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# COUNTY OF ERIE

**MARK C. POLONCARZ**
COUNTY EXECUTIVE

November 26, 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: Joseph L. Fiegl, P.E., Department of 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
Modification of Plans (2012)
Date: November 13, 2012

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## SUMMARY

The Erie County Legislature is requested to approve the attached Resolution approving the proposed Modification of Plans in Erie County Sewer District No. 2.

## 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. The Erie County Legislature approved a resolution on September 27, 2012, calling a Public Hearing. The Public Hearing was held on October 24, 2012, with no objections to the Modification of Plans. The next step is to approve the attached Resolution approving the project.

## 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 recommended by the Erie County Sewer Agency and the Erie County Sewer District No. 2 Board of Managers, that the 2002 project be modified to 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

Erie County Division of Sewerage Management will submit a Bond Resolution for approval to the Erie County Legislature.

JLF

Maria R. Whyte
Commissioner

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 2:00 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

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____ __, 2012.

(Adopted) _____ __, 2012.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer 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, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated June 8, 2012, which has also been filed with said County Legislature on July 12, 2012; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting of an engineering study of the Sweetland Road Pumping Station to determine future improvements and future capital repairs to existing infrastructure, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is $677,514, to be assessed against a benefited area which consists of the entire area of the District; and

WHEREAS, said County Legislature duly adopted Resolution 209 on the 27th day of September, 2012, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 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; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement for the facilities of Erie County Sewer District No. 2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of $677,514.

Section 2. The cost of the proposed modification expenditure is to be assessed against a benefited area which consists of the entire area of the District, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was thereupon declared duly adopted.

Dated: _____ __, 2012

Buffalo, New York

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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 ____ day of _____, 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 |
|---|---|

6761309.1

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)

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