

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

**DRAFT
IMA ON FILE**

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act that, if adopted by this Honorable Board, would authorize the County of Westchester (the "County") to enter into an intermunicipal agreement ("IMA") with the Town of New Castle ("Town") to design a Town water main in conjunction with a County trunk sewer project.

The County is currently undertaking the design of approximately 5,500 linear feet of new sewer trunk extension, known as the Saw Mill B-2 Trunk Spur, which will be located on Hunts Lane and Quaker Street in the Town near the Saw Mill River Parkway. Your Honorable Board adopted Bond Act No. 166-2018 on October 25, 2018, to finance this work. The Town has proposed to design a new water main in the same vicinity as the sewer trunk, and has requested that the County combine the design of the water main with that of the sewer trunk into a single project to reduce the overall cost.

Under the IMA, the County will have its consultant, Environmental Design and Research, provide the design for the combined project. The Town will pay the County an amount not to exceed \$394,800.00, which is the estimated cost for the water main design. The Town will be responsible for any excess cost if the water main design exceeds this estimate. The term of the IMA will be for a period not to exceed five years. Following design, the Town and the County will decide if they want to combine the projects for construction purposes, which would require another IMA.

The IMA will require the County and the Town to defend, indemnify and hold harmless each other, their officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the County or the Town, or third parties under their direction or control.

The Planning Department has advised that, based on its review, the proposed IMA constitutes a "Type II" action under the State Environmental Quality Review Act, 6 NYCRR Part 617 ("SEQRA"), which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. A copy of the SEQRA documentation is annexed hereto. Your Committee concurs with this conclusion.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of the attached Act.

Your Committee has carefully considered and recommends approval of the attached Act.

Dated: April 25th, 2022

White Plains, New York

<p>Robert J. Di Nancy E. Barr K. M. L. Henry Z. Kelly K. M. L. Mary Jane Kennedy</p>	<p>Nancy E. Barr K. M. L. Mary Jane Kennedy</p>	<p>Nancy E. Barr Henry Z. Kelly</p>
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COMMITTEE ON

c:dlv 3-11-22
Budget & Appropriations

Public Works
& Transportation

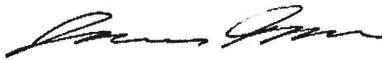
Environment,
Energy & Climate

Dated: April 25, 2022
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 56 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations



Catherine F. Parker

Public Works & Transportation

Catherine F. Parker



Environment, Energy & Climate



Catherine F. Parker



FISCAL IMPACT STATEMENT

SUBJECT: SSM02 - Saw Mill SSD

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ _____

Total Current Year Revenue \$ 394,800

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ 394,800

Describe: to Capital Project SSM02-01-C-9636

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four years: _____

Prepared by: Lorraine Marzola

Title: Assoc Budget Director

Department: Budget


Reviewed By: _____

Budget Director

4/4/22

If you need more space, please attach additional sheets.

TO: Marian Pompa, Jr., P.E., Director of Maintenance
Department of Environmental Facilities

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 31, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AGREEMENT WITH
NEW CASTLE FOR JOINT DESIGN OF SEWER AND WATER PROJECT**

In response to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6NYCRR Part 617 (SEQR).

The action involves an intermunicipal agreement between the County and the Town of New Castle to provide for design of a proposed Town water main in conjunction with the design of a proposed County trunk sewer extension, known as the Saw Mill B-2 Trunk Spur (capital project SSM02), which will be located in the same vicinity.

Since the agreement is limited to design of the Town's project, the action may be classified as Type II, pursuant to section 617.5(c)(27), "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action." As such, no further environmental review is required for this agreement.

Please contact me if you need any additional information regarding this classification.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Vincent Kopicki, Commissioner of Environmental Facilities
Norma Drummond, Commissioner
David Vutera, Associate County Attorney
Claudia Maxwell, Associate Environmental Planner

ACT NO. 45 - 2022

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of New Castle to design a Town water main in conjunction with a County sewer trunk project.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an intermunicipal agreement (“IMAs”) with the Town of New Castle (“Town”) to design a Town water main in conjunction with a new County sewer trunk extension, known as the Saw Mill B-2 Trunk Spur, which will be located on Hunts Lane and Quaker Street in the Town near the Saw Mill River Parkway.

§2. Under the IMA, the County shall have its consultant, Environmental Design and Research, provide the design for the combined project. The Town shall pay the County an amount not to exceed \$394,800.00, which is the estimated cost for the water main design. The Town shall be responsible for any excess cost if the water main design exceeds this estimate.

§3. The IMA shall require the County and the Town to defend, indemnify and hold harmless each other, their officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the County or the Town, or third parties under their direction or control.

§4. The County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents and take all actions necessary and appropriate to effectuate the purposes hereof.

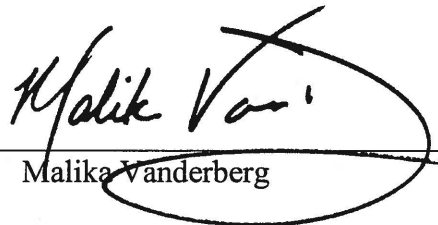
§5. The term of the IMA shall be for a period not to exceed five (5) years.

§6. This Act shall take effect immediately.

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 45 - 2022, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on April 25, 2022, and approved by the County Executive on April 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 28th day of April, 2022.



The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

