



REC SEP 25 '15 AM 10:05

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

September 24, 2015

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Sewer Districts 1-6 and 8  
Section 270/271 Resolutions**

Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to the Erie County Sewer District Nos. 1-6 and 8 Section 270/271 Resolutions.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Poloncarz", is written over a light blue horizontal line.

Mark Poloncarz, Esq.  
Erie County Executive

MC/bp  
Enclosure

CC: J. Fiegl – Department of Environment and Planning

## **MEMORANDUM**

To: Honorable Members of the Erie County Legislature  
From: Department of Environment & Planning  
RE: Erie County Sewer District Nos. 1-6 and 8  
Section 270/271 Resolutions  
Date: September 24, 2015

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### **SUMMARY**

The Erie County Legislature is asked to receive and file the attached resolutions from the Boards of Managers for the various Sewer Districts concerning the applicable levies.

### **FISCAL IMPLICATIONS**

None.

### **REASON FOR RECOMMENDATION**

The attached resolutions are being submitted for the Legislature's information. Actions required under Section 270 and 271 of County Law have already been complied with by the Boards of Managers who represent the administrative heads for the respective sewer districts.

### **BACKGROUND INFORMATION**

The Boards of Managers are required to levy a benefit assessment on the various parcels of land within the Erie County Sewer Districts in proportion to the benefit each receives. This has been accomplished through the Boards' approval of the attached Section 270 and 271 resolutions.

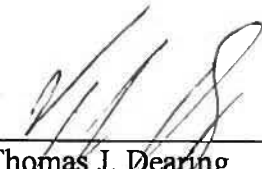
### **CONSEQUENCES OF NEGATIVE ACTION**

There are no consequences of a negative action.

### **STEPS FOLLOWING APPROVAL**

There are no additional steps necessary once this item has been received and filed.

JF



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Thomas J. Dearing  
Commissioner

JF:bp  
Encl

C: 0.11.0 Leg Ltr  
R. Ferber  
Annual File

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 1**

**WHEREAS**, the Board of Managers for Erie County Sewer District No. 1 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

**WHEREAS**, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for the sanitary sewerage system on user charges; and

**WHEREAS**, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

**RESOLVED**, that a footage charge be spread to all properties who are serviced by a sanitary sewer line owned and maintained by the County Sewer District; and be it further

**RESOLVED**, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

**RESOLVED**, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

**RESOLVED**, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

**RESOLVED**, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

**RESOLVED**, that certain costs of the sewer district be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266 of County Law; and be it further

Budget Resolution – ECSD No. 1  
Page 2

RESOLVED, that approximately 82% and 18% of the total sanitary sewer tax levy of \$3,354,062 shall be raised from the assessed value and footage charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY MR BOWEN

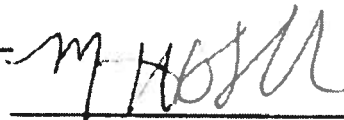
SECONDED BY MR HIGGINS

APPROVED/DISAPPROVED (5, 0)

Flat Charge: \$200

Footage Charge: \$1.00

Dated: 8-28-15



MATT A. SALAH, P.E.  
SECRETARY, ECSD NO. 1  
BOARD OF MANAGERS

MAS:bp  
08/15  
c: 1.4.1.Budget By Yr.

EMAIL POLL  
BudgetResol.rev

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 2**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 2 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and**

**WHEREAS, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further**

**RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line owned and maintained by the County Sewer District; and be it further**

**RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further**

**RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further**

**RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further**

**RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further**

**RESOLVED, that approximately 36%, 16% and 48% of the total sanitary sewer tax levy of \$6,766.075 shall be raised from the assessed value, footage and flat charges, respectively; and be it further**

Budget Resolution – ECSD No. 2  
Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

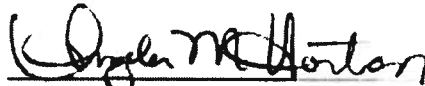
MOVED BY A. Horton

SECONDED BY A. Knack

APPROVED/DISAPPROVED 5/0 Unanimously approved by  
phone poll 8/26/2015.

Flat Charge: \$290

Footage Charge: \$1.00

  
ANGELA HORTON, P.E.  
SECRETARY, ECSD NO. 2  
BOARD OF MANAGERS

AH:bp  
08/15  
c: 2.4.1.Budget By Yr.

Budget/Budresol rev

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 3**

**WHEREAS**, the Board of Managers for Erie County Sewer District No. 3 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

**WHEREAS**, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

**RESOLVED**, that a footage charge be spread to all properties who are serviced by a sanitary sewer line owned and maintained by the County Sewer District; and be it further

**RESOLVED**, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

**RESOLVED**, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

**RESOLVED**, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

**RESOLVED**, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

**RESOLVED**, that approximately 34%, 11% and 55% of the total sanitary sewer tax levy of \$14,756,127 shall be raised from the assessed value, footage and flat charges, respectively; and be it further



Budget Resolution – ECSD No. 3  
Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY JOHN MILLS

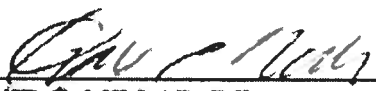
SECONDED BY DAVID ROOD

APPROVED/DISAPPROVED APPROVED 6-0

Flat Charge: \$230

Footage Charge: \$0.65/\$1.60/\$3.50

Dated: 9/2/2015

  
DAVID C. MILLAR, P.E.  
SECRETARY, ECSD NO. 3  
BOARD OF MANAGERS

DM:bp  
08/15  
c: 3.4.1.Budget By Yr.

BudgetBudresol.rev

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 4**

**WHEREAS**, the Board of Managers for Erie County Sewer District No. 4 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

**WHEREAS**, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for the sanitary sewerage system on user charges; and

**WHEREAS**, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

**RESOLVED**, that a footage charge be spread to all properties who are serviced by a sanitary sewer line owned and maintained by the County Sewer District; and be it further

**RESOLVED**, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

**RESOLVED**, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

**RESOLVED**, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

**RESOLVED**, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further

**RESOLVED**, that certain costs of the sewer district be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266 of County Law; and be it further

RESOLVED, that approximately 81% and 19% of the total sanitary sewer tax levy of \$2,313,079 shall be raised from the assessed value and footage charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

MOVED BY \_\_\_\_\_

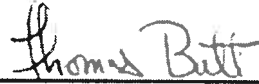
SECONDED BY \_\_\_\_\_

APPROVED/DISAPPROVED 5-0

Flat Charge: \$180/\$180.75

Footage Charge: \$0.60

Dated: \_\_\_\_\_



THOMAS M. BATT, P.E.  
SECRETARY, ECSD NO. 4  
BOARD OF MANAGERS

TMB:bp  
08/15

c: 4.4.1.Budget By Yr.

Budget/Budget/rev

APPROVED BY EMAIL

MCCRACKEN 8/25/15

HARRIS 8/26/15

AMBROSE 8/26/15

BATT 8/26/15

APPROVED BY PHONE

NIKONCWC2 8/27/15

CONFIRMATION OF EMAIL/PHONE POLL TO BE  
DONE AT NEXT ECSD#4 BOARD OF MANAGERS  
MEETING

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 5**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 5 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and**

**WHEREAS, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for the sanitary sewerage system on user charges; and**

**WHEREAS, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that a flat charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further**

**RESOLVED, that a footage charge be spread to all properties who are serviced by a sanitary sewer line owned and maintained by the County Sewer District; and be it further**

**RESOLVED, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further**

**RESOLVED, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further**

**RESOLVED, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further**

**RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further**

**RESOLVED, that certain costs of the sewer district be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266 of County Law; and be it further**

Budget Resolution – ECSD No. 5  
Page 2

RESOLVED, that approximately 71% and 29% of the total sanitary sewer tax levy of \$1,108,613 shall be raised from the assessed value and footage charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 2/1 of the County Law.

MOVED BY \_\_\_\_\_

SECONDED BY \_\_\_\_\_

APPROVED/DISAPPROVED \_\_\_\_\_

Flat Charge: \$100

Footage Charge: \$1.00

Dated: \_\_\_\_\_

\_\_\_\_\_  
KEVIN ZYNDA, P.E.  
SECRETARY, ECSD NO. 5  
BOARD OF MANAGERS

KZ:bp  
08/15  
c: 5.4.1.Budget By Yr.

BudgetResolRev

VOTED ON VIA EMAIL POLL ON 8/25/15  
AP/DIS: 5-0  
TO BE CONFIRMED AT NEXT JS BOARD  
MEETING.  
M3

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 6**

**WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and**

**WHEREAS, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for the sanitary sewerage system on user charges; and**

**WHEREAS, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that a portion of the cost of sanitary sewerage system be assessed on a parcel charges and assessed value charges to all parcels in the District; and be it further**

**RESOLVED, that for the storm sewer system, an assessed value charge be spread to all lots or parcels within the District; and be it further**

**RESOLVED, that a single parcel be used as a unit of assessment to determine parcel charges; and be it further**

**RESOLVED, that one parcel charge be assessed for each residential tax account; for each non-residential tax account, one parcel charge be assessed for each tax account less than one acre; and each non-residential account one acre or more in size be assessed five parcel charges per acre; and be it further**

**RESOLVED, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further**

**RESOLVED, that a portion of the cost of sanitary sewerage system be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266 of County Law of County law; and be it further**

**RESOLVED, that approximately 16% and 84% of the total sanitary sewer tax levy of \$2,776,198 shall be raised from the assessed value and parcel charges, respectively; and be it further**

Budget Resolution – ECSD No. 6  
Page 2

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

*Placed on 8/25/2015*

MOVED BY JAMES CARR

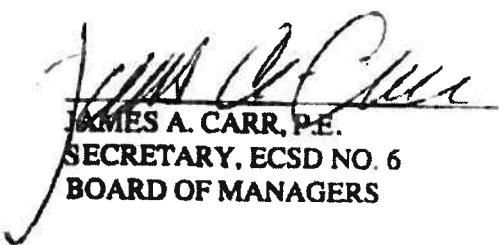
SECONDED BY James Palcarczyk

APPROVED/DISAPPROVED 3-0

Parcel Charge: \$90

Dated: 8/25/15

*To Be Confirmed  
At Next Scheduled  
B.O.M. Mtg*

  
JAMES A. CARR, P.E.  
SECRETARY, ECSD NO. 6  
BOARD OF MANAGERS

JC:bp  
08/15  
c: 6.4.1.Budget By Yr.

Budget/BudgetRev

## **RESOLUTION**

### **ERIE COUNTY SEWER DISTRICT NO. 8**

**WHEREAS**, the Board of Managers for Erie County Sewer District No. 8 has prepared its budget for 2016 and has determined the amount which must be assessed on the lots and parcels of land within the District and for properties served by out-of-district customer agreements; and

**WHEREAS**, as permitted by Section 266 of County law, the District has chosen to raise a portion of the cost for the sanitary sewerage system on user charges; and

**WHEREAS**, pursuant to Section 271 of County Law, the assessment must be in proportion as nearly as may be to the benefit derived by each parcel.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the assessed value charge be spread to all lots or parcels within the District; that a footage charge be spread to all lots or parcels which have a sewer designed, under construction or built to service them, except where a property is not connected and it would be necessary for the property owner(s) to bore a State or County Road to obtain sewer service; and that flat charge and water usage charge be assessed to all lots or parcels for which a sewer is designed, under construction, or built and where there is an improved structure on the property requiring sewer service; and be it further

**RESOLVED**, that a footage charge be spread to all properties who are serviced by a sanitary sewer line owned and maintained by the County Sewer District; and be it further

**RESOLVED**, that sewer charges be assessed to out-of-district customers on the same basis as properties in the Sewer District; and be it further

**RESOLVED**, that a single family dwelling be used as a unit of assessment to determine flat charges for other types of structures other than single family dwellings; and be it further

**RESOLVED**, that where this Board has elected, in the past, to charge a footage and/or a flat charge prior to the actual date sewer service is available, such decision shall remain in effect; and be it further

**RESOLVED**, that an assessment roll be prepared using the above formula to determine the amount of assessment on each lot or parcel; and be it further



Budget Resolution – ECSD No. 8

Page 2

RESOLVED, that certain costs of the sewer district be raised on User Charges in accordance with the Sewer District's User Charge formula and rates established pursuant to Section 266 of County Law; and be it further

RESOLVED, that approximately 62%, 25%, and 13% of the total sanitary sewer tax levy of \$1,334,000 shall be raised from the assessed value, footage and flat charges, respectively; and be it further

RESOLVED, that this resolution along with the proposed budget, proposed assessment rolls and proposed rates be submitted to the County Budget Officer for transmittal to the Clerk of the County Legislature for a Public Hearing as required by Section 271 of the County Law.

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Approved/Disapproved: \_\_\_\_\_

Flat Charge: \$50

Footage Charge: \$1.50

Dated: \_\_\_\_\_

*Email poll 8/25/15  
resulted in 4-0 approval  
- GSP*

\_\_\_\_\_  
GARRY S. PECAK, P.E.  
SECRETARY – ECSD NO. 8  
BOARD OF MANAGERS

GSP:bp  
08/15  
c: 8.4.1. Budget By Yr.

Budget\Budresol.rv