ECLEG SEP17'12 PM 4:28

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 17, 2012

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 3
Operation and Maintenance Agreement
Mount Vernon Sewer District

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a proposed agreement for the operation and maintenance of the Mount Vernon Sewer District sanitary sewer assets by Erie County Sewer District No. 3.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/DM/ms
Enclosure

cc: J. Fiegl – Environment and Planning

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Erie County Sewer District No. 3 Operation and Maintenance Agreement Mount Vernon Sewer District
Date:	August 27, 2012

SUMMARY

Approval of the accompanying resolution is requested authorizing the County Executive to enter into an intermunicipal agreement to permit Erie County Sewer District No. 3 (ECSD No.3) to supply operation and maintenance services for the sanitary sewer assets of the Mount Vernon Sewer District (Town Sewer District No. 2 or the "Commissioner District").

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. Any projected expenses would be offset by projected revenues received and would be included in future District operation budgets as approved by the Erie County Legislature.

REASONS FOR RECOMMENDATION

The Mount Vernon Sewer District is completely tributary to and surrounded by ECSD No. 3. The Commissioners of the Mount Vernon Sewer District intend to complete a municipal dissolution, at which point the Town of Hamburg (Town) would take on responsibility. As the Town no longer operates or maintains any of its former sanitary sewer districts, both the Commissioner District and the Town have requested that ECSD No. 3 provide the necessary operation and maintenance services. By providing operation and maintenance services ECSD No. 3 would have the ability to manage this collection system, which is tributary to a County owned pumping station, interceptor sewer, and treatment facility.

In June 2012, the ECSD No. 3 Board of Managers approved of this action.

BACKGROUND INFORMATION

The Commissioners of the Mount Vernon Sewer District contacted the Department of Environment and Planning/Division of Sewerage Management (DSM) and the Town of Hamburg to state their intention to dissolve the Commissioner District. As the Mount Vernon Sewer District is technically a Town sewer district managed by the Commissioners, the Town would subsequently be responsible for the sanitary sewer assets of the Commissioner District.

Per Legislative Communications 20E-21 (2006) and 22E-8 (2007), the Town leased its sanitary sewer assets to the County of Erie. Hence, the Town no longer has the staff or equipment to provide sanitary sewer operation or maintenance services.

CONSEQUENCES OF NEGATIVE ACTION

ECSD No. 3 would not have the ability to address the collection system tributary to County owned pumping stations, interceptor sewers, and treatment facilities. Furthermore, the Town would have to provide the necessary operation and maintenance services for the Commissioner District, leading to a duplication of efforts.

STEPS FOLLOWING APPROVAL

An intermunicipal agreement will be executed permitting ECSD No. 3 to supply operation and maintenance services for the Commissioner District.

Maria R. Whyte JCF
Maria Whyte
Commissioner 9/5/12

CC: M. Whyte, Commissioner
J. Fiegl/0.11.0 Leg Ltr
J. Carr/D. Millar/3.2.6.Merger Mt. Vernon
Glenn Absolom
ECSD No. 3 BOM

V:\Sewerage Management\Administration\Documents\Mary\Dave M\leg reso OM mt vernon.docx

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3
Operation and Maintenance
Mount Vernon Sewer District

WHEREAS, the Commissioners of the Mount Vernon Sewer District presently operate, maintain, and improve the sewerage infrastructure of Town of Hamburg Sewer District No. 2 (Commissioner District); and

WHEREAS, the Commissioners of the Mount Vernon Sewer District have indicated their desire to dissolve the Commissioner District; and

WHEREAS, upon dissolution, the Town of Hamburg (Town) would be responsible for the assets of the Commissioner District; and

WHEREAS, the Town has leased all of the sanitary sewerage assets previously operated and maintained by the Town to Erie County Sewer District (ECSD) No. 3 pursuant to Legislative Communications 20E-21 (2006) and 22E-8 (2007); and

WHEREAS, the Town and Commissioners of the Mount Vernon Sewer District wish to effectuate an agreement whereby ECSD No. 3 would provide operation and maintenance services by contract for the Commissioner District.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement for ECSD No. 3 to supply operation and maintenance services for the Mount Vernon Sewer District, subject to approval as to content by the Commissioner of Environment and Planning, and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Kristen Walder, Assistant County Attorney, and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.