



EOLEP OCT31'14 PM 2:00

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 30, 2014

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

**RE: Erie County Sewer District Nos. 1-6 & 8
User Charges – 2015**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to Erie County Sewer District Nos. 1-6 & 8, 2015 User Charges.

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

Sincerely,

A handwritten signature in blue ink, which appears to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/MS/bp
Enclosure

C: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Environment & Planning
Re: Erie County Sewer District Nos. 1-6 & 8
User Charges – 2015
Date: October 30, 2014

SUMMARY

It is requested that the Erie County Legislature approve authorizing and directing the Director of Real Property Services to spread Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1-6 & 8.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. However, a substantial source of revenue is received from the User Charges by the various Sewer Districts.

REASONS FOR RECOMENDATION

Without approval of the attached resolution, the Sewer Districts would have to increase their respective tax levies or send out separate billings for the User Charges, which would add a significant cost to the operation of the Districts.

BACKGROUND INFORMATION

The Erie County Sewer Districts are funded essentially by the tax levies they raise and through their User Charges or Fees. Since the County is already required by Law to levy sewer district assessments, there are no additional costs in levying the User Charges or Fees. These charges have been spread since the User Charge System was first initiated by the Sewer Districts in 1981.

CONSEQUENCES OF NEGATIVE ACTION

The Sewer Districts would have to send out separate individual billings to the properties required to pay the User Charges or Fees. This would result in substantial additional costs to the Sewer Districts.

STEPS FOLLOWING APPROVAL

1. The Director of Real Property Tax Services will spread said charges on the appropriate parcels of lands within the various Erie County Sewer Districts.

2. The Receiver of Taxes will collect the appropriate sums from the various parcels within the County Sewer Districts and transfer them to the County with collection of the annual taxes.
3. The Sewer Districts will have sufficient appropriations to meet their budgetary expenditures for the next budget year.



Maria R. Whyte
Commissioner

MAS:bp

Encl.

cc: Maria Whyte, Commissioner
J. Fiegl/0.11.0.Leg. Ltr.
M. Salah/0.4.2.User Charge2015

V:\Sewerage Management\Administration\Documents\Beth\UserCharges\Notice of Adoption Reso_User Charges 2015.docx

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Erie County Sewer District Nos. 1-6 & 8
User Charges – 2015**

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2015 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2015 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$
Sewer District #2	\$
Sewer District #3	\$
Sewer District #4	\$
Sewer District #5	\$
Sewer District #6	\$
Sewer District #8	\$
	\$

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget and Management, and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

**ERIE COUNTY SEWER DISTRICT NO. 1
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 1 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 1 did at their meeting of October 3, 2014 review and approve new rates for the 2015 budget year as follows:

Flow (water use):	\$ <u>3.00</u> /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ <u>0.1649</u> /lb.
Suspended Solids (SS):	\$ <u>0.2045</u> /lb.
Phosphorous (P):	\$ <u>0.0390</u> /lb.
Waste Hauler	\$ <u>N/A</u> /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 1 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: Ms HOLTZ
SECONDED BY: Ms MEEB AN
APPROVED/DISAPPROVED: 5,0
DATE: 6-2-2014



MATT SALAH, P.E.
SECRETARY

MAS:
10/14
c: 1.4.2.User Charge

Comm. 21E-15
Page 5 of 11

**ERIE COUNTY SEWER DISTRICT NO. 2
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 2 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 2 did at their meeting of October 9, 2014 review and approve new rates for the 2015 budget year as follows:

Flow (water use):	\$ <u>3.00</u> /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ <u>0.17</u> /lb.
Suspended Solids (SS):	\$ <u>0.17</u> /lb.
Phosphorous (P):	\$ <u>0.76</u> /lb.
Waste Hauler	\$ <u>60.00</u> /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 2 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

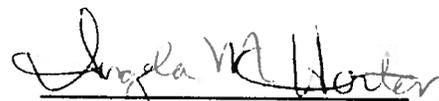
RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: A. Horton
SECONDED BY: Mayor George
APPROVED/DISAPPROVED: 4/0
DATE: 10/9/2014


ANGELA HORTON, P.E.
SECRETARY

AMH:
10/14
c: 2.4.2.User Charge

Comm. 21E-15
Page 6 of 11

**ERIE COUNTY SEWER DISTRICT NO. 3
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 3 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 3 did at their meeting of October 1, 2014 review and approve new rates for the 2015 budget year as follows:

Flow (water use):	\$ 3.00 /1000 gallons
Biochemical Oxygen Demand (BOD ₅)	\$ 0.03 /lb.
Suspended Solids (SS):	\$ 0.16 /lb.
Phosphorous (P):	\$ 0.60 /lb.
Waste Hauler	\$ 60.00 /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 3 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

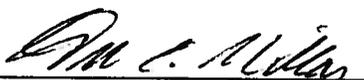
RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: DAVID KACZAR
SECONDED BY: JOHN WILSON
APPROVED/DISAPPROVED: APPROVED 8-0
DATE: 10/1/2014



DAVID C. MILLAR, P.E.
SECRETARY

DM:
10/14
c: 3.4.2.User Charge

Comm. 21E-15
Page 7 of 11

**ERIE COUNTY SEWER DISTRICT NO. 4
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 4 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 4 did at their meeting of October 8, 2014 review and approve new rates for the 2013 budget year as follows:

Flow (water use):	\$ <u>2.55</u> /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ <u>0.1649</u> /lb.
Suspended Solids (SS):	\$ <u>0.2045</u> /lb.
Phosphorous (P):	\$ <u>0.0390</u> /lb.
Waste Hauler	\$ <u>N/A</u> /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 4 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

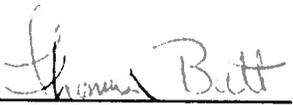
RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: McCRAKEN
SECONDED BY: AMBROSE
APPROVED/DISAPPROVED: 5-0
DATE: 10/18/14


THOMAS M. BATT, P.E.
SECRETARY

TMB:
10/14
c: 4.4.2.User Charge

V:\Sewerage Management\Administration\Documents\Beth\UserCharges\Resolution-BOM.doc

Comm. 21E-15
Page 8 of 11

**ERIE COUNTY SEWER DISTRICT NO. 5
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 5 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 5 did at their meeting of October 15, 2014 review and approve new rates for the 2015 budget year as follows:

Flow (water use):	\$ 4.30 /1000 gallons
Biochemical Oxygen Demand (BOD ₅)	\$ N/A /lb.
Suspended Solids (SS):	\$ N/A /lb.
Phosphorous (P):	\$ N/A /lb.
Waste Hauler	\$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 5 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

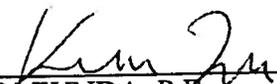
RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: L. E. T. H. U.
SECONDED BY: L. A. V. O. L. T.
APPROVED/DISAPPROVED: K. Z.
DATE: 10/15/14



KEVIN ZYNDA, P.E.
SECRETARY

KZ:
10/14
c: 5.4.2.User Charge

Comm. 21E-15
Page 9 of 11

**ERIE COUNTY SEWER DISTRICT NO. 6
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 6 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 did at their meeting of October 7, 2014 review and approve new rates for the 2015 budget year as follows:

Flow (water use):	\$ 3.43 /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ 0.15 /lb.
Suspended Solids (SS):	\$ 0.05 /lb.
Phosphorous (P):	\$ 0.65 /lb.
Waste Hauler	\$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 6 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

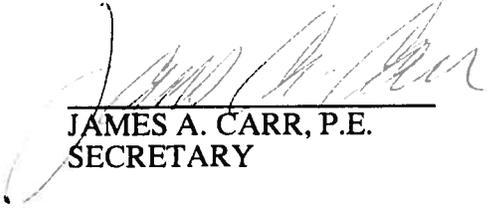
RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: J. Carr
SECONDED BY: J. Calladine
APPROVED/DISAPPROVED: 3-0
DATE: 10/7/14



JAMES A. CARR, P.E.
SECRETARY

JAC:
10/14
c: 6.4.2.User Charge

Comm. 21E-15

**ERIE COUNTY SEWER DISTRICT NO. 8
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 8 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2014; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 8 did at their meeting of October 7, 2014 review and approve new rates for the ^{2015 EAP} 2013 budget year as follows:

Flow (water use):	\$ 3.50 /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ 0.03 /lb.
Suspended Solids (SS):	\$ 0.16 /lb.
Phosphorous (P):	\$ 0.60 /lb.
Waste Hauler	\$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 8 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

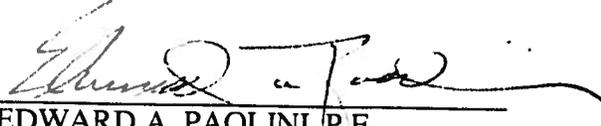
RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: MART HOGA
SECONDED BY: E. Paolini
APPROVED/DISAPPROVED: 3/0
DATE: 10/7/14


EDWARD A. PAOLINI, P.E.
SECRETARY

EAP:
10/14
c: 8.4.2.User Charge

Comm. 21E-15
Page 11 of 11