

**21298**

Date: August 23, 2011

To: The Board of Acquisition and Contract

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

RE: Authority to enter into an agreement with Yeshiva Ohr Hameir pursuant to which the County will issue to the Yeshiva an Out-of-District Wastewater Discharge Permit which will allow the Yeshiva to discharge sanitary wastewater from their premises into the County Trunk Sewer System for a term of up to three (3) years commencing no later than December 1, 2011 and terminating no later than November 30, 2014, for an annual permit fee, subject to annual adjustment based upon the parcel's full equalized value as determined by the tax assessor of the Town of Cortlandt

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Attached hereto for your consideration is a Resolution which, if approved by your Board, would authorize the County of Westchester, acting on behalf of the Peekskill Sanitary Sewer District ("District"), to enter into an agreement (the "Agreement") with Yeshiva Ohr Hameir (the "Permittee"), pursuant to which the County would issue to Permittee an Out-of-District Wastewater Discharge Permit (the "Permit") to allow Permittee to discharge sanitary wastewater from a religious compound owned by Permittee, known as 141 Furnace Woods Road, Cortlandt Manor, New York, designated as Section 44.12, Block 1, Lot 3 ("Parcel"), into the local sewer system tributary to the County trunk sewer serviced by the Peekskill Sanitary Sewer District ("District").

The Parcel, which is located outside of the District, has a failing septic system. The Town of Cortlandt has petitioned that the Parcel be added to the District. Based upon the use and sewage flows anticipated at this property, the Westchester County Department of Environmental Facilities ("WCDEF") has determined that an Out of District permit for this facility would be more appropriate than inclusion into the District.

Pursuant to Section 824.261 of the Administrative Code, sewerage generated on or discharged from real property located outside a sanitary sewer district may be discharged into County trunk sewers only with the express consent of the Commissioner of WCDEF ("Commissioner") and then only upon the issuance of a permit setting forth the terms and conditions of such discharge. Section 824.341 limits the duration of such agreements to three (3) years.

The Permit authorized by the Agreement will be for a term of up to three (3) years commencing no later than December 1, 2011 and terminating no later than November 30, 2014. In consideration for the grant of Permit, Permittee will pay the County a first year's permit fee totaling the sum of five thousand three hundred fifty-three dollars and eighty-five cents (\$5,353.85). The permit fee is calculated based upon one hundred fifty percent (150%) of the ad valorem tax rate of the Parcel if it had been included in the District and will be adjusted annually based upon the Parcel's full equalized value (F.E.V.) as determined by the tax assessor of the Town of Cortlandt. Permittee shall also pay the County the annual permit fee, as adjusted, for each subsequent year of the Permit.

It should be noted that the permit fee is based upon a maximum flow of 23,000 gallons per day. Permittee will be required to install and maintain a calibrated sewer flow meter and submit a copy of their meter readings with flow volume usage indicated. Permittee shall also be responsible for payment for sewage flows in excess of 23,000 gallons per day and will be billed at the rate of two hundred fifty percent (250%) of the cost of treatment.

The Permit would prohibit the discharge of any hazardous, toxic or radioactive wastes or any other materials, substances or wastes prohibited by the County Environmental Facilities Sewer Act, as it now exists or may hereafter be amended.

Prior to the expiration of the Permit, it is anticipated that legislation will be submitted to the Westchester County Board of Legislators in order to amend Section 824.341 of the Laws of Westchester County to enable Permittee to execute a long term (30 year) Out of District Permit. At the time of execution of the long term Permit, this Permit will be terminated.

By separate resolution submitted of even date herewith, your Honorable Board was presented with a Short Environmental Assessment Form prepared by the Planning Department to assist the Board with carrying out its obligations under the State Environmental Quality Review Act ("SEQRA") and its implementing regulations in 6 NYCRR, Part 617. Your Honorable Board must complete its SEQRA obligations before taking any action on this resolution.

The goals and objectives of this agreement are to grant an out-of-district permit to Permittee to allow them to discharge sanitary wastewater from their facility 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 because the connection will eliminate a hazardous situation in the form of a failing septic system on land in Westchester County. 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 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.

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (“County”), acting on behalf of the Peekskill Sanitary Sewer District (“District”), is authorized to enter into an agreement (the “Agreement”) with Yeshiva Ohr Hameir (“Permittee”) pursuant to which the County would issue to Permittee an Out-of-District Wastewater Discharge Permit (the “Permit”) which would allow Permittee to discharge sanitary wastewater from a religious compound owned by Permittee and known as 141 Furnace Woods Road, Cortlandt Manor, New York, designated as Section 44.12, Block 1, Lot 3 (“Parcel”), into the local sewer system tributary to the County trunk sewer serviced by the District, for a term of up to three (3) years commencing no later than December 1, 2011 and terminating no later than November 30, 2014; and be it further

**RESOLVED**, that in consideration for the grant of Permit, Permittee shall pay the County a first year’s permit fee totaling the sum of five thousand three hundred fifty-three dollars and eighty-five cents (\$5,353.85). The permit fee is calculated based upon one hundred fifty percent (150%) of the ad valorem tax rate of the Parcel if it had been included in the District and will be adjusted annually based upon the Parcel’s full equalized value (F.E.V.) as determined by the tax assessor of the Town of Cortlandt. Permittee shall also pay the County the annual permit fee, as adjusted, for each subsequent year of the Permit; and be it further

**RESOLVED**, that in addition to the permit fee, Permittee shall be responsible for payment to the County for sewage flows in excess of 23,000 gallons per day and will be billed at the rate of two hundred fifty percent (250%) of the cost of treatment which is currently \$1.57 per 1000 gallons of flow; 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
2012	221	60	0110	9289		\$ 5,353.85
2013	221	60	0110	9289		TBD
2014	221	60	0110	9289		TBD

Budget Funding Year(s) 2012-2014 Start Date 12/1/2011 End Date 11/30/2014  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
**\$ 5,353.85** Federal Aid \_\_\_\_\_  
(must match resolution) Other Revenue - \$5,353.85