

**113979****TO:** Honorable Board of Acquisition and Contract**FROM:** Blanca P. Lopez, M.S.  
Commissioner of Planning**DATE:** June 26, 2026**SUBJECT:** Amending a Resolution approved on May 22, 2025, that authorized an amendment to an agreement with the New York State Department of Environmental Conservation for the design of the Mamaroneck and Sheldrake Rivers Flood Risk Reduction Project, in order to revise the payment and reimbursement provisions.

On December 17, 2009, your Honorable Board approved a Resolution authorizing the County of Westchester ("County") to enter into an agreement with the New York State Department of Environmental Conservation ("State") whereby the County would contribute \$768,875.00 to the United States Army Corps of Engineers ("Corps") for the design of the Mamaroneck and Sheldrake Rivers Flood Risk Reduction Project (the "Agreement"). Under the Agreement the estimated design cost of the project was \$6,651,000.00, of which \$500,000.00 was 100% federally funded. The remaining cost, \$6,151,000.00 was to be apportioned between a Federal share (75%) and a non-Federal share (25%). The County was to pay half of the non-Federal share of approximately \$768,875.00. The term of the Agreement was from October 1, 2009, to September 24, 2014 ("Effective Date"). The Agreement was duly executed.

On November 24, 2021, your Honorable Board approved a Resolution authorizing the County to retroactively amend the Agreement in order to increase the County share from \$768,875.00 by \$62,648.33 for a new total amount of \$831,523.33 (the "First Amendment").

On May 22, 2025, your Honorable Board approved a Resolution (the "May 22, 2025 Resolution") authorizing the County to further amend the Agreement in order to increase the County share from \$831,523.33 by \$1,187,500.00 for a new total amount of \$2,019,023.33. That amendment has not been executed.

The purpose of this project is to address the impacts of chronic flooding adjacent to the Mamaroneck and Sheldrake rivers, particularly in the Village of Mamaroneck, and to recommend mitigating actions to lessen flood damage risk.

Based on the State's recent changes to the proposed amendment, it is necessary to amend the May 22, 2025 Resolution as follows:

- 1) Because the Corps can no longer accept payment directly from the County, the State will pay the entire Non-Federal share of the total design cost in the first instance, excluding the prior payment of \$831,523.33, which the County paid directly to the Corps. The County will reimburse

the State, within 180 days of receiving written notice by the State, for the County's share of such costs.

- 2) If at any time, the Corps determines that additional funds will be needed from the State to cover the Non-Federal share of financial obligations for design, the Corps will notify the State in writing of the additional funds required and provide an explanation of why additional funds are required pursuant to the Design Agreement. The State will provide the Corps with the full amount of such additional required funds and the County will reimburse the State, within 180 days of receiving written notice for the County's share of such funds.
- 3) Upon conclusion of the period of design, the Corps will conduct a final accounting and furnish the State with written notice of the results of such final accounting which shall determine the total design costs. The State will furnish the County a written notice with the final accounting.
  - a) Should the final accounting, as applicable, show that the County's total required share of total design costs exceeds the County's contribution provided thereto, the State shall provide additional funds to meet the County's required share of the total design costs to the Corps in the first instance. The County will reimburse the State, within 180 days of receiving written notice for the County's share of such funds.
  - b) Should the final accounting, as applicable, show that the total contribution provided by the County for total design costs exceeds the County's total required share thereof, the Corps will reimburse the State, and the State will reimburse the County such excess amount subject to the availability of funds.
- 4) The Local Agreement will not become effective until executed by the County and approved by the Comptroller of the State of New York. The terms of the agreement will remain in place until the State has made final payments to the Corps, and the County has reimbursed the State the full amount of the County's share of such payments.

All remaining terms and conditions of the Agreement, as previously amended, will remain unchanged.

The goals and objectives of the agreement are to protect the environment and promote public safety by reducing the occurrence of flooding in the Village of Mamaroneck.

I recommend adoption of the attached proposed Resolution.

BPL/DLV/dv

## RESOLUTION

Upon a communication from the Commissioner of Planning, be it hereby

RESOLVED, that the Resolution approved on May 22, 2025, that authorized an amendment to an agreement between the County of Westchester ("County") and the New York State Department of Environmental Conservation ("State") for the design of the Mamaroneck and Sheldrake Rivers Flood Risk Reduction Project in order to increase the County share from \$831,523.33 by \$1,187,500.00 for a new total amount of \$2,019,023.33, is hereby amended as follows:

- 1) Because the United States Army Corps of Engineers ("Corps") can no longer accept payment directly from the County, the State will pay the entire Non-Federal share of the total design cost in the first instance, excluding the prior payment of \$831,523.33, which the County paid directly to the Corps. The County will reimburse the State, within 180 days of receiving written notice by the State, for the County's share of such costs.
- 2) If at any time, the Corps determines that additional funds will be needed from the State to cover the Non-Federal share of financial obligations for design, the Corps will notify the State in writing of the additional funds required and provide an explanation of why additional funds are required pursuant to the Design Agreement. The State will provide the Corps with the full amount of such additional required funds and the County will reimburse the State, within 180 days of receiving written notice for the County's share of such funds.
- 3) Upon conclusion of the period of design, the Corps will conduct a final accounting and furnish the State with written notice of the results of such final accounting, which shall determine the total design costs. The State will furnish the County a written notice with the final accounting.
  - c) Should the final accounting, as applicable, show that the County's total required share of total design costs exceeds the County's contribution provided thereto, the State shall provide additional funds to meet the County's required share of the total design costs to the Corps in the first instance. The County will reimburse the State, within 180 days of receiving written notice for the County's share of such funds.
  - d) Should the final accounting, as applicable, show that the total contribution provided by the County for total design costs exceeds the County's total required share thereof, the Corps will reimburse the State, and the State will reimburse the County such excess amount subject to the availability of funds.
- 4) The Local Agreement will not become effective until executed by the County and approved by the Comptroller of the State of New York. The terms of the agreement will remain in place until the State has made final payments to the Corps, and the County has reimbursed the State the full amount of the County's share of such payments; and be it further

RESOLVED, that all remaining terms and conditions of the agreement as previously amended shall remain unchanged; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any instruments and to take any actions reasonably necessary to implement this Resolution.

Original Agreement \$ 768,875.00  
 First Amendment \$ 62,648.33  
 Second Amendment \$ 1,187,500.00  
 This Amendment \$ 0.00  
 \$ 2,019,023.33

AGREEMENT NUMBER: C-CAP-09-181

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	318	19	BPL26-21-E	6120	n/a	\$0.00

Budget Funding Year(s) 2009, 2021, 2025 Start Date October 1, 2009 End Date September 24, 2014  
 (must match resolution)

Funding Source Tax Dollars \$0.00  
 State Aid \_\_\_\_\_  
\$0.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/02/2026 - RAYMOND SCULKY, SECRETARY