



ECLEG 11/12/14 3:51

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 12, 2014

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

IMMEDIATE CONSIDERATION

**RE: Erie County Sewer District No. 1
Frank Lloyd Wright's Rowing Boathouse
Agreement Amendment**

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a proposed amendment to the agreement between Erie County Sewer District No. 1 and the "Frank Lloyd Wright's Rowing Boathouse" Corporation.

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 on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MP/JF

Cc: J. Fiegl – Deputy Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 1
Frank Lloyd Wright's Rowing Boathouse
Agreement Amendment
Date: November 12, 2014

SUMMARY

Approval of an amendment to the agreement between the County of Erie (on behalf of Erie County Sewer District No. 1) and the "Frank Lloyd Wright's Rowing Boathouse" (Boathouse) Corporation to extend the payment schedule for capital costs and late fees associated with the pumping station, force main, and other appurtenances servicing the Boathouse property is requested.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. This agreement will allow the Boathouse Corporation three (3) years to pay past due monies (and accrued late fees) owed for capital expenses associated with the construction of the wastewater infrastructure servicing the Boathouse property.

REASONS FOR RECOMMENDATION

The Erie County Sewer District No. 1 Board of Managers has reviewed the Boathouse Corporation's request to amend the existing wastewater service agreement and supports an extension of time to repay the remaining capital expenses (\$15,300.00) and late fees accrued through May 2014 (\$5,109.44). The Boathouse Corporation is current on its payment of the required annual operation and maintenance expenses and has already paid \$69,700.00 in capital expenses over the course of the existing agreement.

BACKGROUND INFORMATION

In July 2005, the County of Erie entered into a lease agreement with the Boathouse Corporation to construct a new facility located on the west side of the City of Buffalo. During the course of the project, it was decided to change the method of sanitary sewer services from an onsite septic system to a pumping station, force main, and appurtenances. To effectuate this change, the County of Erie entered into a service agreement pursuant to Legislative Comm. 26E-4 (2007) to allow Erie County Sewer District No. 1 to acquire and subsequently operate and maintain the new wastewater infrastructure.

Due to financial concerns, the Boathouse Corporation contacted the County of Erie and subsequently requested an amendment of the existing service agreement to allow the Boathouse Corporation additional time to payback the remaining monies owed for capital expenses (and late fees) associated with the construction of the wastewater infrastructure.

CONSEQUENCES OF NEGATIVE ACTION

The Boathouse Corporation will incur difficulties in meeting its overall financial obligations.

STEPS TO FOLLOW APPROVAL

The County Executive will be requested to execute an amendment to the existing wastewater service agreement, subject to approval as to content by the Commissioner of Environment and Planning and approval as to form by the County Attorney's office.

JF

Maria R. Whyte – Commissioner
Environment and Planning, x6716

MW:JF

Encl.

Cc: M. Whyte – Department of Environment and Planning
J. Fiegl /0.11.0 Leg Ltr
M. Salah/S. Tirone/R. Ferber/1.4.2.Direct Billing

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

**RE: Erie County Sewer District No. 1
Frank Lloyd Wright's Rowing Boathouse
Agreement Amendment**

WHEREAS, the "Frank Lloyd Wright's Rowing Boathouse" (hereinafter referred to as "the Boathouse") Corporation and the County of Erie entered into a wastewater service agreement pursuant to Legislative Comm. 24E-6 (2007); and

WHEREAS, the Boathouse Corporation has requested an amendment to the existing wastewater service agreement to extend the payback period for the remaining monies owed for capital expenses and late fees associated with the construction of the pumping station, force main, and appurtenances servicing the Boathouse property; and

WHEREAS, the Erie County Sewer District No. 1 Board of Managers has reviewed the Boathouse Corporation's request to amend the existing wastewater service agreement and supports an extension of time to repay the remaining capital expenses and accrued late fees through May 2014.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amendment to the existing wastewater services agreement with the Boathouse Corporation, subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that said amendment shall allow for a time extension, not to exceed three (3) years, for repayment of remaining capital costs associated with the wastewater system servicing the Boathouse property and accrued late fees through May 2014; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.