

**94595**

**DATE:** July 7, 2022  
**TO:** Board of Acquisition and Contract  
**FROM:** Sherlita Amler, M.D.  
Commissioner of Health  
**RE:** Authorization for the County of Westchester to enter into an Agreement with the New York State Department of Health to accept new funding for the Bathing Beach Water Quality Monitoring and Notification Grant Program, for the period from 10/01/2021 through 09/30/2026, in the total amount not-to-exceed \$173,750, pursuant to an approved budget, and for the County to defend and indemnify the NYSDOH as described below

The County of Westchester ("County"), acting by and through its Department of Health ("WCDH") requests authorization to enter into an agreement with the New York State Department of Health ("NYSDOH"), to accept new funding for the Bathing Beach Water Quality Monitoring and Notification Grant Program ("Program") grant, for the period from October 1, 2021 through September 30, 2026, in the total amount not-to-exceed \$173,750, pursuant to an approved budget.

The NYSDOH recently notified the County that it is eligible to receive a new five-year funding award in the amount not-to-exceed \$173,750.

The Agreement will also require the County to indemnify the New York State Department of Health as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract."

This Program will promote the public health, safety and welfare of County residents by monitoring and assessing the pathogen/bacterial concentration levels in coastal recreational waters.

The goal and objectives of this Program are to reduce the risk of waterborne diseases to users of Westchester County recreational waters through strengthened water quality standards for bathing beaches to ensure the safe quality of all impacted public beach water, and to provide better information regarding beach water quality to the public. Objectives are accomplished by conducting an initial pathogen sample test prior to the bathing season, classifying and ranking the sampling frequency for each beach, performing additional water sampling if bacterial concentration exceeds the water quality standard, and notifying the public if necessary.

The Program is tracked and monitored by reporting test results weekly to the NYSDOH's Bureau of Community Environmental Health and Food Protection (BCEHFP) and when a beach closure becomes necessary. Eighteen (18) beaches are routinely sampled and monthly reports are submitted to the BCEHFP.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms

Approval of the attached resolution is respectfully requested.

/dc

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/21/2022 - RAYMOND SCULKY, SECRETARY

# RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

**RESOLVED,** that the County of Westchester (the "County") is authorized to enter into an agreement with the New York State Department of Health to accept new funding for the Bathing Beach Water Quality Monitoring and Notification Grant Program, for the period from October 1, 2021 through September 30, 2026, in the not-to-exceed amount of \$173,750, pursuant to an approved budget; and, be it further

**RESOLVED,** that the Agreement will also require the County to indemnify the New York State Department of Health as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract."; and, be it further

**RESOLVED,** that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Original Agreement           \$  
 First Amendment           \$  
**This Amendment**           \_\_\_\_\_

TOTAL                           \$

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	27	622W	9853	T622	\$34,750
	263	27	622X	9853	T622	\$34,750
	263	27	622Y	9853	T622	\$34,750
	263	27	622Z	9853	T622	\$34,750
	263	27	622A	9853	T622	\$34,750

  

Budget Funding Year(s) (must match resolution) 2021-2026    Start Date 10/01/21    End Date 09/30/26

  

Funding Source	Tax Dollars	
	State Aid	_____
<b>\$173,750</b>	Federal Aid	<u>100% Federal pass-thru NYSDOH</u>
(must match resolution)	Other	_____