

RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District Nos. 1, 4, and 5
Purchase of Property
3789 Walden Avenue (Rear), Lancaster, New York (SBL #104.08-7-7.1)

WHEREAS, the Town of Lancaster owns the property at 3789 Walden Avenue (Rear), which consists of approximately 3.5 acres formerly used for the Town of Lancaster dog control operations; and

WHEREAS, the aforementioned property at 3789 Walden Avenue (Rear), Lancaster, New York is more specifically described as SBL #104.08-7-7.1; and

WHEREAS, property SBL #104.08-7-7.1 is directly adjacent to Erie County's Northern Region Offices servicing Erie County Sewer District Nos. 1, 4, and 5; and

WHEREAS, the Town of Lancaster contacted the County of Erie to ascertain its interest in purchasing property SBL #104.08-7-7.1; and

WHEREAS, the County of Erie has the need for additional space for storage and potential future expansion of its Northern Region Offices; and

WHEREAS, the Town of Lancaster has accepted the County of Erie's offer to purchase SBL #104.08-7-7.1 for the sum of \$50,000.00; and

WHEREAS, the County of Erie acting as lead agency under 6 NYCRR Part 617 State Environmental Quality Review (SEQR) has determined that this proposed property purchase is a SEQR Unlisted Action with no significant adverse environmental impacts; and

WHEREAS, an amount not to exceed \$10,000.00 may be necessary to cover closing and associated costs related to the property.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie has made a determination of non-significance for the environmental impacts associated with the purchase / transfer of SBL #104.08-7-7.1 and hence affirms a SEQR Negative Declaration for this action; and be it further

RESOLVED, successive to the aforementioned SEQR Negative Declaration, the Legislature for the County of Erie hereby authorizes the purchase of the property at 3789 Walden Avenue (Rear) in the Town of Lancaster, New York for the amount of \$50,000.00; and be it further

RESOLVED, that an amount not to exceed \$10,000.00 be authorized for applicable closing and associated costs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all necessary agreements to purchase the property at 3789 Walden Avenue (Rear) in the Town of Lancaster, New York, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the County Comptroller and the Director of Budget and Management is authorized and directed to transfer an amount not to exceed \$60,000.00 to district-wide Capital Project C.00065 and establish all necessary accounts and budgets to facilitate this transfer; and it be further

RESOLVED, that the \$60,000.00 transfer will be funded in amounts not to exceed as follows: ECSD No. 1 Capital Reserve C.00033 - \$21,600.00; ECSD No. 4 Capital Reserve C.00034 - \$30,000.00; ECSD No. 5 Capital Reserve C.00005 - \$8,400.00; and be it further

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



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 30, 2015

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

**RE: Erie County Sewer District Nos. 1, 4, and 5
Purchase of Property
3789 Walden Avenue (Rear), Lancaster, New York (SBL #104.08-7-7.1)**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to the purchase of 3789 Walden Avenue (Rear) in the Town of Lancaster, New York.

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".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JF:cs

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1, 4, and 5
Purchase of Property
3789 Walden Avenue (Rear), Lancaster, New York (SBL #104.08-7-7.1)
Date: June 30, 2015

SUMMARY

Approval of the purchase of the property at 3789 Walden Avenue (Rear), Lancaster, New York, more specifically described as SBL #104.08-7-7.1, for \$50,000 and associated closing costs is requested.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The funds for this purchase will be allocated from the capital reserve accounts of Erie County Sewer District (ECSD) Nos. 1, 4, and 5.

REASON FOR RECOMMENDATION

The ECSD Northern Region Offices are located at 3789 Walden Avenue in Lancaster, New York. The Division of Sewerage Management was approached by the Town of Lancaster and asked if the County of Erie would be interested in purchasing the adjacent Town owned property (SBL #104.08-7-7.1). Purchase of this property will provide much needed storage space for the Northern Region Offices and will provide future flexibility should expansion of the existing buildings be required.

BACKGROUND

The Town of Lancaster currently owns the property at 3789 Walden Avenue (Rear), which consists of approximately 3.5 acres. For many years, the property served as the site of the Town of Lancaster's dog control operations. Due to changes in the management of its dog control services, the Town of Lancaster approached the Division of Sewerage Management and asked if the County of Erie would be interested in purchasing this property. An appraisal was completed in 2014, estimating the total value of the property to be \$68,000.

The appraisal report acknowledged that there was not a hazardous substance survey completed as part of the analysis. Therefore, the Division of Sewerage Management conducted an environmental assessment to ascertain what may be the magnitude of these impacts. During the assessment it was confirmed that broken asbestos cement pipe was present. It was also determined that there was the potential that the small buildings on the property may include asbestos containing materials (caulking, roofing, etc.) and lead based paint.

Based upon the review of the appraisal report and considering the environmental assessment, the Division of Sewerage Management conferred with the Boards of Managers for ECSD Nos. 1, 4, and 5. After meeting with the Boards, the Division of Sewerage Management presented the following two (2) options for purchasing this property:

1. The County pays the full assessment value of \$68,000; however, the Town will remove the buildings and the asbestos cement pipe; or
2. The County will purchase the property "as is" for a value of \$50,000.

The Town of Lancaster elected to proceed with Option #2.

CONSEQUENCES OF NEGATIVE ACTION

The Northern Region Offices will not be provided much needed storage space and will not have future flexibility should expansion of the existing buildings be required.

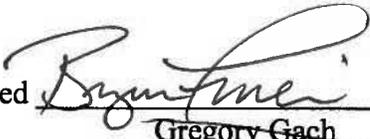
STEPS FOLLOWING APPROVAL

An agreement to buy the property at 3789 Walden Avenue (Rear), Lancaster, New York (SBL #104.08-7-7.1) will be executed between the County and the Town.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

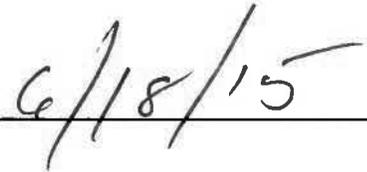
Signed



Gregory Gach

Deputy Comptroller

Date



FOR GREG GACH


Maria R. Whyte
Commissioner

JF:cs
Encl.

cc: J. Fiegl / 0.11.0 Leg Ltr (w/encl)
T. Batt / J. Carr / D. Millar / M. Salah / K. Zynda / 0.6.1 District Properties (w/encl)
S. Tirone (w/encl)

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RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District Nos. 1, 4, and 5
Purchase of Property
3789 Walden Avenue (Rear), Lancaster, New York (SBL #104.08-7-7.1)

WHEREAS, the Town of Lancaster owns the property at 3789 Walden Avenue (Rear), which consists of approximately 3.5 acres formerly used for the Town of Lancaster dog control operations; and

WHEREAS, the aforementioned property at 3789 Walden Avenue (Rear), Lancaster, New York is more specifically described as SBL #104.08-7-7.1; and

WHEREAS, property SBL #104.08-7-7.1 is directly adjacent to Erie County's Northern Region Offices servicing Erie County Sewer District Nos. 1, 4, and 5; and

WHEREAS, the Town of Lancaster contacted the County of Erie to ascertain its interest in purchasing property SBL #104.08-7-7.1; and

WHEREAS, the County of Erie has the need for additional space for storage and potential future expansion of its Northern Region Offices; and

WHEREAS, the Town of Lancaster has accepted the County of Erie's offer to purchase SBL #104.08-7-7.1 for the sum of \$50,000.00; and

WEHEREAS, an amount not to exceed \$10,000.00 may be necessary to cover closing and associated costs related to the property.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie be authorized to purchase the property at 3789 Walden Avenue (Rear) in the Town of Lancaster, New York for the amount of \$50,000.00; and be it further

RESOLVED, that an amount not to exceed \$10,000.00 be authorized for applicable closing and associated costs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all necessary agreements to purchase the property at 3789 Walden Avenue (Rear) in the Town of Lancaster, New York subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the County Comptroller and Director of Budget, Management, and Finance is authorized and directed to transfer \$60,000.00 to district wide Capital Project C.00065 and establish all necessary accounts and budgets to facilitate the transfer, and it be further

RESOLVED, that the \$60,000.00 transfer will be funded as follows, ECSD No. 1 Capital Reserve C.00033 - \$21,600.00; ECSD No. 4 Capital Reserve C.00034 - \$30,000.00; ECSD No. 5 Capital Reserve C.00005 - \$8,400.00; and be it further

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

PROJECT TITLE: C.00065 DSM District Wide Capital Reserve

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

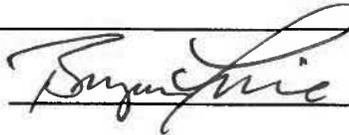
IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) **PROJECT AVAILABLE APPROPRIATION**

TOTAL PROJECT REVENUES	\$	<u>1,434,796.15</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>1,430,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>1,429,597.92</u>
TOTAL COMMITMENTS	\$	<u>0</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>402.08</u>
PLUS: PROPOSED CASH TRS FROM C.00033:		<u>21,600.00</u>
PLUS: PROPOSED CASH TRS FROM C.00034		<u>30,000.00</u>
PLUS: PROPOSED CASH TRS FROM C.00005:		<u>8,400.00</u>
PROPOSED AVAILABLE APPROPRIATIONS	\$	<u>60,402.08</u>
LESS: CONTRACT AMOUNT:		<u>60,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>402.08</u>

COMMENTS: There will be enough funding available for this request if the proposed reso is approved so that \$60,000 can be transferred from C.00033, C.00034 & C.00005. Cash balance in project C.00065 is \$5,198.23

REQUEST APPROVED: _____



REQUEST DENIED: _____

DATE: _____

June 18, 2015

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

COMPTROLLER'S
RECEIVED

JUN 17 PM 2:38

* * MEMORANDUM * *

FROM: Joseph L. Fiegl, Deputy Commissioner *sf*
TO: Gregory Gach, Deputy Comptroller
DATE: June 17, 2015
RE: Erie County Sewer District Nos. 1, 4, and 5
Purchase of Property
3789 Walden Avenue (Rear), Lancaster, New York (SBL #104.08-7-7.1)

Enclosed for your review and signature is a Legislative Communication pertaining to the above referenced project. Funds for this purchase will be allocated from the capital reserve accounts of Erie County Sewer District Nos. 1, 4, and 5.

Should you have any questions or should the communication be ready for pick-up please call ext. 8383.