

**60105**

Date: December 6, 2017

To: The Board of Acquisition and Contract

From: Vincent Kopicki, P.E., Acting Commissioner  
Department of Environmental Facilities

RE: Authority to enter into agreements with the owners of record of the properties listed on the attached Schedule "A" pursuant to which the County will issue to said owners Out-of-District Wastewater Discharge Permits which will allow the owners to discharge sanitary wastewater from their respective premises into the County Trunk Sewer System for a term of up to three (3) years commencing on January 1, 2018 and terminating on December 31, 2020 at annual permit fees to be determined based upon each parcel's full equalized value.

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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 agreements (the "Agreements") with the owners of record of the properties listed by street address and/or tax map designation on the attached Schedule "A", or the owners of record of any subdivided parcels of such properties (the "Permittees"), pursuant to which the County would issue to the Permittees Out-of-District Wastewater Discharge Permits (the "Permits") to allow the Permittees to discharge sanitary wastewater from their respective premises, as set forth in the attached Schedule "A" (the "Parcels"), into the County trunk sewer serviced by the New Rochelle Sanitary District (the "District").

As your Board may know, in 1925, the City of New Rochelle (the "City") and the Town of Pelham, Village of Pelham, Village of North Pelham and the Village of Pelham Manor (the "Pelhams") entered into an agreement whereby the Pelhams agreed to provide sewage treatment at no cost to an area in the City and the City in turn agreed to provide similar services to an area in the Village of Pelham Manor (the "Village") and to a twenty-six (26) acre parcel, improved by single family residences, located on its southerly border in the County of Bronx, New York (the "Bronx Service Area").

In 1950, the Village was included in the District. Although requested by the Pelhams, for several reasons the Bronx Service Area could not be included in the District. Nevertheless, the Bronx Service Area has and continues to discharge wastewater into the District through sewage transmission lines owned by the Village. The Village has received and continues to receive compensation from the Bronx Service Area residents for use of the sewage transmission lines owned by the Village. However, the Bronx Service Area has never been in or assessed as part of the District, nor has the County been reimbursed for its costs associated with the conveyance and treatment of the Bronx Service Area sewage.

The County now seeks to be reimbursed for all costs associated with the treatment of sewage generated from the Bronx Service Area homeowners as listed in Schedule "A", effective upon execution of the Agreements.

Pursuant to Section 824.261 of the County 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 Permits authorized by the Agreements will be for a term of up to three (3) years commencing on January 1, 2018 and terminating on December 31, 2020. In consideration for the grant of Permit, the Permittees will pay the County an annual permit fee to be calculated as follows: one hundred fifty percent (150%) of the average ad valorem tax rate of the New Rochelle Sewer District, based on the full equalized value (FEV) of the average parcel in the District, multiplied by each parcel's FEV. This calculation would be:  $(T/F) * 1.5 * P$ ; where "T" equals the annual Ad Valorem Tax of the District; "F" equals the Full Equalized Value of the entire District; P equals the Full Equalized Value of the particular parcel on the most recent final assessment roll available on the New York City Department of Finance website. It should be noted that the FEV is currently referred to as "estimated market value" on the New York City Department of Finance website.

It should be further 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 is currently \$2.73 per 1000 gallons of flow.

The Permits 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 out-of-district discharge permits to Permittees to allow them to discharge sanitary wastewater from their premises into the County trunk sewer serviced by the District and for the County to be reimbursed for the costs associated with such treatment. The goals and objectives are in the best interests of the County in terms of public health and the environment and fiscal responsibility. The goals and objectives will be tracked and monitored through regular inspection by County officials.

The granting of out-of-district discharge permits 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 agreements (the “Agreements”) with the owners of record of the properties listed by street address and/or tax map designation on the attached Schedule “A” or the owners of record of any subdivided parcels of such properties (the “Permittees”), pursuant to which the County would issue to the Permittees Out-of-District Wastewater Discharge Permits (the “Permits”) which would allow the Permittees to discharge sanitary wastewater from their respective premises as listed in Schedule “A” (the “Parcels”), into the County trunk sewer serviced by the District, for a term of up to three (3) years commencing on January 1, 2018 and terminating on December 31, 2020; and be it further

**RESOLVED**, that in consideration for the grant of Permit, each Permittee shall pay the County an annual permit fee to be calculated as follows: one hundred fifty percent (150%) of the average ad valorem tax rate of the New Rochelle Sewer District, based on the full equalized value (FEV) of the average parcel in the District, multiplied by each parcel’s FEV. This calculation would be:  $(T/F) * 1.5 * P$ ; where “T” equals the annual Ad Valorem Tax of the District; “F” equals the Full Equalized Value of the entire District; P equals the Full Equalized Value of the particular parcel on the most recent final assessment roll available on the New York City Department of Finance website. It should be noted that the FEV is currently referred to as “estimated market value” on the New York City Department of Finance website; 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. The cost of treatment is currently \$2.73 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, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
221	60	0110:0081	9670		As per calculation

Budget Funding Year(s) 2018-2020 Start Date 1/1/2018 End Date 12/31/2020  
(must match resolution)

Funding Source

\$ As per calculation\_  
(must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/21/2017 - LISA MARIJA SECRETARY

**SCHEDULE A**

<b>ADDRESS</b>	<b>Block</b>	<b>Lot</b>
15 Shore Road	5651	42
1449 Roosevelt Ave	5651	49
1445 Roosevelt Ave	5651	53
1441 Roosevelt Ave	5651	59
1448 Roosevelt Ave	5651	64
1439 Roosevelt Ave	5651	63
1437 Roosevelt Ave	5651	64
1424 Park Lane	5651	70
1415 Park Lane	5651	150
88 Beech Tree Lane	5651	160
90 Beech Tree Lane	5651	165
86 Beech Tree Lane	5651	175
84 Beech Tree Lane	5651	180
81 Beech Tree Lane	5651	210
45 Elm Tree Lane	5651	215
41 Elm Tree Lane	5651	219
35 Elm Tree Lane	5651	224
15 Elm Tree Lane	5651	235
11 Elm Tree Lane	5651	240
7 Elm Tree Lane	5651	242
5 Elm Tree Lane	5651	250
10 Edgemere Street	5652	61
2 Edgemere Street	5652	66
149 Park Drive	5652	79
151 Park Drive	5652	75
135 Park Drive	5652	81
11 Oak Lane	5652	102
125 Park Drive	5652	105
101 Park Drive	5652	110
95 Park Drive	5652	135
89 Park Drive	5652	138
83 Park Drive	5652	141
77 Park Drive	5652	144
65 Park Drive	5652	165
55 Park Drive	5652	171
4 Peace Street	5652	175
1041 Peace Street	5652	190
11 Park Drive	5652	222
2 Split Rock Road	5652	224
	5651	40 (8A&9A)
	5651	40 (10A)