

72121

TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

DATE: October 22, 2019

SUBJECT: AGREEMENT NO. 19-809
Resolution authorizing the County of Westchester to enter into an access agreement with Maggie Orling, the owner of the property at 215 Hawley Road, North Salem, New York, to allow the County and its Contractors to enter onto her property in order to rehabilitate the Laurel Lake Dam and the portion of her property adjacent to the dam.

Authority is requested for the County of Westchester (the "County") to enter into an access agreement (the "Agreement") with Maggie Orling, the owner of the property at 215 Hawley Road, North Salem, New York (the "Property"), to allow the County and its contractors to enter onto the Property in order to rehabilitate the Laurel Lake Dam (the "Dam") and the portion of the Property adjacent to the Dam. The Agreement will be for a term from May 4, 2020 through October 29, 2021. No funds will be exchanged between the parties during the term of the Agreement.

Pursuant to the terms of the Agreement, the County will indemnify, defend and hold Maggie Orling harmless from and against any liability, injury, loss or damage arising directly out of, and to the extent attributable to, the negligent acts or omissions hereunder by the County. Furthermore, the County's contractor will be required to maintain Maggie Orling as an additional insured on its insurance policy and permission to use the premises will be deemed to be suspended for any time that Maggie Orling is not covered as an additional insured for any reason.

The Department of Public Works and Transportation (the "Department") has advised that rehabilitation of the Dam is necessary to comply with the current state dam safety regulations. The Dam rehabilitation work will include modification of the existing spillway, stabilization of the downstream channel using a rip rap splash pad and restoration and revegetation of adjacent embankment areas. Pursuant to the terms of the Agreement, the County will restore and revegetate adjacent embankment areas including a portion of the Property as part of the rehabilitation project.

The Agreement is necessary to allow the County and its Contractors access to and construction on the Property during the rehabilitation of the Dam and restoration of the embankment areas on the Property. This project is in the public's best interest in that successful completion of the Dam rehabilitation will classify the Dam as a Class A dam to comply with current state dam safety regulations.

Board of Acquisition and Contract
Access Agreement No. 19-809
Maggie Orling
215 Hawley Road, North Salem, New York
Rehabilitate the Laurel Lake Dam and the Portion of her Property Adjacent to the Dam
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The goal and objective of the agreement is to provide access to rehabilitate Laurel Lake Dam embankments.

The agreement is exempt from the County of Westchester Procurement Policy and Procedures pursuant to Section 3(b), which states that this policy shall not apply to real property leases, licenses and concessions.

I recommend the approval of the attached proposed Resolution.

HJG/DLV/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS - 11/14/2019 - LISA MRIJAL SECRETARY

