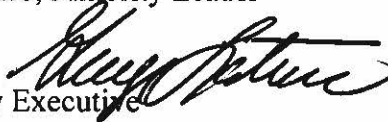


September 27, 2024

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer  
Westchester County Executive



RE: **Message Requesting Immediate Consideration: Act – Release & Transfer of Funds from EOH WQIP Fund; IMA with Town of Lewisboro in Order to Disburse Funds.**

---

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 30, 2024 Agenda.

Transmitted herewith for your consideration are two (2) Acts relevant to the East of Hudson Water Quality Investment Program Fund.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 30, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



**George Latimer**  
County Executive

September 30, 2024

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration are two (2) Acts to authorize the County of Westchester (the "County") to: 1) release from the East of Hudson Water Quality Investment Program Fund (the "EOH WQIP Fund"), of which the County serves as custodian under the New York City Watershed Memorandum of Agreement (the "Watershed MOA") (as defined below), in an amount not to exceed One Hundred Sixty Eighty Thousand (\$168,000.00) Dollars (the "EOH Funds"). The EOH Funds will be provided to the Town of Lewisboro (the "Town") for the Town's costs ("Eligible Costs") as defined in the Watershed MOA, for the development of two studies to assist the Town's sewer planning efforts, including preparation of Maps, Plans and Reports to examine the wastewater needs and feasible solutions in the areas surrounding Lakes Kitchawan, Waccabuc, Truesdale, Rippowam and Oscaleta which are in the New York City watershed, as more particularly described in a proposal dated September 14, 2023 prepared by Woodard & Curran Engineering and Geological Services P.A. P.C. ("Woodard & Curran"). These studies (the "Project") will focus on evaluating solutions to reduce phosphorous levels in area watercourses, and overall fecal coliform reduction from the five abovementioned lakes; and 2) enter into an intermunicipal agreement (the "IMA") with the Town, which sets forth the terms under which the County will disburse the EOH Funds.

Your Honorable Board will recall that, pursuant to Act Nos.145-1996 and 165-1996, which were approved by your Honorable Board, the County, along with the City, the State of New York, United States Environmental Protection Agency, the Catskill Watershed Corporation, the Coalition of Watershed Towns, certain environmental parties, and the Towns of Bedford, Cortlandt, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Pound Ridge, Yorktown, and the Town/Villages of Harrison and Mount Kisco are parties to the Watershed MOA. It should be noted that the chief elected official (or appointed designee) of each of the aforementioned municipalities, along with representatives of the County, comprise the Northern Westchester Watershed Committee (the "NWWC").

Your Honorable Board will further recall that, pursuant to Article V, paragraph 140 of the

Office of the County Executive  
Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Telephone: (914)995-2900      Website: [westchestercountyny.gov](http://westchestercountyny.gov)



Watershed MOA and the East of Hudson Water Quality Investment Program Contract (which is incorporated into and made a part of the Watershed MOA), the City paid the County Thirty-Eight Million (\$38,000,000) Dollars to create a fund, known as the EOH WQIP Fund, to support a program of water quality investments east of the Hudson River in order to protect New York City's drinking water supply. Pursuant to the Watershed MOA, the EOH WQIP Fund monies may be distributed by the County to fund specified water quality improvement projects as enumerated therein and/or as New York City Department of Environmental Protection ("NYCDEP") may authorize.

Specifically, the Town has requested \$71,000.00 to develop a Map, Plan and Report for the formation of a septic maintenance district at Lake Kitchawan for approximately 187 developed parcels. Lake Kitchawan is in the New York City watershed and drains into the Cross River which drains into the Cross River Reservoir. This study shall include, but will not be limited to a property list with estimated first year annual costs per property as well as the capital, and operation and maintenance cost estimates for a septic maintenance district. Additionally, as part of this request, Woodard & Curran shall support the Town in a variety of ways which shall include, but will not be limited to public engagement activities, the public hearing process, preparation for a public referendum related to the formation of a septic maintenance district, and completion of the SEQR process, including the preparation of the Full Environmental Assessment Form Parts 1, 2, and 3.

By way of background, in 2021, Woodward & Curran completed a water quality study of Lake Kitchawan ("Woodard & Curran Study") which was funded by the City of New York under a contract administered by "NEIWPC", formerly known as the New England Interstate Water Pollution Control Commission. Sampling that took place as part of this study showed that the fecal coliform and E. coli levels at two of the outfalls at Lake Kitchawan exceed health hazard levels established by the New York State Department of Health ("NYSDOH"). These are two common indicators of wastewater system failures. The Woodward & Curran Study estimated the cost and the benefit of creating a septic maintenance district and estimated the cost and benefit of installing low pressure sewers in the project area in two different scenarios. The septic maintenance district plan was determined to be the least expensive and most favorable option to address the water quality problems in this area.

Additionally, the Town has requested \$97,000.00 to develop a Map, Plan and Report for the formation of a sewer district for approximately 304 developed parcels surrounding Lakes Waccabuc, Truesdale, Rippowam and Oscaleta. This study shall include, but will not be limited to the preliminary wastewater treatment plant site layout, a review of location and discharge requirements with New York State Department of Environmental Conservation and NYCDEP, and development of capital and operation and maintenance cost estimates for the sanitary sewer collection system and wastewater treatment plant. This study will fully describe the areas served and will include a property list with estimated first year annual costs per property. Additionally, as part of this request, the Woodard & Curran will support the Town in a variety of ways which shall include but will not be limited to public engagement activities related to the formation of a sewer district. The improvements that may result from the study findings, would be undertaken to achieve the goal of improved water quality within the New York City Watershed; specifically, Lakes Waccabuc, Truesdale, Rippowam and Oscaleta which are tributaries of the Cross River



Reservoir. The study will focus on evaluating solutions to reduce phosphorous levels in the aforementioned lakes and overall fecal coliform reduction from the area.

By way of background, in 2021, Barton & Loguidice, D.P.C. completed a water quality study of Lake Waccabuc which was funded by the City of New York under a contract administered by NEIWPCC. Further, Ramboll Group A/S completed a water quality study of Lake Truesdale which was also funded by the City of New York under a contract administered by NEIWPCC. The Town is requesting this additional study which would incorporate the developed parcels surrounding all of the four aforementioned lakes into one sewer district project.

The EOH Funds are proposed to be issued from earnings on the principal of the EOH WQIP Fund. I have been advised that Section 140(c)(vii) of the Watershed MOA lists “Any other purpose approved by NYCDEP. NYCDEP shall base its decision whether to approve such purpose on whether the proposed use of earnings on EOH Water Quality Funds is designed to protect and improve water quality in the Watershed”, as eligible expenses of the EOH WQIP Fund. The Department of Planning (“Planning”) has advised that NYCDEP has approved the Project pursuant to this section of the Watershed MOA.

Further, I have been advised that, in order to properly spend the EOH WQIP Fund, the County must comply with certain other procedures as set forth in the Watershed MOA, and all State and local laws, rules and regulations, including the Laws of Westchester County. This includes, among other things, compliance with the right of objection procedures specified in paragraph 107(c) of the Watershed MOA. Planning, as the Administrator of the Watershed MOA and any program initiated pursuant thereto, issued a right of objection letter to the requisite parties on August 26, 2024, stating the County's intent to access and distribute the EOH Funds in connection with this Project. Pursuant to the provisions of Paragraph 107(f), such parties have fifteen (15) days from the date of mailing of the right of objection letter, to object to this decision, or to petition for an additional fifteen (15) day period to raise an objection. Planning has advised that no objections were received during the applicable timeframe. Accordingly, subject to receipt of the approval of your Honorable Board, the EOH Funds may now be expended in accordance with the Watershed MOA.

I have been advised that the NWWC supports the expenditure of the EOH Funds for the Project, and on June 12, 2024, adopted a Resolution formalizing that support. The Resolution was adopted supporting the allocation of up to Twelve Million (\$12,000,000) Dollars of the EOH WQIP Fund to be used for this Project and a larger project which will include funding for the formation of a septic maintenance district, and a sewer collection system and wastewater treatment plant subsequent to the studies being completed. Authority from your Honorable Board for the additional portions of the larger project will be requested at later date.

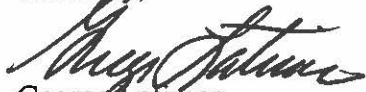
I have been further advised that because the County acts as custodian of the EOH WQIP Fund, and because such funds are not currently included in any County operating or capital budget, the first annexed Act, if approved by your Honorable Board, will provide for the transfer of the EOH Funds from the County's general custodial account for the EOH WQIP Fund to a County Trust Account created for the specific purpose of funding this Project. As the Administrator of the Watershed MOA, Planning will manage the disbursement of the EOH Funds all in accordance

with the terms outlined herein, and in the Watershed MOA.

The second annexed Act will authorize the County to enter into an IMA with the Town, which will outline the terms and conditions under which the EOH Funds will be released. Specifically, the proposed IMA will have a term of two (2) years, will authorize the release of up to One Hundred Sixty Eighty Thousand (\$168,000.00) Dollars, and will be conditioned upon the completion of the Project.

Your Honorable Board's approval of the two (2) annexed Acts is recommended as they will result in a worthwhile use of the EOH WQIP Fund for the purpose of protecting water quality in the New York City watershed.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
Westchester County Executive

GL/BPL/LAC  
Attachments

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of two (2) Acts to authorize the County of Westchester (the "County") to: 1) release from the East of Hudson Water Quality Investment Program Fund (the "EOH WQIP Fund"), of which the County serves as custodian under the New York City Watershed Memorandum of Agreement (the "Watershed MOA") (as defined below), in an amount not to exceed One Hundred Sixty Eighty Thousand (\$168,000.00) Dollars (the "EOH Funds"). The EOH Funds will be provided to the Town of Lewisboro (the "Town") for the Town's costs ("Eligible Costs") as defined in the Watershed MOA, for the development of two studies to assist the Town's sewer planning efforts, including preparation of Maps, Plans and Reports to examine the wastewater needs and feasible solutions in the areas surrounding Lakes Kitchawan, Waccabuc, Truesdale, Rippowam and Oscaleta which are in the New York City watershed, as more particularly described in a proposal dated September 14, 2023 prepared by Woodard & Curran Engineering and Geological Services P.A. P.C. ("Woodard & Curran"). These studies (the "Project") will focus on evaluating solutions to reduce phosphorous levels in area watercourses, and overall fecal coliform reduction from the five abovementioned lakes; and 2) enter into an intermunicipal agreement (the "IMA") with the Town, which sets forth the terms under which the County will disburse the EOH funds.

Your Honorable Board will recall that, pursuant to Act Nos.145-1996 and 165- 1996, which were approved by your Honorable Board, the County, along with the City, the State of New York, United States Environmental Protection Agency, the Catskill Watershed Corporation, the Coalition of Watershed Towns, certain environmental parties, and the Towns of Bedford, Cortlandt, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Pound Ridge, Yorktown, and the Town/Villages of Harrison and Mount Kisco are parties to the Watershed MOA. It should be noted that the chief elected official (or appointed designee) of each of the aforementioned municipalities, along with representatives of the County, comprise the Northern Westchester Watershed Committee (the "NWWC").

Your Honorable Board will further recall that, pursuant to Article V, paragraph 140 of the

Watershed MOA and the East of Hudson Water Quality Investment Program Contract (which is incorporated into and made a part of the Watershed MOA), the City paid the County Thirty- Eight Million (\$38,000,000) Dollars to create a fund, known as the EOH WQIP Fund, to support a program of water quality investments east of the Hudson River in order to protect New York City's drinking water supply. Pursuant to the Watershed MOA, the EOH WQIP Fund monies may be distributed by the County to fund specified water quality improvement projects as enumerated therein and/or as New York City Department of Environmental Protection ("NYCDEP") may authorize.

Your Committee has been advised that the Town has requested \$71,000.00 to develop a Map, Plan and Report for the formation of a septic maintenance district at Lake Kitchawan for approximately 187 developed parcels. Lake Kitchawan is in the New York City watershed and drains into the Cross River which drains into the Cross River Reservoir. This study shall include, but will not be limited to a property list with estimated first year annual costs per property as well as the capital, and operation and maintenance cost estimates for a septic maintenance district. Additionally, as part of this request, Woodard & Curran shall support the Town in a variety of ways which shall include, but will not be limited to public engagement activities, the public hearing process, preparation for a public referendum related to the formation of a septic maintenance district, and completion of the SEQR process, including the preparation of the Full Environmental Assessment Form Parts 1, 2, and 3.

Your Committee has been informed that, by way of background, in 2021, Woodward & Curran completed a water quality study of Lake Kitchawan ("Woodard & Curran Study") which was funded by the City of New York under a contract administered by "NEIWPC", formerly known as the New England Interstate Water Pollution Control Commission. Sampling that took place as part of this study showed that the fecal coliform and E. coli levels at two of the outfalls at Lake Kitchawan exceed health hazard levels established by the New York State Department of Health ("NYSDOH"). These are two common indicators of wastewater system failures. The Woodward & Curran Study estimated the cost and benefit of creating a septic maintenance district and estimated the cost and benefit of installing low pressure sewers in the project area in two different scenarios. The septic maintenance district plan was determined to be the least expensive

and most favorable option to address the water quality problems in this area.

Your Committee is further advised that the Town has requested \$97,000.00 to develop a Map, Plan and Report for the formation of a sewer district for approximately 304 developed parcels surrounding Lakes Waccabuc, Truesdale, Rippowam and Oscaleta. This study shall include, but will not be limited to the preliminary wastewater treatment plant site layout, a review of location and discharge requirements with New York State Department of Environmental Conservation and NYCDEP, and development of capital, and operation and maintenance cost estimates for the sanitary sewer collection system and wastewater treatment plant. This study will fully describe the areas served and will include a property list with estimated first year annual costs per property. Additionally, as part of this request, Woodard & Curran will support the Town in a variety of ways which shall include, but will not be limited to public engagement activities related to the formation of a sewer district. The improvements that may result from the study findings, would be undertaken to achieve the goal of improved water quality within the New York City Watershed; specifically, Lakes Waccabuc, Truesdale, Rippowam and Oscaleta which are tributaries of the Cross River Reservoir. The study will focus on evaluating solutions to reduce phosphorous levels in the aforementioned lakes and overall fecal coliform reduction from the area.

Your Committee is further advised that, by way of background, in 2021, Barton & Loguidice, D.P.C. completed a water quality study of Lake Waccabuc which was funded by the City of New York under a contract administered by NEIWPC. Further, Ramboll Group A/S completed a water quality study of Lake Truesdale which was also funded by the City of New York under a contract administered by NEIWPC. The Town is requesting this additional study which would incorporate the developed parcels surrounding all of the four aforementioned lakes into one sewer district project.

Further, your Committee has been advised that the EOH Funds are proposed to be issued from earnings on the principal of the EOH WQIP Fund. Your Committee is advised that Section 140(c)(vii) of the Watershed MOA lists “Any other purpose approved by NYCDEP. NYCDEP shall base its decision whether to approve such purpose on whether the proposed use of earnings on EOH Water Quality Funds is designed to protect and improve water quality in the Watershed”, as



eligible expenses of the EOH WQIP Fund. The Department of Planning (“Planning”) has advised that NYCDEP has approved the Project pursuant to this section of the Watershed MOA

Your Honorable Board will recall that, in order to properly spend the EOH WQIP Fund, the County must comply with certain other procedures as set forth in the Watershed MOA, and all State and local laws, rules and regulations, including the Laws of Westchester County. This includes, among other things, compliance with the right of objection procedures specified in paragraph 107(c) of the Watershed MOA. Planning, as the Administrator of the Watershed MOA and any program initiated pursuant thereto, issued a right of objection letter to the requisite parties on August 26, 2024 stating the County's intent to access and distribute the EOH Funds in connection with this Project. Pursuant to the provisions of Paragraph 107(f), such parties have fifteen (15) days from the date of mailing of the right of objection letter, to object to this decision, or to petition for an additional fifteen (15) day period to raise an objection. Planning has advised that no objections were received during the applicable timeframe. Accordingly, subject to receipt of the approval of your Honorable Board, the EOH Funds may now be expended in accordance with the Watershed MOA.

Your Committee has been further advised that the NWWC supports the expenditure of the EOH Funds for the Project, and on June 12, 2024, adopted a Resolution formalizing that support. The Resolution was adopted supporting the allocation of up to Twelve Million (\$12,000,000) Dollars of the EOH WQIP Fund to be used for this Project and a larger project which will include funding for the formation of a septic maintenance district, and a sewer collection system and wastewater treatment plant subsequent to the studies being completed. Your Committee has been advised that authority from your Honorable Board for the additional portions of the larger project will be requested at later date.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the New York State Environmental Quality Review (“SEQR”) Act and its implementing regulations, 6 NYCRR Part 617 have been met. Planning has advised that, based on its review, this Project may be classified as a Type II action pursuant to 6 NYCRR Part 617 Sections 617.5(c)(24) and 617.5(c)(27). Therefore, no further environmental review is

required. Your Committee has reviewed the annexed SEQR documentation prepared by Planning and concurs with this conclusion.

Your Honorable Board will recall that because the County acts as custodian of the EOH WQIP Fund, and because such funds are not currently included in any County operating or capital budget, the first annexed Act, if approved by your Honorable Board, will provide for the transfer of the EOH Funds from the County's general custodial account for the EOH WQIP Fund to a County Trust Account created for the specific purpose of funding this Project. As the Administrator of the Watershed MOA, Planning will manage the disbursement of the EOH Funds all in accordance with the terms outlined herein, and in the Watershed MOA.

The second annexed Act will authorize the County to enter into an IMA with the Town, which will outline the terms and conditions under which the EOH Funds will be released. Specifically, the proposed IMA will have a term of two (2) years, will authorize the release of up to One Hundred Sixty Eighty Thousand (\$168,000.00) Dollars, and will be conditioned upon the completion of the Project.

Your Committee has carefully considered this legislation and recommends the adoption of the two (2) annexed Acts which require no more than an affirmative vote of the majority of your Honorable Board.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**  
c:lac:9.24.24

# FISCAL IMPACT STATEMENT

SUBJECT: EOH WQIP Lewisboro Study

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$                     -

Total Current Year Revenue \$                     -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: EOH WQIP

Potential Related Operating Budget Expenses: Annual Amount \$0.00

Describe: \_\_\_\_\_

\_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount \$0.00

Describe: \_\_\_\_\_

\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$0.00

Next Four Years: \$0.00

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Millie Magraw

Title: Water Quality Coordinator

Department: Planning


Date: September 25, 2024

Reviewed By: 

Budget Director

Date: 9/26/24

TO: Lynne Colavita, Senior Assistant County Attorney  
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM   
Assistant Commissioner

DATE: September 24, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR THE ALLOCATION  
OF EOH FUNDS FOR TOWN OF LEWISBORO SEPTIC MAINTENANCE  
AND SEWER DISTRICT STUDIES IN THE VICINITY OF LAKES**

---

**PROJECT/ACTION:** Approval of the Board of Legislators to authorize the release of \$168,00 from the East of Hudson Water Quality Investment Program Fund (EOH Fund) into a County Trust Account to finance two studies: (1) Septic Maintenance District for Lake Kitchawan Study; and (2) Lakes Waccabuc, Truesdale, Rippowam and Oscaleta Sewer District Study. The action includes an Intermunicipal Agreement (IMA) with the Town of Lewisboro setting forth the terms under which the County will distribute the EOH funds.

**With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:**

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **617.5(c)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
  - **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
- 

**COMMENTS:** The County of Westchester serves as a custodian of the EOH Fund under the New York City (NYC) 1997 Watershed Memorandum of Agreement (MOA), which was created to protect the NYC water supply. As custodian, the County is responsible for allocating funds and ensuring that projects requesting EOH funds comply with the criteria outlined in the MOA. Under the proposed IMA, the Town of Lewisboro will be responsible for conducting the study and will be reimbursed by the County following completion of each study.



**DSK/cnm**

**cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Millie Magraw, Principal Environmental Planner  
Claudia Maxwell, Principal Environmental Planner**

**ACT NO. \_\_\_\_-2024**

**AN ACT** authorizing the release and transfer of \$168,000.00 from the East of Hudson Water Quality Investment Program Fund earnings, for which the County of Westchester is custodian under the 1997 Watershed Memorandum of Agreement, into a County Trust Account for the purpose of disbursement to the Town of Lewisboro

**BE IT ENACTED** by the County Board of Legislators of the County of

Westchester as follows:

**Section 1.** The County of Westchester (the “County”), as custodian of the East of Hudson Water Quality Investment Program Fund pursuant to the New York City Watershed Memorandum of Agreement (the “Watershed MOA”), dated January 21, 1997, is hereby authorized to release and transfer One Hundred Sixty Eight Thousand (\$168,000.00) Dollars of earnings on monies currently held in such fund into a County Trust Account for distribution to the Town of Lewisboro (the “Town”) to fund a portion of the Town’s “Eligible Costs” as defined in the Watershed MOA, for the provision of two studies to assist the Town’s sewer planning efforts, including the preparation of Maps, Plans and Reports in order to examine wastewater needs and feasible solutions in the areas surrounding Lakes Kitchawan, Waccabuc, Truesdale, Rippowam and Oscaleta in the New York City watershed.

**§ 2.** The County Department of Planning (“Planning”) is hereby designated as the Administrator of said County Trust Account for the implementation of

the funding in order to ensure that Planning may comply with its obligations as Administrator under the Watershed MOA with respect to expenditure of the East of Hudson Water Quality Investment Program Funds.

§ 3. The County Executive or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Executive deems necessary or desirable to accomplish the purposes hereof.

§ 4. This Act shall take effect immediately.