



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

March 6, 2015

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

RE: Open Item / Placeholders – Energy & Environment Committee

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management, respectfully requests that an open item/placeholder be established on the agenda of the Legislature's Energy and Environment Committee for the following items:

- Re-Occurring Bond Authorization
- Re-Occurring Sewer Agency Reports (Map and Plan Reports)

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", written over a horizontal line.

Mark C. Poloncarz, Esq.
Erie County Executive

Cc: Annual File
0.11.0. Leg. Ltr.
V:\Sewerage Management\Administration\Documents\Beth\LegislativeCorresp\Uploade\NDSM 02.26.15 - OpenItem.docx



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 11, 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 C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JM:cs
Enclosure

cc: Maria R. Whyte, Commissioner of Environment & Planning

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: March 11, 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. 3. 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 February 2015 this action was approved by the Erie County Sewer District No 3 Board of Managers.

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 near 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

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 April 15, 2015 at 1:30 P.M. local time.



MARIA WHITE
Commissioner
Environment & Planning

MW: JM: cs
cc: 0.11.0 Leg Letter
J.Carr/J.Mallory/3.5.0 Mod. of Plans (2015)

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 2:00 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. ____-2015

RESOLUTION DATED _____, 2015

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING A PUBLIC HEARING ON THE MODIFICATION OF PLANS FOR ERIE COUNTY SEWER DISTRICT NO. 3.

(Introduced) _____, 2015

(Adopted) _____, 2015

WHEREAS, in 2005 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, 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 a modification of the 2005 Plan to include within the 2005 Plan certain additional improvements within the District, including but not limited to, improvements to the Southtowns Advanced Wastewater Treatment Facility and the implementation of the Rush Creek Interceptor project (the “Modification of Plans”); and

WHEREAS, on February 27, 2015, the Board of Managers of the Erie County Sewer District No. 3 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 an increase in the cost of the Project; and

WHEREAS, an application to the New York State Audit and Control for approval is not required as the Modification 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 15th day of April, 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, and in the **Hamburg Sun** for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

The adoption of the foregoing resolution was seconded by _____ and
duly put to a vote , which resulted as follows:

AYES:

NOES:

THE RESOLUTION WAS DECLARED ADOPTED.

* * *

CERTIFICATE

I, Karen M. McCarthy, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on _____, 2015, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

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

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. 3

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 15th day of April, 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. 3 (the "District"):

The Modification of Plans will modify the existing Increase and Improvement of Facilities plan adopted in 2005 to approve additional improvements within the District, including but not limited to, improvements to the Southtowns Advanced Wastewater Treatment Facility and the implementation of the Rush Creek Interceptor project, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment & Planning) which has been approved by the Erie County Sewer Agency, pursuant to a written report dated February 27, 2015, a copy of which was been filed with the Erie County Legislature.

The maximum estimated cost of the improvements will not increase the cost of the project to property owners within the District and there will be no additional cost to properties serviced by the District for items such as connection charges of 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



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 17, 2015

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

**RE: Erie County Sewer Districts No. 3
Proposed Modification of Plans
Erie County Sewer Agency Report**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to an Erie County Sewer Agency Report for 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 Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

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: Division of Sewerage Management
Re: Erie County Sewer Districts No. 3
Proposed Modification of Plans
Erie County Sewer Agency Report
Date: March 17, 2015

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's proposed Modification of Plans and attached Erie County Sewer Agency Report.

FISCAL IMPLICATIONS

There are no fiscal implications with the recommended action of receiving and filing the enclosed Erie County Sewer Agency Report.

REASONS FOR RECOMMENDATION

The Erie County Sewer Agency Report is being submitted to the Legislature – so that it will be on file for the public review. In this way, should the public or any elected official wish to review the subject project, the Erie County Sewer Agency Report will be on file in the Legislative Chambers. It is also a requirement of County Law, Article 5A to have Erie County Sewer Agency Reports on file with the Legislature prior to holding a Public Hearing on the matter.

BACKGROUND INFORMATION

The Erie County Legislature in 2005 approved a \$9.1 Million Bond Resolution to make improvements in Erie County Sewer District No. 3. Since the original action, the Rush Creek Interceptor Project has seen numerous delays in Project Approval, thus resulting in the bond authorization nearing its expiration date. On February 27, 2015, the Board of Managers approved a Sewer Agency Report (enclosed) recommending this Modification of Plans pursuant to Article 5A of County Law.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS FOLLOWING APPROVAL

This is a receive and file item.

BF 
MARIA WHYTE
Commissioner
Environment & Planning

MW: JM: cs

cc: J. Fiegl/0.11.0 Leg Ltr
J.Carr/M.Salah/J.Mallory/3.5.0 Mod of Plans (2015)

**ERIE COUNTY SEWER AGENCY REPORT
ERIE COUNTY SEWER DISTRICT (ECSD) NO. 3
MODIFICATION OF PLANS (2015)**

GENERAL

Erie County Sewer District No. 3 was established in the early 1960's by an order of the Erie County Legislature. The Sewer District is located in central Erie County (Exhibit A) and provides wastewater collection and conveyance services for the Villages of Blasdell, Hamburg and Orchard Park, as well as portions of the Towns of Boston, Eden, Hamburg, Holland, Orchard Park and West Seneca.

BACKGROUND

In 2005, an Increase and Improvement of Facilities was approved for \$9.1 million in bonding authorization which provided for connection of the Village of Blasdell service area to the Southtowns Advanced Wastewater Treatment Facility and thus eliminating the Blasdell Wastewater Treatment Plant. Since the original increase, the Rush Creek Interceptor Project has seen numerous delays in Project approval, thus resulting in the bond authorization nearing its expiration date.

The Southtowns Advanced Wastewater Treatment Facility will require improvements to handle the additional flows from the Village of Blasdell, plus a new interceptor sewer to make the connection between the two treatment plants.

PROJECT COSTS

The existing bond authorization, (Exhibit B) will be utilized to complete the Rush Creek Interceptor Project. Also, there will be engineering, administration or finance costs that will incur as a result of the project. Any remaining funds, if available, will be utilized where best needed to complete new and existing sewer projects within the Sewer District.

FEDERAL AND STATE AID

The Division of Sewerage Management has obtained a \$5.0 million dollar grant to be used towards the upgrade of the Southtowns Treatment Plant and interceptor sewer. Also, the

Division has obtained low interest financing, (50% subsidy on the interest rate) from New York State (NYS) Environmental Facilities Corporation for this project.

ANNUAL COST TO TAXPAYERS

This project is a Modification of Plans; thus, there is no increase to the amount of the original bond authorization that was approved in 2005 for \$9.1 million. Therefore, there will be no new cost increases to the residents within the Sewer District from the estimates presented in the original approved Erie County Sewer Agency Report of 2005, but rather an extension of the bond authorization to complete this project. The project with its \$5.0 million grant and low interest financing will actually be less costly to the taxpayers of ECSD #3 from its original planned cost evaluation.

CONNECTION FEES

There will be no additional costs to properties serviced by the Sewer District for items such as connection charges or fees or the need to pay for connections to the sewer system.

NEW YORK STATE AUDIT AND CONTROL

Submittal of an application to NYS Audit & Control for approval is not required as this is a Modification of Plans pursuant to Article 5A, Section 253-b, County Law and there will be no increase in cost as a result of the proposed action. Pursuant to Chapter 397 of the New York Laws of 1995, application to the NYS Comptroller is not required for a Modification of Plans as the determination of the cost to the typical property was determined during the original Increase and Improvement of Facilities in 2005.

BOARD OF MANAGERS REVIEW

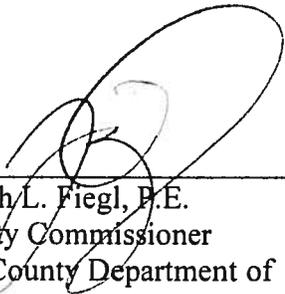
This project has been discussed with the Board of Managers of Erie County Sewer District No. 3. Based on these discussions and review of the Sewer Agency Report, the Board approved this Erie County Sewer Agency Report on FEB. 17, 2015 (Exhibit C) and requests the Erie County Legislature approve a Modification of Plans pursuant to Article 5A, County Law.

RECOMMENDATIONS

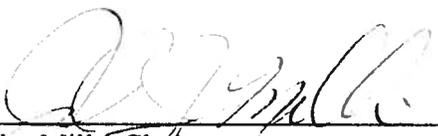
The Erie County Sewer Agency and the Department of Environment and Planning recommendations are that the Erie County Legislature:

1. Accept and adopt this Sewer Agency Report which calls for needed improvements at the Southtowns Advanced Wastewater Treatment Facility and implementation of the Rush Creek Interceptor Project;
2. Adopt the necessary resolution for a Modification of Plans pursuant to Article 5A of County Law;
3. Adopt the necessary resolution calling for a Public Hearing;
4. Approve the Modification of Plans to finance the cost of the improvements to the infrastructure of the Sewer District;
5. Adopt a Bond Resolution to extend the bond authorization to complete the Approved Project.

Date: 2/26/15



Joseph L. Fiegl, P.E.
Deputy Commissioner
Erie County Department of
Environment & Planning And
Erie County Sewer Agency



John Mills, Chairperson
Erie County Sewer District No. 3
Board of Managers



David C. Millar, P.E., Secretary
Erie County Sewer District No. 3
Board of Managers

Exhibit A
Service Area Map
Erie County Sewer District No. 3

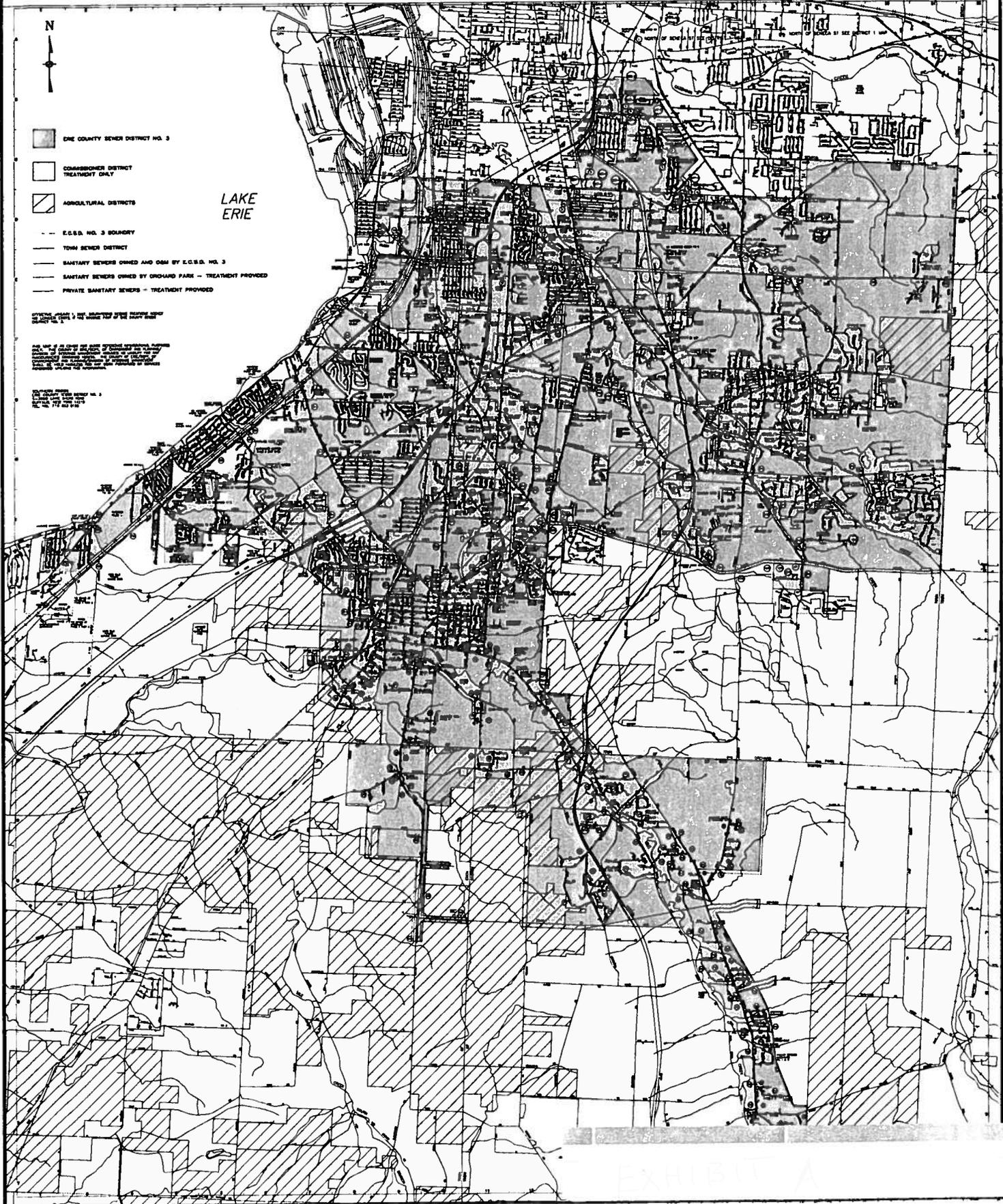
ERIE COUNTY SEWER DISTRICT NO. 3



DATE LAST REVISED: JULY 24, 2014
CADFILENAME: V:\DSM\ACTIVE\DISTRICTS\ECSD3.DWG
SCALE: 1" = 2000'

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT
95 FRANKLIN ST. BUFFALO, N.Y. 14202

N.Y.D.O.T. BASE MAP



-  ERIE COUNTY SEWER DISTRICT NO. 3
-  COMMISSIONER DISTRICT TREATMENT ONLY
-  AGRICULTURAL DISTRICTS
-  E.C.S.D. NO. 3 BOUNDARY
-  TOWN SEWER DISTRICT
-  SANITARY SEWERS OWNED AND O&M BY E.C.S.D. NO. 3
-  SANITARY SEWERS OWNED BY ORCHARD PARK - TREATMENT PROVIDED
-  PRIVATE SANITARY SEWERS - TREATMENT PROVIDED

LAKE
ERIE

NOTES:
1. THIS MAP IS A SUMMARY OF THE SEWERAGE DISTRICTS AND SANITARY SEWERS OWNED AND O&M BY ERIE COUNTY SEWER DISTRICT NO. 3. IT DOES NOT SHOW THE LOCATION OF ALL SEWERAGE DISTRICTS OR SANITARY SEWERS OWNED BY OTHER AGENCIES.
2. THE LOCATION OF ALL SEWERAGE DISTRICTS AND SANITARY SEWERS OWNED AND O&M BY ERIE COUNTY SEWER DISTRICT NO. 3 IS SHOWN ON THIS MAP.
3. THE LOCATION OF ALL SEWERAGE DISTRICTS AND SANITARY SEWERS OWNED BY ORCHARD PARK IS SHOWN ON THIS MAP.
4. THE LOCATION OF ALL PRIVATE SANITARY SEWERS IS SHOWN ON THIS MAP.
5. THIS MAP IS A SUMMARY OF THE SEWERAGE DISTRICTS AND SANITARY SEWERS OWNED AND O&M BY ERIE COUNTY SEWER DISTRICT NO. 3. IT DOES NOT SHOW THE LOCATION OF ALL SEWERAGE DISTRICTS OR SANITARY SEWERS OWNED BY OTHER AGENCIES.
6. THE LOCATION OF ALL SEWERAGE DISTRICTS AND SANITARY SEWERS OWNED AND O&M BY ERIE COUNTY SEWER DISTRICT NO. 3 IS SHOWN ON THIS MAP.
7. THE LOCATION OF ALL SEWERAGE DISTRICTS AND SANITARY SEWERS OWNED BY ORCHARD PARK IS SHOWN ON THIS MAP.
8. THE LOCATION OF ALL PRIVATE SANITARY SEWERS IS SHOWN ON THIS MAP.

Exhibit B
Original Bond Account

BOND ACCOUNT FORECAST
ERIE COUNTY SEWER DISTRICT NO. 3
(Blasdell Connection)
BOND ACCOUNT NO. C.00012
(430-374)

Contract : Blasdell Connection / Rush Creek Interceptor (Design)

| | |
|--|------------------|
| Original Bond Authorization | \$1,200,000.00 |
| Additional Bonding Authorization | \$7,900,000.00 |
| Total Authorization | \$9,100,000.00 |
| Adjustment to Authorization (L.O.C.) | \$5,750,000.00 |
| Total Adjustment to Authorization (a) | \$14,850,000.00 |
| Allocated | \$11,657,423.70 |
| Unallocated | \$3,192,576.30 |
| Expenditures | \$1,325,506.13 |
| Total Projected Expenditures (b) | \$16,907,423.70 |
| Projected Additional Allocation | \$5,250,000.00 |
| Projected Authorization Status (a - b) | (\$2,057,423.70) |

Expiration Date May 19, 2015

Modification of plans planned in 2015 ?

Includes increase in Authorization Grant \$5,000,000

Includes increase in Authorization capital Reserve \$750,000

Bonds Sold to Date:

\$600,000 County (Dec 2005)

February-2015

**BOND ACCOUNT FORECAST
 ERIE COUNTY SEWER DISTRICT NO. 3
 BOND ACCOUNT NO. C.00012
 (430-374)**

| | Allocated | Expenditures | Projected Additional Allocations | WBS | 1st PMT | Last PMT |
|----------------------------------|-----------------------|---------------------|--|---------|---------|----------|
| | \$11,657,423.70 | \$1,325,506.13 | \$5,250,000.00 | | | |
| Construction | \$9,528,277.00 | \$386,605.34 | \$5,250,000.00 | | | |
| Rush Creek Int Phase | \$0.00 | \$0.00 | \$5,250,000.00 | | | |
| Rush Creek PS & ORF Kandey | \$7,327,777.00 | \$386,605.34 | \$0.00 | 12.3.20 | | |
| Rush Creek PS & ORF Quackenbush | \$448,000.00 | \$0.00 | \$0.00 | 12.3.30 | | |
| Rush Creek PS & ORF S Buff Elect | \$1,752,500.00 | \$0.00 | \$0.00 | 12.3.50 | | |
| | \$0.00 | \$0.00 | \$0.00 | | | |
| Engineering | \$2,097,446.70 | \$907,200.79 | \$0.00 | | | |
| URS Blasdell Cons. Inc CO 1 - 4 | \$562,350.29 | \$562,350.29 | \$0.00 | 12.1.10 | | |
| Revised Scope 1 | \$172,388.51 | \$172,388.51 | \$0.00 | | | |
| Revised Scope 2 | \$105,465.58 | \$105,465.58 | \$0.00 | | | |
| URS CO#5 & Revised Scope 3 | \$521,713.80 | \$17,840.10 | \$0.00 | 12.1.11 | | |
| URS - 5 Electric ave PS | \$4,145.30 | \$1,358.13 | \$0.00 | | | |
| URS - 3 Milestrip PS | \$3,983.22 | \$3,983.22 | \$0.00 | 12.1.91 | | |
| GHD Rush Creek Const SVS & CO#1 | \$727,400.00 | \$43,814.96 | \$0.00 | | | |
| Miscellaneous | \$31,700.00 | \$31,700.00 | \$0.00 | | | |
| Ford Property | \$16,500.00 | \$16,500.00 | \$0.00 | 12.1.70 | | |
| Railroad Easements Rush Creek | \$15,200.00 | \$15,200.00 | \$0.00 | | | |
| SRF Iss. Costs | \$0.00 | \$0.00 | \$0.00 | | | |

Exhibit C
Resolution
Board of Managers
Erie County Sewer District No. 3

**A RESOLUTION SUBMITTED BY:
BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 3**

WHEREAS, the Erie County Sewer Agency and the Erie County Department of Environment and Planning have prepared a Sewer Agency Report for consideration by the Erie County Sewer Districts No. 3 Board of Managers calling for a Modification of Plans (2015) pursuant to Section 253-b, Article 5A, County Law; and

WHEREAS, the aforementioned Sewer Agency Report describes improvements to the existing Southtowns Advanced Wastewater Treatment Facility infrastructure and the Rush Creek Interceptor Project as described in the Sewer Agency Report; and

WHEREAS, the Department of Environment and Planning has provided information relative to the project's costs and the project's impact on the tax structure to the ratepayers of Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sewer District No. 3 Board of Managers does hereby accept and adopt this subject Sewer Agency Report, and further recommends this report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A, County Law; and be it further

RESOLVED, that the Erie County Sewer Agency be directed to pursue a Modification of Plans (2015) pursuant to Section 253-b, Article 5A of County Law.

Respectfully submitted,



David C. Millar, P.E.
Secretary, Board of Managers
Erie County Sewer District No.3

Moved by: _____

Seconded by: _____

Approved: 8-0, via Email Poll

Date: 2/22/2015