



May 16, 2023

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an act (the "Act"), which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to amend an intermunicipal agreement (the "IMA") with the Village of Hastings-on-Hudson (the "Village") pursuant to which the Village agreed to undertake an Urban Forestry Management Project at Hillside Woods and Park (the "Park"), by extending the project completion date from May 31, 2023 to May 31, 2024.

By way of background, in 1993 the County and the Village entered into an agreement (the "1993 Agreement") to simultaneously purchase an undivided interest in Hillside Woods, an approximately 52-acre woodland in the Village, for the purpose of establishing the Park. Pursuant to the terms of the 1993 Agreement, the Village agreed to assume full responsibility for the administration and management of the Park. Due to an overpopulation of deer, competing invasive plants, and poor light conditions on the forest floor, the Park is now in a severely deteriorated condition. In an effort to remedy this condition, in 2021 the Village and the County agreed to implement an Urban Forestry Management Project (the "Project") to restore the Park back to its natural condition.

Thereafter, by Act No. 88-2021 approved on May 24, 2021, your Honorable Board authorized the County to enter into the IMA with the Village, pursuant to which the Village would undertake the Project which would include, among other things, tree and invasive plant removal; tree and shrub replanting; and installation of deer fencing. In consideration for performing the Project, the County agreed to pay the Village an amount not-to-exceed \$100,000, payable in accordance with an itemized budget. The IMA was subsequently executed.

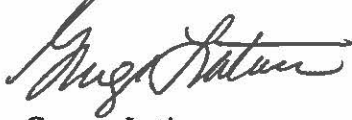
Although the term of the IMA commenced on June 1, 2021 (the "Commencement Date") and will not expire until the expiration of the County Bonds issued in connection with the Project, the second subparagraph of Section "3" of the IMA specified that the "Project itself shall be fully completed no later than two (2) years from the Commencement Date (the 'Project Completion Date')"

The Village encountered unanticipated delays in bidding out the various goods and services needed for the Project and, consequently, will be unable to complete the Project by the May 31, 2023 Project Completion Date. The parties now desire to amend the IMA for the limited purpose of extending the Project Completion Date from May 31, 2023 to May 31, 2024, to give the Village additional time to complete the Project.

The Planning Department has advised that this project was previously reviewed by your Honorable Board and was classified an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and on May 24, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 113-2021). Since there is no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

Based upon the foregoing, I most respectfully recommend the adoption of the attached Act authorizing an amendment to the IMA.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/KOC/JC/jpg
Attachments

**THE 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”), which, if adopted by your Honorable Board, would authorize the County of Westchester to amend an intermunicipal agreement (the “IMA”) with the Village of Hastings-on-Hudson (the “Village”), pursuant to which the Village agreed to undertake an Urban Forestry Management Project at Hillside Woods and Park (the “Park”), by extending the project completion date from May 31, 2023 to May 31, 2024.

Your Committee is advised that in 1993 the County and the Village entered into an agreement (the “1993 Agreement”) to simultaneously purchase an undivided interest in Hillside Woods, an approximately 52-acre woodland in the Village, for the purpose of establishing the Park. Pursuant to the terms of the 1993 Agreement, the Village agreed to assume full responsibility for the administration and management of the Park. Due to an overpopulation of deer, competing invasive plants, and poor light conditions on the forest floor, the Park is now in a severely deteriorated condition. In an effort to remedy this condition, in 2021 the Village and the County agreed to implement an Urban Forestry Management Project (the “Project”) to restore the Park back to its natural condition.

Thereafter, by Act No. 88-2021 approved on May 24, 2021, your Honorable Board authorized the County to enter into the IMA with the Village, pursuant to which the Village would undertake the Project which would include, among other things, tree and invasive plant removal; tree and shrub replanting; and installation of deer fencing. In consideration for performing the Project, the County agreed to pay the Village an amount not-to-exceed \$100,000, payable in accordance with an itemized budget. The IMA was subsequently executed.

Your Committee is advised that although the term of the IMA commenced on June 1, 2021 (the “Commencement Date”) and will not expire until the expiration of the County Bonds issued in connection with the Project, the second subparagraph of Section “3” of the IMA specified that the “Project itself shall be fully completed no later than two (2) years from the Commencement Date (the ‘Project Completion Date’)”

Your Committee is advised that the Village encountered unanticipated delays in bidding out the various goods and services needed for the Project and, consequently, will be unable to complete the Project by the May 31, 2023 Project Completion Date. The parties now desire to amend the IMA for the limited purpose of extending the Project Completion Date from May 31, 2023 to May 31, 2024, to give the Village additional time to complete the Project.

The Planning Department has advised that this project was previously reviewed by your Honorable Board and was classified an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and on May 24, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 113-2021). Since there is no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

Please note that a majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the amendment to the IMA.

Based on the importance of this Project to the County, your Committee recommends favorable action on the Act authorizing the amendment to the IMA.

Dated: _____, 2023

White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Hillside Woods Forestry Project

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Extend the term of the agreement by one year from May 31, 2023 to

May 31, 2024.

Potential Related Operating Budget Expenses: Annual Amount 0

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: John Condon

Title: Director - Concessions

Department: Parks, Recreation and Conservation

Date: May 5, 2023

JJC

Reviewed By:


[Signature]

Budget Director

Date:

5/11/23

TO: John Condon, Director - Concessions
Department of Parks, Recreation and Conservation

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

DATE: May 5, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR HILLSIDE WOODS
INTERMUNICIPAL AGREEMENT EXTENSION**

Pursuant to a request by the Department of Parks, Recreation and Conservation, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves an amendment of an intermunicipal agreement between the County and the Village of Hastings-on-Hudson, whereby the County would provide funding under capital project RHW01—Hillside Woods Restoration towards an urban forestry management program at Hillside Woods, a jointly owned park located in Hastings-on-Hudson. The amendment is for an extension of the agreement by one year, from May 31, 2023 to May 31, 2024, in order to provide the Village with the additional time it needs to complete the project.

The woodland restoration project was previously reviewed by the Westchester County Board of Legislators and was classified an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and on May 24, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 113-2021). Since there is no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK\cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Senior Assistant County Attorney
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Claudia Maxwell, Associate Environmental Planner

ACT NO. 2023 - ____

AN ACT authorizing the County of Westchester to amend an intermunicipal agreement with the Village of Hastings-on-Hudson in connection with an Urban Forestry Management Project, by extending the project completion date from May 31, 2023 to May 31, 2024

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

Section 1. The County of Westchester (the “County”) is hereby authorized to amend an intermunicipal agreement with the Village of Hastings-on-Hudson (the “Village”) dated June 1, 2021 (the “IMA”), pursuant to which the Village agreed to undertake an Urban Forestry Management Project (the “Project”) at Hillside Woods and Park (the “Park”), which Project was to be completed by May 31, 2023 (the “Project Completion Date”), in order to extend the Project Completion Date from May 31, 2023 to May 31, 2024.

§2. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA shall remain in full force and effect.

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

§5. This Act shall take effect immediately.

AMENDMENT TO INTER-MUNICIPAL AGREEMENT –
HILLSIDE WOODS URBAN FORESTRY MANAGEMENT PLAN

THIS AMENDMENT made this ___ day of _____, 2023, by and between:

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 10706 (the “County”),

and

VILLAGE OF HASTINGS-ON-HUDSON, a municipal corporation of the State of New York, having an office and place of business at 7 Maple Avenue, Hastings-on-Hudson, New York 10706 (the “Village”),

both the County and the Village to be referred to collectively as the “Parties”.

WHEREAS, on June 1, 2021, the County and the Village entered into an intermunicipal agreement (the “IMA”) pursuant to which the Village agreed to undertake an Urban Forestry Management Plan at Hillside Woods and Park (the “Park”), consisting of, among other things, tree and invasive plant removal; tree and shrub replanting; and installation of deer fencing, to restore and regenerate Park back to its natural condition (hereinafter the “Project”); and

WHEREAS, in consideration for performing the Project, the County agreed to pay the Village an amount not-to-exceed \$100,000, payable in accordance with an itemized budget; and

WHEREAS, although the term of the IMA commenced on June 1, 2021 (the “Commencement Date”) and will not expire until the expiration of the County Bonds issued in connection with the Project, the second subparagraph of Section “3” of the IMA specified that the “Project itself shall be fully completed no later than two (2) years from the Commencement Date (the ‘Project Completion Date’)”; and

WHEREAS, the Village encountered some delays in bidding out the various goods and services needed for the Project and, consequently, will be unable to complete the Project by the Project Completion Date; and

WHEREAS, the Parties now desire to amend the IMA for the limited purpose of extending the Project Completion date from May 31, 2023 to May 31, 2024, to give the Village additional time to complete the Project; and

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

1. The parties desire to amend the IMA for the limited purpose of extending the Project Completion Date for one (1) additional year, from May 31, 2023 to May 31, 2024. Accordingly, the second subparagraph of Section "3" of the IMA ("Term") is deleted in its entirety and the following is substituted in its place:

"Notwithstanding anything herein to the contrary, the Project itself shall be fully completed no later than May 31, 2024."

2. Except as otherwise expressly provided herein, all other terms and conditions set forth in the IMA shall remain in full force and effect upon the Parties.

3. This Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the County of Westchester and the Village have caused this Amendment to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Name: _____
Title: _____

VILLAGE OF HASTINGS-ON-HUDSON

By: _____
Name: _____
Title: _____

Approved by the Westchester County Board of Legislators on _____, 2023 by Act No. ____ - 2023

Approved by the Hastings-on-Hudson Village Council on _____, 2023 by Resolution No. _____

Approved:

Approved as to form and
manner of execution

Sr. Assistant County Attorney
County of Westchester

Village Attorney
Village of Hastings-on-Hudson

VILLAGE ACKNOWLEDGMENT

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

On the ___ day of _____ in the year 2023 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 individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as Village Officer and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

DRAFT

VILLAGE CERTIFICATE OF AUTHORITY

I, _____, certify that I am
(Officer other than officer signing contract)

the _____ of the _____, a municipal corporation
(Title) (Municipality)
duly organized and in good standing under the _____
(Law under which organized, e.g., the New York Business Corporate Law)

named in the foregoing agreement; that _____
(Person executing agreement)
who signed said agreement on behalf of the Municipality was, at the time of execution

(Title of such person)

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

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

On this _____ day of _____, 2023, before me personally came
_____, whose signature appears above, to me
known, and known to me to be the _____ of _____
(Title)

_____, the Municipality described in and
which executed the above certificate, who being by me duly sworn did depose and say that
he/she, the said _____ of said Municipality resides at

_____, and that he/she signed his/her
name hereto by order of the Board of _____ of said Municipality.

Signature and Office of individual
taking acknowledgment