

DATE January 11, 2010

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Commissioner

SUBJECT: Resolution authorizing the County of Westchester to enter into a permit agreement with the Village of Mamaroneck to utilize a portion of Harbor Island Park as a construction staging area.

The attached resolution authorizes the County of Westchester, acting by and through the Department of Environmental Facilities (the "Department") to enter into a permit agreement with the Village of Mamaroneck (the "Village") to utilize a portion of Harbor Island Park as a construction staging area. The Permit Agreement shall commence upon execution and end December 31, 2012.

The County will shortly begin construction on extensive improvements to the Mamaroneck Wastewater Treatment Plant ("MWWTP") in order to comply with a Consent Order relating to biological nutrient removal that was agreed to by the New York State Department of Environmental Conservation. The County's selected contractor, Carlin Contracting Co., Inc., will utilize a portion of Harbor Island Park, which is adjacent to the MWWTP, as a construction staging area as no alternative suitable site is available. The Village will be named as an additional insured on the contractor's insurance and will be held harmless for any damages it may incur due to this permit. The County has agreed that it will not interfere with the use of the ballfields contained within Harbor Island Park and to use its best efforts to locate alternative soccer fields for use by the Village should such alternative soccer fields be needed to meet the needs of those displaced by the County's use of the construction staging area. The County will restore the construction staging area upon completion of the term of the permit. As consideration for allowing the County and its contractor to use this area, the Department has agreed that it will issue a three year Industrial Pretreatment Wastewater Discharge Permit to the Village at no cost, subject to the appropriate legal approvals, for the treatment of leachate from the Village's Taylor Lane Landfill site.

The Permit Agreement will serve the public purpose of enabling the County to proceed with its required obligations under the Consent Decree.

The goals and objective of the Permit Agreement are to provide an appropriate staging area for the construction of mandated improvements to the MWWTP.

Entering into the Permit Agreement is fiscally responsible because otherwise the Contractor would be using a less suitable off-site staging area that the County would be paying for through the construction contract and construction could be delayed thus threatening a violation of the Consent Order. The construction will be tracked by the Construction Manager who will be involved in all aspects of the construction. The Construction Manager will determine when the property is back to its original state. Our Industrial Pretreatment Section will monitor the discharge of the water at the former Taylor Lane Landfill to make sure all aspects of our pretreatment requirements are being followed.

Should the Permit Agreement not be approved, the County will have to pay the Contractor for off-site staging through a construction contract change order and construction may be delayed on this Consent Order work that has a mandated completion date of December 31, 2012.

The proposed Permit Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(iii) and 3(b).

I recommend approval of this Permit Agreement.

TJL/rpc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 - JOMAR VIEIRA, SECRETARY

R E S O L U T I O N

UPON A COMMUNICATION FROM THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to enter into a permit agreement with the Village of Mamaroneck (the "Village") to utilize a portion of Harbor Island Park as a construction staging area; and be it further

RESOLVED: that the permit agreement shall commence on the execution date of such agreement and end on December 31, 2012 and the Village will be named as an additional insured on the contractor's insurance and will be held harmless for any damages it may incur due to this permit; and be it further

RESOLVED: that in consideration for allowing the County and its contractor to use this area, the Department has agreed that it will issue a three year Industrial Pretreatment Wastewater Discharge Permit to the Village at no cost, subject to the appropriate legal approvals and the Department's pretreatment permit requirements (not including any fees), for the acceptance and treatment of leachate from the Village's Taylor Lane Landfill site; and be it further

RESOLVED: that the County Executive or his authorized designee be and hereby is authorized to execute any and all documents necessary and appropriate to effectuate purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
Fund	Dept				

Budget Funding Year(s) must match resolution) ___ N/A ___ Start Date: upon execution ___ End Date ___ 12/31/2012 ___

Funding Source

Tax Dollars _____

State Aid _____

Federal Aid _____

Other _____

_____ (must match resolution)