

Date: February 4, 2010

To: The Honorable Board of Acquisition and Contract

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

Re: **Authority for the County to enter into an Intermunicipal Agreement with the Village of Mamaroneck, the Town of Mamaroneck, the Town/Village of Harrison and the Westchester Joint Water Works in order to facilitate the provision of ultraviolet light (“UV”) treated water to residents of Westchester County**

Attached for your consideration is a Resolution which, if approved, will authorize the County of Westchester (the “County”), to enter into an intermunicipal agreement (the “IMA”) with the Village of Mamaroneck (the “Village”), the Town of Mamaroneck (the “Town”), the Town/Village of Harrison (“Harrison” and together with the Village and Town, the “Municipalities”), and Westchester Joint Water Works (“WJWW”, and together with its member Municipalities, the “Participants”), whereby the County will: 1) include the estimated maximum water needs of the Participants in a feasibility study with respect to options to supply ultraviolet light (“UV”) treated water (the “Study”); 2) grant the Participants the right to participate in any water project, which may result from the Study (the “Project”); and 3) grant the Participants the right to reserve capacity in the proposed connection (the “Connection”) to the UV water treatment facility currently under construction by the Department of Environmental Protection (“DEP”) at its Eastview site adjacent to the Grasslands Campus, all subject to receipt of any applicable approvals.

Pursuant to the terms of the proposed IMA, the Participants agree to pay their pro rata share of the costs of the Study, Project, Connection and any on-going operation and maintenance (“O&M”) costs and expenses assumed or incurred by the County in connection with all facilities constructed and/or maintained by the County. In addition, the Participants will be responsible for conveyance of UV treated water from the Connection to WJWW’s ultimate distribution facilities including construction and all costs and expenses related thereto; all costs and expenses related to any additional water treatment required; all necessary approvals; and for the cost of all

water taken from DEP at the then applicable rate as may be set by DEP. The term of the IMA will commence upon execution and continue for a period of five (5) years.

Please note that by Act No. 233-2009 this IMA has been approved by the Westchester County Board of Legislators.

The objective of this IMA is to provide UV treated water for citizens of Westchester County. Not entering into this contract could cause the customers in the Municipalities which are served by WJWW to experience significantly higher costs related to the construction of their own water treatment facility. In addition, the cost sharing benefits to County Water Districts Nos. 1 and 3 anticipated to result from the IMA would be lost. The public purpose is to protect the health and welfare of the residents of the County. The project shall be tracked and monitored 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/eos
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-18-2010 - JOMERO VILLY SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”) is authorized to enter into an intermunicipal agreement (the “IMA”) with the Village of Mamaroneck (the “Village”), the Town of Mamaroneck (the “Town”), the Town/Village of Harrison (“Harrison” and together with the Village and Town, the “Municipalities”), and Westchester Joint Water Works (“WJWW”, and together with its member Municipalities, the “Participants”), whereby the County will: 1) include the estimated maximum water needs of the Participants in a feasibility study with respect to options to supply ultraviolet light (“UV”) treated water (the “Study”); 2) grant the Participants the right to participate in any water project, which may result from the Study (the “Project”); and 3) grant the Participants the right to reserve capacity in the proposed connection (the “Connection”) to the UV water treatment facility currently under construction by the Department of Environmental Protection (“DEP”) at its Eastview site adjacent to the Grasslands Campus, all subject to receipt of any applicable approvals; and be it further

RESOLVED, that the Participants will pay their pro rata share of the costs of the Study, Project, Connection and any on-going operation and maintenance costs and expenses assumed or incurred by the County in connection therewith and will be responsible for construction including all costs and expenses related thereto in connection with conveyance of UV treated water from the Connection to WJWW’s ultimate distribution facilities; all costs and expenses related to any additional water treatment required; all necessary approvals; and for the cost of all water taken from DEP at the then applicable rate as may be set by DEP; and be it further

RESOLVED, that the IMA shall commence upon execution and will continue for a period of five (5) years; and be it further

RESOLVED, that 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

Budget Funding Year(s)
(must match resolution)

Start Date: Upon Execution

End Date: 5 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.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-18-2010 - JUDITH VILIRA, SECRETARY