April 30, 2018

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

RE: Erie County Sewer District No. 5
Increase & Improvement of Facilities (2018)
Public Hearing

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to an Increase & Improvement of Facilities for Erie County Sewer District No. 5.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JM:cs

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. 5
Increase & Improvement of Facilities (2018)
Public Hearing

Date: April 30, 2018

SUMMARY
The Erie County Legislature is requested to approve the attached resolution calling for a Public Hearing regarding the proposed Increase and Improvement of Facilities in Erie County Sewer District No. 5. In addition to the Resolution and included within, is a Notice of Public Hearing that our Department will publish in the Official County papers prior to the Public Hearing.

FISCAL IMPLICATIONS
There are no fiscal implications with the recommended action of holding a Public Hearing.

REASONS FOR RECOMMENDATION
The attached is being submitted to the Legislature so that the Department can hold a Public Hearing on the proposed Increase and Improvement of Facilities. It is a requirement of New York State County Law, Article 5A to have a public hearing prior to approving the project.

BACKGROUND INFORMATION
The Erie County Division of Sewerage Management’s Capital Improvement Planning process has identified infrastructure in Erie County Sewer District No. 5 that needs to be upgraded. Furthermore, there may be the need for the District to advance a capacity study in the next few years to identify potential future projects. Finally, all existing bond authorizations within this Sewer District have expired and there is a need to have authorizations available to meet any problems that could arise.

CONSEQUENCES OF A NEGATIVE ACTION
The Sewer District would not be able to make the necessary improvements in Erie County Sewer District No. 5.

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 June 12, 2018 at 6:00 p.m. local time.
EXTRACT OF MINUTES
Meeting of the County Legislature of
the County of Erie, New York.
May __, 2018

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 May __, 2018, at 2 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 May __, 2018.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _________________, 2018.

(Adopted) _________________, 2018.

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. 5 of the County of Erie, New York, has heretofore been established, and

WHEREAS, such County Legislature 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 increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been approved by the Board of Managers of said District on April 9, 2018 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 5 in said County, consisting of improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service requirements, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the total maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 5 is $1,000,000 and will be apportioned
in accordance with applicable flat charges, hook-up charges and charges based on units, assessed 
value and footage specified in the District's Benefit and User Charge formulas, as such formulas 
currently exist and as amended from time to time; and 

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as 
amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not 
required prior to the expenditure of funds for said increase and improvement because the $10.87 
cost thereof to the Typical Property (as defined in the County Law) does not exceed the 
applicable threshold for Average Estimated Cost for County Districts on similar types of 
expenditures, which was computed by the State Comptroller to be $11.00 for calendar year 2018; 
and 

WHEREAS, it is now desired to call a public hearing to consider said increase and 
improvement in accordance with the provisions of Section 254 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 Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said 
County, on the 12th day of June, 2018, at 6:00 o'clock P.M., Prevailing Time, for the purpose of 
conducting a public hearing upon the aforesaid proposed increase and improvement of facilities 
of Erie County Sewer District No. 5 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 Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 12th day of June, 2018, at 6:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County.

The increase and improvement of such facilities consisting of improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service requirements; 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 Board of Managers of said District on April 9, 2018 (the “Report”).

The maximum estimated cost of such increase and improvement of facilities is $1,000,000, will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is $10.87 for the District. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in the Report.
Dated: Buffalo, New York,

____________________, 2018.

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

By ________________________
Clerk, County Legislature
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 “Challenger”, the official newspapers of said County, and in the “Clarence Bee”, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of 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, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

Dated: Buffalo, New York,
__________________, 2018.
STATE OF NEW YORK

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 ____________________, 2018, 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)

<table>
<thead>
<tr>
<th>of posted notice</th>
<th>Date of Posting</th>
</tr>
</thead>
</table>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ______ day of ____________, 2018.

_____________________________________________________
Clerk, Erie County Legislature

(SEAL)