

89216

TO: Honorable Board of Acquisition and Contract

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

DATE: November 30, 2021

SUBJECT: Authority for the County of Westchester to enter into a non-binding Memorandum of Understanding with the Westchester Joint Water Works ("WJWW") to cooperate toward the proposed exchange of 13.4 acre parcels of property to facilitate WJWW's plan to construct and operate a water filtration facility, subject to all necessary legal approvals, for a term of one year commencing upon execution by the parties and subject to extension for one or more subsequent terms of one year or less upon agreement of the parties. (Agreement No. 21-939)

Authority is requested for the County of Westchester (the "County") to enter into a non-binding Memorandum of Understanding ("MOU") with the Westchester Joint Water Works ("WJWW") to cooperate toward the proposed exchange of 13.4 acre parcels of property to facilitate WJWW's plan to construct and operate a 30 million gallon-per-day water filtration facility, subject to all necessary legal approvals, for a term of one year commencing upon execution by the parties and subject to extension for one or more subsequent terms of one year or less upon agreement of the parties.

WJWW is a Public Benefit Corporation of the State of New York comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck. On November 26, 2019, the United States Environmental Protection Agency issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system. To comply with the EPA Administrative Order, comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the "Project"). The proposed location for the Project has been identified as an undeveloped 13.4 acre portion of County property located on the east side of Purchase Street and part of the Westchester County Airport.

To facilitate the Project, WJWW and the County have proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of airport property. The 13.4 acre Project parcel would be apportioned from the County Airport property (the "Project Parcel") and deeded to WJWW in exchange for a nearby 13.4 acre parcel owned by WJWW (the "Exchange Parcel") to be deeded to the County and incorporated into the airport property. The County's transfer of title to the Project Parcel and the acquisition of the Exchange Parcel will be subject to authorization by the Board of Legislators.

Pursuant to the MOU, WJWW will: conduct environmental review as the lead agency to comply with the State Environmental Quality Review Act, including the preparation of an Environmental Impact Statement ("EIS"); design the Project and acquire approvals from New York State and the County Department of Health; conduct field work as needed for wetlands delineation or confirmation; calculate metes and bounds descriptions for both parcels to be included in subsequent transactional documents; and provide Phase I and II documentation as needed. The County will: conduct a title search and provide title reports for the Project Parcel and any easement areas related to the Project; assume lead role in coordination with the Federal Aviation Administration for all reviews/approvals; provide information as to the proposed airport use of the Exchange Parcel for EIS analysis; undertake any actions necessary to revise the Airport Layout Plan; provide authorizations as may be necessary for the submission of applications for permits and approvals for the Project Site.

The goal and objective of the MOU is to assist the WJWW's project to construct a water filtration facility by providing a suitable site.

I recommend adoption of the attached proposed Resolution.

HJG/dlv

APPROVED BOARD OF ACQUISITION & CONTRACT 12/16/2021 BY: COUNTY CLERK SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into a non-binding Memorandum of Understanding with the Westchester Joint Water Works ("WJWW") to cooperate toward the proposed exchange of 13.4 acre parcels of property to facilitate WJWW's plan to construct and operate a 30 million gallon-per-day water filtration facility, subject to all necessary legal approvals, for a term of one year commencing upon execution by the parties and subject to extension for one or more subsequent terms of one year or less upon agreement of the parties; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any instruments and to take any actions reasonably necessary to implement this Resolution.

Agreement No. 21-939

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			N/A			N/A

Budget Funding Year(s): N/A Start Date: January 1, 2022 End Date: December 31, 2022
 (must match resolution)

Funding Source: Tax Dollars N/A
 State Aid _____
 \$N/A Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/16/2021 - RAYMOND SCULKY, SECRETARY