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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 8, 2013

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

**RE: Erie County Sewer District No. 8
Sewer District Extension (2013)**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a Sewer District Extension in Erie County Sewer District No. 8.

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

Sincerely,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sm
Enclosure

cc: Marie R. Whyte

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8
Sewer District Extension (2013)
Date: September 25, 2013

SUMMARY

The Erie County Legislature is requested to approve the attached Resolution approving the proposed Reed Hill Heights Sewer District Extension to Erie County Sewer District No. 8.

FISCAL IMPLICATIONS

None. There are no new cost increases to the Sewer District due to the new extension of Erie County Sewer District No. 8.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 274, Extension of the District, any changes to the original adopted Sewer District requires a public hearing on the proposed changes. The Erie County Legislature approved a resolution on July 18, 2013, calling a Public Hearing. The Public Hearing was held on August 7, 2013, with no objections to the Extension of the Sewer District. The next step is to approve the attached Resolution approving the extension.

BACKGROUND INFORMATION

The proposed Reed Hill Heights Subdivision consists of 33 single family home lots. The Town of Aurora Town Board approved the final plat of the proposed subdivision on October 11, 2011. The NYSDEC has requested, if feasible, that an extension of the County Sewer District be completed.

Initial costs of the infrastructure for this subdivision will be borne solely by the private developer. Also, the design of this subdivision will allow for future elimination of the existing Commerce Green Pumping Station in Erie County Sewer District No. 8.

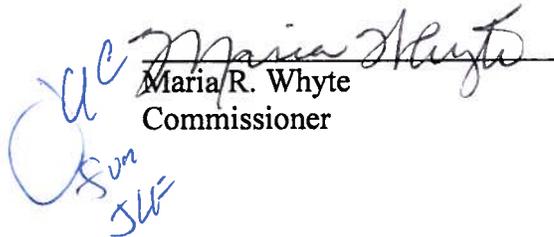
The Erie County Sewer District No. 8 Board of Managers approved the project on October 9, 2012. There will be no rate increases to the existing ratepayers in Erie County Sewer District No. 8 due to this extension. The new ratepayers will pay the same rate as the existing ratepayers.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to extend the Sewer District to include the Reed Hill Heights Subdivision.

STEPS FOLLOWING APPROVAL

Erie County Division of Sewerage Management will add the extension to be known as the Reed Hill Heights Subdivision to Erie County Sewer District No 8.


Maria R. Whyte
Commissioner

MRW/sm
Enclosures

cc: Kristen Walder, Asst. County Attorney
R. Graber, Clerk of the Legislature
0.11.0 Leg. Ltr.
M. Salah/D. Miller/J. Mallory 8.5.0 Reed Hill Extension (2013)

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

October __, 2013

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 October __, 2013, at 2:00 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. __-2013

RESOLUTION DATED OCTOBER __, 2013

RESOLUTION APPROVING THE EXTENSION OF
ERIE COUNTY SEWER DISTRICT NO. 8.

(Introduced) October __, 2013

(Adopted) October __, 2013

Recitals

WHEREAS, on October 9, 2012, based upon a petition from the Town of Aurora and discussions with the New York State Department of Environmental Conservation, the Erie County Sewer Agency did cause a report entitled *Erie County Sewer Agency Report for Erie County Sewer District No. 8 – Sewer District Extension – Reed Hill Heights Subdivision – Town of Aurora* (the “Report”) to be prepared which Report recommends an extension to the Erie County Sewer District No. 8 (the “Reed Hill Extension”) and declares that the Report serve as the “maps and plans” required by § 253 of the County Law of the State of New York; and

WHEREAS, on October 9, 2012, the Board of Managers of Erie County Sewer District No. 8 (the “District”) did accept and adopt the Report and did recommend that the Report be submitted to the County Legislature of the County of Erie, New York for consideration and action; and

WHEREAS, the Reed Hill Extension would provide a sanitary sewer system to a subdivision of approximately thirty-three (33) single family home lots (the “Reed Hill Heights Subdivision”) and will consist of approximately 2,725 lineal feet of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station and 1,820 lineal feet of 6-inch diameter force main (collectively, the “Improvements”); and

WHEREAS, the developer of the Reed Hill Heights Subdivision (the “Developer”), will

bear the initial construction costs of the Improvements; and

WHEREAS, users within the Reed Hill Extension will be charged hook-up fees; and

WHEREAS, the estimated annual cost to the typical property/typical one- or two-family home would not change as a result of the Reed Hill Extension; and

WHEREAS, the annual charges to the ratepayers of the Reed Hill Extension would be at the same rate structure as any current ratepayer; and

WHEREAS, said County Legislature duly adopted Resolution No. 192-2013 on the 18th day of July, 2013, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said Reed Hill Extension and the Improvements specified above in accordance with the provisions of § 254 of the County Law of the State of New York; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 7th day of August, 2013, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW THEREFOR, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Legislature hereby determines, based on the information provided in the Report and the evidence given at such public hearing:

(A) that all of the property and the property owners within the Reed Hill Extension will be benefited thereby;

(B) that all of the property and property owners benefitted are included within the limits of the Reed Hill Extension; and

(C) that it is in the public interest to approve the Reed Hill Extension.

Section 2. The Legislature hereby approves the Reed Hill Extension and the construction of the Improvements.

Section 3. This Resolution is adopted subject to a permissive referendum pursuant to § 256 of the County Law of the State of New York. The Clerk of the Legislature is hereby authorized and directed within ten (10) days after the adoption of said Resolution, to cause to be published a notice which sets forth the date of the Resolution's adoption and the number thereof and contains a copy of the Resolution.

Section 4. This Resolution shall take effect upon the earlier of (a) the expiration of the time for filing a petition requesting that the approval of the Reed Hill Extension be submitted to referendum and there being no petition filed, and (b) a positive vote upon the referendum authorizing the Reed Hill Extension.

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 DECLARED ADOPTED.

* * *

Dated: October __, 2013
Buffalo, New York

The foregoing Resolution is hereby approved

Robert M. Graber
Clerk of the Erie County Legislature

Legislator _____ offered the following resolution and moved its adoption:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing resolution, in full, in the Challenger Newspaper and the Amherst Bee Newspaper the official newspapers of the County and the East Aurora Bee for such publication, together with a notice of permissive referendum in substantially the form attached hereto.

Section 2. This resolution shall take effect immediately.

* * *

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on October __, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of October, 2013.

Robert M. Graber
Clerk of the Erie County Legislature

**(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH COPY OF
RESOLUTION AFTER ADOPTION)**

NOTICE

**NOTICE OF ADOPTION OF RESOLUTION NO. __-2013
SUBJECT TO A PERMISSIVE REFERENDUM**

At a meeting held on ____ day of October, 2013, the County Legislature of the County of Erie, New York duly adopted a resolution, a copy of which follows, which resolution is subject to a permissive referendum pursuant to § 256 of the County Law of the State of New York. If after forty-five (45) days of the resolution's adoption by the County Legislature, no petition objecting to the resolution and requesting a permissive referendum with respect to the Reed Hill Extension is filed with the Clerk of the Erie County Legislature, the resolution will be declared duly adopted.

ROBERT M. GRABER
Clerk of the County Legislature