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. 2
Intermunicipal Agreement with Town of Evans
Dumpster Placement – SBL No. 235.05-1-15

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a proposed intermunicipal agreement to allow the Town of Evans to utilize land owned by Erie County Sewer District No. 2 for the purposes of garbage pickup.

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 Poloncarz, Esq.
Erie County Executive

MP/JF

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. 2 Intermunicipal Agreement with Town of Evans Dumpster Placement – SBL No. 235.05-1-15
Date:	August 30, 2012

SUMMARY

Approval of the accompanying resolution is requested authorizing the County Executive to enter into an intermunicpal agreement with the Town of Evans (Town) to allow the Town to place dumpsters on Erie County Sewer District (ECSD) No. 2 property for the use of nearby residents.

FISCAL IMPLICATIONS

None to the County General Fund or ECSD No. 2.

REASONS FOR RECOMMENDATION

There are approximately 56 homes located in "The Grove" area of the Town that cannot receive garbage pickup at their homes. As a result, the residents in "The Grove" put their trash along Old Lakeshore Road for the garbage trucks to collect. The placement of garbage at this location on Old Lakeshore Road has been a source of litter and could be a pathway for vermin and other vectors.

When investigating potential solutions to this problem, the Town identified a vacant parcel owned by ECSD No. 2 located across the street from where "The Grove" residents presently place their garbage. The ECSD No. 2 Board of Managers reviewed a request from the Town to place dumpsters on the sewer district owned parcel and consent to this arrangement with various stipulations, including a 90-day "trial period."

BACKGROUND INFORMATION

"The Grove" is an area in the Town located west of Old Lakeshore Road and south of Bennett Beach. The residents in "The Grove" must place their trash along Old Lakeshore Road in lieu of traditional curbside pickup due to limited access in the area for the garbage trucks. The large amount of garbage piled along Old Lakeshore Road has lead to complaints being issued with the Town from other residents and passersby.

The Town began to examine various options to address this problem. In April 2012, the Erie County Division of Sewerage Management was contacted to ascertain if the Town could place a dumpster on an ECSD No. 2 owned parcel located at the corner of Old Lakeshore Road and Baypoint Avenue (SBL No. 235.05-1-15). The parcel is presently vacant, has limited ECSD No. 2 infrastructure within its boundaries, and is across the street from where "The Grove" residents presently place their garbage.

CONSEQUENCES OF NEGATIVE ACTION

Garbage from the residents of "The Grove" will continue to be placed along Old Lakeshore Road with associated problems and complaints.

STEPS FOLLOWING APPROVAL

The County Executive will be authorized to enter into an intermunicipal agreement with the Town of Evans to allow the Town to place dumpsters on SBL No. 235.05-1-15. The Department of Environment and Planning / Division of Sewerage Management will set terms in the intermunicipal agreement to protect the interests of ECSD No. 2. The agreement will be subject to a 90-day trial period as per the ECSD No. 2 Board of Managers direction.

Maria R. Whyte

Maria Whyte
Commissioner 9/5/12

CC: M. Whyte
J.Fiegl/0.11.0.Leg Ltr

V:\Sewerage Management\Administration\Documents\Mary\Joe Fiegl\Leg letter - ECSD No 2 - Evans Dumpster.docx

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 2
Intermunicipal Agreement with Town of Evans
Dumpster Placement – SBL No. 235.05-1-15

WHEREAS, the Town of Evans has had litter problems and complaints associated with the placement of garbage on Old Lakeshore Road from the residents of "The Grove" area; and

WHEREAS, the Town of Evans has requested permission to place dumpsters on Erie County Sewer District No. 2 owned property located on Old Lakeshore Road (SBL No. 235.05-1-15); and

WHEREAS, this request was brought forth to the Erie County Sewer District No. 2 Board of Managers for consideration; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 2 consent to the placement of the dumpsters on SBL No. 235.05-1-15, provided there is a 90-day "trial period" and protections for the sewer district are detailed in an intermunicipal agreement.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement with the Town of Evans so the Town may place dumpsters on Erie County Sewer District No. 2 owned parcel SBL No. 235.05-1-15, 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 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.