

58388

DATE: August 15, 2017

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Public Works and Transportation

SUBJECT: Resolution requesting authority for the County of Westchester (the "County") to:

- 1) enter into intermunicipal agreements (Agreement No. 17-922) with various municipalities within the County for Snow and Ice control on County roads within their boundaries for the winter seasons commencing on October 1, 2015 and continuing through September 30, 2020 at new approved rates; and
- 2) amend intermunicipal agreements (Agreement No. 15-958) with those local municipalities that have already executed an agreement with the County for Snow and Ice control on County roads within their boundaries for the winter seasons commencing on October 1, 2015 and continuing through September 30, 2020 in order to 1) reflect the new approved rates; and 2) revise the scope of services to clarify the extent of the municipalities' responsibilities.

Pursuant to Act No. 2015-255 adopted by the Board of Legislators on December 14, 2015 and by resolution approved by your Honorable Board on December 22, 2015 (the "December 22nd Resolution"), the County was authorized to enter into intermunicipal agreements with various municipalities within the County for snow and ice control on County roads located within those municipalities for the winter seasons commencing October 1, 2015 and continuing through September 30, 2020.

While most of these intermunicipal agreements have been fully executed (the "Executed IMAs"), there are a handful of municipalities that have not yet executed an agreement with the County for these purposes. Several of the local municipalities have requested an increase in the rates authorized by Act No. 2015-255 and the December 22nd Resolution.

As your Honorable Board may recall, there are two categories of rates applicable to these agreements: "With "208" Incentive", which applies to those local municipalities whose salt storage and application rates are consistent with the recommendations for the 208 Water Quality Program and are in compliance with the best management practices guidelines which I have endorsed, and "Without "208" Incentive". It is proposed that the rates of reimbursement for the 2015/2016 season will not change from what was previously authorized pursuant to Act No. 2015-255 and the December 22nd Resolution. However, the rates of reimbursement for the remaining four years of the IMAs for both categories of rates will increase by 5% in year two, 6% in year three, 8% in year four and 8% in year five, as set forth in Schedule "A", attached hereto and made a part hereof.

Additionally, the local municipalities asked the County to consider revising the description of services as set forth in the Executed IMAs to clarify that the municipalities are not responsible for the following services: filling pot holes, removal of trash, removal of dead animals, grass and weed cutting, maintenance and repair of guide rails, or graffiti removal upon County roads within the boundaries of the municipality, unless damage to County property is caused by the municipality, its employees, agents or contractors.

The Board of Legislators by Act No. 2017-140 approved on July 17, 2017, authorized the County to enter into the IMAs at the new reimbursement rates and further authorized the County to amend the Executed IMAs to reflect the new rates and to clarify the extent of the municipalities' responsibilities.

Accordingly, authority is respectfully requested to:

- 1) enter into intermunicipal agreements with various municipalities within the County for Snow and Ice control on County roads within their boundaries for the winter seasons commencing on October 1, 2015 and continuing through September 30, 2020 at new approved reimbursement rates as set forth in Schedule "A", attached hereto and made a part hereof; and
- 2) amend the Executed IMAs in order to 1) reflect the new approved reimbursement rates as set forth in Schedule "A", attached hereto; and 2) revise the scope of services to clarify the extent of the municipalities' responsibilities.

Because these agreements are with municipalities, they are exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(iii) thereof.

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

The objective of these agreements is to reimburse local municipalities for snow and ice removal on County roads within their boundaries. These agreements benefit the public by ensuring that County roads are clear of snow and ice for the traveling public, thereby addressing the County Executive's priority area of Safety and Security (SS).

Your approval of the attached resolution is respectfully requested.

RESOLUTION

Agreement No. 17-922 and Amend Agreement No. 15-958

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to:

- 1) enter into intermunicipal agreements with various municipalities within the County for Snow and Ice control on County roads within their boundaries for the winter seasons commencing on October 1, 2015 and continuing through September 30, 2020 at the new approved reimbursement rates set forth in Schedule "A", attached hereto; and
- 2) amend intermunicipal agreements with those local municipalities that have already executed an agreement with the County for Snow and Ice control on County roads within their boundaries, for the winter seasons commencing on October 1, 2015 and continuing through September 30, 2020 (the "Executed IMAs") in order to reflect the new approved reimbursement rates as set forth in Schedule "A", attached hereto;

and be it further

RESOLVED, that the Executed IMAs are hereby further amended to clarify that the municipalities are not responsible for the following services: filling pot holes, removal of trash, removal of dead animals, grass and weed cutting, maintenance and repair of guide rails, or graffiti removal upon County roads within the boundaries of the municipality, unless damage to County property is caused by the municipality, its employees, agents or contractors; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Executed IMAs, shall remain in full force and effect; and be it further

RESOLVED, that the agreements are subject to County appropriations; and be it further

RESOLVED, that the agreements are also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate the agreements upon reasonable prior written notice; and be it further

RESOLUTION

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all actions necessary to effectuate the purposes hereof.

Agreement No. 17-922 and Amend Agreement No. 15-958

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
10/01/15 - 09/30/16	101	46	6000	4910		\$471,351.00
10/01/16 - 09/30/17	101	46	6000	4910		\$495,877.00
10/01/17 - 09/30/18	101	46	6000	4910		\$525,564.00
10/01/18 - 09/30/19	101	46	6000	4910		\$566,592.00
10/01/19 - 09/30/20	101	46	6000	4910		\$611,924.00

Budget Funding Years: 2015-2020
(must match resolution)

Start Date: 10/01/15

End Date: 09/30/20

Funding Source: Tax Dollars: 100% County
 State Aid: _____
\$2,671,308.00 Federal Aid: _____
 (must match resolution) Other: _____

APPROVED BOARD OF ACQUISITIONS & CONTRACTS 05/05/2017 - LISA MRIJAJ, SECRETARY

SCHEDULE "A"

WITH "208" INCENTIVE

For the period October 1, 2015 – September 30, 2016 (no change)

- \$3,441.00 per mile for 2 lane roads
- \$4,474.00 per mile for 3 lane roads
- \$5,011.00 per mile for 4 lane roads

For the period October 1, 2016 – September 30, 2017 (5% increase)

- \$3,613.00 per mile for 2 lane roads
- \$4,698.00 per mile for 3 lane roads
- \$5,262.00 per mile for 4 lane roads

For the period October 1, 2017 – September 30, 2018 (6% increase)

- \$3,830.00 per mile for 2 lane roads
- \$4,980.00 per mile for 3 lane roads
- \$5,578.00 per mile for 4 lane roads

For the period October 1, 2018 – September 30, 2019 (8% increase)

- \$4,136.00 per mile for 2 lane roads
- \$5,378.00 per mile for 3 lane roads
- \$6,024.00 per mile for 4 lane roads

For the period October 1, 2019 – September 30, 2020 (8% increase)

- \$4,467.00 per mile for 2 lane roads
- \$5,808.00 per mile for 3 lane roads
- \$6,506.00 per mile for 4 lane roads

SCHEDULE "A"

WITHOUT "208" INCENTIVE

For the period October 1, 2015 – September 30, 2016 (no change)

- \$2,228.00 per mile for 2 lane roads
- \$2,938.00 per mile for 3 lane roads
- \$3,248.00 per mile for 4 lane roads

For the period October 1, 2016 – September 30, 2017 (5% increase)

- \$2,339.00 per mile for 2 lane roads
- \$3,085.00 per mile for 3 lane roads
- \$3,410.00 per mile for 4 lane roads

For the period October 1, 2017 – September 30, 2018 (6% increase)

- \$2,479.00 per mile for 2 lane roads
- \$3,270.00 per mile for 3 lane roads
- \$3,615.00 per mile for 4 lane roads

For the period October 1, 2018 – September 30, 2019 (8% increase)

- \$2,677.00 per mile for 2 lane roads
- \$3,532.00 per mile for 3 lane roads
- \$3,904.00 per mile for 4 lane roads

For the period October 1, 2019 – September 30, 2020 (8% increase)

- \$2,892.00 per mile for 2 lane roads
- \$3,815.00 per mile for 3 lane roads
- \$4,216.00 per mile for 4 lane roads

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/05/2017 LISA MRIJAJ, SECRETARY