



ECLEG AUG29'14 4:10:51

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 28, 2014

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

**RE: Erie County Sewer District No. 5
Clarence Town Sewer District Nos. 2, 4, 6, 7, 9 & 10
Amendment to Service Agreement – March 29, 2012**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, pertaining to the amendment of the Agreement between the County of Erie and Town of Clarence.

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,

A handwritten signature in black ink, appearing to read "Mark Poloncarz".

Mark Poloncarz, Esq.
Erie County Executive

MCP: vb
Encl.

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 5 (ECSD 5)
Clarence Town Sewer District Nos. 2, 4, 6, 7, 9 & 10
Amendment to Service Agreement – March 29, 2012
Date: July 28, 2014

SUMMARY

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

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. This Agreement will allow Erie County Sewer District No. 5 will continue to operate and maintain the facilities of the Town Sewer District No. 10.

REASONS FOR RECOMMENDATION

The March 29, 2012 Agreement between the County and Town allows for the County to operate and maintain the sanitary sewer facilities of the Town. An amendment to the existing March 29, 2012 agreement is required as the Town has recently created Town Sewer District No. 10.

BACKGROUND INFORMATION

On March 29, 2012 an agreement between the County on behalf of Erie County Sewer District No. 5 and the Town on behalf of Clarence Town Sewer District Nos. 2, 4, 6, 7, & 9 was executed. The purpose of said agreement was for the County to provide operation and maintenance services for the wastewater facilities of the Town.

Recently Town Sewer District No. 10 was created. As such the existing Agreement will have to be revised to reflect services to be provided to Town District No. 10.

CONSEQUENCES OF NEGATIVE ACTION

Without amending the agreement, the County would not be able to operate and maintain the Town Sewer District No. 10 and will not receive the additional revenue.

STEPS TO FOLLOW APPROVAL

Upon authorization, an amendment of the service agreement will be finalized with the Town of Clarence in a form acceptable to the County Attorney's office. The amendment will then be executed by the County Executive.

A RESOLUTION SUBMITTED BY
Department of Environment and Planning

RE: Erie County Sewer District No. 5
Clarence Town Districts 2, 4, 6, 7, 9, & 10
Amendment to Service Agreement – March 29, 2012

WHEREAS, the Town of Clarence has created Town Sewer District No. 10; and

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 5 has requested modifications to the existing March 29, 2012 service agreement due to said Town Sewer District creation; and

WHEREAS, the billing formula of the original agreement be adjusted to account for Town Sewer District No. 10.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amendment to the March 29, 2012 service agreement for Erie County Sewer District No. 5, subject to approval as to content by the Commissioner of Environment and Planning and approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the County Comptroller, the Town of Clarence Supervisor, Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.