

48681

DATE September 29, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs, AICP
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to enter into an Intermunicipal agreement with the Town of Bedford (the "Town") in order to distribute funds from the East of Hudson Water Quality Investment Program Fund to finance a portion of the eligible costs associated with an approved septic system repair or replacement reimbursement program to be implemented by the Town

The attached resolution would authorize the County of Westchester (the "County"), by and through the Department of Planning (the "Department"), to enter into an Intermunicipal agreement (the "IMA") with the Town of Bedford (the "Town"), in order to distribute funds of the East of Hudson Water Quality Investment Program Fund (the "EOH WQIP Fund"). The County serves as custodian of the EOH WQIP Fund under the 1997 New York City Watershed Memorandum of Agreement (the "Watershed MOA"). The IMA will finance a portion of the eligible costs associated with an approved septic system repair or replacement reimbursement program (the "Program") that will be implemented by the Town for failing septic systems located in the Town that lie within the Croton Watershed which is part of the New York City Department of Environmental Protection Watershed. The IMA will commence upon execution and continue for a term of five years in a not-to-exceed amount of \$3,500,000 (the "EOH Funds").

The purpose of the Town's use of the EOH Funds is to assist in the implementation of the Program for property owners in repairing or replacing their failing septic systems. Failing septic systems serving residential or commercial uses located in the Town that lie within the Croton Watershed will qualify for the Program. The Program will provide up to fifty percent reimbursement to the property owner for construction costs in connection with repair, remediation or replacement of existing septic systems, including replacement with an enhanced treatment unit. Reimbursable items may include engineering costs to prepare plans for repair or

replacement, but these costs may not exceed twenty percent of the total construction costs. Pumping of the septic tank and ongoing operation and maintenance of the septic system will not be funded and will continue to be the responsibility of the property owner. The total cost of the Program is estimated to be \$7,000,000 of which up to \$3,500,000 will be funded through the EOH Funds and the balance through Town of Bedford property owner contributions.

On September 8, 2015, the County Board of Legislators (the "Board"), pursuant to Act No. 154-2015, authorized the County to transfer the EOH Funds, for which, as stated previously herein, the County is custodian under the Watershed MOA, into a County Trust Account in order to finance a portion of the eligible costs associated with the Program.

Also on September 8, 2015, the Board, pursuant to Act No. 155-2015, authorized the County to enter into the IMA with the Town.

The IMA will serve the public purpose of protecting the environment by improving water quality within the Croton Watershed. The goal and objective of the IMA is to protect the public health and provide a safer environment by reducing the amount of untreated wastewater that discharges from failing septic systems.

The Department will monitor the Program by reviewing documentation provided by the Town including, but not limited to, invoices for each Program project and verification of Program project locations.

Based on the importance of this Program to the County, I respectfully recommend approval of the attached resolution.

EB/sec/cp/lac
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an Intermunicipal agreement (the “IMA”) with the Town of Bedford (the “Town”); and be it further

RESOLVED, that the IMA, in the not-to-exceed amount of \$3,500,000 to be transferred from the East of Hudson Water Quality Investment Program Fund to a County Trust Account, will commence upon execution, for a five year term, unless terminated sooner pursuant to its terms, in order to finance a portion of the eligible costs associated with a septic system repair or replacement program to be implemented by the Town whereby the Town will reimburse property owners up to fifty percent of the eligible costs to repair or replace failing septic systems in the Town that lie within the Croton Watershed which is part of the New York City Department of Environmental Protection Watershed; and be it further

RESOLVED that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
263	19W	582Q	4380	T582	\$3,500,000.00

Budget Funding Year(s) FY2015 Start Date Upon Execution End Date Five years from Execution
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$3,500,000.00 Federal Aid _____
 (must match resolution)

Other **\$ 3,500,000.00 – East of Hudson Water Quality Investment Fund**