

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 27, 2015

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

**RE: Erie County Sewer District No. 3
Increase & Improvement of Facilities (2014)**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to an Increase & Improvement of Facilities 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,

A handwritten signature in black ink, appearing to read "Mark Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JM
Enclosure

cc: J. Fiegl – Environment and Planning

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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Increase & Improvement of Facilities (2014)
Date: April 27, 2015

SUMMARY

The Erie County Legislature is requested to approve the attached resolution calling for a public hearing regarding the proposed Increase & Improvement of Facilities 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 papers prior to the Public Hearing.

FISCAL IMPLICATIONS

There are no fiscal implications with the recommended action of holding a Public Hearing.

REASONS FOR RECOMMENDATION

The attached Public Hearing Resolution is being submitted to the Legislature so that the Department can hold a Public Hearing on the proposed Increase & Improvement of Facilities. It is a requirement of New York State County Law, Article 5A to have a public hearing prior to approving the project.

BACKGROUND INFORMATION

The Southtowns Advanced Wastewater Treatment Facility went on line in the early 1980's. The existing sewage sludge incinerators have recently been issued new air emission guidelines by the United States Environmental Protection Agency (USEPA). These new guidelines set limits for nine pollutants in accordance with Section 129 of the Clean Air Act. In response, the Sewer District has had the air emissions analyzed and have developed alternatives necessary to be in compliance. On October 1, 2014, the Erie County Sewer District (ECSD) No. 3, Board of Managers approved a Sewer Agency Report recommending this Increase & Improvement of Facilities pursuant to Article 5A of New York State County Law to fund improvements that the Sewer District could incur.

Recent estimates for the incinerator upgrades have come in below the costs anticipated in the Sewer Agency Report. This has been discussed with ECSD No. 3 Board of Managers and considering the other expected capital needs for the facility, the Board wishes to continue with this action.

CONSEQUENCES OF A NEGATIVE ACTION

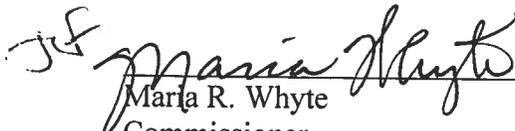
The Sewer District would not be able to fund the necessary improvements at the Southtowns Advanced Wastewater Treatment Facility.

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STEPS FOLLOWING APPROVAL

1. 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 June 3, 2015 at 1:30 p.m. local time.

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Maria R. Whyte
Commissioner

MW:JM:sm
Enclosures

cc: J. Fiegl 0.11.0 Leg. Ltr. (w/enc.)
J. Carr/D. Millar/J. Mallory 3.5.0 Inc. & Imp. of Facilities (2014)
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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:

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RESOLUTION NO. ____-2015

RESOLUTION DATED _____, 2015

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING A PUBLIC HEARING ON THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3.

(Introduced) _____, 2015

(Adopted) _____, 2015

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York (“District No. 3”), has heretofore been established; and

WHEREAS, the Erie County Sewer Agency prepared map and plan dated August 27, 2014 (the “Sewer Agency Report”) regarding an increase and improvement of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the amount of \$5,000,000; and

WHEREAS, pursuant to a resolution adopted on October 1, 2014, the District No. 3 Board of Managers has accepted and adopted the Sewer Agency Report, recommended that the Sewer Agency report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A of the County Law of the State of New York and directed that the Erie County Sewer Agency pursue an increase and improvements of facilities (2014) for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000; and

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WHEREAS, the estimated annual cost to the average home in District No. 3 would see an annual increase of approximately \$6.85 after the total bond authorization of \$5,000,000 is issued; and

WHEREAS, a copy of the Sewer Agency Report has been filed with the County Legislature; and

WHEREAS, the County Legislature now desires to call a public hearing to consider such increase and improvements of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000 in accordance with the provisions of Section 254 of the County Law;

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 ***92 Franklin Street, 4th Floor in Buffalo, New York, on the 3rd day of June , 2015 at 1:30 o'clock p.m.***, for the purpose of conducting a Public Hearing on the proposed increase and improvements of facilities of facilities for District No. 3, including improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000, 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 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.

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

AYES:

NOES:

THE RESOLUTION WAS DECLARED ADOPTED.

* * *

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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

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NOTICE OF PUBLIC HEARING ON THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3

Notice is hereby given that a public hearing pursuant to Section 254 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 3rd day of June, 2015 at 1:30 p.m., local time, at **92 Franklin Street, 4th Floor in Buffalo, New York** in connection with a proposed Increase and Improvements of Facilities of Erie County Sewer District No. 3 ("District No. 3"):

The increase and improvements of facilities for District No. 3, includes improvements to the Southtowns Advanced Wastewater Treatment Facility, in the estimated maximum amount of \$5,000,000, as more fully described in the report and estimate of cost of the Erie County Sewer Agency dated August 27, 2014 (the "Sewer Agency Report"). The Sewer Agency Report has been accepted and adopted by the Board of Manager of District No. 3 and a copy of such Sewer Agency Report has been filed with the County Legislature of the County of Erie.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in District No. 3 for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$6.85.

The estimated maximum cost of the aforesaid improvements of the facilities of District No. 3 is \$5,000,000 to be assessed against a benefitted area which consists of the entire area of said District No. 3

Dated: Buffalo, New York,
LEGISLATURE
_____, 2015

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

By: _____

Clerk, County Legislature