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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

May 7, 2013

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

RE: Erie County Sewer District No. 4 – Town of Lancaster Intermunicipal Agreement Amendment and Close Out

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close of an Intermunicipal Agreement with the Town of Lancaster.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JC:ms
Enclosure

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. 4 – Town of Lancaster Intermunicipal Agreement Amendment and Close Out
Date:	April 8, 2013

SUMMARY

Authorization is requested for the County to amend and close out the intermunicipal agreement between Erie County/Erie County Sewer District No. 4 and the Town of Lancaster to jointly construct sanitary sewer improvements at a cost of $629,757.98 in the vicinity of Glendale and Parkdale Roads. This amendment decreases the original approved cost by $27,242.02 from $657,000.00 to $629,757.98.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. The funds for this Agreement and amendment are allocated from Erie County Sewer District No. 4 Bond Account No. C.00063.

REASONS FOR RECOMMENDATION

The intermunicipal agreement construction work has been successfully completed and the County of Erie/Erie County Sewer District No. 4 share for constructing the gravity sanitary sewers has been reduced by $27,242.02.

BACKGROUND INFORMATION

Your honorable body under Communication 18E-8 (2009) approved an intermunicipal agreement between Erie County/Erie County Sewer District No. 4 and the Town of Lancaster to coordinate and facilitate the sanitary sewer rehabilitation and road construction in the vicinity of Glendale and Parkdale Roads. The work has been successfully completed and the County's share for this project has been reduced by $27,242.02 for a final cost of $629,757.98. The intermunicipal agreement has to be amended to provide for the decrease in the project cost and then the project can be closed out.

CONSEQUENCES OF NEGATIVE ACTION

The close out of the intermunicipal agreement will be delayed and the project left open.

STEPS FOLLOWING APPROVAL

The County of Erie will amend the intermunicpal agreement to decrease approved Erie County Sewer District No. 4 share by $27,242.02, resulting in a final cost of $629,757.98 at close out.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed _____ Date 4/14/17
Title Greg Gach
Deputy Comptroller

JLF Maria R. Whyte
Maria Whyte
Commissioner 4/8/13

JAC:ms
Encl.

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A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 4 – Town of Lancaster
Intermunicipal Agreement Amendment & Close Out

WHEREAS, the County of Erie/Erie County Sewer District No. 4 initiated the rehabilitation of the existing sanitary sewers on Parkdale and Glendale Roads and Broadway located in the Town of Lancaster; and

WHEREAS, the Town of Lancaster requested that Erie County include its gravity sewer rehabilitation project within the Town's road rehabilitation of Glendale and Parkdale Roads; and

WHEREAS, per Legislative Communication 18E-8 (2009) Erie County/Erie County Sewer District No. 4 and the Town of Lancaster entered into an intermunicipal agreement to coordinate and facilitate the sanitary sewer rehabilitation project and the road rehabilitation project in order to achieve cost containment and efficiency and to minimize inconvenience to the public at a cost for Erie County Sewer District No. 4 not to exceed $657,000; and

WHEREAS, the intermunicipal agreement with the Town of Lancaster states any increase or decrease to the projects total cost allocation may be amended only by a written instrument approved by the Town Board, Erie County Legislature and the Erie County Sewer District No. 4 Board of Managers; and

WHEREAS, final cost allocation for the gravity sewer portion of the agreement is $629,757.98, a reduction of $27,242.02; and

WHEREAS, the Department of Environment and Planning recommends closing out the intermunicipal agreement with the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approve an amendment of the intermunicipal agreement between the County of Erie/Erie County Sewer District No. 4 and the Town of Lancaster for rehabilitation of sanitary sewers and the roadway on Glendale and Parkdale Roads to decrease the cost share for Erie County Sewer District No. 4; and be it further

RESOLVED, that the agreement be closed out at a total cost for Erie County Sewer District No. 4 of $629,757.98; and be it further

RESOLVED, that the Comptroller is authorized and directed to return the unused funds to Sewer Capital, Erie County Sewer District No. 4, Account C.00063; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning