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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 31, 2015

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

**RE: Erie County Sewer Districts
NYSDOT
Utility Work Agreement**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the New York State Department of Transportation (NYSDOT) Utility Work Agreement with the County of Erie.

Should your 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,

Mark Poloncarz, Esq.
Erie County Executive

MCP:LQ:cs

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer Districts
NYSDOT
Utility Work Agreement
Date: December 31, 2015

SUMMARY

Approval to enter into NYSDOT Utility Work Agreements for the various NYSDOT projects is requested.

FISCAL IMPLICATIONS

There will be no fiscal impact to the County's General Fund. Work performed on the Erie County sewers and manholes will be paid for by the NYSDOT in accordance with the Rules and Regulations governing the accommodations of utilities within the State right-of-way.

REASONS FOR RECOMMENDATION

The various NYSDOT highway reconstruction projects involve the adjustment of Erie County sanitary sewerage facilities, sewers, and/or manholes to meet the new highway alignment and elevations.

BACKGROUND INFORMATION

The NYSDOT periodically schedules the improvement of sections of State Highways requiring the adjustment of County sanitary facilities located within the State highway right-of-way.

CONSEQUENCES OF NEGATIVE ACTION

The NYSDOT will cause Erie County to adjust its own sanitary sewer facilities at its own expense in advance of their highway reconstruction projects.

STEPS TO FOLLOW APPROVAL

The County of Erie will periodically execute NYSDOT Utility Work Agreements which will allow the NYSDOT contractor for a specific project to make all necessary adjustments to Erie County sanitary sewer facilities at NYSDOT expense.

**RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

Re: Erie County Sewer Districts
NYSDOT
Utility Work Agreement

WHEREAS, the NYSDOT periodically schedules the improvements of sections of State Highways; and

WHEREAS, these improvements require the adjustment of County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the review and approval of the Erie County Department of Environment and Planning, Division of Sewerage Management; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended to the Legislature that Erie County enter into the NYSDOT Utility Work Agreements.

NOW, THEREFORE BE IT

RESOLVED, that the Legislature approve the Erie County Department of Environment and Planning, Division of Sewerage Management entering into NYSDOT Utility Work Agreements for adjusting County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the approval of the Erie County Department of Environment and Planning, Division of Sewerage Management; and it be further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning is hereby authorized on behalf of the County Executive to sign the NYSDOT Utility Work Agreements allowing the NYSDOT to perform the necessary work required and at no cost to the County; and it be further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning is hereby authorized on behalf of the County Executive to sign NYSDOT Utility Work Agreements with the understanding that the County will be obligated to maintain Erie County Sewer District facilities adjusted via State-let contracts; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each of this resolution to the County Executive, the Commissioner of Environment and Planning, and Kristin Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.