

55702

DATE March 7, 2017

TO: Board of Acquisition and Contract

FROM: Eileen Mildenberger Vincent F. Kopicki, P.E.
Acting Commissioner of Planning Commissioner of Public Works

SUBJECT: Authority to amend an Intermunicipal Agreement with the Village of Tarrytown (the "Village") for a Flood Mitigation Project in the Loh Park Neighborhood of the Village in order to increase the County's contribution toward the Project, revise the scope of service to include the redesign of the project and the conveyance by the Village to the County of any easements in connection with the redesigned project.

By resolution approved on November 5, 2009, your Honorable Board authorized the County of Westchester (the "County") to enter into an Intermunicipal Agreement (the "IMA") with the Village of Tarrytown (the "Village") pursuant to which the parties agreed to share in the cost of a flood mitigation project in the Loh Park neighborhood of the Village (the "Project") for a term commencing upon execution thereof and continuing for a period of thirty (30) years thereafter. The approximate cost of the entire Project was \$1,667,000 of which the County agreed to contribute an amount not to exceed \$833,500. The IMA was subsequently executed.

Due to unanticipated circumstances, the Village now requires additional funds in order to complete the Project. The Project cost was originally estimated at \$1,667,000, with the Village and the County each contributing \$833,500. However, during the design phase, some issues developed for the Village including problems obtaining easements over several residential properties and the Old Croton Aqueduct Trailway. As a result, the Village was forced to redesign the project several times and obtain easements from the owner of a medical building in order to keep the Project viable. The redesign and new route have increased the total Project costs from \$1,667,000 to \$3,500,000, an increase of \$1,833,000. Since the parties agreed to split the costs of the Project 50-50, the County's share of this increase is \$916,500. This proposed amendment will also authorize the conveyance by the Village of Tarrytown to the County any easements in connection with the redesigned Flood Mitigation Project.

Accordingly, authority is respectfully requested to amend the IMA with the Village in order to: 1) increase the County's contribution toward the Project by an additional \$916,500, from \$833,500 to \$1,750,000; 2) revise the scope of services and Project budget to reflect the redesigned Project; and 3) reflect the conveyance by the Village to the County of any easements in connection with the redesigned Project.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA shall remain in full force and effect.

This amendment is necessary as the Loh Park project is expected to benefit the Tarrytown Pumping Station on White Street by lessening the severity of flooding the station has experienced, thereby protecting the Station's structural integrity.

On January 23, 2017, the Westchester County Board of Legislators adopted Act No. 2017-12 which authorized the County to amend the IMA with the Village in order to: 1) increase the County's contribution under the Project from \$833,500 to \$1,750,000; 2) revise the scope of services and Project budget to reflect the redesigned Project; and 3) reflect the conveyance by the Village to the County of any easements in connection with the redesigned Project.

The goal and objective of the IMA is to implement a flood mitigation project that will benefit the Tarrytown Pump Station on White Street which serves the Saw Mill Sewer District by lessening the severity of flooding in the station, thus protecting the structural integrity. The project will be monitored by the Planning and Public Works Departments who will make two monthly site visits during and after construction to ensure all contractual requirements are met.

Accordingly, we respectfully recommend approval of the amendment to the IMA.

EM/cp/pn/jg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY

R E S O L U T I O N

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING AND THE COMMISSIONER OF PUBLIC WORKS, BE IT HEREBY

RESOLVED: that the County of Westchester (the “County”) is hereby authorized to amend an Intermunicipal Agreement (IMA) with the Village of Tarrytown (the “Village”) pursuant to which the parties agreed to share in the cost of a flood mitigation project in the Loh Park neighborhood of the Village (the “Project”), by 1) increasing the County’s contribution toward the Project by an additional \$916,500, from \$833,500 to \$1,750,000; 2) revising the scope of services and Project budget to reflect the redesigned Project; and 3) reflecting the conveyance by the Village to the County of any easements in connection with the redesigned Project; and be it further

RESOLVED: that except as otherwise specifically amended hereby, all other terms and conditions of the IMA will remain in full force and effect; and be it further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement \$ 833,500
 This Amendment \$ 916,500

 TOTAL \$1,750,000

AGREEMENT NUMBER C-CAP-09-180

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit & Bond Act	Object/ Sub Object	Trust Account	Dollars
318	19	BPL26-01-S Bond Act 2017-11	6050	N/A	\$916,500

Budget Funding Year(s) FY 2009 Start Date 10/17/2010 End Date Not to Exceed 30 Years

Funding Source Tax Dollars _____
 State Aid _____
 Federal Aid _____
 Other \$916,500

\$916,500
 (must match resolution)