

**51246**

DATE February 24, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner

SUBJECT: Resolution authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of New Castle and the City of New York, by and through the New York City Department of Environmental Protection, in order to distribute funds from the East of Hudson Water Quality Investment Program Fund to fund a portion of the eligible costs associated with the Saw Mill Valley Sanitary Sewer District expansion/diversion project to be implemented by the Town of New Castle

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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 New Castle (the "Town") and the City of New York, by and through the New York City Department of Environmental Protection ("NYC DEP"), 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 fund a portion of the eligible costs associated with the Saw Mill Valley Sanitary Sewer District expansion/diversion project that will be implemented by the Town. The IMA will commence upon execution and continue for a term of five years in an amount not to exceed \$16,000,000 (the "EOH Funds") and will be disbursed on a reimbursement basis pursuant to the terms of the IMA.

The purpose of the Town's use of the EOH Funds is to assist in the establishment of two local sewer districts and construction of approximately 38,000 linear feet of pipeline to connect to an existing County sanitary sewer manhole in the Town of Ossining, four pump stations (including conversion of the Riverwoods and Random Farms Wastewater Treatment Plants to pump stations) and approximately 26 manholes (the "Project"). The total cost of the Project is estimated to be \$25,000,000 of which up to \$16,000,000 will be funded through the EOH Funds

of which \$6,000,000 will be in the form of advance funds. The conversion of the Riverwoods and Random Farms Wastewater Treatment Plants to pump stations are Regulatory Upgrades which would otherwise be upgraded in accordance with the NYC DEP Upgrade Program as part of the compliance with the New York City Watershed Rules and Regulations. NYC DEP has indicated that the cost of designing, constructing and installing these Regulatory Upgrades amounts to \$6,000,000 and upon completion of the Project has agreed to pay to the County \$6,000,000 in NYC DEP Upgrade Funds to be added back to the EOH WQIP Fund as per the Watershed MOA.

On November 23, 2015, the County Board of Legislators (the "Board"), pursuant to Act No.249-2015, 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 fund a portion of the eligible costs associated with the Project.

Also on November 23, 2015, the Board, pursuant to Act No. 250-2015, authorized the County to enter into the IMA with the Town and the City of New York, by and through NYC DEP.

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 into the Croton Watershed.

The Department will monitor the Project by reviewing documentation provided by the Town including, but not limited to, invoices in connection with the Project.

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

EB/sed/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 New Castle (the “Town”) and the City of New York, by and through the New York City Department of Environmental Protection (“NYC DEP”); and be it further

**RESOLVED**, that the IMA, in the not-to-exceed amount of \$16,000,000 to be transferred from the East of Hudson Water Quality Investment Program Fund (“EOH WQIP 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 fund a portion of the eligible costs, on a reimbursement basis pursuant to the terms of the IMA, associated with the Saw Mill Valley Sanitary Sewer District expansion/diversion project that will be implemented by the Town including the establishment of two local sewer districts and construction of approximately 38,000 linear feet of pipeline to connect to an existing County sanitary sewer manhole in the Town of Ossining, four pump stations (including conversion of the Riverwoods and Random Farms Wastewater Treatment Plants to pump stations) and approximately 26 manholes (the “Project”); and be it further

**RESOLVED** that upon completion of the Project, NYC DEP has agreed to pay the County \$6,000,000 in NYC DEP Upgrade Funds to be added back to the EOH WQIP Fund; 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

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19W	655R	4380	T655	\$16,000,000.00

Budget Funding Year(s) FY2016 Start Date Upon Execution End Date Five years from Execution  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
\$16,000,000 Federal Aid \_\_\_\_\_  
(no match) Other \$ 16,000,000.00 – East of Hudson Water Quality Investment Program Fund