ECLEG SEP17'12 PM 4:29

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 17, 2012

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 2
Modification of Plans (2012)

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a proposed Modification of Plans in Erie County Sewer District No. 2.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sm
Enclosure

cc: Marie R. Whyte

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Erie County Sewer District No. 2 Modification of Plans (2012)
Date:	August 29, 2012

SUMMARY

The Erie County Legislature is requested to approve the attached Resolution calling for a Public Hearing regarding the proposed Modification of Plans in Erie County Sewer District No. 2. In addition to the Resolution, and included within, is a Notice of Public Hearing that our Department will publish in the official County newspapers prior to the Public Hearing.

FISCAL IMPLICATIONS

None. There are no new cost increases to the bond authorization that was originally approved in 2002.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 253-b, Modification of Plans, any changes to the original adopted Sewer Agency Report of 2002, requires a public hearing on the proposed changes. In June 2012, this action was approved by the Erie County Sewer District No. 2 Board of Managers.

BACKGROUND INFORMATION

In 2002, an Increase & Improvement of Facilities for $3,000,000 was approved to rehabilitate the Sanitary Sewers in Erie County Sewer District No. 2. Since the approval of the original Sewer Agency Report, many of the projects fell below the original engineers' estimates thus causing a surplus of $677,514. It is proposed to modify the 2002 project and use the remaining funds for capital repairs to the existing pumping stations, sanitary sewers and treatment plant facilities. These remaining funds would also be available for any engineering, easements, financing costs and maintenance that would be required within the existing infrastructure of the Sewer District.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to utilize the remaining bond authorization to make necessary improvements within the District.

STEPS FOLLOWING APPROVAL

1. Erie County Division of Sewerage Management will publish the Public Hearing Notice in the official County newspapers.

2. A Public Hearing will be held on October 24, 2012 at 1:30 p.m. local time.

JCF

Maria R. Whyte
Commissioner 9/5/12

MRW/sm
Enclosures

cc: Kristen Walder, Asst. County Attorney
R. Graber, Clerk of the Legislature
0.11.0 Leg. Ltr.
J. Carr/J. Mallory/2.5.0 Mod. of Plans (2012)

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

_____, 2012

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on _____, 2012, at _____ o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: **Robert M. Graber, Clerk of the Legislature**

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION DATED _____, 2012

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2012.

(Adopted) _____, 2012

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, (the "District") has heretofore been established; and

WHEREAS, in 2002 an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York for the rehabilitation of sanitary sewers on Route 5, Lakecrest Gardens, Utica Trunk and numerous I&I projects (the 2002 Projects"), substantially as described in the original Erie County Sewer Agency Report; and

WHEREAS, the many of the 2002 Projects have been completed at costs below what was originally estimated; and

WHEREAS, the are currently authorized, unspent and unneeded funds in the amount $677,514 remaining; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost dated June 8, 2012, from County engineers (the Erie County Department of

Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 2 in said County, consisting of the construction of capital improvements to existing pump stations, sanitary sewers and treatment plant facilities, including engineering, easements and related costs, all as more fully described in the report and estimate of cost herein referred to (the "2012 Project"); and

WHEREAS, the maximum estimated cost of the 2012 Project of said Sewer District No. 2 is $677,514 to be apportioned between real properties (i) in the District, and (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewered units in the District and such Town of Brant sewer districts, and applicable flat charges; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of ,October 2012, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans

for such increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of October, 2012, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 2 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the construction of capital improvements to existing pump stations, sanitary sewers and treatment plant facilities, including engineering, easements and related costs, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated June 8, 2012, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid improvements is $677,514 to be apportioned between real properties (i) in the District, and (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewered units in the District and such Town of Brant sewer districts, and applicable flat charges; and

There will be no additional charge for hook ups to properties serviced by the Sewer District.

Dated: Buffalo, New York,

_____, 2012.

1171115.1 013520 RSIND

BY ORDER OF THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK

By ROBERT M. GRABER
Clerk, County Legislature

1171115.1 013520 RSIND

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in The Amherst Bee and in The Front Page , the official newspapers of said County, and The Sun , not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

* * * * * * * * * * * * * * * * * *

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * * * *

Dated: Buffalo, New York,

_____, 2012.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the 24th day of October , 2012, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ___ day of _____, 2012.

_____
Clerk, Erie County Legislature

(SEAL)