



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

January 20, 2013

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

**RE: Erie County Sewer District No. 8
Proposed Reed Hill Subdivision Extension
Erie County Sewer Agency Report**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to an Erie County Sewer Agency Report for Erie County Sewer District No. 8.

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

Sincerely,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:sm
Enclosure

cc: Marie R. Whyte, Commissioner, Environment and Planning
Joseph L. Fiegl, P.E., Deputy Commissioner, Division of Sewer Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Division of Sewerage Management
Re: Erie County Sewer District No. 8
Proposed Reed Hill Subdivision Extension
Erie County Sewer Agency Report
Date: January 7, 2013

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's proposed Reed Hill Subdivision Extension to Erie County Sewer District No. 8 and attached Erie County Sewer Agency Report.

FISCAL IMPLICATIONS

There are no fiscal implications with the recommended action of receiving and filing the enclosed Erie County Sewer Agency Report.

REASONS FOR RECOMMENDATION

The Erie County Sewer Agency Report is being submitted to the Legislature - so that it will be on file for public review. In this way, should the public or any elected official wish to review the subject project, the Erie County Sewer Agency Report will be on file in the Legislative Chambers. It is also a requirement of County Law, Article 5A to have Erie County Sewer Agency Reports on file with the Legislature prior to holding a Public Hearing on the matter.

BACKGROUND INFORMATION

The Division of Sewerage Management has received a request from the Town of Aurora Town Board to extend the boundaries of Erie County Sewer District No. 8 for the Reed Hill Subdivision. The Erie County Sewer District No.8 Board of Managers approved the enclosed Sewer Agency Report on October 9, 2012, recommending the Sewer District extension.

CONSEQUENCES OF A NEGATIVE ACTION

This is a receive and file item.

STEPS FOLLOWING APPROVAL

This is a receive and file item.

**ERIE COUNTY SEWER AGENCY REPORT
FOR
ERIE COUNTY SEWER DISTRICT NO. 8
SEWER DISTRICT EXTENSION
REED HILL HEIGHTS SUBDIVISION
TOWN OF AURORA**

PURPOSE OF PROJECT

The purpose of this Sewer Agency Report (Report) is to initiate the process of considering the extension of Erie County Sewer District No. 8 (ECSD No. 8) to include sanitary sewer service area known as "Reed Hill Heights" in the Town of Aurora. The extension of ECSD No. 8 to serve this area is being investigated based upon a petition from the Town of Aurora and discussions with the New York State Department of Environmental Conservation (NYSDEC).

In accordance with Article 5A of County Law, this Report serves as the "maps and plans" as required for the Board of Supervisors (the Erie County Legislature) to use in determining if it is in the public interest to extend a County Sewer District. In addition to this Report, the Legislature shall also consider any public comments received, both at a formal public hearing on the matter or otherwise, prior to acting on the proposed District extension.

GENERAL INFORMATION

ECSD No. 8 is located in central Erie County (Exhibit A) and provides wastewater treatment, collection, and conveyance services to portions of the Village of East Aurora and Town of Aurora. The original district was created in early 2006 after the Village and Town transferred their sanitary sewer facilities to the County as part of a merger of sanitary sewer services. The sanitary sewage collected in ECSD No. 8 is ultimately transmitted to the County owned East Aurora Wastewater Treatment Plant (WWTP).

Sewage from the proposed Reed Hill Heights Subdivision extension (Exhibit A and Exhibit B) in the Town of Aurora would receive treatment at the East Aurora WWTP. There is excess available capacity in the sanitary sewer system and the WWTP to accept flows from this subdivision.

AGENCY REPORT BACKGROUND

The proposed Reed Hill Heights subdivision area consists of approximately thirty three (33) single family home lots. The sanitary sewer system in this area will be constructed by the developer of the subdivision and will consist of approximately 2,725 lineal feet (LF) of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station, and 1,820 LF of 6-inch diameter force main. The design of the sewerage facilities for this subdivision will allow for the future elimination of the existing ECSD No. 8 Commerce Green pumping station.

The Town of Aurora Town Board approved the final plat of the proposed Reed Hill Heights subdivision on October 11, 2011. Currently, there is an out of district customer agreement in place for ECSD No. 8 to provide wastewater service to the Reed Hill Heights subdivision. As there is no public entity providing an ownership stake in the proposed sanitary sewer assets, the New York State Department of Environmental Conservation (NYSDEC) issued a variance from the Sewage Disposal Corporation requirement for this subdivision upon review of a petition from the developer. The NYSDEC has indicated that it is its preference that an extension of the County District be completed if feasible.

Out of district customer agreements for subdivisions of this size are generally a measure to allow for sewer services to be provided in an expeditious manner, with the intention of considering a District extension at a later date. If the extension of ECSD No. 8 is effectuated, the County would assume ownership of the collection system in the Reed Hill Heights subdivision area.

CAPITAL PROJECT COSTS

ECSD No. 8 would be responsible for future capital improvements within the extension. Initial construction costs associated with the infrastructure for this subdivision are solely borne by the private developer. All sanitary sewer assets to be installed will be constructed to ECSD No. 8 standards. In addition, the design of the sewerage facilities for this subdivision will allow for the future elimination of the existing ECSD No. 8 Commerce Green pumping station.

OPERATIONS AND MAINTENANCE (O&M) COSTS

The proposed extension to ECSD No. 8 would increase the operations and maintenance costs incurred by ECSD No. 8. Specifically, ECSD No. 8 would incur:

- Collection system operations and maintenance service expenses, including complaint investigation, wet weather flow management, sanitary sewer and manhole cleaning, root cutting, pump and force main maintenance, and overflow response.
- System evaluation work expenses, including smoke testing and internal sewer televising on as needed basis.
- Payment of utility costs associated with the pumping station.
- Negligible increases in wastewater treatment expenses.
- Maintenance related engineering service expenses, including maintaining up-to-date mapping of the collection system (electronic format in geographic information systems [GIS]), creation and implementation of a computerized maintenance management system, completing inflow and infiltration assessment program(s), etc.

Due to this infrastructure being new and constructed to modern industry standards, increases in ECSD No. 8 budgeted operation and maintenance expenses are expected to be minimal. Relatively small increases in utility costs, chemical costs, and pumping station supplies are expected initially. Maintenance for the infrastructure constructed for the Reed Hill Heights subdivision would be completed by existing staff using existing equipment. The annual increase in budgeted expenses in ECSD No. 8 is estimated to be under \$10,000.

CONNECTION CHARGES

All new homes or businesses built would be required to pay connection and inspection fees. Currently, ECSD No. 8 charges \$250 per home for lateral inspections of individual connections to existing County built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers, and a \$2 permit fee at the time of connection by ECSD No. 8. These charges would not be changed as a result of the proposed extension.

EXISTING SEWER CHARGES

The 2012 rates for ECSD No. 8 are as follows:

- Unit charge: \$25/unit
- Assessed valuation: \$3.30 / \$1000 assessed valuation
- Footage: \$1.50 /foot
- Water usage: \$3.25 / 1,000 gallons

Based upon these rates, the typical existing ratepayer in the Town of Aurora portion of ECSD No. 8 is charged as follows:

Unit:	1 unit @ \$25/unit	\$25.00
Assessed valuation:	\$99,240 @ \$0.00330 A.V.	\$327.49
Footage	112-feet @ \$1.50/foot	\$168.00
Water use	59,000 gallons @ \$3.25 / 1,000 gallons	\$191.75
TOTAL (annual)		\$712.24

PROPOSED SEWER CHARGES

It is estimated that a typical single-family residence in this proposed extension of ECSD No. 8, sold for \$300,000, with 100-feet of frontage and water usage of approximately 59,000 gallons per year would be charged as follows:

Unit:	1 unit @ \$25/unit	\$25.00
Assessed valuation:	\$126,000 (\$300,000 @ 42% equalization) @ \$0.00330 A.V.	\$415.80
Footage	100-feet @ \$1.50/foot	\$150.00
Water use	59,000 gallons @ \$3.25 / 1,000 gallons	\$191.75
TOTAL (annual)		\$782.55

The above estimated annual charges are based on 2012 rates and would be the same whether the Reed Hill Heights Subdivision area was serviced through the out of district customer agreement or as a parcel within the bounds of ECSD No. 8. A ratepayer in the Reed Hill Heights Subdivision would be charged under the same rate structure as any other ECSD No. 8 customer. The charges are inclusive of wastewater collection, wastewater transmission, operation/maintenance/administrative services, sewer district debt, and treatment/disposal at the East Aurora WWTP for the typical residence. ECSD No. 8's user charge rates would apply to any commercial/industrial

user connected to the sewerage system that would exceed a base level of pollutants discharged to the sewer system. However, this proposed subdivision is zoned as strictly residential.

Total annual costs associated with the proposed extension are estimated as follows (based on 2012 budget):

Existing operation and maintenance expenses	1,834,254
Existing debt services	139,817
Estimated expenses associated with proposed extension	<u>10,000</u>
Total Annual Expenditures (extended ECSD No. 8):	\$1,984,071

Total estimated revenues to be collected are as follows:

Existing budgeted ECSD No. 8 revenues	1,974,071
Anticipated Reed Hill Heights subdivision revenue	
33 homes @ \$782.55 / home	<u>25,824</u>
Total Annual Revenue (extended ECSD No. 8):	\$1,999,895
Expenditure/Revenue Differential (extended ECSD No. 8):	\$15,824

As anticipated revenues exceed the anticipated expenses, there will be no negative impact on the rates to existing ECSD No. 8 ratepayers as a result of this action. Any additional revenues collected that are above or beyond the expenses incurred as a result of this extension would likely be used to offset increases in future budgets or allocated to capital reserves.

NEW YORK STATE AUDIT AND CONTROL

New York State Comptroller's office approval is required for sewer district extensions that result in debt and lead to cost increases over defined thresholds. Based on the fact that upon extension of the District to include the Reed Hill Heights Subdivision the sewer rates within ECSD No. 8 would not increase and that no debt would be incurred as a result of this action, submittal of an application to New York State Audit and Control for approval is not required.

BOARD OF MANAGERS REVIEW

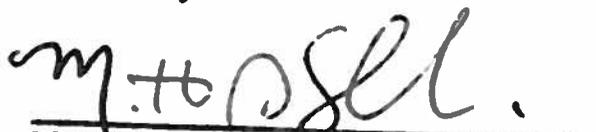
This Project has been previously discussed with the Board of Managers for ECSD No. 8. Based on these discussions and review of this Sewer Agency Report, the Board approved this Erie County Sewer Agency Report on 10/9/12 and requested the Erie County Legislature to approve an extension to ECSD No. 8 to incorporate the area identified in Exhibit A (map) and B (legal description), to be known as the "Reed Hill Heights Subdivision Extension." A copy of the Board of Managers resolution pertaining to this extension is presented in Exhibit C.

RECOMMENDATIONS

The Erie County Sewer Agency, the Department of Environment and Planning, and the ECSD No. 8 Board of Managers recommend that the Erie County Legislature should:

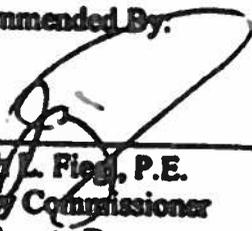
1. Accept and adopt this Sewer Agency Report which calls for extension of ECSD No. 8 to include the Reed Hill Heights Subdivision, to be known as the "Reed Hill Heights Subdivision Extension";
2. Adopt the necessary resolutions for approval of an extension to ECSD No. 8 pursuant to Article 5A of County Law;
3. Adopt the necessary resolutions calling for a Public Hearing;
4. Adopt the necessary resolutions calling for an extension of Erie County Sewer No. 8 pursuant to Section 274, Article 5A of County Law, subject to a Permissive Referendum;
5. Approve an extension of ECSD No. 8 to be known as the "Reed Hill Heights Subdivision Extension."

Prepared By:



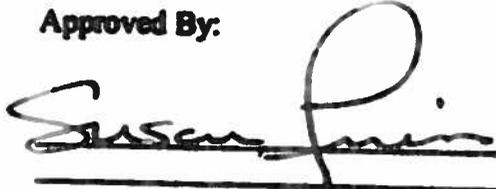
Matt Salah, P.E.
Sr. Coordinator - Sewer Construction Projects
Erie County Department of Environment & Planning

Recommended By:



Joseph L. Fieg, P.E.
Deputy Commissioner
Erie County Department of Environment and Planning

Approved By:



_____, CHAIR
Board of Managers,
Erie County Sewer District No. 8
Dated: 10/9/12

JLF:mas
6/21/2012
8.7.1.1

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EXHIBIT A

Map of ECSD No. 8 and Proposed Extension

EXHIBIT B

Legal Description of Proposed Extension

**ERIE COUNTY SEWER DISTRICT NO. 8
REED HILL HEIGHTS DISTRICT EXTENSION
TOWN OF AUBORA**

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Aurora, County of Erie and State of New York, being parts of Lot Nos. 38 and 39, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at a point in the center line of Orchard Park-East Aurora, S.H. No. 1066 (also known as Quaker Road and formerly known as Hamburg Road), said point being the northeast corner of lands deeded to Mary E. Hurd by deed recorded in Erie County Clerk's Office in Liber 1153 of Deeds at page 387; thence South $22^{\circ}07'00''$ East along the easterly line of Liber 1153 of Deeds at page 387 a distance of 33 feet to the POINT OF BEGINNING, said point being on the southeasterly line of said Quaker Road; Thence continuing South $22^{\circ}07'00''$ East along said Hurd lands a distance of 2065.14 feet to the southeast corner thereof; thence South $87^{\circ}07'00''$ East 73.26 feet to the east line of Lot No. 38; thence South $00^{\circ}49'26''$ West along said east line 227 feet more or less to the center line of the East Branch of Cassovia Creek; thence westerly along said center line 1,655 feet more or less to the southeast corner of lands described in an Option Agreement between Jowett Holmwood LLC and Michael L. Ohlweiler and Teresa A. Ohlweiler and recorded in the Erie County Clerk's Office in Liber 11170 of Deeds at page 8980; thence North $01^{\circ}11'06''$ West along the easterly line of lands described in said Option Agreement 328 feet more or less to the northeast corner thereof and being a point in the southerly line of lands deeded to Michael L. and Teresa A. Ohlweiler by deed recorded in the Erie County Clerk's Office in Liber 11170 of Deeds at page 8988; thence South $70^{\circ}29'03''$ East along said southerly line 77.99 feet to the southeast corner thereof; thence North $19^{\circ}30'38''$ East along the easterly line of lands deeded to Ohlweiler by last mentioned deed 117.27 feet to the northeast corner thereof and being a point in the southeasterly line of lands deeded to Gregory T. Phillips and Janet G. Phillips by deed recorded in the Erie County Clerk's Office in Liber 11146 of Deeds at page 1690 (Parcel II); thence North $64^{\circ}25'05''$ East along said southeasterly line and along the southeasterly line of lands deeded to Gregory T. Phillips and Janet G. Phillips by deed recorded in the Erie County Clerk's Office in Liber 11146 of Deeds at page 1690 (Parcel I) a distance of 234.31 feet to the southeast corner of said Parcel I; thence North $06^{\circ}44'30''$ West along the easterly line of said Parcel I a distance of 289.91 feet; thence North $83^{\circ}15'30''$ East 240.00 feet; thence North $06^{\circ}44'30''$ West 195.90 feet to a point in the southerly line of lands deeded to Steven P. Munro by deed recorded in the Erie County Clerk's Office in Liber 10964 of Deeds at page 9333; thence North $74^{\circ}15'30''$ East along said southerly line and along the easterly extension thereof 187.51 feet to the southwesterly line of a public right of way to be known as Reed Hill Drive; thence North $51^{\circ}12'49''$ West along said southwesterly line 127.33 feet to an angle point therein; thence North $22^{\circ}10'26''$ West and continuing along said southwesterly line 484.80 feet to an angle point therein; thence North $29^{\circ}45'16''$ West and continuing along said southwesterly line 72.32 feet to its intersection with the southeasterly line of Jowett Holmwood Road; thence North $67^{\circ}43'30''$ East along said southeasterly line 106.15 feet to an angle point therein; thence North $38^{\circ}37'10''$ East and continuing along said southeasterly line 176.88 feet to a Point; thence North $68^{\circ}05'00''$ East along said southeasterly line a distance of 151.54 feet to the POINT OF BEGINNING.

EXHIBIT C

Resolutions

**Town of Aurora
ECSD No. 8 Board of Managers**

**RESOLUTION TO PETITION THE
ERIC COUNTY LEGISLATURE AND BOARD OF MANAGERS**

Councilwoman Frisco offered the following resolution and moved for its adoption:

WHEREAS, the Town of Aurora has recently approved a permit to construct public improvements associated with a development known as Reed Hill Heights subdivision, and

WHEREAS, the Town of Aurora has previously transferred its sanitary sewer assets to Erie County/Erie County Sewer District No. 8 to own, operate, and maintain, and

WHEREAS, the Town of Aurora no longer provides sanitary sewer services, and

WHEREAS, the Reed Hill Heights subdivision is outside of the boundaries of Erie County Sewer District No. 8, and

WHEREAS, the Reed Hill Heights subdivision has an out-of-district customer agreement with Erie County Sewer District No. 8 to provide wastewater treatment services as well as sanitary sewer asset operation and maintenance, and

WHEREAS, the Town Board wishes to have a municipal entity provide an ownership stake in the proposed sanitary sewer assets for the Reed Hill Heights subdivision.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby approve petitioning the Erie County Legislature and Board of Managers of Erie County Sewer District No. 8 to extend the boundaries of Erie County Sewer District No. 8 to include the Reed Hill Heights Subdivision, and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to file such petition with the Erie County Legislature and the Board of Managers of Erie County Sewer District No. 8, and be it further

RESOLVED, the Town Clerk is directed to send certified copies of this Resolution to the Clerk of the Erie County Legislature and the Secretary of the Erie County Sewer District No. 8 Board of Managers.

Seconded by Councilman Collins and adopted with voting as follows:

AYE: four (Jeff, Harris, Collins, Frisco)

NAY: none

ABSTAIN: one (Bach)

ABSENT: none

**RESOLUTION
BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 8 (ECSD No. 8)**

WHEREAS, the Erie County Sewer District No. 8 and the Erie County Department of Environment and Planning have prepared a Sewer Agency Report for consideration by the Erie County Sewer District No. 8 Board of Managers calling for the Extension of Erie County Sewer District No. 8 to include the Reed Hill Heights Subdivision; and

WHEREAS, the aforementioned Sewer Agency Report is based on a petition by the Town of Aurora requesting the County of Erie consider extending the boundaries of ECSD No. 8 to include the Reed Hill Heights Subdivision; and

WHEREAS, the aforementioned Sewer Agency Report described the areas to be included in the proposed extension to be known as the "Reed Hill Heights Subdivision Extension"; and

WHEREAS, the Department of Environment and Planning has provided information relative to the project's costs and the project's impact on the sewer charge structure to the properties in the proposed "Reed Hill Heights Subdivision Extension".

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sewer District No. 8 Board of Managers does hereby accept and adopt this subject Sewer Agency Report and further, recommends that this Sewer Agency Report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A, County Law; and be it further

RESOLVED, that the Erie County Sewer Agency be directed to pursue with the Erie County Legislature, an extension of Erie County Sewer District No. 8 to be known as the "Reed Hill Heights Subdivision Extension" pursuant to Section 274, Article 5A of County Law.

Respectfully submitted,



**Edward A. Paolini, P.E.
SECRETARY, BOARD OF MANAGERS
Erie County Sewer District No. 8**

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

JLF:mas
6/21/2012
8.11.0.SAR

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