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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 19, 2013

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

**RE: Erie County Sewer District No. 1
Proposed Modification of Plans**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the proposed Modification of Plans in Erie County Sewer District No. 1.

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/vb
Enclosure

cc: Joe 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. 1
Modification of Plans (2013)
Date: November 6, 2013

SUMMARY

The Erie County Legislature is requested to approve the attached Resolution calling for a Public Hearing regarding the proposed Modification of Plans in Erie County Sewer District No. 1. In addition to the Resolution, and included within, is a Notice of Public Hearing that our Department will publish in the official County newspapers prior to the Public Hearing.

FISCAL IMPLICATIONS

None. There are no new cost increases to the bond authorization that was originally approved in 2004.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 253-b, Modification of Plans, any changes to the original adopted Sewer Agency Report of 2004, requires a public hearing on the proposed changes. In October 2013, this action was approved by the Erie County Sewer District No. 1 Board of Managers.

BACKGROUND INFORMATION

In 2004, an Increase & Improvement of Facilities for \$4,000,000 was approved to rehabilitate the Sanitary Sewers in Erie County Sewer District No. 1. Since the approval of the original Sewer Agency Report, many of the projects were delayed, changed or fell below the original engineers' estimates thus causing a surplus of \$3,432,596. It is proposed to modify the 2004 project and utilize the remaining funds for capital repairs to the existing pumping stations, sanitary sewers and treatment facilities. These remaining funds would also be available for any engineering, easements, financing costs and maintenance that would be required within the existing infrastructure of the Sewer District.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to utilize the remaining bond authorization to make necessary improvements within the District.

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 December 18, 2013 at 1:30 p.m. local time.

MRW/vb
Enclosures

cc: R. Graber, Clerk of the Legislature
J. Fiegl/0.11.0 Leg. Ltr.
J. Carr/M. Salah/J. Mallory/1.5.0 Mod. of Plans (2013)

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EXTRACT OF MINUTES

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

_____, 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 _____, 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 _____, 2013

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING A PUBLIC HEARING ON THE MODIFICATION OF PLANS FOR ERIE COUNTY SEWER DISTRICT NO.1.

(Introduced) , 2013

(Adopted) , 2013

WHEREAS, in 2004 the County Legislature adopted a plan of service or improvement the Erie County Sewer Agency (the "2004 Plan") for Sewer District No.1 (the "District") that recommended the expenditure of \$4,000,000 to rehabilitate sanitary sewers and infiltration and inflow projects within the District (collectively, the "2004 Project"); and

WHEREAS, many of the components of the 2004 Project have been completed; and

WHEREAS, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 1 For A Modifications of Plans (2013)* (the "Report") to be prepared, which Report recommends the modification of the 2004 Plan and the approval of certain additional improvements within the District, including but not limited to improvements of sanitary sewer lines, pumping stations and/or treatment facilities and related necessary appurtenances (the "Modification of Plans"); and

WHEREAS, on October 4, 2013, the Board of Managers of Erie County Sewer District No. 1 accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report serves as the written report required by § 253-b of Article 5A of the County Law of the State of New York; and

WHEREAS, the Modification of Plans will not result in an increase in the cost of the 2004 Project; and

WHEREAS, an application to the New York State Audit and Control for approval is not required as the Modification Plans constitutes a modification to plans pursuant to Article 5A, § 253-b of the County Law of the State of New York; and

WHEREAS, prior to the publication of the notice of public hearing, the Report will be filed in the Office of the County Clerk of Erie County;

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

Section 1. The County Legislature of County of Erie, New York shall meet at the *[Erie County Hall, 92 Franklin Street, 4th Floor in Buffalo, New York, on the 18th day of December, 2013 at 1:30 o'clock p.m.]*, for the purpose of conducting a Public Hearing on the proposed Modification of Plans specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the *Challenger Newspaper and the Amherst Bee*, the official newspapers of the County and the West Seneca Bee for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

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.

* * *