a long-term emergency back-up water source for the District.

Pursuant to the terms of the proposed IMA, the County will operate, maintain, and repair the Connection, which will be County-owned. Furthermore, the County will grant the Town an option to buy-in, under certain conditions and subject to receipt of all applicable approvals, to a proposed connection to the Ultraviolet light ("UV") disinfection facility (the "UV Treatment Facility") DEP is currently constructing at its Eastview site adjacent to the County's Valhalla Campus at Grasslands (the "DEP Connection"). Moreover, the County will endeavor to accommodate the Town's request to utilize the District's infrastructure to serve as an emergency back-feed to the Town. Pursuant to the terms of the proposed IMA, the County will pay the Town the then current wholesale water rate for water taken via the Connection, as well as the County's pro rata share of the Pipeline's maintenance costs. This Project will not result in any additional expense for water usage. It should however be noted that the water supplier for this connection will change, as the Town, instead of DEP, will now be invoicing the County for

water at the same wholesale rate. The term of the IMA will commence upon execution and continue for a period of forty (40) years. The IMA shall be renewable for an additional forty (40) year term upon the mutual consent of the parties.

Please note that by Act No. 215-2009 this IMA has been approved by the Board of Legislators.

The objective of this IMA is to provide clean water for the District. Not entering into this contract would jeopardize the water supply to the District, including the hospital and penitentiary, during the pending shutdowns. The public purpose is to protect the welfare of the residents of the County. The project shall be tracked and monitored, including the review of invoices and meter readings by the Department of Environmental Facilities, which will have on-going oversight of the work being performed. Pursuant to Section 3(a)(iii) of the Westchester County Procurement Policy, this IMA is exempt as a contract with a political subdivision of the State of New York.

Based on the benefit to the County, I recommend approval of this Resolution.

TJL/KAR/nn
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 - JOMERY VIEIRA SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester, on behalf of Water District No. 3 (the "District") is authorized to enter into an intermunicipal agreement (the "IMA") with the Town of Mount Pleasant (the "Town") granting the County the right to construct a connection (the "Connection") to a pipeline being built for the Town by the New York City Department of Environmental Protection ("DEP") in order to enable the District to obtain clean water during DEP scheduled shutdowns of the Catskill Aqueduct, noting that the Connection will continue to serve as a long-term emergency back-up water source for the District; and be it further

RESOLVED, that the County is authorized to operate, maintain, and repair the Connection, which will be County-owned, and to grant the Town an option to buy-in, under certain conditions, to a proposed connection to the Ultraviolet light ("UV") disinfection facility (the "UV Treatment Facility") under construction by DEP and will endeavor to accommodate the Town's request to utilize the District's infrastructure to serve as a emergency back-feed to the Town; and be it further

RESOLVED, that the IMA shall commence upon execution and will continue for a period of forty (40) years and will be renewable for an additional forty (40) year term upon the mutual consent of the parties; and be it further

RESOLVED, that the County will pay the Town the then current wholesale water rate for water taken via the Connection, as well as the County's pro rata share of the pipeline's maintenance costs; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute all documents necessary and appropriate to carry out the purpose of this Resolution.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
Maintenance costs if needed	243	60	5310	TBD		TBD

Budget Funding Year(s)
(must match resolution)

Start Date: Upon Execution

End Date: 40 years after execution

Funding Source:

Tax Dollars _____

Contractor Federal I.D. No./
Social Security No.: _____

State Aid _____

(must match resolution)

Federal Aid _____

Vendor No.:

Other _____

Encumbrance No.: _____

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