



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

ECLEFC APR01 '14 10:24

April 1, 2014

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

Re: Erie County Sewer District No. 1 Modification of Plans (2013)

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a proposed Modification of Plans in Erie County Sewer District No. 1.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/vb
Enclosure

cc: Commissioner Maria R. Whyte

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 1
Modification of Plans (2013)
Date: April 1, 2014

SUMMARY

Approval of the attached resolution approving the proposed Modification of Plans in Erie County Sewer District No. 1 is requested.

FISCAL IMPLICATIONS

None. There are no new cost increases to the bond authorization that was originally approved in 2004.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 253-b, Modification of Plans, any changes to the original adopted Sewer Agency Report of 2004 requires a public hearing on the proposed changes. The Erie County Legislature approved a resolution on January 23, 2014 calling a Public Hearing. The Public Hearing was held on February 19, 2014, with no objections to the Modification of Plans. The next step is to approve the attached Resolution approving the project.

BACKGROUND INFORMATION

In 2004, an Increase & Improvement of Facilities for \$4,000,000 was approved to rehabilitate the Sanitary Sewers in Erie County Sewer District No. 1. Since the approval of the original Sewer Agency Report, many of the projects fell below the original engineers' estimates. It is recommended by the Erie County Sewer Agency and the Erie County Sewer District Board of Managers, that the 2004 project be modified to use the remaining funds for capital repairs to the existing pumping stations, sanitary sewers, and treatment facilities. These remaining funds would also be available for any engineering, easements, financing costs, and maintenance that would be required for the existing infrastructure of the Sewer District.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to utilize the remaining bond authorization to make necessary improvements within the District.

STEPS FOLLOWING APPROVAL

The Erie County Division of Sewerage Management will submit a Bond Resolution for approval by the Erie County Legislature.

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

_____, 2014

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on _____, 2014, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Scott W. Kroll, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION DATED _____, 2014

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE
IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 1 IN
THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2014

(Adopted) _____, 2014

WHEREAS, in 2004 the County Legislature of the County of Erie, New York (the "County Legislature") adopted a plan of service or improvement the Erie County Sewer Agency (the "2004 Plan") for Sewer District No.1 (the "District") that recommended the expenditure of \$4,000,000 to rehabilitate sanitary sewers and infiltration and inflow projects within the District (collectively, the "2004 Project"); and

WHEREAS, several of the components of the 2004 Project have been completed; and

WHEREAS, at the direction of the County Legislature, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 1 For A Modifications of Plans (2013)* (the "Report") to be prepared, which Report recommends the modification of the 2004 Plan and the approval of certain additional improvements within the District, including but not limited to improvements of sanitary sewer lines, pumping stations and/or treatment facilities and related necessary appurtenances (the "Modification of Plans"); and

WHEREAS, on October 4, 2013 the Board of Managers of the District (the "Board of Managers") accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report and the recommendation of the Board of Managers was filed with the County Legislature on October 22, 2013; and

WHEREAS, the Modification of Plans will not result in an increase in the amount of the estimates or the original bond authorization set forth in the 2004 Report, of which there is currently \$3,432,596 in unused authorization; and

WHEREAS, said County Legislature duly adopted Resolution 20E-13 on the 16th day of January, 2013, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider the Modification of Plans in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 19th day of February, 2014, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for the facilities of Erie County Sewer District No. 1 in the County of Erie, New York, all as more fully described in the preambles hereof and in the Report, and such Modification of Plans for the improvement of facilities for the District is hereby authorized.

Section 2. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Legislator

_____ and duly put to a vote on, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

Dated: _____, 2014

Buffalo, New York

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
said County Legislature this ____ day of _____, 2014.

Clerk, Erie County Legislature

(SEAL)