



George Latimer
County Executive

August 12, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is a proposed Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to acquire an easement from the State of New York ("State"), on a parcel of land underwater, located in the Town of Cortlandt, New York, commonly known as "George's Island Park," as more particularly depicted in Schedule "A" attached to the proposed Act (the "Easement Area") in order to construct, use and maintain a boat launch, a floating dock and appurtenances thereof (the "Dock" or "Project"), for a term of twenty-five (25) years.

The Department of Parks, Recreation and Conservation ("Department") has advised that the Dock has been completed with proceeds that were previously authorized by your Honorable Board in connection with Capital Project RGE03 – George's Island Site Work, pursuant to Bond Act No. 144-2014, as amended by Bond Act No. 66-2018, in the amount of \$4,150,000.

Pursuant to the terms of the proposed easement, the County will pay the State \$500.00 in administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the Dock and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally, the County covenants and agrees to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said dock, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on

behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County agrees, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

Furthermore, pursuant to the terms of the proposed easement, upon termination of the easement or, in the event the Dock is not maintained and used by the County for a period of three (3) years, in which event the easement will cease and terminate without further action required by the State, the County will be required to remove the Dock and leave the land owned by the State in as nearly the same condition as possible as it was prior to the construction of the Dock.

Based on the importance of Project to the County and the necessity of the easement, your favorable action on the annexed Act is most respectfully requested.

Very truly yours,

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

George Latimer
Westchester County Executive

GL/cmc
Attachments

**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 which, if adopted, would authorize the County of Westchester (the "County") to acquire an easement from the State of New York ("State"), on a parcel of land underwater, located in the Town of Cortlandt, New York, commonly known as "George's Island Park," as more particularly depicted in Schedule "A" attached to the proposed Act (the "Easement Area") in order to construct, use and maintain a boat launch, a floating dock and appurtenances thereof (the "Dock" or "Project") for a term of twenty-five (25) years.

The Department of Parks, Recreation and Conservation ("Department") has advised that the Dock has been completed with proceeds that were previously authorized by your Honorable Board in connection with Capital Project RGE03 – George's Island Site Work, pursuant to Bond Act No. 144-2014, as amended by Bond Act No. 66-2018, in the amount of \$4,150,000.

Your Committee is advised that pursuant to the terms of the proposed easement, the County will pay the State \$500.00 in administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the Dock and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally, your Committee is further advised, that the County covenants and agrees to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said dock, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the

County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County agrees, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

Furthermore, pursuant to the terms of the proposed easement, your Committee is also advised that, upon termination of the easement or, in the event the Dock is not maintained and used by the County for a period of three (3) years, in which event the easement will cease and terminate without further action required by the State, the County will be required to remove the Dock and leave the land owned by the State in as nearly the same condition as possible as it was prior to the construction of the Dock.

The Department of Planning ("Planning Department") has advised your Committee that based on its review, the Project was previously reviewed by the County Board of Legislators along with capital project RGE04 and were collectively classified as a "Type I" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617. In accordance with SEQRA, a Full Environmental Assessment Form was prepared and, on May 21, 2018, a Negative Declaration was issued by the County Board of Legislators (Resolution 75-2018). The Planning Department has further advised your Committee that since the NYS easement was identified in the environmental review and the State of New York was included in the coordinated review of this Project and since there is no change in the scope of the Project, the original Negative Declaration remains valid and no further environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that an affirmative vote of a majority of the voting strength of the County Board of Legislators is required for approval of the proposed Act.

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

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c/cmc.08.12.2024

FISCAL IMPACT STATEMENT

SUBJECT: George's Island - Easement 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 \$ 500

Total Current Year Revenue \$ -

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

Additional Appropriations Other (explain)

Identify Accounts: 165-42-1100-1100-4380-PKDS

Potential Related Operating Budget Expenses: Annual Amount \$500

Describe: To acquire an easement from NYS on a parcel of land underwater, located in the Town of Cortlandt, New York, at "George's Island Park," in order to construct, use and maintain a boat launch, a floating dock and appurtenances thereof, for a term of 25 years.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: This easement will impact and benefit department operations by allowing the new boat launch and dock to be utilized by the public in 2024.

Next Four Years: This easement will impact and benefit department operations by allowing the new boat launch and dock to be utilized by the public for years to come.

Prepared by: Kerry Riguzzi *KR*

Title: Manager - Fiscal Operations

Department: Parks Department


Date: August 5, 2024

DRG
Reviewed By: *[Signature]*

Budget Director

Date: 8/05/24

TO: Carla Chaves, Senior Assistant County Attorney
Department of Law

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

DATE: May 7, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR NEW YORK STATE
EASEMENT FOR GEORGE'S ISLAND BOAT LAUNCH AND DOCKS**

Pursuant 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, 6 NYCRR Part 617 (SEQR).

The proposed easement from New York State (NYS) is needed in connection with a boat launch and docks within the Hudson River off the coast of George's Island Park. The boat launch and associated docks are a component of capital project RGE03—George's Island Site Work, which was previously reviewed by the Westchester County Board of Legislators along with Capital project RGE04 and were collectively classified as a Type I action under SEQR.

In accordance with SEQR, a Full Environmental Assessment Form was prepared and on May 21, 2018, a Negative Declaration was issued by the Board of Legislators (Resolution 75-2018). Since the NYS easement was identified in the environmental review and the State of New York was included in the coordinated review of this project and 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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Blanca P. Lopez, Commissioner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2024

AN ACT authorizing the County of Westchester to accept an easement from the State of New York in order to use and maintain a boat launch, a floating dock and appurtenances on a parcel of land underwater, located in the Town of Cortlandt, New York, commonly known as the “George Island Park”

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 acquire an easement from the State of New York (“State”), on a parcel of land underwater, located in the Town of Cortlandt, New York, commonly known as “George’s Island Park,” as more particularly depicted in Schedule “A” attached to the proposed Act (the “Easement Area”) in order to construct, use and maintain a boat launch, a floating dock and appurtenances thereof (the “Dock” or “Project”) for a term of twenty-five (25) years.

§2. Pursuant to the terms of the easement, the County shall pay the State \$500.00 for administrative fees and will agree to assume all risks with the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the improvements constructed in connection with the Project, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death). Additionally the County shall covenant and agree to indemnify and hold harmless the State from any violation by the County, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said improvements, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation

and/or removal thereof, or the carelessness, negligence or improper conduct of the County or any contractor, servant, agent or employee thereof and to pay for and on behalf of the State any and all charges, fees, expenses, costs or judgments arising therefrom. The County shall further agree, upon being requested so to do, to assume the defense of and to defend, at its own cost and expense, any action brought at any time against the State in connection with any such claim, suits, losses or liens as aforesaid.

§3. Upon termination of the easement, or in the County does not use or maintain the Dock during three (3) years, in which event the easement will cease and terminate without further action required by the State, the County shall remove the Dock and leave the land owned by the State in as nearly the same condition as possible as it was prior to the construction of the Dock.

§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.

