

Environment & Health Meeting Agenda



Committee Chair: Ruth Walter

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, April 26, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Budget and Appropriations and Public Works & Transportation.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2021-261](#) **PH-Sewer District Mod-Add-Yorktown**

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) Parcel of Property located in the Town of Yorktown and to authorize a permit agreement with the Town to provide sewer service to the subject Parcel and to accept any easements or other real property interests from the Town." [Public Hearing set for _____, 2021 at _____ .m.] LOCAL INTRO: 2021-264.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Guests:

Commissioner Kopicki & Marian Pompa- Department of Environmental Facilities

2. [2021-262](#) **ENV RES-Sewer District Mod-Add-Yorktown**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from Capital Project SW011 - Rehabilitation of the Yorktown Maintenance Facility.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Guests:

Commissioner Kopicki & Marian Pompa- Department of Environmental Facilities

3. [2021-263](#) **BOND ACT-SW011-Rehabilitation of the Yorktown Maintenance Facility**

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Phase II of Capital Project SW011 - Rehabilitation of the Yorktown Maintenance Facility.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Guests:

Commissioner Kopicki & Marian Pompa- Department of Environmental Facilities

4. [2021-264](#) **ACT-Sewer District Mod-Add-Yorktown, & To Authorize Permit Agrmnt.**

AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) Parcel of Property located in the Town of Yorktown and to authorize a permit agreement with the Town to provide sewer service to the subject Parcel and to accept any easements or other real property interests from the Town.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Guests:

Commissioner Kopicki & Marian Pompa- Department of Environmental Facilities

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

April 7, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members:

Attached for your Honorable Board's consideration are the following: (1) an act (the "Act"), which, if approved, would authorize the County of Westchester (the "County") to modify the Peekskill Sanitary Sewer District (the "District") by adding one parcel of County-owned property located in the Town of Yorktown (the "Town") to the District, as well as enter into a proposed permit agreement with the Town (the "Agreement") to allow the County to connect a sanitary sewer service line from the property to the Town-owned sanitary sewer system and to accept any easements or other property interests from the Town; and (2) a related bond act (the "Bond Act") which, if adopted, would authorize the County to issue bonds in the total amount of Two Million (\$2,000,000) Dollars to finance Phase II of capital project SW011 – Rehabilitation of the Yorktown Maintenance Facility ("SW011").

I have been advised by the Commissioner of Environmental Facilities (the "Commissioner") that the County Department of Environmental Facilities (the "Department") has requested that the District be modified to add one (1) parcel of County-owned property located in the Town and more particularly described as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11 (hereinafter the "Parcel"), which Parcel is not currently in any County sewer district and has never been in any County sewer district in the past.

The Commissioner has advised that the Parcel is the site of the Department's Yorktown Maintenance Garage. The septic system at the property is not functional and the Department desires that the Parcel be added to the District. In order for the Parcel to obtain sewer service, it must first be connected to the Town's sanitary sewer that is located in Crompond Road. The Town's sanitary sewer is located in the Town's Hunterbrook Sewer District No. 8 which is also located within the District. As noted above, the County will be required to enter into an Agreement with the Town to provide sewer service to the Parcel.

I am advised that the analysis prepared by the Department dated December 8, 2020 and attached hereto indicates that the proposed addition of the Parcel represents an increase of 0.0466% to the Equalized Full Value of the District. The addition of the Parcel will not cause any significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the County and the Town; 2) the facilities necessary to connect the subject property to the Town sewer system (i.e., sanitary sewer service connection) will be constructed by the County under the County's Capital Construction Program; 3) maintenance of the completed facilities necessary to connect the subject property to the Town sewer system will be the responsibility of the Department. However, maintenance of the Town sewer system will remain with the Town; 4) the Peekskill Wastewater Treatment Facility (the "Plant") has a design flow of 10 MGD and the average daily flow in 2020 was 6.1 MGD, while the maximum average daily flow the Parcel will generate after inclusion is 400 GPD, and therefore the Plant and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time of the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Parcel. The Department recommends an aggregate surcharge of \$19,000.00 to be paid in each of ten equal annual installments of \$1,900.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2020. This formula has been used in past legislation for parcels added to a sanitary sewer district.

Pursuant to the terms of the proposed Agreement, the Town will grant the County a permit to allow the County to connect the Parcel to the Town's sanitary sewer located on Crompond Road and for the County to discharge sanitary sewage from the Parcel into the Town-owned sewer district which is tributary to the District. It should be noted that pursuant to New York State General Municipal Law §120-a, the County may enter into contracts with other municipalities for the purpose of connecting to such other municipalities' sewer outlets "upon such terms and for such consideration and length of time as may be mutually agreed upon between all the contracting municipalities." In consideration for the grant of permit, the County will pay a fee equivalent to what the County would pay the Town if the Town was able to levy a sewer tax against the Parcel. The first year charge from the Town is estimated at \$5,338.33 had an agreement been in place in 2020. In addition to the permit fee, the County would also be subject to payment of its share of debt service for any capital improvements made to the Town-owned sanitary sewer district during the term of the Agreement. The County will also be responsible for constructing the sanitary sewer line connection to the Town owned sanitary sewer system, at the County's sole cost and expense. The cost of the construction will be paid for under capital project SW011. The County will own, operate and maintain the sanitary sewer connection and related appurtenances after construction thereof. The Town will also grant the County any easements or other property interests necessary for the County to construct, operate and maintain the sewer service connection

and to have a financeable property interest in the sewer line connection for the purpose of issuing bonds. The term of the Agreement will commence upon execution thereof by both parties and continue for a period of thirty (30) years thereafter or upon the maturity date of the bonds, whichever is greater.

The Bond Act, in the amount of Two Million (\$2,000,000) Dollars, would provide construction funding for Phase II of the rehabilitation of the Department's Yorktown Maintenance Facility. Phase II funding will be used to complete all exterior work, including replacing the existing septic system with a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system. The work will also include repaving the facility's existing paved driveway and storage yard and miscellaneous site work and drainage improvements such as grading and the installation of curbs.

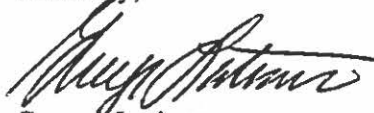
It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed Phase I of project SW011 as set forth on the attached fact sheet.

The Department has advised that the design for project SW011 has been completed using outside consultants. Construction of Phase I is expected to take (12) months and begin in the second Quarter of 2021. Construction of Phase II is also estimated to take twelve (12) months and will begin after the completion of Phase I.

The Department of Planning has advised that based on its review, the proposed action falls within the definition of an "Unlisted" action under the State Environmental Quality Review Act ("SEQR") and its implementing regulations 6 NYCRR Part 617. A Resolution, along with a Short Environmental Assessment Form, is attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant adverse impact on the environment, it must approve the Resolution issuing a Negative Declaration prior to authorizing the sewer district modification, the IMA and the Bond Act. As you know, your Honorable Board may utilize the professional advice and assistance of the Planning Department in making your required determination under the applicable SEQR regulations.

Based on the above facts and the feasibility study provided by the Department, I respectfully recommend that your Board adopt a resolution which will authorize Legal Notice for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an Act which will add the Parcel to the District and authorize the County to enter into the Agreement with the Town. I further respectfully recommend that your Honorable Board adopt the attached Bond Act.

Sincerely,



George Latimer
County Executive

GL/VK/MP/CJG/jpg

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an act (the “Act”) to authorize the County of Westchester (the “County”) to modify the Peekskill Sanitary Sewer District (the “District”) by adding one (1) parcel of County-owned property located in the Town of Yorktown (the “Town”) to the District, as well as enter into a proposed permit agreement with the Town (the “Agreement”) to allow the County to connect a sanitary sewer service line from the property to the Town-owned sanitary sewer system and to accept any easements or other property interests from the Town necessary for the County to construct and maintain the sewer service connection and to have a financeable property interest in the sewer service connection for the purpose of issuing bonds. The County Executive’s transmittal also recommends the adoption of a related bond act (the “Bond Act”) which would authorize the County to issue bonds in the total amount of \$2,000,000 to finance Phase II of capital project SW011 – Rehabilitation of the Yorktown Maintenance Facility (“SW011”).

The County’s Department of Environmental Facilities (the “Department”) has requested that the District be modified to add one (1) parcel of County-owned property located in the Town and more particularly described as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11 (hereinafter the “Parcel”), which Parcel is not currently in any County sewer district and has never been in any County sewer district in the past. The Parcel is the site of the Department’s Yorktown Maintenance Garage. The septic system at the property is not functional and the Department desires that the Parcel be added to the District. In order for the Parcel to obtain sewer service, it must first be connected to the Town’s sanitary sewer that is located in Crompond Road. The Town’s sanitary sewer is located in the Town’s Hunterbrook Sewer District No. 8 which is also located within the District. As noted above, the County will be required to enter into an Agreement with the Town to provide sewer service to the Parcel.

Your Committee is informed that the analysis prepared by the Department dated December 8, 2020 and attached hereto indicates that the proposed addition of the Parcel represents an increase of 0.0466% to the Equalized Full Value of the District. The addition of the Parcel will not cause any significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the County and the Town; 2) the facilities necessary to connect the subject property to the Town sewer system (i.e., sanitary sewer service connection), will be constructed by the County under the County's Capital Construction Program; 3) maintenance of the completed facilities necessary to connect the subject property to the Town sewer system will be the responsibility of the Department, however, maintenance of the Town sewer system will remain with the Town; 4) the Peekskill Wastewater Treatment Facility (the "Plant") has a design flow of 10 MGD and the average daily flow in 2020 was 6.1 MGD, while the maximum average daily flow the Parcel will generate after inclusion is 400 GPD, and therefore the Plant and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten (10) year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Parcel. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of \$19,000.00 to be paid in each of ten (10) equal annual installments of \$1,900.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2020. This formula has been used in past legislation for parcels added to a sanitary sewer district.

Your Committee is advised that pursuant to the terms of the proposed Agreement, the Town will grant the County a permit to allow the County to connect the Parcel to the Town's sanitary sewer located on Crompond Road and for the County to discharge sanitary sewage from the Parcel into the Town-owned sewer district which is tributary to the District. It should be

noted that pursuant to New York State General Municipal Law §120-a, the County may enter into contracts with other municipalities for the purpose of connecting to such other municipalities' sewer outlets "upon such terms and for such consideration and length of time as may be mutually agreed upon between all the contracting municipalities." In consideration for the grant of permit, the County will pay a fee equivalent to what the County would pay the Town if the Town was able to levy a sewer tax against the Parcel. The first year charge from the Town is estimated at \$5,338.33 had an agreement been in place in 2020. In addition to the permit fee, the County would also be subject to payment of its share of debt service for any capital improvements made to the Town-owned sanitary sewer district during the term of the Agreement. The County will also be responsible for constructing the sanitary sewer line connection to the Town-owned sanitary sewer system, at the County's sole cost and expense. The cost of the construction will be paid for under capital project SW011. The County will own, operate and maintain the sanitary sewer connection and related appurtenances after construction thereof. The Town will also grant the County any easements or other real property interests necessary for the County to construct, operate and maintain the sewer service connection and to have a financeable property interest in the sewer line connection for the purpose of issuing bonds. The term of the Agreement will commence upon execution thereof by both parties and continue for a period of thirty (30) years thereafter or upon the maturity date of the bonds, whichever is greater.

The Bond Act, in the amount of \$2,000,000, which was prepared by the law firm of Norton Rose Fulbright, would provide construction funding for Phase II of the rehabilitation of the Department's Yorktown Maintenance Facility under Capital Project SW011. Phase II funding will be used to complete all exterior work, including replacing the existing septic system with a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system. The work will also include repaving the facility's existing paved driveway and storage yard and miscellaneous site work and drainage improvements such as grading and the installation of curbs.

The Department has advised that the design for project SW011 has been completed using outside consultants. Construction of Phase I is expected to take (12) months and begin in the second Quarter of 2021. Construction of Phase II is also estimated to take twelve (12) months and will begin after the completion of Phase I.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed Phase I of project SW011 as set forth on the attached fact sheet.

The Department of Planning has advised that based on its review, this overall project is an “Unlisted” action, pursuant to Part 617 of the New York State Environmental Quality Review Act (“SEQR”). A Resolution and a Short Environmental Assessment Form (“EAF”) are attached to assist your Honorable Board in complying with SEQR. Your Committee has carefully considered the EAF and the applicable SEQR regulations. For the reasons set forth in the attached EAF, your Committee believes that this proposed action will not have any significant adverse impact on the environment and accordingly recommends passage of the annexed Resolution prior to adopting the Act to authorize the sewer district modification, the IMA and prior to enacting the Bond Act.

Based on the above facts and the Feasibility Report prepared by the Department of Environmental Facilities, your Committee concurs with the recommendation of the County Executive and recommends that this Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Parcel to the Peekskill Sanitary Sewer District and authorizes the County to enter into the Agreement with the Town, as well as to adopt the annexed Bond Act.


It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass the Act, while an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Bond Act.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

K:JPG 2/24/2021

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: March 22, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
DEPARTMENT OF ENVIRONMENTAL FACILITIES
YORKTOWN MAINTENANCE FACILITY**

In response to a request by the Department of Environmental Facilities for an environmental review of the above referenced subject matter, the Planning Department has prepared the attached documentation.

The action involves capital project SW011- Rehabilitation of the Yorktown Maintenance Facility (ID# 1622), as well as modification of the Peekskill Sanitary Sewer District and an intermunicipal agreement with the Town of Yorktown in order to connect the maintenance facility to the sewer system.

The overall action has been classified as an Unlisted action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). A Short Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm

Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner of Planning
Vincent Kopicki, Commissioner of Environmental Facilities
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Analyst
Anthony Zaino, Assistant Commissioner
Michelle Greenbaum, Assistant County Attorney
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION NO. – 2021

RESOLVED, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of County-owned property located in the Town of Yorktown, more particularly described as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ P.M. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF COUNTY-OWNED PROPERTY IN THE TOWN OF YORKTOWN; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2021 AT _____ P.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE PROPOSED ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF YORKTOWN IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED DECEMBER 8, 2020, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

3840 CROMPOND ROAD, SEC. 25.20, BLOCK 1, LOT 11

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2021
White Plains, New York

Diana L. Quast, Town Clerk
dquast@yorktownny.org



Registrar of Vital Statistics
Telephone: (914) 962-5722 x 208
Fax: (914) 962 6591

TOWN OF YORKTOWN
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, NY 10598

This is a resolution adopted by the Town Board of the Town of Yorktown at its regular meeting held on Tuesday, September 24, 2019.

WHEREAS:

1. The Town received a request from the Westchester County Department of Environmental Facilities to connect a County-owned parcel located at 3840 Crompond Road to Town sewer. The County operates a maintenance garage at the subject site. The only wastewater generated is from floor drains and a bathroom in the building, which is currently served by a subsurface sewage disposal system, i.e. septic system. The current system is very old and in failing condition.
2. According to the Engineering report prepared for the County, there will be a maximum sewer use of 400 gallons per day from this site. Although the Hunterbrook PS is currently operating close to full capacity, this amount of wastewater flow is minimal and will not have any impact on current pump station operation.
3. The Town sewer in this area runs along the south side of Route 202/Crompond Road and is a low-pressure sewer pipe, meaning all connections to the sewer main line must be via pumped systems. Wastewater flow from the Route 202/Crompond Road area is conveyed to the Hunterbrook Pump Station, where it is then pumped via a force main to County trunk lines and treated at the County-owned Peekskill Wastewater Treatment Plant.
4. All costs and expenses associated with the construction of the new low-pressure sewer line shall be at the sole responsibility of the County. This includes the need for micro-tunneling to bring the sewer line under Route 202/Crompond Road as will be required for a NYSDOT road crossing.
5. In support of their application to the Town, the County submitted the following documents:
 - A sewer map showing the proposed parcel being added to the Town sewer district. See Attachment #1.
 - A petition for the proposed addition of the subject parcel to the Peekskill Sanitary Sewer District and to the Hunterbrook Sewer District. See Attachment #2.
 - A draft Intermunicipal Agreement (IMA) to allow for the Town to collect the equivalent amount of sewer taxes as the County would be tax-exempt otherwise. See Attachment #3.
6. The Town Engineer has reviewed the submitted documentation and discussed with the Town Attorney and Assessor. We recommend the Board allow inclusion of this parcel into the Peekskill Sanitary Sewer District, subject to the terms and conditions as stated in the IMA.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby request that the County of Westchester incorporate the land listed below into the Peekskill Sanitary Sewer District.

County of Westchester

3840 Crompond Road

25.20-1-11



Diana L. Quast, Town Clerk
Town of Yorktown
Certified Municipal Clerk

Date: September 26, 2019

To: Ilan D. Gilbert, Town Supervisor

cc: Richard Abbate, Town Attorney
Patricia Caporale, Town Comptroller
Kim Adams Penner, Sole Assessor
file

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

December 8, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PARCEL

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF YORKTOWN

MP

Vincent F. Kopicki (for)
Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The County of Westchester Department of Environmental Facilities (WCDEF) has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be added to the Peekskill Sanitary Sewer District.

A. The identification of the one (1) parcel not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The one (1) parcel to be added is located at 3840 Crompond Road, Section 25.20, Block 1, Lot 11. The parcel is the site of WCDEF's Yorktown Maintenance Garage. This facility is currently under renovation under County Capital Project # 18-516 & 18-517. The septic system at the property is currently not functional and the County DEF desires to connect to the Town of Yorktown Sanitary Sewer that is located in Crompond Road. This sewer system was constructed in about the year 2009 and is located within the Peekskill Sanitary Sewer district. The Town Sewer district is known as Hunterbrook Sewer district No. 8. The County of Westchester will be required to enter into an intermunicipal agreement with the Town of Yorktown to provide sewer service to the subject property.

B. Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2020 tax levy pertinent to the subject parcel:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 14,104,173	1.56%	\$ 904,113,654
Peekskill	122,526,171	3.18	3,853,024,245
Somers	28,947,635	11.97	241,834,879
Yorktown	46,304,566	2.24	2,067,168,125
Total			\$7,066,140,903

(Town of Yorktown) Total Value of the
Parcel to be added + 3,294,643

Total Full Value of District as Amended: \$7,069,435,546

* represents a 0.0466% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2020 Rolls

D = District f.e.v., 2020 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, from 1970 through 2020.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{3,294,643}{7,066,140,903 + 3,294,643} \times 40,866,305$$

$$e = \frac{3,294,643}{7,069,435,546} \times 40,866,305$$

$$e = .000466 \times \$40,866,305$$

$$e = \$19,043.70 \text{ (rounded to } \$19,000.00)$$

and:

in each of 10 annual installments, a total surcharge of \$1,900.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the County of Westchester Department of Environmental Facilities and the Town of Yorktown.
2. The facilities necessary to connect the subject property to the Town sewer system ultimately tributary to County facilities (i.e. Sanitary Sewer Service Connection) will be constructed by the County under the County's Capital Construction Program.
3. Maintenance of the completed facilities necessary to connect the subject property to the Town sewer system will be the responsibility of the County of Westchester Department of Environmental Facilities. Maintenance of the Town Sewer System will remain with the Town of Yorktown.
4. The Peekskill Wastewater Treatment Facility has a design flow of 10 MGD and the average daily flow in 2020 was 6.1 MGD. The daily flow the parcel will generate after inclusion is 400 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: FEAS_Yorktown Maintenance Garage_Updated.docx

RESOLUTION

WHEREAS, there is pending before this Honorable Board an Act to authorize the County of Westchester to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of County-owned property (the “Parcel”) in the Town of Yorktown (the “Town”), as well as to enter into a permit agreement with the Town to allow the County to connect a sanitary sewer service line from the Parcel to the Town-owned sanitary sewer system and to accept any easements or other real property interests from the Town, and a Bond Act to authorize the County of Westchester to finance Phase II of Capital Project SW011 (collectively the “Project”); and

WHEREAS, this Honorable Board has determined that the Project would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), the Project is classified as an Unlisted action, which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is conducting uncoordinated review as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have an effect upon the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board's review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Project and be it further

RESOLVED, the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the Short Environmental Assessment Form, which Form is attached hereto and made a part hereof, as the "Responsible Officer in Lead Agency"; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQRA and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

Short Environmental Assessment Form

Part 1 - Project Information

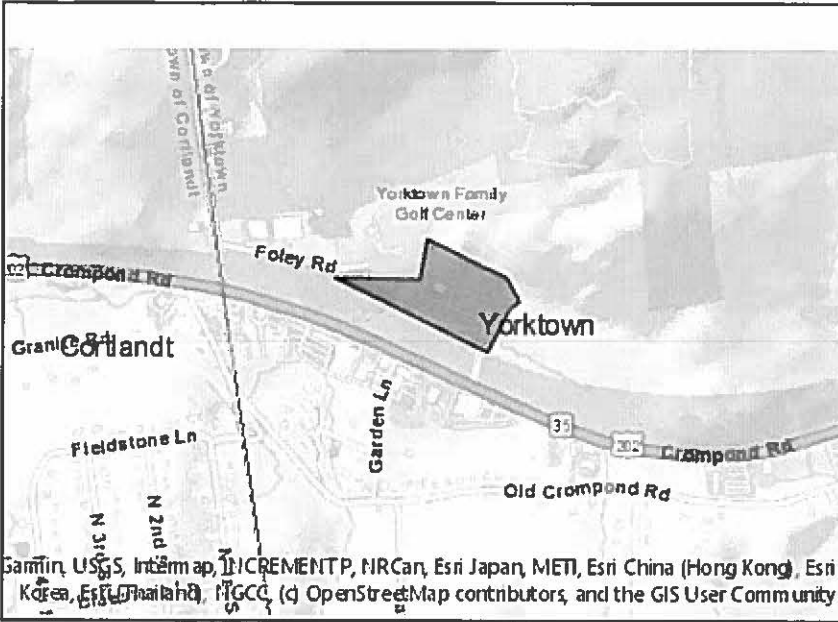
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

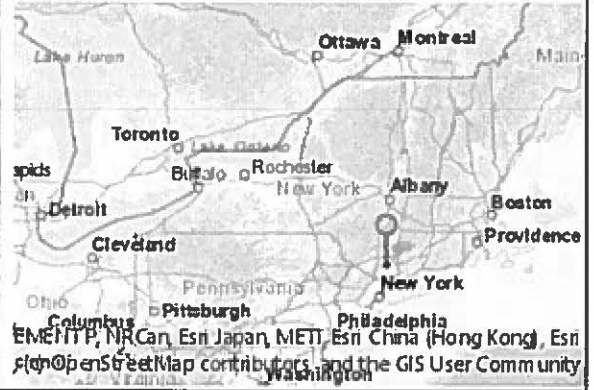
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information									
Name of Action or Project: Rehabilitation of the Yorktown Maintenance Facility (SW011)									
Project Location (describe, and attach a location map): 3840 Crompond Road, Mohegan Lake (Town of Yorktown), Westchester County, NY									
Brief Description of Proposed Action: The project provides for the rehabilitation of the exterior components of the existing maintenance facility, which serves the County's Department of Environmental Facilities, along with the installation of a new sewer connection to replace a failing septic system. Scope of work will include installation of concrete landings atop existing asphalt, repaving of the facility's existing driveway and area surrounding the building, associated site work and drainage improvements such as grading and the installation of curbs. The sewer connection involves the installation of a new low pressure sewer line from the building to the existing Yorktown sewer main, located on the south side of Crompond Road, which eventually leads to the Peekskill Water Resource Recovery Facility. The new sewer line will include a grinder pump and a 1,000-gallon oil/water interceptor tank to prevent oil from entering the sanitary sewer system. The project will require an intermunicipal agreement with Town for connection to the local sewer, which is part of the Town's Hunterbrook Sanitary Sewer District, as well as modification of the County's Peekskill Sanitary Sewer District to include the parcel in the County sewer district.									
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com							
Address: 148 Martine Avenue									
City/PO: White Plains		State: NY	Zip Code: 10601						
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Yorktown Town Board for IMA to connect to local sewer NYSDOT Highway Work Permit			YES <input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<table style="width: 100%; border: none;"> <tr> <td style="text-align: right; border: none;">approx. 10 acres</td> <td style="border: none;"></td> </tr> <tr> <td style="text-align: right; border: none;">approx. 1.2 acres</td> <td style="border: none;"></td> </tr> <tr> <td style="text-align: right; border: none;">35.7 acres</td> <td style="border: none;"></td> </tr> </table>	approx. 10 acres		approx. 1.2 acres		35.7 acres	
approx. 10 acres									
approx. 1.2 acres									
35.7 acres									
4. Check all land uses that occur on, are adjoining or near the proposed action:									
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland									

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ (Facility already connected to the municipal water supply.)	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project:	SW011 Yorktown Maintenance Facility
Date:	March 2021

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: SW011 Yorktown Maintenance Facility

Date: March 2021

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Originally developed for use by an automobile dealership, a portion of the site currently serves as a maintenance facility for the Westchester County Department of Environmental Facilities(DEF). The facility was constructed adjacent to New York State designated freshwater wetlands. The driveway crosses between the wetlands and over a small stream via a culvert. However, the driveway area is not included in the NYS wetlands inventory.

The sewer line is being installed in order to convey sewage from the maintenance facility to the Peekskill Water Resource Recovery Facility (WRRF). The existing septic system serving the facility currently does not provide an adequate level of service and must be serviced often. The sewer installation involves minor trenching and pipe-laying within and next to the driveway, outside the limits of the NYS designated wetlands. The pipeline will go under the culvert and will be hand dug at this location to prevent impacts to the stream. Directional drilling will be employed to install the sewer pipe under Crompond Road, so there will be no disruption to traffic. Erosion and sediment controls during construction will comply with NYS Standards and Specifications for same and will include silt fencing, stone and block drop inlet protection, as well as tree protection for existing trees along the driveway.

The project will replace deteriorated pavement and will not add impervious surfaces. All maintenance activities occur inside the building, which has an interior drainage system that will pass through a new 1,000 gallon oil/water interceptor tank prior to entering the sewer system. Chemicals are stored inside with 110% containment. As such, there will be no significant impact to the sewer system nor will there be any new impacts to the surrounding environment.

There will be no significant impact on the Town and County sewer districts, as both have the capacity to handle the facility's estimated maximum contribution of 400 gallons of sewage per day. The Peekskill WRRF has a design flow of 10 million gallons per day (MGD), but the average daily flow in 2020 was 6.1 MGD. The sewer connection will benefit the environment and the public by eliminating a potential source of contamination to the adjoining wetlands, which is within the Croton Watershed, which is part of the New York City drinking water supply.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

Dark Kusge

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AUTHORIZING \$2,000,000 BONDS TO FINANCE THE CONSTRUCTION COST OF THE SECOND PHASE OF THE REHABILITATION OF THE COUNTY'S YORKTOWN MAINTENANCE FACILITY, INCLUDING, BUT NOT LIMITED TO, A NEW LOW PRESSURE SEWER SYSTEM, PAVING AND MISCELLANEOUS SITE WORK, FOR THE BENEFIT OF EACH OF THE COUNTY'S SANITARY SEWER DISTRICTS.

WHEREAS, the capital purpose hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital purpose, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purpose; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For financing the construction cost of the second phase of the rehabilitation of the County's Yorktown Maintenance Facility, including, but not limited to, a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system, repaving the facility's existing paved driveway and storage yard and miscellaneous site work and drainage improvements, for the benefit of each of the County's Sanitary Sewer Districts, in and for the

County of Westchester, New York, including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$2,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$2,000,000, and that the plan for the financing thereof is by the issuance of the \$2,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Sanitary Sewer Districts determined to be specially benefitted thereby, or other sources,

there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said

Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said

bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2021

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on _____, 2021, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

_____ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2021.

Clerk and Administrative Officer of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2021, and approved by the County Executive on _____, 2021, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk and Administrative Officer of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AUTHORIZING \$2,000,000 BONDS TO FINANCE THE CONSTRUCTION COST OF THE SECOND PHASE OF THE REHABILITATION OF THE COUNTY'S YORKTOWN MAINTENANCE FACILITY, INCLUDING, BUT NOT LIMITED TO, A NEW LOW PRESSURE SEWER SYSTEM, PAVING AND MISCELLANEOUS SITE WORK, FOR THE BENEFIT OF EACH OF THE COUNTY'S SANITARY SEWER DISTRICTS.

specific object or purpose: to finance the construction cost of the second phase of the rehabilitation of the County's Yorktown Maintenance Facility, including, but not limited to, a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system, repaving the facility's existing paved driveway and storage yard and miscellaneous site work and drainage improvements, for the benefit of each of the County's Sanitary Sewer Districts

period of probable usefulness: Forty years

amount of obligations to be issued: \$2,000,000

Dated: _____, 2021
White Plains, New York

Clerk and Administrative Officer of the County Board of Legislators of the County of Westchester, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SW011

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,000,000 PPU 40 Anticipated Interest Rate 1.77%

Anticipated Annual Cost (Principal and Interest): \$ 68,381

Total Debt Service (Annual Cost x Term): \$ 2,735,240

Finance Department: Interest rates from March 25, 2021 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 22

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities

Date: 4/1/21

Reviewed By: 

Budget Director

Date: 4/2/21

CAPITAL PROJECT FACT SHEET

Project ID:* SW011	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-26-2021
Fact Sheet Year:* 2021	Project Title:* REHABILITATION OF THE YORKTOWN MAINTENANCE FACILITY	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1622

Overall Project Description

This project will provide funding for the rehabilitation of the DEF Yorktown Maintenance Facility located on Route 202 in Yorktown, NY. The maintenance facility is a concrete masonry structure which contains vehicle repair bays, a workshop for equipment repair, an office, locker rooms, and a break room. The required rehabilitation work will be done in phases.

- | | | |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	6,450	2,450	2,000	0	0	0	0	2,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,450	2,450	2,000	0	0	0	0	2,000

Expended/Obligated Amount (in thousands) as of: 458

Current Bond Description: Construction funding for Phase II of the project to perform civil and site work upgrades to the outside of the Yorktown Maintenance Garage. The work will include replacing the existing septic system with a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system. The work will also include replacing the existing deteriorated pavement of the facility's driveway and the area surrounding the building, and miscellaneous site work for drainage improvements such as grading and the installation of curbs.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	2,000,000
Cash:	0
Total:	\$ 2,000,000

SEQR Classification:

UNLISTED

Amount Requested:

2,000,000

Comments:

This legislation is being submitted concurrently with the legislation to modify the Peekskill Sanitary Sewer District to add this property to the sewer district.

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2015	450,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR PHASE I & II
2016	750,000	CONSTRUCTION - PHASE I
2017	1,250,000	CONSTRUCTION FOR PHASE I AND II.
2021	2,000,000	PHASE II CONSTRUCTION

Total Appropriation History:

4,450,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	188	0	0	REHABILITATION OF YORKTOWN MAINTENANCE FACILITY
20	57	2,450,000	0	REHAB OF DEF YORKTOWN MAINTENANCE FACILITY

Total Financing History:

2,450,000

Recommended By:

Department of Planning
WBB4
Date
02-19-2021

Department of Public Works
RJB4
Date
02-22-2021

Budget Department
LMY1
Date
02-24-2021

Requesting Department
CJGA
Date
03-18-2021

REHABILITATION OF THE YORKTOWN MAINTENANCE FACILITY (SW011)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	6,450	2,450	458	2,000					2,000
Non County Share									
Total	6,450	2,450	458	2,000					2,000

Project Description

This project will provide funding for the rehabilitation of the DEF Yorktown Maintenance Facility located on Route 202 in Yorktown, NY. The maintenance facility is a concrete masonry structure which contains vehicle repair bays, a workshop for equipment repair, an office, locker rooms, and a break room. The required rehabilitation work will be done in phases.

Current Year Description

The current year request funds replacement of the septic system, paving of the driveway and storage yard and site improvements.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	2,000,000			2,000,000

Impact on Operating Budget

The impact on the District Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2015	450,000	Design and Construction Management for Phase I & II	DESIGN
2016	750,000	Construction - phase I	DESIGN
2017	1,250,000	Construction for phase I and II.	DESIGN
Total	2,450,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,450,000		2,450,000
Total	2,450,000		2,450,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
188 15				
57 20	2,450,000			2,450,000
Total	2,450,000			2,450,000

ACT NO. - 2021

AN ACT to Modify the Peekskill Sanitary Sewer District by the addition of one (1) Parcel of Property located in the Town of Yorktown and to authorize a permit agreement with the Town to provide sewer service to the subject Parcel and to accept any easements or other real property interests from the Town.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The property owned by the County of Westchester (the “County”) and known and designated as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11 (the “Parcel”) on the assessment maps of the Town of Yorktown (the “Town”) is hereby added to the Peekskill Sanitary Sewer District (the “District”).

§ 2. Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Parcel the aggregate sum of Nineteen Thousand Dollars (\$19,000.00) which amount shall be payable in ten (10) equal annual installments of One Thousand Nine Hundred Dollars (\$1,900.00) and shall be credited to the remaining portion of the District. Payment of said amount by the County shall be subject to execution of the Agreement by the County and the Town.

§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act, shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

§ 4. The County, acting by and through its Department of Environmental Facilities (“Department”), is hereby further authorized to enter into a permit agreement with the Town, in substantially the form attached hereto (the “Agreement”), pursuant to which the Town will grant the County a permit (the “Permit”) to allow the County to connect to the Town’s sanitary sewer located on Crompond Road for the purpose of providing sewer service to the Parcel, as well as any easements or other real property interests necessary for the County to construct, operate and maintain the connection of the Parcel to the Town’s sanitary sewer, and for the County to have a financeable property interest in the sewer line connection for the purpose of issuing bonds (the “Bonds”).

§ 5. In consideration of the grant of Permit and other benefits to be conferred upon the County by the Town under the Agreement, the County shall be authorized to pay the Town an annual permit fee equivalent to what the County would pay if the Town was able to levy a sewer tax against the Parcel (the “Permit Fee”). The Permit Fee for the first year of the Permit is estimated to be \$5,338.33.

§ 6. In addition to the Permit Fee, the County would also be subject to payment of the Parcel’s share of debt service for any capital improvements made to the Town’s sanitary sewer district during the term of the Agreement.

§ 7. The term of the Agreement shall commence upon execution and shall continue for a period of thirty (30) years thereafter or upon the maturity date of the Bonds, whichever is longer.

§ 8. The County shall be permitted to terminate the Permit upon the sale or other disposition of the Parcel.

§ 9. The County is hereby authorized to accept from the Town any easements or other real property interests necessary to construct, operate and maintain the sewer service connection from the Parcel to the Town’s sanitary sewer and for the County to have a financeable property interest in the sewer line connection for the purpose of issuing bonds.

§ 10. The County Executive or his authorized designee be and hereby is authorized and empowered to execute any and all instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 11. This Act shall take effect immediately.

PERMIT AGREEMENT

THIS AGREEMENT made the ____ day of _____, 2021 by and between:

THE TOWN OF YORKTOWN, a municipal corporation of the State of New York, having an office and place of business at 363 Underhill Avenue, Yorktown Heights, New York 10598 (hereinafter referred to as the “Town”)

and

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 (hereinafter referred to as the “County”), acting by and through its Department of Environmental Facilities (the “Department”)

WITNESSETH:

WHEREAS, the County is the owner of certain real property located at 3840 Crompond Road, Cortlandt Manor, New York and designated as Section 25.20, Block No. 1, Lot No. 11 (the “County Property”); and

WHEREAS, the County Property is not currently part of any sewer district; and

WHEREAS, the County Property’s septic system is not functional and the County desires that the County Property be added to the County’s Peekskill Sanitary Sewer District (the “County District”) so that sanitary sewage discharged from the County Property may be treated in the County District’s Water Resource Recovery Facility (“WRRF”); and

WHEREAS, the Westchester County Board of Legislators, by Act No. ____-2021, has authorized the County Property be added to the County District; and

WHEREAS, in order for the County Property to receive sewer service, it must first be connected to the Town-owned sanitary sewer system (the “Town District”), a portion of which is located along Route 202 (Crompond Road); and

WHEREAS, the Town District is part of and located within the County District; and

WHEREAS, the Town is willing to grant a permit and such other rights as are hereinafter provided, to the County, to enable the County to connect the County Property to the Town District so that it may receive sewer service, upon the terms and conditions set forth in this IMA (the “Agreement”).

NOW, THEREFORE, the parties hereto, in consideration of the terms and conditions herein contained, do agree as follows:

1. DESCRIPTION. (a) The Town hereby grants to the County and the County hereby accepts from the Town a permit (the “Permit”) to allow the County to connect the County Property to the Town District’s sanitary sewer located on Crompond Road and to authorize the County to discharge sanitary sewage from the County Property into the Town District ultimately tributary to the County District, for treatment in the County District’s WRRF. This Permit and the permission granted hereunder is limited to “sanitary sewage”, as defined in Chapter 824 of the Laws of Westchester County, which is generated on and discharged from the County Property.

(b) The County, at its sole cost and expense, shall construct, operate and maintain a sewer service line (the “Sewer Service Line”) from the County Property to the Town’s sanitary sewer manhole located on Crompond Road, and shall be solely responsible for obtaining all necessary permits and approvals from the Town or any other governmental entities that may have jurisdiction over such activities. The County further agrees that the Sewer Service Line will be constructed in strict accordance with all applicable federal, state, local municipal and County codes and ordinances. The County shall require any contractor hired by the County to construct and connect said Sewer Service Line and sanitary sewer pumping station from the County Property to the Town’s sanitary sewer manhole, to obtain Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.l) per occurrence and a \$2,000,000 aggregate limit and Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate written on a “follow the form” basis naming the County of Westchester and the Town as an additional insureds.

(c) The Town shall grant the County, its contractors and agents, a non-exclusive license in, upon, under and over the Town Property (as hereinafter defined) to enable the County to

construct, operate and maintain the Sewer Service Line (the "License"), said License to be in effect co-terminus with the Term of this Agreement (as hereinafter defined).

2. **PERMIT FEE.** In consideration for the privilege of connecting to and discharging sanitary sewage from the County Property into the Town District's sanitary sewer during the term of this Permit, the County agrees and covenants to pay a fee equivalent to what the County would pay if the Town was able to levy a sewer tax against the Property (the "Permit Fee"). The Permit Fee for the first year of the Permit is estimated to be \$5,338.33. A cost estimate breakdown was provided by the Town and is included at the end of this Agreement as Appendix "A". The Town agrees to provide an annual cost breakdown similar to what is provided in Appendix "A" with the annual Permit Fee bill sent to the County.

In addition to the Permit Fee, the County would also be subject to payment of its share of debt service for any capital improvements made to the Town District during the term of this Agreement ("Debt Service").

The Town shall bill the County annually for the Permit Fee and for Debt Service, if any, and payment thereon shall be due and payable to the Town no later than thirty (30) days from the date of billing.

4. **TERM.** This Agreement and the privileges granted hereunder shall be valid for a period of thirty (30) years from the date of execution of this Agreement by both parties and approval of same by the Town Attorney and the County Attorney, or upon the maturity date of the County Bonds (as hereinafter defined), whichever is greater (the "Term"), subject to the County's rights of termination hereinafter set forth.

5. **GRANT OF EASEMENT:** Prior to the County's commencement of work on the Sewer Service Line, the Town shall convey to the County and its successors, assigns, invitees, contractors and agents, a non-exclusive easement, in substantially the form attached hereto as Schedule "A" (the "Easement"), in, upon, under and over any property interest of the Town as depicted on the maps and legal descriptions contained in Schedule "B-1", attached hereto and made a part hereof (the "Town Property"), for the purpose of creating a financeable property interest allowing the County to bond for the construction of the Sewer Service Line (the

“County Bonds”). Said Easement shall be in effect for so long as the County Bonds are outstanding. Upon maturity or redemption of the County Bonds, the County’s Easement will automatically terminate.

6. **TERMINATION.** Should the County decide to sell or otherwise dispose of the County Property at any time during the Term of this Agreement, this Agreement, the Permit and License granted hereunder shall immediately terminate upon such sale or disposition and neither party shall have any further liability to the other, provided however, that the County shall be responsible for paying the Town any part of the Permit Fee or Debt Service, if any, due and owing up to the date of such termination, and further provided that the Easement shall continue in full force and effect for the life of the County Bonds.

7. **FIRE DAMAGE, DESTRUCTION, CONDEMNATION.** In the event that the Town District and appurtenant facilities or such a substantial part thereof so as to render impossible the operation of this Permit are destroyed or damaged by fire or other casualty or are taken by eminent domain, then, at the option of the County, this Permit shall continue in full force and effect subject only to abatement of that portion of the Permit Fee attributable to the services that are non-operational; or shall terminate upon the date of such casualty or upon the date that title vests in the Condemnor, and neither party shall have any liability to the other on account of such termination.

8. **PERMITS & REGULATIONS.** It is the understanding and agreement of the parties hereto that each party shall, at their sole cost and expense, procure and maintain, in full force and effect for the term of this Permit, all other permits, licenses and approvals from governmental authorities having jurisdiction required for the lawful operation of this Permit.

9. **INSURANCE & INDEMNIFICATION.** The County represents that it is a self-insured entity and shall provide the Town with proof of such self-insurance upon request. In addition, each party to this Agreement expressly agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the other party, to indemnify and hold harmless the other party, their officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney’s fees or loss arising directly or indirectly out of the

negligent acts or omissions of the indemnifying party or third parties under the direction or control of the indemnifying party; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the negligent acts or omissions of the indemnifying party and to bear all other costs and expenses related thereto; and

(c) in the event the indemnifying party does not provide the above defense and indemnification to the other party, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the indemnifying party shall reimburse the other party's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

10. **NOTICES.** All notices of any nature referred to in this Permit shall be in writing and sent by registered or certified mail postage prepaid or delivered by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by registered or certified mail postage pre-paid), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the Town

Town Supervisor
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York 10598

with a copy to:

Town Attorney
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York 10598

To the County:

Commissioner
County of Westchester
Department of Environmental Facilities
270 North Avenue
New Rochelle, New York 10801

with a copy to:

County Attorney
County Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

11. **REMEDIES CUMULATIVE.** The failure of either party to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment for the future of such term or condition, but the same shall remain in full force and effect. Acceptance by either party of payment of any fee due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of such breach and no waiver by the party of any provision hereof shall be implied.

12. **ENTIRE AGREEMENT.** This Permit and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

13. **APPROVALS.** This Permit shall not be enforceable until signed by the parties and approved by the Office of the County Attorney.

14. **APPLICABLE LAW.** This Permit shall be construed and enforced pursuant to the law of the State of New York.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Permit in duplicate.

THE TOWN OF YORKTOWN

By: _____
Name:
Title:

THE COUNTY OF WESTCHESTER

By: _____
Vincent Kopicki, P.E., Commissioner
Department of Environmental Facilities

Authorized by the Westchester County Board of Legislators by Act No. ____-2021, approved on _____, 2021.

Authorized by the Town Board of the Town of Yorktown at a meeting duly held on the _____ day of _____, 2021.

Approved as to form and manner of execution

Sr. Assistant County Attorney
The County of Westchester

Approved as to form and manner of execution

Town Attorney
Town of Yorktown

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Corporation)

a corporation duly organized and in good standing under the _____
(Law under which organized, e.g., the New York Business Corporation Law) named in the
foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Corporation)

was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation
by authority of its Board of Directors, thereunto duly authorized and that such authority is in full
force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 20__ before me, the undersigned, a
Notary Public in and for said State, _____ personally appeared,
personally known to me or proved to me on the basis of satisfactory evidence to be the officer
described in and who executed the above certificate, who being by me duly sworn did depose
and say that he/she resides at _____,
and he/she is an officer of said corporation; that he/she is duly authorized to execute said
certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to
such authority.

Date

SCHEDULE "A"

THIS EASEMENT AGREEMENT, made the ___ day of _____, 20___, by

TOWN OF YORKTOWN, a municipal corporation organized and existing under the laws of the State of New York having an office and place of business at 363 Underhill Avenue, Yorktown Heights, New York 10598 ("Grantor"); and

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County" and/or the "Grantee")

W I T N E S S E T H:

WHEREAS, Grantor is the owner of the fee title of those certain parcels of real property located in the Town of Yorktown, New York and identified on the tax maps of the Town as: Section __, Block __, Lot __, which real property is more particularly described in Schedule "B-1," which is annexed hereto and made a part hereof (the "Subject Property").

That the Grantor in consideration of the sum of One (\$1.00) Dollar lawful money of the United States, paid by the Grantee, receipt of which is hereby acknowledged, does hereby grant and release unto the Grantee, its successors and assigns, a non-exclusive easement (the "Easement") in, on, over, under and through the Subject Property, as more particularly described in Schedule "B-1," which is attached hereto and made a part hereof for the purpose of accessing certain improvements (the "Project Improvements") as described in a separate Agreement of even date between the Grantor and Grantee, to construct, operate, maintain, repair, replace, inspect, or restore the Project Improvements.

The Easement granted herein is subject to the following restrictions:

The Grantor covenants that, until such time as the Bonds (defined below) have matured or been fully redeemed, neither it, nor its successors or assigns, shall do anything, or allow anything to be done, which in the reasonable opinion of the County would injure, endanger, impede use of or impair the Project in any material respect, or the operation thereof, located within the Easement,

The Grantor acknowledges that the easement rights of the County granted herein regarding the Project Improvements constructed in, on, over, under or through the Easement shall encumber such Project Improvements for so long as the bonds of the County (the "Bonds"), which made funds available for said Project are outstanding, pursuant to the terms of the certain inter-municipal agreement by and between the Municipality and the County of even date herewith. The Grantee shall not interfere with or disturb the construction, use, operation, maintenance or repair of any improvements now or hereafter situated within or upon the Project property.

The Easement shall run with the land and the provisions contained herein shall be binding upon and inure to the benefit of and be enforceable by the County, its successors and assigns until the Bonds have matured or been fully redeemed.

TO HAVE AND TO HOLD the Easement granted herein unto the County, its successors and assigns, until such time as the Bonds have matured or been fully redeemed.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

TOWN OF YORKTOWN

By: _____

COUNTY OF WESTCHESTER

By: _____

Record and Return to:

SCHEDULE "B-1"

DRAFT

Appendix A

Westchester County Garage, 3840 Crompond Road, Sec. 25.20, Block 1 Lot 11

District Name	District Number	Unit Charge	Tax Rate	Total Tax
Hunter Brook Sewer	S0046	26.14	\$197.244	\$5,155.97
Hunter Brook Sewer 202 Ext	S0048	26.14	\$6.97617	\$182.36

Approximate Sewer Charge \$5,338.33

Charges provided by the Town of Yorktown on a breakdown dated December 10, 2020.
Charges are based on 2020 tax rates and are subject to change.

DRAFT