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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 18, 2015

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

**RE: Erie County Sewer District No. 6
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. 6.

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,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", with a long, sweeping flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sm
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. 6
Modification of Plans (2015)
Date: June 18, 2015

SUMMARY

The Erie County Legislature is requested to approve the attached Resolution calling for a Public Hearing regarding the proposed Modification of Plans in Erie County Sewer District No. 6. In addition to the Resolution, and included within, is a Notice of Public Hearing that our Department will publish in the official County newspapers prior to the Public Hearing.

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. In May 2015, this action was approved by the Erie County Sewer District No. 6 Board of Managers.

BACKGROUND INFORMATION

In 2005, an Increase & Improvement of Facilities for \$4,000,000 was approved to reduce treatment costs within the Sewer District with an I/I Program. The District has made great strides in this direction. The bond account currently has \$1.534 million in bond authorization remaining which will require an extension in time to complete some new projects that have surfaced. The Erie County Sewer District No. 6 Board of Managers approved the Sewer Agency Report for the Modification of Plans on May 13, 2015.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to utilize the remaining bond authorization to complete new projects that have materialized.

STEPS FOLLOWING APPROVAL

1. The Erie County Division of Sewerage Management will publish the Public Hearing Notice in the Official County newspapers.
2. A Public Hearing will be held on July 29, 2015 at 1:30 p.m. local time.

STATE OF NEW YORK

Legislature of Erie County
Clerk's Office

BUFFALO, N.Y. , 2015

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the ____ Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the ____ day of June 2015 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, 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. 6 Modifications of Plans (2015)* (the "Report") to be prepared, which Report recommends a modification of a plan originally approved in 2005 (the "2005 Plan") to include within the 2005 Plan certain additional improvements within Sewer District No. 6 ("District No. 6"), including but not limited to, improvements to the Wilmuth/Well St. Pumping Station, including engineering costs associated with those improvements, and the replacement of, and improvements to, existing sewers and pumping stations (the "Modification of Plans"); and

WHEREAS, on May 13, 2015, the Board of Managers of the Erie County Sewer District No. 6 accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report serves as the written report required by § 253-b of Article 5A of the County Law of the State of New York; and

WHEREAS, the Modification of Plans will not result in any increase in the cost of the 2005 Plan; and

WHEREAS, an application to the New York State Audit and Control for approval is not required as the Modification of Plans constitutes a modification to plans pursuant to §253-b of Article 5A of the County Law of the State of New York; and

WHEREAS, the County Legislature desires to call for a Public Hearing to solicit public comment; and

WHEREAS, prior to the publication of the notice of public hearing, the Report will be filed in the Office of the County Clerk of Erie County;

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

Section 1. The County Legislature of County of Erie, New York shall meet at the 92 Franklin Street, 4th Floor in Buffalo, New York, on the 29th day of July, 2015 at 1:30 o'clock

p.m., for the purpose of conducting a Public Hearing on the proposed Modification of Plans specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the *Challenger Newspaper and the Amherst Bee*, the official newspapers of the County, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

REFERENCE:

ATTEST

Karen M. McCarthy
Clerk of the Erie County Legislature

NOTICE OF PUBLIC HEARING
ON THE PROPOSED MODIFICATION OF PLANS OF
ERIE COUNTY SEWER DISTRICT NO. 6

Notice is hereby given that a public hearing pursuant to Section 253-b of the County Law of the State of New York (the "Act"), will be held by the County Legislature of the County of Erie, New York (the "Erie County Legislature"), on the on the 29th day of July, 2015 at 1:30 p.m., local time, at *92 Franklin Street, 4th Floor in Buffalo, New York* in connection with a proposed modification (the "Modification of Plans") of Erie County Sewer District No. 6 (the "District No. 6"):

The Modification of Plans will modify the existing Increase and Improvement of Facilities plan adopted in 2005 to approve additional improvements within the District No.6, including, but not limited to, improvements to the Wilmuth/Well St. Pumping Station, including engineering costs associated with those upgrades, as more fully described in the report and estimate of cost pursuant to a written report dated May 14, 2015 (the "Report"), prepared by the County Engineers (Erie County Department of Environment & Planning), which Report has been approved by the Erie County Sewer Agency. A copy of the Report has been filed with the Erie County Legislature.

The maximum estimated cost of the Modification and Plans as described in the Report will not increase the cost to property owners within District No. 6 and there will be no additional cost to properties serviced by District No. 6 for items such as connection charges or fees or the need to pay for connection to the sewer system due to said proposed Modification of Plans.

Dated: Buffalo, New York,
_____, 2015

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By: _____
Clerk, County Legislature