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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2015

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

**RE: Erie County Sewer District No. 3
Modification of Plans (2015)**

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. 3.

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,

A handwritten signature in black ink, appearing to read "Mark Poloncarz", is written over a faint, larger version of the signature.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JM:cs
Enclosure

cc: Maria R. Whyte

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Modification of Plans (2015)
Date: May 5, 2015

SUMMARY

The Erie County Legislature is requested to approve the attached Resolution approving the proposed Modifications of Plans in Erie County Sewer District No. 3.

FISCAL IMPLICATIONS

None. There are no new cost increases to the bond authorization that was originally approved in 2005.

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 2005, requires a public hearing on the proposed changes. The Erie County Legislature approved a resolution on March 26, 2015, calling a Public Hearing. The Public hearing was held on April 15, 2015 with no objections to the Modification of Plans. The next step is to approve the attached Resolution approving the project.

BACKGROUND INFORMATION

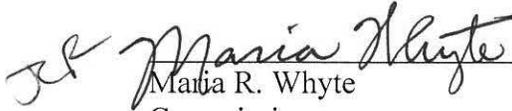
In 2005, an Increase & Improvement of Facilities for \$9,100,000 was approved to construct the Rush Creek Interceptor in Erie County Sewer District No 3. Since the approval of the original Sewer Agency Report, the project has seen numerous delays in obtaining project approval, thus resulting in the bond authorization nearing its expiration date. The Modifications of Plans will provide the additional time to complete the project.

CONSEQUENCES OF NEGATIVE ACTION

The Sewer District would not be able to utilize bond authorization to construct the Rush Creek Interceptor Project.

STEPS FOLLOWING APPROVAL

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



Maria R. Whyte
Commissioner

MW: JM: cs

cc: 0.11.0 Leg Letter
J.Carr/J.Mallory/3.5.0 Mod. Of Plans (2015)

F:\Sewerage Management\Administration\Documents\Courtney\RESO DRAFTS\Mallory\ECSD3 ModOfPlans 4.23.15.docxp

EXTRACT OF MINUTES
Meeting of the County Legislature of
the County of Erie, New York.

_____, 2015

* * *

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 _____, 2015, at __:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION DATED _____, 2015

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE IMPROVEMENT
OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF
ERIE, NEW YORK

(Introduced)

(Adopted)

WHEREAS, in 2005 the County Legislature of the County of Erie, New York (the “County Legislature”) adopted an Increase and Improvements of Facilities Plan (the “2005 Plan”) for Sewer District No. 3 (the “District”) which provided for the expenditure of \$9,100,000 to finance the connection of the Village of Blasdell service area to the Southtowns Advanced Wastewater Treatment Facility (the “Project”); and

WHEREAS, several of the components of the 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. 3 For A Modifications of Plans (2015)* (the “Report”) to be prepared, which Report recommends the modification of the 2005 Plan and the approval of certain additional improvements within the District, including but not limited to improvements to the Southtowns Advanced Wastewater Treatment Facility and implementation of the Rush Creek Interceptor project (the “Modification of Plans”); and

WHEREAS, on February 27, 2015 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 February 26, 2015; 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 2005 Report, of which there is currently \$3,192,000 in unused authorization; and

WHEREAS, said County Legislature duly adopted Resolution 5E-20 on the 26th day of March, 2015, 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, 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 public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 15th day of April, 2015, at 1:30 o'clock P.M., Prevailing Time; 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. 3 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: _____, 2015

Buffalo, New York

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of _____, 2015, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
<i>Challenger Newspaper</i>	<i>April 8, 2015</i>
<i>The Amherst Bee</i>	<i>April 1, 2015</i>
<i>Hamburg Sun</i>	<i>April 2, 2015</i>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said
County Legislature this _____ day of _____, 2015.

Clerk, Erie County Legislature

(SEAL)