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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

September 9, 2013

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Sewer Districts 1-6 and 8  
Section 270/271 Resolutions**

Dear Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to the Erie County Sewer District Nos. 1-6 and 8 Section 270/271 Resolutions.

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

Sincerely,

Mark Poloncarz, Esq.  
Erie County Executive

MC/ms  
Encs.

CC: J. Fiegl – Department of Environment and Planning

## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Environment & Planning  
Date: August 14, 2013  
RE: Erie County Sewer District Nos. 1-6 and 8  
Section 270/271 Resolutions

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### **SUMMARY**

The Erie County Legislature is asked to receive and file the attached resolutions from the Boards of Managers for the various Sewer Districts concerning the applicable levies.

### **FISCAL IMPLICATIONS**

None.

### **REASON FOR RECOMMENDATION**

The attached resolutions are being submitted for the Legislature's information. Actions required under Section 270 and 271 of County Law have already been complied with by the Boards of Managers who represent the administrative heads for the respective sewer districts.

### **BACKGROUND INFORMATION**

The Boards of Managers are required to levy a benefit assessment on the various parcels of land within the Erie County Sewer Districts in proportion to the benefit each receives. This has been accomplished through the Boards' approval of the attached Section 270 and 271 resolutions.

### **CONSEQUENCES OF NEGATIVE ACTION**

There are no consequences of a negative action.

### **STEPS FOLLOWING APPROVAL**

There are no additional steps necessary once this item has been received and filed.

JF:ms

Encl

C: 0.11.0 Leg Ltr

R. Ferber

Annual File V:\Sewerage Management\Administration\Documents\Group\Senkers\WPDOCS\LEG\SEC270-2(2013).docX

## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 1

WHEREAS, the Board of Managers for Erie County Sewer District No. 1 has prepared its budget for 2014 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 41, 8 % and 51 % of the total sanitary sewer tax levy of \$6,326,543 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY MR SALAH

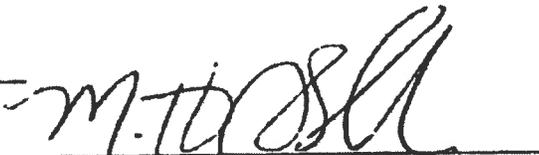
SECONDED BY MS MEEGAN

APPROVED/DISAPPROVED (Y.O)

Flat Charge: \$200.00

Footage Charge: \$0.60

Dated: 6/21/13



MATT A. SALAH, P.E.  
SECRETARY, ECSD NO. 1  
BOARD OF MANAGERS

MAS:bs  
06/13  
c: 1.4.1.Budget By Yr.

Budget\Budresol.rev

## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 2

WHEREAS, the Board of Managers for Erie County Sewer District No. 2 has prepared its budget for 2014 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 30%, 17% and 47% of the total sanitary sewer tax levy of \$ 12,422,105 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

Budget Resolution – ECSD No. 2

Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY Anna Knack

SECONDED BY G. Sayers

APPROVED/DISAPPROVED 3/0

Flat Charge: \$270.00

Footage Charge: \$1.00/foot



ANGELA HORTON, P.E.  
SECRETARY, ECSD NO. 2  
BOARD OF MANAGERS

AH:bs

06/13

c: 2.4.1.Budget By Yr.

## RESOLUTION

### ERIE COUNTY SEWER DISTRICT NO. 3

WHEREAS, the Board of Managers for Erie County Sewer District No. 3 has prepared its budget for 2014 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 35%, 10 % and 55% of the total sanitary sewer tax levy of \$ 13,704,049 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

Budget Resolution – ECSD No. 3  
Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY GLENN NELLIS

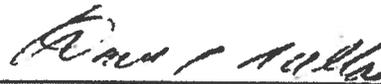
SECONDED BY JOHN WILSON

APPROVED/DISAPPROVED APPROVED 8-0

Flat Charge: 4215

Footage Charge: 0.55

Dated: 6/26/2013



DAVID C. MILLAR, P.E.  
SECRETARY, ECSD NO. 3  
BOARD OF MANAGERS

DM:bs  
06/13  
c: 3.4.1.Budget By Yr.

**RESOLUTION**

**ERIE COUNTY SEWER DISTRICT NO. 4**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 4 has prepared its budget for 2014 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and**

**WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further**

**RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further**

**RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further**

**RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further**

**RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further**

**RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further**

**RESOLVED, that approximately 21%, 8% and 61% of the total sanitary sewer tax levy of \$570,420 shall be raised from the assessed value, footage and flat charges, respectively; and be it further**

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY HARRIS

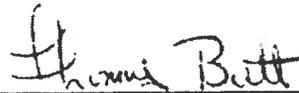
SECONDED BY AMBROSE

APPROVED/DISAPPROVED 5-0

Flat Charge: \$ 170

Footage Charge: \$,60

Dated: 6/27/13



THOMAS M. BATT, P.E.  
SECRETARY, ECSD NO. 4  
BOARD OF MANAGERS

TMB:bs  
06/13  
c: 4.4.1.Budget By Yr.

**RESOLUTION**

**ERIE COUNTY SEWER DISTRICT NO. 5**

WHEREAS, the Board of Managers for Erie County Sewer District No. 5 has prepared its budget for 2014 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further

RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that approximately 2.1, 0.4, and 0.8 percent of the total sanitary sewer tax levy of \$1,500,000 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY J. C. CANNON

SECONDED BY T. LAYTON

APPROVED/DISAPPROVED 5 0

Flat Charge: \$1000

Footage Charge: 11.00

Dated: 5/24/13

Kevin Zynda  
KEVIN ZYNDA, P.E.  
SECRETARY, ECSD NO. 5  
BOARD OF MANAGERS

KZ:bs  
06/13  
c: 5.4.1.Budget By Yr.

**RESOLUTION**

**ERIE COUNTY SEWER DISTRICT NO. 6**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has prepared its budget for 2014 determined the amount which must be assessed on the lots and parcels of land within the District; and**

**WHEREAS, as permitted by Section 266 of County Law, the District has chosen to raise a portion of the cost for operation and maintenance of the sanitary sewerage system on user charges; and**

**WHEREAS, pursuant to Sections 270 and 271, Article 5A of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel; and**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the cost of sanitary sewer operation and maintenance and debt service, pursuant to Section 271, be assessed on a parcel charge and an assessed value charge to all parcels in the District; and be it further**

**RESOLVED, that for the drainage or storm sewer system and pursuant to Section 270 of County Law, an assessed value charge be spread to all lots or parcels within the District; and be it further**

**RESOLVED, that a single parcel be used as a unit of assessment to determine parcel charges; and be it further**

**RESOLVED, that one parcel charge be assessed for each residential tax account; for each non-residential tax account, one parcel charge be assessed for each tax account less than one acre; and each non-residential account one acre or more in size be assessed five parcel charges per acre; and be it further**

**RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further**

Budget Resolution - ECSD No. 6  
Page Two

RESOLVED, that the 271 Resolution approximately 11 % and 89 % of the sanitary sewer tax levy shall be raised from the assessed value and parcel charges, respectively; and be it further

RESOLVED, that 100% of the drainage tax levy shall be raised from assessed value; and be it further

RESOLVED, that sewer charges be assessed to the out-of-district customers on the same basis as properties in the Sewer District; and be it further

RESOLVED, that certain costs of the sewage treatment plant operation and maintenance be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266.

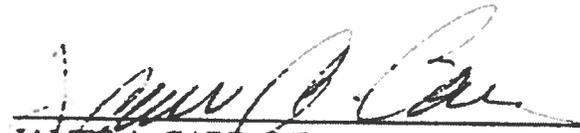
RESOLVED, that this resolution along with the proposed budget, proposed assessment roll and proposed rate be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a public hearing as required by Sections 270 and 271 of County Law.

MOVED BY J. Carr

SECONDED BY J. Balcarczyk

~~APPROVED/DISAPPROVED~~ 2-0

Parcel Charge 6/25/13

  
JAMES A. CARR, P.E.  
SECRETARY, ECSD No. 6  
BOARD OF MANAGERS

JAC:bs  
06/13  
c: 6.4.1.Budget By Yr.

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 8**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 8 has prepared its budget for 2014 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and**

**WHEREAS, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for operation and maintenance of the sanitary sewerage system on user charges; and**

**WHEREAS, pursuant to Section 271 of the County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that flat charge and water usage charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further**

**RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line not constructed but maintained by the County Sewer District; and be it further**

**RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further**

**RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further**

**RESOLVED, that footage and/or a flat charge shall be levied prior to the actual date sewer service is available; and be it further**

RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

RESOLVED, that certain costs of the sewage treatment plant operation and maintenance be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266; and be it further

RESOLVED, that approximately 67%, 25% and 8% of the total sanitary sewer tax levy of \$1,295,948.00 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

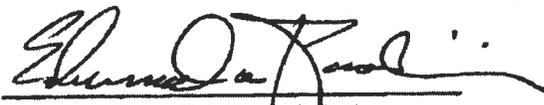
Moved By: Mark Hoan

Seconded By: B Smith

Flat Charge: 30.00

Footage Charge: \$1.50

Dated: 6/25/13

  
EDWARD A. PAOLINI, P.E.  
SECRETARY – ECSD NO. 8  
BOARD OF MANAGERS

EAP:bs  
06/13  
c: 8.4.1. Budget By Yr.