

**56199**

DATE March 29, 2017

TO: Board of Acquisition and Contract

FROM: Eileen Mildenberger  
Acting 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 the creation and construction of the Bedford Hills/Katonah Business Sewer District

The attached resolution would authorize the County of Westchester (the "County") 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, as defined in the Watershed MOA, associated with the creation and construction of the Bedford Hills/Katonah Business Sewer District (the "Project"). The IMA will commence upon execution and continue for a term of five years in a not to exceed amount of \$6,500,000.

The purpose of the Town's use of the EOH WQIP Funds is to assist in the creation, construction and operation of a public sewer district to provide public sewers to the business districts of Bedford Hills and Katonah and including the Bedford Park Apartments, Katonah Elementary School and St. Mary's School. Effluent from these areas will be sent to and treated at the existing sewage treatment plant at the Bedford Hills Correctional Institution operated by the NYS Department of Corrections and Community Supervision. Ownership of this plant will be transferred to the Town. Any funds in excess of the expected Project cost of \$5,750,000 and less than \$6,500,000 (up to \$750,000) remaining after the completion of the Project may be transferred to the Town of Bedford Septic System Repair or Replacement Reimbursement Program (the "Program").

On March 20, 2017, the County Board of Legislators (the "Board"), pursuant to Act No. 50-2017, authorized the County to transfer the EOH WQIP 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.

On March 20, 2017, the Board, pursuant to Act No. 51-2017, authorized the County to enter into the IMA with the Town.

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

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

EM/cp/tc  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/20/2017 - DAN COCCARDI, SECRETARY

**RESOLUTION**

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

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

**RESOLVED**, that the IMA, in the not to exceed amount of \$6,500,000 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, as defined in the Watershed MOA, associated with the creation, construction and operation of a public sewer district to provide public sewers to the Bedford Hills/Katonah Business Sewer District, including Bedford Park Apartments, Katonah elementary school and St. Mary’s School. The remaining funds after completion of the Project in excess of \$5,750,000 and less than \$6,500,000 (up to \$750,000) will be transferred to the Town of Bedford Septic System Repair or Replacement Reimbursement Program; 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	W017	4380	TW17	\$6,500,000

Budget Funding Year(s) FY2017 Start Date: Upon Execution End Date: Five years from Execution  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$6,500,000 Federal Aid \_\_\_\_\_  
 (must match resolution)

Other \$6,500,000 – East of Hudson Water Quality Investment Program Fund