



ECLEG DISTRICT 3 10

# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

October 30, 2014

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

**RE: Erie County Sewer District No. 3  
Brookview Apartments  
Hamburg, New York**

Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to an agreement between the County of Erie on behalf of Erie County Sewer District No. 3 and Brookview Apts of WNY, LLC.

Should your Honorable Body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration of this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:MAS:bp

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 3  
Brookview Apartments  
Hamburg, New York  
**Date:** October 30, 2014

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### **SUMMARY**

Approval of an agreement between the County of Erie, on behalf of Erie County Sewer District No. 3 (ECSD No. 3), and Brookview Apts of WNY, LLC – Southwestern Boulevard, Hamburg, New York is requested.

### **FISCAL IMPLICATIONS**

There will be no impact on the County's General Fund. The owner of Brookview Apts of WNY, LLC will pay Erie County Sewer District No. 3 a premium assessment of \$2,750.00 per year for twenty five (25) years.

### **REASONS FOR RECOMMENDATION**

The proposed Brookview Apartment's owner will be able to construct a forcemain along Southwestern Boulevard to provide sanitary sewer service to this parcel within the sewer district.

### **BACKGROUND INFORMATION**

The Brookview Apartments project consists of 21-12 unit apartment buildings. Phase 1 consisted of 5 buildings which were constructed in 2013. Phase 2 requires a pumping station and a forcemain along Southwestern Boulevard. Since this would be a private sewer system, the New York State Department of Transportation will not permit a private forcemain within its right-of-way.

The Developer requested that the Erie County Sewer District No. 3 accept the forcemain portion along Southwestern Boulevard to be publicly owned. The Division of Sewerage Management does not object to this request as the Developer agrees to pay additional monies in premium assessment above and beyond the typical charges. The ECSD No. 3 Board of Managers approved the request in their meeting of October 1, 2014.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Brookview Apartments will not be able to construct the sewer system to service this property.

### **STEPS FOLLOWING APPROVAL**

An agreement between the County of Erie and Brookview Apts of WNY, LLC will be executed.

JLF



Maria R. Whyte  
Commissioner

MAS

MAS:bp  
Encl.

cc: J. Fiegl / 0.11.0 Leg Ltr (w/encl)  
3.7.0. Private Business

*V:\Sewerage Management\Administration\Documents\Beth\Legislature Letters\ECSD3\_BrookviewApts.docx*

**RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT & PLANNING**

**RE: Erie County Sewer District No. 3  
Brookview Apartments  
Hamburg, New York**

WHEREAS, Brookview Apts of WNY, LLC (SBL 170.12-4-9) has requested that the County of Erie on behalf of Erie County Sewer District No. 3 enter into agreement to take ownership of a proposed forcemain that will serve their premises; and

WHEREAS, the New York State Department of Transportation will not allow a private forcemain be constructed within its right of way; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers approves of the Brookview Apartments request to make the proposed forcemain publicly owned; and

WHEREAS, Brookview Apts of WNY, LLC agrees to pay a premium assessment of \$2,750.00 per year for twenty-five (25) years for this arrangement.

NOW THEREFORE BE IT,

RESOLVED, that an agreement between the County of Erie on behalf of Erie County Sewer District No. 3 and Brookview Apts of WNY, LLC be approved; and be it further

RESOLVED, that the County Executive is authorized to sign the agreement subject to approval as to form the County Attorney's office; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to the County Executive, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E. in the Department of Environment and Planning.