

60397

December 20, 2017

To: The Honorable Board of Acquisition and Contract

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

Re: Authority to enter into an intermunicipal agreement with the Village of Briarcliff Manor whereby the County will transfer to the Village ownership of Pleasantville Road. (Agreement No. 18-905)

Authority is requested for the County of Westchester to enter into an intermunicipal agreement (“IMA”), pursuant to section 115-b of the New York State Highway Law, with the Village of Briarcliff Manor (the “Village”) whereby the County will transfer to the Village ownership of Pleasantville Road, comprised of C.R. 40I from South State Road to the Town of Mount Pleasant line approximately 250 feet northwest of the Briarcliff Manor High School driveway, a distance of 1.1 miles, and C.R. 40II from North State Road to the Town of Ossining line, a distance of 1.13 miles, as well as the bridge over the Pocantico River (BIN 3348030), and any related infrastructure within the right-of-way including but not limited to sidewalks and storm drainage systems (collectively, the “Roads”). The Village will also accept responsibility for secondary maintenance of the access ramp to Route 9A/100 (BIN 1091370) and the bridge over Route 9A (BIN 1006160), both of which are owned by the State of New York Department of Transportation (the “State Bridges”) and for which the County is currently responsible.

Under the proposed IMA, the Village will assume ownership of the Roads provided that the County assists in the Village’s project to design and construct improvements to the intersections of Pleasantville Road with North State Road and with NY Route 9A and North State Road. The County’s share of this project will be \$425,000.00. Improvements to Pleasantville Road, which included resurfacing and installation of concrete curbing and new pavement markings, are being completed under Capital Project RB128. The County’s portion of the Village’s project will be added to this project.

Upon final acceptance by your Honorable Board of the improvements to the Roads and notice to the Village, the Village will immediately assume full responsibility and all costs for the repair, maintenance and operation of the Roads and secondary maintenance of the State Bridges, including, without limitation, maintaining the storm drains in accordance with all applicable laws, snow and ice removal and all policing functions. The IMA will require the Village to indemnify and defend the County against any claims arising out of the maintenance, operation, security and/or repair of the Roads. The IMA will also require that following the transfer of the Roads, the Village will continue to comply with, and agree that the County Planning Board shall continue to have the jurisdiction under, Section 277.61 of the Laws of Westchester County and Sections 239-1 through 239-n of the New York General Municipal Law, as may be amended from time to time, as if the Roads were still County roads. Without limiting the foregoing, the Village will continue to give notice of hearings and refer actions to the County Planning Board; the County Planning Board will continue to have the right to appear at hearings and make recommendations on proposed actions; and the Village will continue to not act contrary to said recommendations, except as described in Section 277.61 of the Laws of Westchester County. In order to safeguard the aforementioned County rights, the term of the proposed agreement will be perpetual.

Pursuant to section 115-b of the New York State Highway Law, a road or part of it may be removed from a county highway system and transferred to a town, village or city within which it lies. Section 115-b establishes a three-step procedure for such transfer: 1) the county superintendent of highways must recommend that the road or part of it be conveyed to a town, village or city; 2) the transfer must be agreed to in writing by the town, village or city, or, if no agreement can be reached, by the State commissioner of transportation; and 3) the county board of supervisors must authorize removal of the road or part of it from the county road system. In addition, pursuant to section 115-c of the Highway Law, the county must give notice to the clerk and supervisors of the town, village or city thirty days before the transfer is effective.

The Commissioner of Public Works and Transportation exercises the powers of the County Superintendent of Highways, pursuant to section 131.11 of the County Charter, and has recommended that the Roads be conveyed to the Village. The Village, in turn, is prepared to accept the Roads through the proposed IMA.

The Board of Legislators authorized this IMA pursuant to Act No. 2017-220 enacted on December 11, 2017. This agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3 (a) iii thereof.

I recommend adoption of the attached proposed Resolution.

VFK/DLV/dv
Attachment

RESOLUTION

Intermunicipal Agreement No. 18-905

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

RESOLVED, that the County of Westchester is hereby authorized to enter into an intermunicipal agreement (the "IMA"), pursuant to section 115-b of the New York State Highway Law, with the Village of Briarcliff Manor (the "Village") whereby the County will transfer to the Village ownership of Pleasantville Road, comprised of C.R. 40I from South State Road to the Town of Mount Pleasant line approximately 250 feet northwest of the Briarcliff Manor High School driveway, a distance of 1.1 miles, and C.R. 40II from North State Road to the Town of Ossining line, a distance of 1.13 miles, as well as the bridge over the Pocantico River (BIN 3348030), and any related infrastructure within the right-of-way including but not limited to sidewalks and storm drainage systems (collectively, the "Roads"). The Village shall also accept responsibility for secondary maintenance of the access ramp to Route 9A/100 (BIN 1091370) and the bridge over Route 9A (BIN 1006160), both of which are owned by the State of New York Department of Transportation (the "State Bridges") and for which the County is currently responsible. Upon final acceptance by the County Board of Acquisition and Contract of the improvements to the Roads and notice to the Village, the Village shall assume full responsibility and all costs for the repair, maintenance and operation of the entire length of the Roads and secondary maintenance of the State Bridges, including, without limitation, maintaining the storm drains in accordance with all applicable laws, snow and ice removal and all policing functions. The IMA shall require the Village to indemnify and defend the County against any claims arising out of the maintenance, operation, security and/or repair of the Roads; and be it further

RESOLVED, that under the proposed IMA, the Village shall assume ownership of the Roads provided that the County assists in the Village's project to design and construct improvements to the intersections of Pleasantville Road with North State Road and with NY Route 9A and North State Road. The County's share of this project shall be \$425,000.00; and be it further

RESOLVED, that the County is further authorized, pursuant to section 115-b of the New York Highway Law and following the retirement of all County bonds issued for the aforementioned Projects, to amend the County Road Map to eliminate the Roads and thereupon the Roads shall, by operation of law, revert to the Village, which shall thereafter maintain the Roads; and be it further

RESOLVED, that the IMA shall also require that following the transfer of the Roads, the Village shall continue to comply with, and agrees that the County Planning Board shall continue to have the jurisdiction under, Section 277.61 of the Laws of Westchester County and Sections 239-1 through 239-n of the New York General Municipal Law, as may be amended from time to time, as if the Roads were still County roads. Without limiting the foregoing, the Village shall continue to give notice of hearings and refer actions to the County Planning Board; the County Planning Board shall continue to have the right to appear at hearings and make recommendations on proposed actions; and the Village shall continue to not act contrary to said recommendations, except as described in Section 277.61 of the Laws of Westchester County. In order to safeguard the aforementioned County rights the term of the agreement shall be perpetual; and be it further

RESOLUTION

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

Intermunicipal Agreement No. 18-905

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	346	46	RB12801S	6210-99	BA #219-2017	\$425,000.00

Budget Funding Year(s) 2017 Start Date N/A End Date N/A
 (must match resolution)

Funding Source:

Tax Dollars 100% County

State Aid _____

Federal Aid _____

Other _____

\$425,000.00
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/28/2017 - LISA MRIJAJ, SECRETARY