

56152

DATE March 27, 2017

TO: Board of Acquisition and Contract

FROM: Eileen Mildenberger
Acting Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to amend an Intermunicipal Agreement with the Town of Bedford in order to change the commencement date as well as expand the scope and increase the not to exceed amount of the Septic System Repair or Replacement Reimbursement Program in connection with the East of Hudson Water Quality Investment Program Fund

On October 1, 2015, your Honorable Board authorized 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 ("EOH WQIP Fund"), in an amount not to exceed \$3,500,000, to finance a portion of the eligible costs associated with an approved Septic System Repair or Replacement Reimbursement Program (the "Program") that has been implemented by the Town to address 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 term of IMA was to be upon execution and to continue for a term of five years. The IMA was executed on October 9, 2015.

On July 18, 2016, the County Board of Legislators (the "Board"), pursuant to Act No. 243-2016 authorized a first amendment to the IMA to change the commencement date of the IMA from the date of execution (October 9, 2015) to January 1, 2015 to allow more property owners in the Town to participate in the Program (the "First Amendment"). The First Amendment has not been executed.

On March 6, 2017, the Board, pursuant to Act No. 43-2017, authorized a second amendment to the IMA to expand the scope of the IMA ("Second Amendment") to provide up to fifty (50) percent reimbursement to property owners who own property that lies in the Croton Watershed for the construction costs for the repair, remediation or replacement of existing subsurface wastewater treatment systems, including replacement with an enhanced treatment unit, connection to the sewer main if the property is served by a substandard subsurface wastewater disposal system or a failed septic system, (reimbursable items may include engineering costs to prepare plans for repair or replacement, not to exceed twenty (20) percent of the total

construction cost; pumping of the septic tank and ongoing operation and maintenance of the septic system would not be reimbursable), and to increase the not to exceed amount of the IMA by an additional \$750,000 to bring the total not to exceed amount from \$3,500,000 to \$4,250,000 which increase was contingent upon the Board's approval of the Town's request for funds from the EOH WQIP Fund in an amount not to exceed \$6,500,000 for the creation and construction of a sewer district comprised principally of the business districts in the hamlets of Bedford Hills and Katonah (the "Bedford Hills/Katonah Business Sewer District Project").

On March 20, 2017, the Board, pursuant to Act Nos. 50-2017 and 51-2017 approved the aforesaid use of funds for the creation and construction of the Bedford Hills/Katonah Business Sewer District from the EOH WQIP Fund and an Intermunicipal Agreement with the Town in connection with same. Within that legislation, the Board approved any funds remaining after the completion of the creation and construction of the Bedford Hills/Katonah Business Sewer District in excess of the expected cost of \$5,750,000 and less than \$6,500,000 (up to \$750,000) may be transferred to the Septic System Repair or Replacement Reimbursement Program.

Authority is now being respectfully requested from your Honorable Board for the County to enter into the First Amendment and Second Amendments with the Town as previously described herein.

The goal and objective of the First and Second Amendments to 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 continue to 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.

EM/cp/tc/lac
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a first amendment to the Intermunicipal Agreement dated October 9, 2015 (the "IMA") between the County and the Town in connection with the Town's Septic System Repair or Replacement Reimbursement Program ("Program") for the distribution of up to \$3,500,000 of East of Hudson Water Quality Investment Program funds, so as to amend the commencement date of the IMA from October 9, 2015 (the date of execution of the IMA) to January 1, 2015 so that more property owners will be able to participate in the Program; and be it further

RESOLVED, that the County is hereby authorized to enter into a second amendment to the IMA to expand the scope of the Program to provide up to fifty (50) percent reimbursement to property owners who own property that lie in the Croton Watershed for the construction costs for the repair, remediation or replacement of existing subsurface wastewater treatment systems, including replacement with an enhanced treatment unit, connection to the sewer main if the property is served by a substandard subsurface wastewater disposal system or a failed septic system (reimbursable items may include engineering costs to prepare plans for repair or replacement, not to exceed twenty (20) percent of the total construction cost; pumping of the septic tank and ongoing operation and maintenance of the septic system would not be reimbursable), and to increase the not to exceed amount from \$3,500,000 to \$4,250,000 only in the event that there are any funds in excess of the expected construction cost of \$5,750,000 and less than \$6,500,000 (\$750,000) remaining after the completion of the creation and construction of the Bedford Hills/Katonah Business Sewer District; and be it further

RESOLVED, that all of the remaining terms and conditions of the IMA shall remain in full force and effect; 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.

Original Agreement \$3,500,000
 Second Amendment \$ 750,000
 Total \$4,250,000

AGREEMENT NUMBER C-PL-15-411
 Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19W	582Q	4380	T582	\$750,000

Budget Funding Year(s) FY2015 Start Date: January 1, 2015 End Date: December 31, 2019
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$750,000 Federal Aid _____

(must match resolution)

Other \$750,000 – East of Hudson Water Quality Investment Program Fund