



EOLEO FEB01'11 AM 9:49

# COUNTY OF ERIE

**CHRIS COLLINS**

COUNTY EXECUTIVE

January 31, 2011

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

**RE: Erie County Sewer District No. 3  
Village of Hamburg  
Proposed Inter-Municipal Agreement**

Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a proposed Inter-Municipal Agreement (IMA) between Erie County/Erie County Sewer District No. 3 and the Village of Hamburg for construction required to relocate the South Buffalo (Hillview) Pumping Station.

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

Sincerely,

CHRIS COLLINS  
Erie County Executive

## **MEMORANDUM**

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning  
Re: Erie County Sewer District No. 3  
Village of Hamburg  
Proposed Inter-Municipal Agreement  
Date: January 31, 2010

---

### **SUMMARY**

Authorization to execute an Inter-Municipal Agreement (IMA) between the Village of Hamburg and Erie County on behalf of Erie County Sewer District No. 3 (ECSD No. 3) is requested.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. The IMA will allow the Village to reimburse the County 100% of the cost for the construction. Based on the most recent planning level cost estimate, the construction cost is estimated to be approximately \$500,000. The final executed agreement will include the actual amount of the Construction bid.

### **REASON FOR THE RECOMMENDATION**

Execution of this agreement will allow the County to more effectively manage construction and control costs borne by District rate payers.

### **BACKGROUND INFORMATION**


Effective in 2007, Erie County/Erie County Sewer District No. 3 assumed ownership of the Village of Hamburg's sanitary sewer system including the South Buffalo pumping station. At the time of the transfer, the Village was, and remains, under an Order-on-Consent from the New York State Department of Environmental Conservation for elimination of Sanitary Sewer Overflows (SSOs) including one immediately upstream of this pumping station. A study conducted by the Village prior to transfer of ownership suggested that the most cost effective solution to address this SSO involves redirection of the tributary flow to another portion of the system and eliminate the existing pumping station. Since the entire sanitary sewer system in the area (including the pumping station) is owned by Erie County, the County has been involved with the project from its inception. Both the County and the Village are desirous of having the County administer the project on behalf of the Village with the Village reimbursing the County for construction costs. A similar agreement is in place between the Village and the County for the design phase of this project. Further, under the terms of the executed contract for transfer of ownership, the County and the Village mutually agreed that the County would act as the Village's agent throughout the Consent Order compliance process.

## **CONSEQUENCES OF A NEGATIVE ACTION**

The County may not have the opportunity to adequately manage the project under the terms of the ongoing Consent Order and constructed improvements may to conform to County Standards.


## **STEPS FOLLOWING APPROVAL**

The project will be bid and awarded by Erie County and the County will manage the construction of this project. In return, the Village will be invoiced for reimbursement.



---

JEFFREY HART  
Deputy County Executive



DM:ms

Encl.

Cc: Kathy Konst, Commissioner  
M. Quinn/0.11.0.Leg Ltr  
J. Carr/3.7.0.Mun

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 3  
Village of Hamburg  
Proposed Inter-Municipal Agreement

WHEREAS, the County of Erie/Erie County Sewer District No. 3, as stated in the Inter-Municipal Agreement (February 2005) owns and operates the Village of Hamburg's sanitary sewer collection system; and

WHEREAS, the village has entered into an Order on Consent (hereinafter also referred to as "ORDER") with the New York State Department of Environmental Conservation (hereinafter referred to as "NYSDEC") for the reduction of sanitary sewer overflows; and

WHEREAS, in response to the ORDER, the village has agreed to complete projects to restore and rehabilitate the sanitary sewer collection system formerly owned and operated by the village ; and

WHEREAS, one such project will eliminate the South Buffalo Pumping Station and its associated sanitary sewer overflow; and

WHEREAS, the Inter-municipal Agreement executed on February 17, 2005 between the Village and the County states the Village shall be the contracting entity for engineering and construction work related to the Village Collection System and the County shall serve as the Village's agent for implementation of said work; and

WHEREAS, a construction contractor must be retained for the South Buffalo Street Pump Station Replacement Project; and

WHEREAS, the Village and County agree that construction of the South Buffalo Street Pump Station Replacement Project would be more efficiently and effectively administered directly by the County rather than by the County acting as agent for the Village; and

WHEREAS, the Village and County are desirous that the County shall be the contracting entity for services related to construction of the South Buffalo Street Pump Station Replacement Project; and

WHEREAS, the Village will reimburse the County for the costs related to the construction of the South Buffalo Street Pumping Station Replacement Project.

NOW, THEREFORE, BE IT

RESOLVED, that the intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3 and the Village of Hamburg for reimbursement of construction costs related to the South Buffalo (Hillview) Pumping Station Relocation Project is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Inter-Municipal Agreement with the Village of Hamburg subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Eric Ziobro, Assistant County Attorney; and Thomas Moses, Mayor, Village of Hamburg.



# COUNTY OF ERIE

CHRIS COLLINS  
COUNTY EXECUTIVE

Kathy Konst  
Commissioner

## DEPARTMENT OF ENVIRONMENT & PLANNING

Michael J. Quinn, P.E.  
Deputy Commissioner

### Division of Sewerage Management

95 Franklin -- Buffalo, NY 14202  
716.858.8383 FAX 858.6257

*MQ*  
**TO:** Jeff Hart, Deputy County Executive  
**FROM:** Michael Quinn, Deputy Commissioner  
**DATE:** December 7, 2010  
**RE:** Proposed Agreement with Village of Hamburg  
South Buffalo (Hillview) Pumping Station Elimination

**APPROVAL BY:** *[Signature]*  
CHRIS COLLINS, County Executive (or designee)

**DATE:** 12-20-10

**SUMMARY :** Agreement for the Village to reimburse Erie County for costs associated with the construction of improvements necessary to eliminate the former Village of Hamburg South Buffalo (Hillview) pumping station. Effective in 2007, Erie County/Erie County Sewer District No. 3 assumed ownership of the Village sanitary sewer system including this pumping station. At the time of the transfer, the Village was (and remains) under an Order-on-Consent for the elimination of sanitary sewer overflows (SSOs) including one immediately upstream of the South Buffalo pumping station. A study conducted by the Village prior to transfer of ownership suggested that the most cost effective method of addressing this particular SSO would involve redirection of the tributary flow to another portion of the system and elimination of the pumping station. Since the entire sanitary sewer system in the area (including the pumping station) is owned by Erie County, the County has been involved with the project since its inception. Both the County and the village are desirous of having the County administer the project on behalf of the Village with the Village reimbursing the County for the cost of construction. A similar agreement is in place between the Village and the County for the design phase of the project. Further, under the terms executed contract for the transfer of ownership, the County and the Village mutually agreed that the County would act as the Village's agent throughout the Consent Order compliance process.

**FISCAL IMPLICATIONS :** None to the County. The IMA will allow the Village to reimburse the County 100% of the cost for the construction. Based on the most recent Study level cost estimate, the Construction cost is estimated to be approximately \$500,000. The final executed agreement will include the actual amount of the Construction bid.

**REASONS FOR RECOMMENDATION :** Execution of this agreement will allow the County to more effectively manage the construction and control costs borne by the District rate payers.

**BACKGROUND INFORMATION :** See Project Summary above.

**CONSEQUENCES OF NEGATIVE ACTION** : Since the project must be completed under the terms of the ongoing consent order, the County may not be provided the opportunity to adequately manage the project.

**STEPS FOLLOWING APPROVAL** : The project will be bid and awarded by Erie County and the County will manage the construction of this project. In return the Village will be invoiced for reimbursement.

MJQ

Cc: File 3.7.0.Municipal