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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

September 17, 2012

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Sewer Districts 1-6 and 8  
Section 270/271 Resolutions**

Dear Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to the Erie County Sewer District Nos. 1-6 and 8 Section 270/271 Resolutions.

Should you honorable body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,



Mark Poloncarz, Esq.  
Erie County Executive

MCP/ms  
Enclosure

CC: J. Fiegl – Department of Environment and Planning

## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Environment & Planning  
Date: August 22, 2012  
RE: Erie County Sewer District Nos. 1-6 and 8  
Section 270/271 Resolutions

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### **SUMMARY**

The Erie County Legislature is asked to receive and file the attached resolutions from the Boards of Managers for the various Sewer Districts concerning the applicable levies.

### **FISCAL IMPLICATIONS**

None.

### **REASON FOR RECOMMENDATION**

The attached resolutions are being submitted for the Legislature's information. Actions required under Section 270 and 271 of County Law have already been complied with by the Boards of Managers who represent the administrative heads for the respective sewer districts.

### **BACKGROUND INFORMATION**

The Boards of Managers are required to levy a benefit assessment on the various parcels of land within the Erie County Sewer Districts in proportion to the benefit each receives. This has been accomplished through the Boards' approval of the attached Section 270 and 271 resolutions.

### **CONSEQUENCES OF NEGATIVE ACTION**

There are no consequences of a negative action.

### **STEPS FOLLOWING APPROVAL**

There are no additional steps necessary once this item has been received and filed.

  
Maria Whyte  
Commissioner 9/5/12

JF:ms

Encl

C: 0.11.0 Leg Ltr  
R. Ferber

Annual File v:\Sewerage Management\Administration\Documents\Group\Senkers\WPDOCS\LEG\SEC270-2(2012).docX

## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 1

WHEREAS, the Board of Managers for Erie County Sewer District No. 1 has prepared its budget for 2013 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 40, 8 % and 52 % of the total sanitary sewer tax levy of \$6,133,593 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY MEEGAN

SECONDED BY HOLTZ

APPROVED/DISAPPROVED 5-0

Flat Charge: \$200

Footage Charge: \$0.60

Dated: 6/20/12

  
MATT A. SALAH, P.E.  
SECRETARY, ECSD NO. 1  
BOARD OF MANAGERS

MAS:ms  
06/12  
c: 1.4.1.Budget By Yr.

**RESOLUTION**

**ERIE COUNTY SEWER DISTRICT NO. 2**

WHEREAS, the Board of Managers for Erie County Sewer District No. 2 has prepared its budget for 2013 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 35%, 17% and 48% of the total sanitary sewer tax levy of \$ 6,243,028 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

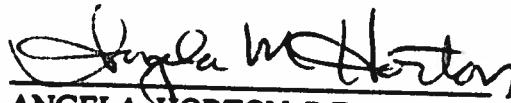
MOVED BY Mr. Swyers

SECONDED BY Mayor Frawley

APPROVED/DISAPPROVED 5-0

Flat Charge: \$2.70

Footage Charge: \$1.00

  
ANGELA HORTON, P.E.  
SECRETARY, ECSD NO. 2  
BOARD OF MANAGERS

AH:ms  
06/12  
c: 2.4.1.Budget By Yr.

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## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 3

WHEREAS, the Board of Managers for Erie County Sewer District No. 3 has prepared its budget for 2013 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 34%, 10% and 56% of the total sanitary sewer tax levy of \$ 13,914,564.00 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

Budget Resolution – ECSD No. 3  
Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY DAVID MILLAR

SECONDED BY JOHN MILLS

APPROVED/DISAPPROVED APPROVED 7-0

Flat Charge: \$ 210.<sup>00</sup> / UNIT

Footage Charge: \$ 0.50 / FOOT

Dated: 6/27/2012



DAVID C. MILLAR, P.E.  
SECRETARY, ECSD NO. 3  
BOARD OF MANAGERS

DM:ms  
06/12  
c: 3.4.1.Budget By Yr.

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## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 4

WHEREAS, the Board of Managers for Erie County Sewer District No. 4 has prepared its budget for 2013 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 28%, 8% and 64% of the total sanitary sewer tax levy of \$5,250,689 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

Budget Resolution – ECSD No. 4  
Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY HARRIS

SECONDED BY AMBROSE

APPROVED/DISAPPROVED 5-0

Flat Charge: \$ 170

Footage Charge: \$.60/FT

Dated: 6/27/12

Thomas Batt

THOMAS M. BATT, P.E.  
SECRETARY, ECSD NO. 4  
BOARD OF MANAGERS

TMB:ms  
06/12  
c: 4.4.1.Budget By Yr.

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## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 5

WHEREAS, the Board of Managers for Erie County Sewer District No. 5 has prepared its budget for 2013 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 54, 21, and 25 percent of the total sanitary sewer tax levy of \$1.5052(2) shall be raised from the assessed value, footage and flat charges, respectively; and be it further

**Budget Resolution – ECSD No. 5**  
**Page 2**

**RESOLVED**, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

**MOVED BY** S. Sauer

**SECONDED BY** J. Cassano

**APPROVED/DISAPPROVED** 4/0

**Flat Charge:** \$100.00

**Footage Charge:** \$1.00

**Dated:** 6/25/12

Kevin Zynda  
**KEVIN ZYNDA, P.E.**  
**SECRETARY, ECSD NO. 5**  
**BOARD OF MANAGERS**

**KZ:ms**  
**06/12**  
**c: 5.4.1.Budget By Yr.**

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**RESOLUTION**

**ERIE COUNTY SEWER DISTRICT NO. 6**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has prepared its budget for 2013 determined the amount which must be assessed on the lots and parcels of land within the District; and**

**WHEREAS, as permitted by Section 266 of County Law, the District has chosen to raise a portion of the cost for operation and maintenance of the sanitary sewerage system on user charges; and**

**WHEREAS, pursuant to Sections 270 and 271, Article 5A of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel; and**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the cost of sanitary sewer operation and maintenance and debt service, pursuant to Section 271, be assessed on a parcel charge and an assessed value charge to all parcels in the District; and be it further**

**RESOLVED, that for the drainage or storm sewer system and pursuant to Section 270 of County Law, an assessed value charge be spread to all lots or parcels within the District; and be it further**

**RESOLVED, that a single parcel be used as a unit of assessment to determine parcel charges; and be it further**

**RESOLVED, that one parcel charge be assessed for each residential tax account; for each non-residential tax account, one parcel charge be assessed for each tax account less than one acre; and each non-residential account one acre or more in size be assessed five parcel charges per acre; and be it further**

**RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further**

Budget Resolution - ECSD No. 6  
Page Two

RESOLVED, that the 271 Resolution approximately 1 % and 99 % of the sanitary sewer tax levy shall be raised from the assessed value and parcel charges, respectively; and be it further

RESOLVED, that 100% of the drainage tax levy shall be raised from assessed value; and be it further

RESOLVED, that sewer charges be assessed to the out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that certain costs of the sewage treatment plant operation and maintenance be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266.

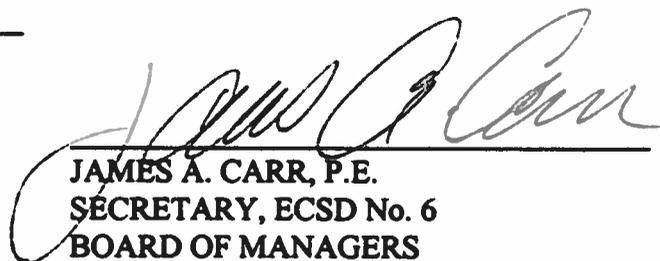
RESOLVED, that this resolution along with the proposed budget, proposed assessment roll and proposed rate be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a public hearing as required by Sections 270 and 271 of County Law.

MOVED BY Jim Carr

SECONDED BY A. Collacino

APPROVED/DISAPPROVED 3-0

Parcel Charge \$88.00

  
JAMES A. CARR, P.E.  
SECRETARY, ECSD No. 6  
BOARD OF MANAGERS

JAC:ms  
12/12  
c: 6.4.1.Budget By Yr.

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## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 8**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 8 has prepared its budget for 2013 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and**

**WHEREAS, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for operation and maintenance of the sanitary sewerage system on user charges; and**

**WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that flat charge and water usage charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further**

**RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further**

**RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further**

**RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further**

**RESOLVED, that footage and/or a flat charge shall be levied prior to the actual date sewer service is available; and be it further**

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that certain costs of the sewage treatment plant operation and maintenance be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266; and be it further

RESOLVED, that approximately 68%, 26% and 6% of the total sanitary sewer tax levy of \$ 1,291,394.00 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

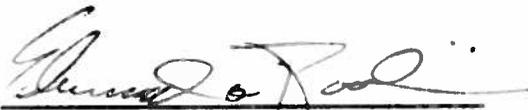
Moved By: Bryan Smith

Seconded By: Ed Paolini

Flat Charge: \$ 25.00

Footage Charge: \$1.50

Dated: 6/26/2012



EDWARD A. PAOLINI, P.E.  
SECRETARY – ECSD NO. 8  
BOARD OF MANAGERS

EAP:ms  
06/12  
c: 8.4.1. Budget By Yr.

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