

94878

July 24, 2022

To: Honorable Board of Acquisition and Contract

From: Vincent Kopicki, P.E.
Commissioner of Environmental Facilities

Re: **Resolution to authorize the County of Westchester, on behalf of the Blind Brook Sanitary Sewer District, to amend a Sewer Discharge Agreement with Greenwich Woods Realty, LLC and Greenwich Retirement Housing LLC for the purpose of extending the term thereof through December 31, 2064.**

By resolution approved on December 23, 1999, your Honorable Board authorized the County of Westchester (the "County"), acting on behalf of the Blind Brook Sanitary Sewer District (the "District") to enter into a Discharge Permit Agreement (the "Agreement") with Greenwich Woods Health Care Center Corporation ("GWHCCC") to permit the discharge of sanitary wastewater from GWHCCC's facilities located on King Street in the Village of Rye Brook into the County trunk sewer serviced by the District for a thirty (30) year term commencing on January 1, 2000. The Agreement with GWHCCC was subsequently executed.

Thereafter, by resolution approved on September 20, 2000, your Honorable Board authorized the County, on behalf of the District, to enter into an agreement to consent to the assignment of the Agreement with GWHCCC, to Greenwich Woods Limited Partnership ("GWLP"), as GWLP took ownership of the facilities (the "First Assignment Agreement"). The First Assignment Agreement was subsequently executed.

Thereafter, by resolution approved on September 3, 2015, your Honorable Board authorized the County, on behalf of the District, to enter into an agreement to consent to the assignment of the Agreement with GWLP to Greenwich Woods Realty LLC ("GWR") and Greenwich Retirement Housing LLC ("GRH") (the "Second Assignment Agreement"). The Second Assignment Agreement was subsequently executed.

The County was advised that GWR and GRH (the "Licensees") are in the process of refinancing their existing debt and that their lending institution is requesting that the Agreement's expiration date be extended to a date that is at least ten (10) years after the maturity date of the upcoming financing. The Licensees have indicated that this financing was due to close sometime late in the first quarter of 2022, which would place the anticipated maturity date sometime in the calendar year of 2052, and require the Agreement to be extended until at least 2062. To avoid any potential timing issues, Licensees, through their attorneys Cuddy & Feder, have requested that the term of the Agreement be extended for a period of thirty-five (35) years to the date of December 31, 2064.

Accordingly, authority is respectfully requested to amend the Agreement with the Licensees in order to extend the term thereof for an additional thirty-five (35) years, from January 1, 2030 through December 31, 2064.

Except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect.

On May 23, 2022, the Westchester County Board of Legislators by Local Law Intro No. 2022 - 98, authorized the County, on behalf of the District, to amend Section 824.341 of the County Environmental Facilities Sewer Act to exempt the Licensees from the three (3) year term limitation for Sewer Discharge Permits.

The proposed amendment to the Agreement is exempt from the County Procurement Policy pursuant to Section 3(b) thereof which exempts real property licenses.

I strongly recommend your Honorable Board's approval of the annexed Resolution.

VK/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/11/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby:

RESOLVED, that the County of Westchester (the “County”), on behalf of the Blind Brook Sanitary Sewer District (the “District”), is authorized to amend a Sewage Discharge Agreement (the “Agreement”) with Greenwich Woods Realty LLC and Greenwich Retirement Housing LLC (the “Licensees”), as previously assigned, pursuant to which the Licensees were granted a permit to discharge sanitary wastewater from their nursing home/assisted living facilities located on King Street in the Town of Greenwich, Connecticut, into the County trunk sewer serviced by the District for a thirty (30) year term commencing on January 1, 2000 and continuing through December 31, 2029, in order to extend the term thereof for an additional thirty-five (35) years, from January 1, 2030 through December 31, 2064; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and provisions of the Agreement shall remain unchanged and in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purpose hereof.

Account to be
Charged/Credited

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

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

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/11/2022 - RAYMOND SCULKA, SECRETARY