COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

ECLEG NOV27'12 AM 9:31

November 26, 2012

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

RE: Erie County Sewer District Nos. 1-6 and 8
User Charge Rates

Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to Erie County Sewer District Nos. 1-6 and 8 User Charge Rates.

Should your 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/ms
Enclosure

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Erie County Department of Environment & Planning
Re:	Erie County Sewer District Nos. 1-6 and 8 User Charge Rates
Date:	November 5, 2012

SUMMARY

The Erie County Legislature receive and file the attached copies of the User Charge Resolutions approved by the various Boards of Managers.

FISCAL IMPLICATIONS

There are no fiscal implications.

REASONS FOR RECOMENDATION

The submittal of Sewer District User Charge Resolutions is for the Legislature's information only.

BACKGROUND INFORMATION

Pursuant to Article 5A of County Law, Section 266, the administrative heads of the Sewer Districts, i.e., the Boards of Managers, are responsible for determining a system of rates and charges to raise the necessary revenues to satisfy budgetary appropriations.

CONSEQUENCES OF NEGATIVE ACTION

There are no consequences of a negative action.

STEPS FOLLOWING APPROVAL

No further action is required following receipt and filing of the enclosures.

Maria R. Whyte JLF
Maria Whyte
Commissioner 11/8/12

Enc.
Cc: J. Fiegl/0.11.0.Leg. Ltr. (w/encl)
R. Ferber (w/encl)
Annual File (w/encl)
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ERIE COUNTY SEWER DISTRICT NO. 1
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 1 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 1 did at their meeting of October 5, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 2.90 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ 0.1226 /lb.
Suspended Solids (SS):	$ 0.1666 /lb.
Phosphorous (P):	$ 0.0203 /lb.
Waste Hauler	$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 1 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: Ms McEcan
SECONDED BY: Ms Hartz
APPROVED/DISAPPROVED: 5,0
DATE: 10/5/12

MATT SALAH, P.E.
SECRETARY

MAS:ms
10/12
c: 1.4.2.User Charge

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ERIE COUNTY SEWER DISTRICT NO. 2
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 2 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 2 did at their meeting of October 11, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 2.95 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ 0.13 /lb.
Suspended Solids (SS):	$ 0.08 /lb.
Phosphorous (P):	$ 0.70 /lb.
Waste Hauler	$ 60.00 /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 2 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: Mayor Finley
SECONDED BY: G. Swan
APPROVED/DISAPPROVED: 5/0
DATE: 10/11/12

Angela M Horton
ANGELA HORTON, P.E.
SECRETARY

JAC:ms
10/12
c: 2.4.2.User Charge

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ERIE COUNTY SEWER DISTRICT NO. 3
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 3 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 3 did at their meeting of October 3, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 2.80 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ 0.04 /lb.
Suspended Solids (SS):	$ 0.11 /lb.
Phosphorous (P):	$ 0.66 /lb.
Waste Hauler	$ 60.00 /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 3 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: GLEN NELLIS
SECONDED BY: DAVID MILLER
APPROVED/DISAPPROVED: APPROVED 8-0
DATE: 10/3/2012

DAVID C. MILLAR, P.E.
SECRETARY

DM:ms
10/12
c: 3.4.2.User Charge
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ERIE COUNTY SEWER DISTRICT NO. 4
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 4 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012 ; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 4 did at their meeting of October 10, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 2.45 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ 0.1226 /lb.
Suspended Solids (SS):	$ 0.1666 /lb.
Phosphorous (P):	$ 0.0203 /lb.
Waste Hauler	$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 4 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: Ambrose
SECONDED BY: Nikolowitz
APPROVED/DISAPPROVED: 5-0
DATE: 10/10/12

Thomas Batt
THOMAS M. BATT, P.E.
SECRETARY

TMB/ms
10/12
c: 4.4.2.User Charge

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ERIE COUNTY SEWER DISTRICT NO. 5
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 5 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 5 did at their meeting of October 17, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 4.25 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ N/A /lb.
Suspended Solids (SS):	$ N/A /lb.
Phosphorous (P):	$ N/A /lb.
Waste Hauler	$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 5 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: Sawyers
SECONDED BY: Zynda
APPROVED/DISAPPROVED: 4-0
DATE: 10/17/12

Kevin Zynda
KEVIN ZYNDA, P.E.
SECRETARY

JLF:ms
10/12
c: 5.4.2.User Charge
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ERIE COUNTY SEWER DISTRICT NO. 6
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 6 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 did at their meeting of October 9, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 2.87 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ 0.15 /lb.
Suspended Solids (SS):	$ 0.06 /lb.
Phosphorous (P):	$ 0.84 /lb.
Waste Hauler	$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 6 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: J. Carr
SECONDED BY: J
APPROVED/DISAPPROVED: 3-0
DATE: 10/9/12

JAMES A. CARR, P.E.
SECRETARY

JAC/ms
10/12
c: 6.4.2.User Charge

ERIE COUNTY SEWER DISTRICT NO. 8
USER CHARGE RESOLUTION

WHEREAS, Erie County Sewer District No. 8 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on August 16, 2012 ; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 8 did at their meeting of October 9, 2012 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	$ 3.50 /1000 gallons
Biochemical Oxygen Demand (BOD_5)	$ 0.04 /lb.
Suspended Solids (SS):	$ 0.11 /lb.
Phosphorous (P):	$ 0.66 /lb.
Waste Hauler	$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 8 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: S. Friedd
SECONDED BY: B. Smith
APPROVED/DISAPPROVED: 3/0
DATE: 10/9/12

EDWARD A. PAOLINI, P.E.
SECRETARY

EAP:ms
10/12
c: 8.4.2.User Charge
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Item 1(b)(ii)