

**48689**

Date: September 29, 2015

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 Patrick and Michele McInerney (the "Permittees") pursuant to which the County will issue to the Permittees an Out-of-District Wastewater Discharge Permit which will allow the Permittees to discharge sanitary wastewater from their premises located at 25 Elm Tree Lane, Bronx, New York, 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 \$1,627.18, subject to annual adjustment based upon the parcel's full equalized value as determined by the New York City Property Assessment Rolls website.

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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 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 owned by the Permittees and located at 25 Elm Tree Lane, Bronx, New York, and designated as Block No. 5651, Lot No. 230 on the official tax maps of Bronx County (the "Parcel"), into the County trunk sewer serviced by the New Rochelle Sanitary District (the "District").

The Permittees have petitioned that the Parcel 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.

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 the Westchester County Department of Environmental Facilities ("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 on January 1, 2016 and terminating on December 31, 2018. In consideration for the grant of Permit, Permittee will pay the County a first year's permit fee totaling the sum of \$1,627.18. 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 estimated market value as determined by the official New York City Property Assessment Rolls website. Permittees 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 150 gallons per capita per day. Permittees shall also be responsible for payment for sewage flows in excess of the allowed daily maximum flow and will be billed at the rate of two hundred fifty percent (250%) of the cost of treatment. The cost of treatment in the New Rochelle Sewer District for 2014 was \$4.53 per 1000 gallons of flow.

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.

If deemed necessary by the Commissioner, Permittees, at their sole cost and expense, will construct, operate and maintain a sewer service line and sanitary sewer pumping station from the Parcel to the Village sanitary sewer manhole designated for such purpose, and shall be solely responsible for obtaining all necessary permits and approvals from the Village or any other governmental entities that may have jurisdiction over such activities.

The Planning Department has advised that based on its review, the above referenced action has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required.

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 County of Westchester (“County”), acting on behalf of the New Rochelle Sanitary Sewer District (“District”), is authorized to enter into an agreement (the “Agreement”) with Patrick and Michele McNerney (“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 owned by Permittees and located at 25 Elm Tree Lane, Bronx, New York, and designated as Block No. 5651, Lot No. 230 on the official tax maps of Bronx County (the “Parcel”), 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; and be it further

**RESOLVED**, that in consideration for the grant of Permit, Permittees shall pay the County a first year’s permit fee totaling the sum of \$1,627.18. 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 estimated market value as determined by the official New York City Property Assessment Rolls website. Permittees 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, Permittees shall be responsible for payment to the County for sewage flows in excess of the allowed daily maximum flow of 150 gallons per capita per day and will be billed at the rate of two hundred fifty percent (250%) of the cost of treatment which, in 2014, was \$4.53 per 1000 gallons of flow; and be it further

**RESOLVED**, that if deemed necessary by the Commissioner of Environmental Facilities, Permittees, at their sole cost and expense, will construct, operate and maintain a sewer service line and sanitary sewer pumping station from the Parcel to the Village of Pelham Manor (the “Village”) sanitary sewer manhole designated for such purpose, and shall be solely responsible for obtaining all necessary permits and approvals from the Village or any other governmental entities that may have jurisdiction over such activities.

**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,<br>Program &<br>Phase<br>Or Unit | Object/<br>Sub-Object | Trust<br>Account | Dollars    |
|----------|------|------|-------------------------------------------------|-----------------------|------------------|------------|
| Per year | 221  | 60   | 0110:0081                                       | 9670                  |                  | \$1,627.18 |
|          |      |      |                                                 |                       |                  |            |

Budget Funding Year(s) 2016-2018 Start Date 1/1/2016 End Date 12/31/2018  
(must match resolution)

Funding Source

**\$1,627.18/year**  
(must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/22/2015 - JOHN COCCICARDI, SECRETARY