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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

January 14, 2010

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

**RE: Erie County Sewer District No. 4
Alden Industrial Park Sewer District No. 1
Amendment to Service Agreement**

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 amendment of the Alden Industrial Park Service Agreement.

Should your honorable body require further information, I encourage you to contact the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely,

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Division of Sewerage Management
Re: Erie County Sewer District No. 4 (ECSD#4)
Alden Industrial Park
Sewer District No. 1 Amendment to Service Agreement
Date: January 14, 2010

SUMMARY

Approval of a sanitary sewer service agreement amendment between Erie County and the Town of Alden is requested.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. The Town of Alden will continue to pay Erie County annually for operation and maintenance of the Town District No. 1, also known as Alden Industrial Park.

REASONS FOR RECOMMENDATION

Currently, ECSD#4 provides operations and maintenance services to the existing Town Sewer District No. 1. However, an amendment to the existing agreement is required to credit the Town of Alden for providing partial transmission of wastewater from three existing parcels on Townline Road in ECSD#4 in the Town of Lancaster.

BACKGROUND INFORMATION

On July 20, 1987 an agreement between the County of Erie on behalf of the Erie County Sewer District No. 4 and the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1 was executed. The purpose of said agreement is for ECSD#4 to provide sanitary sewer service operation and maintenance of Alden Industrial Park. On August 9, 2002 two properties in the Town of Lancaster and outside the bounds of ECSD#4 connected to the Alden Industrial Park sewer system by means of an out of district customer agreement between the Town of Alden and the owner. These two properties are known as 1284 and 1286 Townline Road.

In 2004, ECSD#4 extended the County District boundaries, including these two properties. Now, house No. 1282 Townline Road, has a failing septic system and needs to connect to the same sewers. The Town of Alden does not object to this connection with the understanding that an amendment to the existing agreement will be performed to include credit for the Town for their portion of the service.

CONSEQUENCES OF NEGATIVE ACTION

Without amending the agreement the Town may not be assured of the proper annual credit in the form of a decrease in the annual bill provided to the Town for ECSD#4 services. Also, the existing home with a failing septic system could be a hazard to the human health and safety of the environment.

STEPS TO FOLLOW APPROVAL

Upon authorization, an amendment of the service agreement will be negotiated with the Town of Alden in a form acceptable to the County Attorney's office. The amendment will then be executed by the County Executive. The Town of Alden will be credited the proper annual amount for partial use of their sanitary sewer system. ECSD#4 will charge 1282, 1284, and 1286 Townline Road for full sewer service.

MS


JEFFREY HART
Deputy County Executive

MS MAS: bs
Cc: K. Konst, Commissioner of Environment and Planning
ECSD # 4 Board of Managers
M. Quinn / 0.11.0. LegLtr
J. Fiegl / M. Salah / 4.7.0. MUN

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 4 (ECSD#4)
Alden Industrial Park Sewer District No. 1
Amendment to Service Agreement

WHEREAS, the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1 has requested an annual credit from Erie County on behalf of ECSD#4 for the partial use of the Industrial Park sanitary sewer system by users in the Town of Lancaster; and

WHEREAS, the specific users of the Industrial Park sanitary sewer system in the Town of Lancaster are located within the 2004 extended bounds of ECSD#4; and

WHEREAS, said users are known as 1282 Townline Road Lancaster, NY, 1284 Townline Road Lancaster, NY, and 1286 Townline Road Lancaster, NY.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute a sanitary sewer system operations and maintenance service agreement amendment, subject to approval as to content by the Deputy Commissioner of Environment and Planning, Division of Sewerage Management and approved as to form by the County Attorney, between Erie County on behalf of ECSD#4 and the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, Eric Ziobro, Assistant County Attorney, and two (2) certified copies of the resolution to Michael J. Quinn, P.E., Deputy Commissioner of the Department of Environment and Planning.