

111569

**TO:** Board of Acquisition and Contract

**FROM:** Hugh J. Greechan, Jr., PE  
Commissioner of Public Works and Transportation

**DATE:** August 1, 2025

**SUBJECT:** Authority to enter into Memorandum of Agreement with the U.S. Army Corps of Engineers, New York District and the New York State Historic Preservation Office pursuant to which the USACE will issue a Nationwide permit to the County under Section 404 of the Clean Water Act, 33 U.S.C. 1344, and the County will agree to certain mitigation measures associated with such permit (Agreement No. 25-922)

Authority of your Honorable Board is requested for the County of Westchester ("County") acting by and through its Department of Public Works and Transportation ("Department") to enter into a Memorandum of Agreement ("MOA") with the U.S. Army Corps of Engineers, New York District ("USACE") and the New York State Historic Preservation Office ("SHPO") pursuant to which the USACE will issue a Nationwide permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, to the County and the County will agree to certain mitigation measures associated with the permit for capital project RB03W Quaker Bridge Road Bridge (the "Bridge") over Croton River (BIN 3348560).

Under the MOA, the County will agree to certain measures in order to mitigate the adverse effects on the Bridge, which is eligible for listing in the National Register of Historic Places.

The mitigation measures include: preparation of Historic American Engineering Record Level II documentation, sharing the architectural drawings for review and comment with the SHPO, offering the historic decorative plaques and portal corner members to the Town of Cortlandt and/or Village of Croton on Hudson, and the submission of a post work report to the USACE and SHPO.

The MOA will commence upon execution and will expire if its terms are not carried out within five (5) years from the date of its execution.

If any signatory determines that its term will not or cannot be carried out, that party shall attempt to develop an amendment. If within 30 days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatory.

The MOA contains a dispute resolution provision in the event any signatory to the MOA objects at any time to any actions proposed or the manner in which the terms of the MOA are implemented. After taking into account any timely advice or comments regarding the dispute from the signatories, the USACE is to make a final decision on the dispute. Any final decision shall not bind the County to expend any sums not appropriated for the purpose of the Undertaking without such sum being subject to appropriation and written approval by the County subject to all necessary legal approvals.

The proposed MOA will serve a public purpose by establishing commitments made by the agreeing parties to mitigate the loss of a National Historic Register-eligible resource.

The goals and objectives of the proposed MOA shall be to define actions to be taken by the agreeing parties to mitigate the loss of a National Historic Register-eligible resource.

The goals and objectives of the proposed MOA will be tracked and monitored by the Department.

The proposed MOA is exempt from the County of Westchester Procurement Policy pursuant to Section 3(a)(iii), which states that the policy shall not apply to transactions or contracts with the United States of America, any State, and any political subdivision, agency or instrumentality thereof.

I recommend adoption of the attached proposed Resolution.

HJG/ran

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/14/2025 - RAYMOND SCULKY, SECRETARY

# RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester ("County") acting by and through its Department of Public Works and Transportation ("Department"), is authorized to enter into a Memorandum of Agreement ("MOA") with the U.S. Army Corps of Engineers, New York District ("USACE") and the New York State Historic Preservation Office ("SHPO") pursuant to which the USACE will issue a Nationwide permit to County under section 404 of the Clean Water Act, 33 U.S.C. 1344, for capital project RB03W Quaker Bridge Road Bridge ("Bridge") over Croton River (BIN 3348560), and the County will agree to perform certain measures to mitigate the adverse effects of the project on the Bridge consisting of the preparation of Historic American Engineering Record Level II documentation, sharing the architectural drawings for review and comment with SHPO, offering the historic decorative plaques and portal corner members to the Town of Cortlandt and/or Village of Croton on Hudson, and submitting a post-work report to the USACE and SHPO; and be it further

RESOLVED, that the MOA shall commence upon execution and expire if its terms are not carried out within five (5) years from the date of its execution; and be it further

RESOLVED, that, if any signatory to the MOA determines that its term will not or cannot be carried out, that party shall attempt to develop an amendment, and, if within 30 days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories; and be it further

RESOLVED, that the MOA contains a dispute resolution provision in the event any signatory to the MOA objects at any time to any actions proposed or the manner in which the terms of the MOA are implemented, and, after taking into account any timely advise or comments regarding the dispute from the signatories, the USACE is to make a final decision on the dispute, provided, however, any final decision shall not bind the County to expend any sums not appropriated for the purpose of the project without such sum being subject to appropriation and written approval by the County subject to all necessary legal approvals; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Agreement No. 25-922

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s): N/A Start Date: Upon Execution End Date: Five Years After Execution  
(must match resolution)

Funding Source

Tax Dollars: N/A  
State Aid: \_\_\_\_\_  
Federal Aid: \_\_\_\_\_  
Other: \_\_\_\_\_

N/A  
(must match resolution)