

**ID 113490**

Date: April 14, 2026

To: Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor  
Commissioner of Parks, Recreation and Conservation

Re: Authority to enter into an exclusive and non-transferable Revocable Land Use Permit with the New York City Department of Environmental Protection in order to access New York City owned Muscoot Reservoir water supply lands to manage hemlock woolly adelgid and beech leaf disease and other activities, commencing upon the date of the issuance of the Land Use Permit No. 3727 and expiring five (5) years thereafter, unless revoked or terminated prior to its expiration at no cost to the County.

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Authority of your Honorable Board is requested for the County of Westchester (the "County"), acting by and through the Department of Parks, Recreation & Conservation (the "Department") to enter into an exclusive and non-transferable Revocable Land Use Permit (the "Permit") with the New York City Department of Environmental Protection ("NYCDEP") in order to access New York City-owned Muscoot Reservoir water supply lands located in the Town of Somers (Section 37.13, Block 25, Lot 8 and Section 48.06, Block 25, Lot 10) (the "Property"). The purpose of the Permit is to allow the Department to access the Property to treat and manage hemlock woolly adelgid and beech leaf tree disease, conduct outreach and education programs, install fencing for deer exclusion, and provide access for monitoring in partnership with NYCDEP. The Permit will commence upon the date of its issuance by NYCDEP and continue for five (5) years thereafter. The Permit will be exclusive and non-transferable and may be revoked or terminated prior to its expiration. The term may be renewed in the sole discretion of NYCDEP for an additional five (5) year period at least three (3) months prior to the expiration of the term. The annual Permit fee will be waived in accordance with 15 RCNY §17-07(c)(1) NYCDEP-funded or supported projects and therefore is at no cost to the County.

As a condition of the Permit, NYC DEP requires the County to agree to the following:

"Indemnification: To the fullest extent permitted by law, the Permittee [County] shall defend, indemnify and hold the City and the New York City Water Board, and their respective officials and employees harmless

against any and all claims (including but not limited to claims asserted by and any employee of the Permittee [County], or its contractors or subcontractors) and costs and expenses of whatever kind (including but not limited to payment or reimbursement of attorneys' fees and disbursements) allegedly arising out of or in any way related to the Permittee's [County's] use of the City land under the Permit. This obligation shall survive the expiration or revocation of the Permit."

The goal and objective of the Permit is the management and treatment of trees in order to preserve the natural environment in this area. The Permit will serve a public purpose and is in the County's best interest in that it will assist the Department in its purpose of environmental conservation, at no cost to the County.

The proposed Permit is not a procurement and therefore the County Procurement Policy and Procedures does not apply.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

KOC/LAC

## RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation be it hereby:

**RESOLVED**, that the County of Westchester (the “County”), acting by and through the Department of Parks, Recreation & Conservation (the “Department”) is hereby authorized to enter into an exclusive and non-transferable Revocable Land Use Permit No. 3727 (“Permit”) with the New York City Department of Environmental Protection (“NYCDEP”) in order to access New York City-owned Muscoot Reservoir water supply lands located in the Town of Somers in order to treat and manage hemlock woolly adelgid and beech leaf tree disease, conduct outreach and education programs, install fencing for deer exclusion, and provide access for monitoring, in partnership with NYCDEP for a term commencing upon the issuance of the Permit and expiring five (5) years thereafter with NYCDEP having the option to renew the Permit for an additional five (5) year period at no cost to the County; and be it further

**RESOLVED**, that the Permit will contain the following indemnification provision:

“Indemnification:

To the fullest extent permitted by law, the Permittee [County] shall defend, indemnify and hold the City and the New York City Water Board, and their respective officials and employees harmless against any and all claims (including but not limited to claims asserted by and any employee of the Permittee [County], or its contractors or subcontractors) and costs and expenses of whatever kind (including but not limited to payment or reimbursement of attorneys’ fees and disbursements) allegedly arising out of or in any way related to the Permittee’s [County’s] use of the City land under the Permit. This obligation shall survive the expiration or revocation of the Permit.”

; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Original Agreement \$ N/A  
 First Amendment \$  
**This Amendment** \$ \_\_\_\_\_  
 TOTAL \$

Agreement # PRC-1515

Account to be  
 Charged/Credited

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

Budget Funding Year(s) **2026** Start Date **date of issuance of the Land Use Permit No. 3727**  
 End Date **five years later**  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 \_\_\_\_\_ **N/A** Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

