

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

September 25, 2014

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

**RE: Erie County Sewer District No. 4  
Purchase of Property  
36 Michael Anthony Lane, Lancaster, NY**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to the purchase of 36 Michael Anthony Lane in the Town of Lancaster, NY.

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 yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:EP:cs  
Enclosure  
CC: J. Fiegl – Environment and Planning

# SUSPENSION

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 4  
Purchase of Property  
36 Michael Anthony Lane, Lancaster, NY  
**Date:** September 25, 2014

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### **SUMMARY**

Approval of the purchase of the property at 36 Michael Anthony Lane, Lancaster, NY for \$208,600.00 and associated closing costs to facilitate the construction of the Aurora North Pumping Station Elimination Sanitary Sewer Project is requested.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The funds for this contract will be allocated from Erie County Sewer District No. 4 Capital Account C.00072.

### **REASON FOR RECOMMENDATION**

Completion of the Aurora North Pumping Station Elimination Sanitary Sewer Project is necessary to provide a solution to address an aging pumping station and increase the operation, reliability and efficiency of the sanitary sewer system. The purchase of the property will ultimately lower the overall cost of the project by providing a better and safer method of construction and decreasing the use of more expensive installation techniques. Public safety will improve with the better method of construction by not having a large excavation directly in the front of 36 Michael Anthony Lane that would disrupt the front yard of the property, as well as traffic due to lane restrictions.

### **BACKGROUND**

The Aurora North Pumping Station is in need of upgrading due to age, condition, reliability, and capacity. An Engineer's Report was developed that outlined various alternatives and determined that eliminating the pumping station with a new gravity sanitary sewer was the most cost effective solution. Furthermore, the pumping station elimination would redirect flows away from the Village of Lancaster and the County's Depew Pumping Station. Plans and specifications were prepared and bids were received on the construction contract in 2012. The low bidder could not obtain a Performance Bond and was deemed non-responsive. The other bids were rejected as they were above the engineer's estimate.

URS Corporation (URS) was retained to provide a value engineering review for the project. URS estimated that up to \$250,000 could be saved on the section of sanitary sewer that went through Michael Anthony Lane if the open cut portion of the sanitary sewer installation was eliminated and replaced by extending the bore through this section. This would require an easement or purchase of the property at 36 Michael Anthony Lane.

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An independent appraisal was done to determine the potential cost of obtaining an easement or purchasing 36 Michael Anthony Lane. Negotiations with the property owner ensued and a purchase price of \$208,600 was agreed to. The purchase price was within the range of values presented in the appraisal.

Upon completion of the sanitary sewer, the property will be resold. It is expected that with the construction savings and reselling the property, there will be an overall reduction in the project cost and savings to the ratepayer of the Sewer District.

## **CONSEQUENCES OF NEGATIVE ACTION**

The construction of the sanitary sewer as previously designed would require a large excavation to remain open for an extended length of time causing potential damages, limitations to access, and restrictions to the road. Only one lane would be open to traffic causing concerns to drivers, emergency vehicles and school buses. The ratepayers of the Sewer District would not benefit from the potential construction cost savings.

## **STEPS FOLLOWING APPROVAL**

A contract to buy the property at 36 Michael Anthony Lane will be executed between the County and the property owner. Construction plans will be finalized and the project will be bid. Upon the completion of the sanitary sewer project, 36 Michael Anthony Lane will be put on the market and sold.

## **COMPTROLLER'S OFFICE REVIEW**

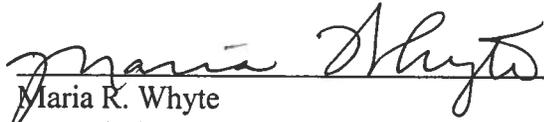
The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed   
Title Greg Gach  
Deputy Comptroller

Date 9/24/14

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JWF



Maria R. Whyte  
Commissioner

TB:bp  
Encl.

cc: J. Fiegl / 0.11.0 Leg Ltr (w/encl)  
J. Carr / T. Batt / 4.3.3.40 (w/encl)  
S. Tirone (w/encl)

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# SUSPENSION

## A RESOLUTION SUBMITTED BY: DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 4  
Purchase of Property  
36 Michael Anthony Lane, Lancaster, NY

WHEREAS, Erie County Sewer District No. 4 is proposing the construction of the Aurora North Pumping Station Elimination Sanitary Sewer Project; and

WHEREAS, it is beneficial to purchase the property at 36 Michael Anthony Lane in the Town of Lancaster to facilitate the construction of the sanitary sewer; and

WHEREAS, public safety will improve during the construction of the sanitary sewer with design changes that can be effectuated through the purchase of the property at 36 Michael Anthony Lane; and

WHEREAS, a cost savings to the construction project would occur with the purchase of the property at 36 Michael Anthony Lane; and

WHEREAS, an independent appraisal was performed to provide the market value of the property at 36 Michael Anthony Lane; and

WHEREAS, the proposed purchase price of \$208,600.00 was within the range of said appraisal.

WHEREAS, an amount not to exceed \$20,000.00 will be necessary to cover closing and associated costs related to the property.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie be authorized to purchase the property at 36 Michael Anthony Lane in the Town of Lancaster for the amount of \$208,600.00; and be it further

RESOLVED, that an amount not to exceed \$20,000.00 be authorized for applicable closing and associated costs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all necessary agreements to purchase the property at 36 Michael Anthony Lane in the Town of Lancaster, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$228,600.00 from Erie County Sewer District No. 4 Capital Account C.00072 for the purchase of the property at 36 Michael Anthony Lane in the Town of Lancaster; and be it further

## SUSPENSION

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

# SUSPENSION

APPROVAL TO DISBURSE CAPITAL PROJECT CASH  
(use a separate form for each capital project)

SEWER CAPITAL C.00072 TITLE Erie County Sewer District No. 4  
Increase & Improvement (2010)

PROJECT PURPOSE: Increase and Improve the facilities of Erie County Sewer District No. 4

PROJ.AUTHORIZATION: BUDGET YEAR \_\_\_\_ OR DATE OF LEGISLATION February 25, 2010

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ 9,000,000

DATE(S) 2/25/10

AMT(S) \$ 9,000,000.00 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

CONTRACT PURPOSE: Contract No. 40 Aurora North Pumping Station Elimination Sanitary Sewer Project

CONTRACTOR	\$ AMOUNT	W.B.S.	TOTAL AVAILABLE APPROPRIATION
<u>Jonathan D. Senn</u>	\$ <u>208,600.00</u>	_____	_____
<u>Closing &amp; Maintenance Costs</u>	<u>20,000.00</u>	_____	_____
TOTAL	<u>\$ 228,600.00</u>	_____	_____

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SAP Doc#</u>
_____	_____	\$ _____	_____

REQUESTED BY: \_\_\_\_\_

	<u>Initials</u>	<u>Date</u>	
Amount Allocated <u>\$ 638,916</u>	_____	_____	Deputy Commissione
Amount Available <u>\$ 8361,054</u>	<u>[Signature]</u>	<u>9/26/14</u>	Accountant