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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

September 16, 2016

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

**RE: Erie County Sewer District No. 6  
Increase & Improvement of Facilities  
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 a Sewer Agency Report for Erie County Sewer District No. 6.

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 cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

*Dpty county Executive*

MCP:JM:cs  
Enclosure

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 6  
Increase & Improvement of Facilities  
Erie County Sewer Agency Report  
**Date:** September 16, 2016

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### **SUMMARY**

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's proposed Increase & Improvement of Facilities in Erie County Sewer District No. 6. This Sewer Agency Report is a resubmittal to the report of April 13, 2016 as it required project modifications from the original.

### **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 attached Erie County Sewer Agency Report is being submitted to the Legislature so that it will be on file for 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 available in the Legislative offices. It is a requirement of New York State County Law, Article 5A to have this report on file with the Legislature prior to holding a Public Hearing on the matter.

### **BACKGROUND INFORMATION**

The Sewer District has sewers, manholes, a sewage treatment plant and appurtenances that date back to the early 1900's and which require maintenance and improvements. The District is also facing significant capital costs to meet the requirements of the Sewer District's updated State Pollutant Discharge Elimination System (SPDES) permit.

On June 21, 2016 the Erie County Sewer District No. 6 Board of Managers approved this Sewer Agency Report recommending this Increase & Improvement of Facilities pursuant to Article 5A of New York State County Law to fund the necessary improvements.

### **CONSEQUENCES OF A NEGATIVE ACTION**

This is a receive and file item.

### **STEPS FOLLOWING APPROVAL**

This is a receive and file item.

**ERIE COUNTY SEWER AGENCY REPORT  
ERIE COUNTY SEWER DISTRICT NO. 6  
INCREASE AND IMPROVEMENT OF FACILITIES (2016)**

**INTRODUCTION**

Erie County Sewer District No. 6 (ECSD or 'Sewer District') No. 6 was established in 1983. ECSD No. 6 provides sanitary and storm sewer services to approximately 20,000 residents in the City of Lackawanna

Since the Sewer District's inception in 1983, the District has made great strides in resolving infrastructure issues, odor problems, infiltration and inflow removal, and upgrading of the treatment plant facilities.

The Sewer Districts has undertaken a comprehensive infiltration and inflow (I/I) removal program. In doing so, it has reduced the average daily flows to the treatment plant by more than 1 MGD (million gallons per day). However, there is still need for improvements within the Sewer District to service the City of Lackawanna adequately.

**BACKGROUND**

ECSD No. 6 currently has approximately 71 miles of sanitary sewers, 48 miles of storm sewers, 7 sanitary pumping stations, 3 storm water pumping stations and a Wastewater Sewage Treatment Plant, many of which have been existence since the Sewer Districts inception in the early 1900's.

The Sewer District due to the advanced age and size is always upgrading or repairing the existing sewer systems, thus the reasoning behind having capital funds available for anything that could arise within the Sewer District.

The Sewer District anticipates future repairs of sewers, manholes, pumping stations and their appurtenances within the District. Improvements will also be driven by the Lackawanna Wastewater Treatment Plant State Pollutant Discharge Elimination System (SPDES) Permit.

**SERVICE AREA**

The service area for this project is the entire Sewer District. Essentially it includes the City of Lackawanna. (Exhibit A)

## PROJECT DESCRIPTION

The Sewer District recently completed a SPDES permit driven "No Feasible Alternative Analysis and Permit Compliance Evaluation" report. The report summarizes technical evaluations of the Lackawanna WWTP relative to specific parameters detailed in the SPDES permit for which the treatment plant must be modified for permit compliance. The report recommended that the existing disinfection system at the treatment plant be supplemented to include a dechlorination system to meet the final TRC permit limit. This recommendation also involves expanding the disinfection system to accommodate increased future flows. The cost for the disinfection system work is approximately \$1.2 million.

The report identified numerous baseline projects at the Lackawanna WWTP that require engineering and construction solutions. While the baseline projects do not have a direct impact on the compliance with SPDES permit parameters, each has been rated in ECSD No. 6's Capital Improvements Plan as requiring replacement or reconstruction. Those projects include work on the secondary influent pumping, UNOX reactors, secondary process upgrades, electrical/instrumentation and control upgrades, and building improvements. The cost estimate to address the worst of the identified baseline projects at the Lackawanna WWTP is approximately \$1.3 million.

The report also identified numerous project options for which implementation is depended on the results of an inflow/infiltration pilot project to be performed in the Sewer District's collection system. The results of this study will be used to drive the strategy for project implementation, and sizing of various treatment processes, necessary to meet permit compliance for outstanding parameters. In addition to the I/I pilot project, most of the District's 71 miles of sanitary pipe, 48 miles of storm pipe, and related manholes are approaching or have reached the end of its anticipated usefulness. Through the DSM's I/I reduction program, projects are identified to repair defective assets and reduce I/I on an ongoing basis. This saves the ratepayers costs associated with pumping and treating extraneous flows. The costs involved with an I/I pilot project and associated I/I reduction programs are estimated to be approximately \$1,000,000.

The new bonding authorization will provide funding for engineering and construction expenses related to renewal of assets throughout the Sewer District. The following projects are anticipated:

I.	Lackawanna WWTP Disinfection system	\$1,200,000
II.	Baseline WWTP Projects	\$1,300,000
III.	I/I Pilot Project and Collection System Improvements	\$1,000,000

It is estimated that engineering, administration and EFC financing fees could amount to 25% of project construction costs. These costs are included above. Any remaining funds, if available, will be utilized to make additional improvements that are deemed necessary and in the best interest of the Sewer District.

## FEDERAL AND STATE AID

This project is being prepared under the assumption that no grants will be forthcoming. As a result, this report represents a worst-case scenario. However, should the District be fortunate to obtain grant funding at a later date, it would be used to lower the annual debt service cost of the project.

The District has qualified for zero interest loans under the New York State Revolving Loan Funding Program. If available at the time of need they will be utilized to offset project costs.

The County's current bonding rate is approximately 3.79% for 30-year term bond (Exhibit B). For the purposes of this report, the bond rate has been assumed not to exceed 4% for a 30-year bond term.

The cost for borrowing \$1 million at 4% interest (4% interest, 30-year payments, Principals of Engineering Economy Grant, Ireson, and Leavenworth Eighth Edition, pg. 537, Table D-7 is \$57,830; so annual debt service payments for borrowing \$3.5 million would have been estimated at \$202,405.

## ANNUAL DEBT SERVICE

The maximum anticipated annual cost impact to the average home in the Sewer District for the additional bond debt will be \$10.85 (\*), ( $\$202,405/18,660$ ) where 18,660 is the total equivalent dwelling units, (Exhibit C) in Sewer District No. 6 for 2015.

(\*) State Audit and Control requires projecting cost impact on the ratepayer on a project by project basis exclusive of other existing bond debt either owed or being retired.

## CONNECTION FEES

There will be no additional costs to property owners serviced by the Sewer District for items such as connection charges or fees. The project will benefit properties presently serviced by the existing sewer system, so costs for such items are not applicable. The District's existing charges for connection, inspection and per unit fees will remain the same.

## SUMMARY AND CONCLUSIONS

ECSD No. 6 has sewers, manholes and appurtenances that date back to the early 1900's which require maintenance and improvements. The Sewer District is also facing significant capital needs to meet the requirements of the ECSD No. 6 SPDES permit.

The estimated project cost is \$3.5 million. The average home in the Sewer District would see an annual increase of \$10.85 as a result of the proposed Sewer Agency

Report. The total cost increase would come over a period of ten years as these improvements are completed and the money is borrowed.

#### BOARD OF MANAGERS REVIEW

This matter has been discussed with the Board of Managers. This Sewer Agency Report was presented and discussed at their meeting of 4/12/2016 and 6/21/2016. On 6/21/2016, the Board of Managers moved to accept and adopt the Sewer Agency Report and to request the County Legislature approve a Bond authorization for the project in the amount of \$3.5 million pursuant to Article 5A, County Law. (Exhibit D)

#### NEW YORK STATE (NYS) AUDIT & CONTROL

Submittal of an application to NYS Department of Audit & Control for approval is not required. Pursuant to Chapter 397 of the New York Laws of 1995, application to the NYS Comptroller is required only if the increased cost to the typical property, as a result of this Increase & Improvement of Facilities, exceeds \$12.00 annually. (Exhibit E). The estimated per home cost increase for this project is below the annual cost of \$10.85 per home; therefore, an application is not required.

RECOMMENDATION

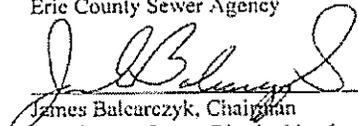
The recommendations of the Erie County Sewer Agency are that the Legislature should:

1. Accept and adopt this Sewer Agency Report;
2. Adopt necessary resolution calling for a public hearing;
3. Adopt the resolutions necessary for an "Increase and Improvement of Facilities" pursuant to Article 5 A of the County Law;
4. Pursuant to Chapter 397 of the New York State Laws of 1995, file any required documentation or application with the New York State Department of Audit and Control; and
5. Approve a Bond Resolution in the amount of \$3.5 million.

Date: \_\_\_\_\_

6/9/14

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

  
\_\_\_\_\_  
James Balcarezyk, Chairman  
Erie County Sewer District No. 6  
Board of Managers

ERIE COUNTY SEWER DISTRICT NO. 6

EGSD No. 6 BOUNDARY

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING DIVISION OF SEWERAGE MANAGEMENT 100 FRANKLIN STREET, BUFFALO, N.Y. 14203

N.Y.C.O.T. BASE MAP



EXHIBIT A

Mallory, John

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**From:** Cucinelli, Brian (EFC) <Brian.Cucinelli@efc.ny.gov>  
**Sent:** Wednesday, January 20, 2016 10:07 AM  
**To:** Mallory, John  
**Subject:** RE: Interest rate on 30 year bond

John,

My apologies for the delayed response. To give you a rough estimate, EFC's last pool financing rate was:

All-In True Interest Cost – Long Term Market Rate Financing = 3.79%.

CW projects receive a 50% subsidy, which gets you to an effective rate of ~1.90%. Please note that these rates are based on EFC's last pool financing. Rates fluctuate and are subject to change.

- Brian

TOTAL TAX ACCOUNTS

DIST # 6			
TOWN	SD #	2016	
		Units	Parcels
Blas. O.D. #8	48250	490	20
W.S. O.D. #8	68400	3	3
Lackawanna	09992	17,828	6,512
Buffalo	02002	339	4
<b>TOTALS</b>		<b>18,660</b>	<b>6,539</b>

RESOLUTION  
BOARD OF MANAGERS  
ERIE COUNTY SEWER DISTRICT NO. 6

WHEREAS, the Erie County Sewer Agency has prepared a Sewer Agency Report for consideration by the Board of Managers calling for an Increase and Improvement of Facilities (2016) for Erie County Sewer District No. 6 in the amount of \$3.5 million; and

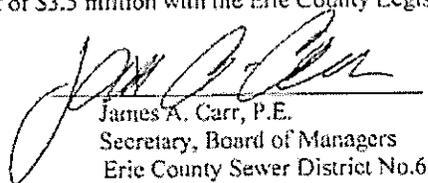
WHEREAS, said Sewer Agency Report has identified the need to improve the Sanitary Sewer service to the residents of Erie County Sewer District No. 6, which includes but is not limited to, the construction and/or rehabilitation of sanitary sewers, pumping stations, the treatment plant, overflow retention facility, and related necessary appurtenances; and

WHEREAS, the Department of Environment and Planning has presented information relative to the increase in cost and its effect on the charge structure for Erie County Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sewer District No. 6 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 an Increase and Improvement of Facilities (2016) in the amount of \$3.5 million with the Erie County Legislature pursuant to Article 5A of County Law.

  
James A. Carr, P.E.  
Secretary, Board of Managers  
Erie County Sewer District No.6

Moved by: MR. BALKOJCZYK

Seconded by: MR. CALO

Approved: 3-0

Date: 6/21/2014



THOMAS P. D'AMPOLI  
COMPTROLLER

STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER  
110 STATE STREET  
ALBANY, NEW YORK 12236

ANDREW A. SANFILIPPO  
EXECUTIVE DEPUTY COMPTROLLER  
OFFICE OF STATE AND LOCAL GOVERNMENT  
ACCOUNTABILITY  
Tel: (518) 474-4591 Fax: (518) 402-4892

December 2015

Dear Local Government Official:

Please find attached a listing of the average estimated cost thresholds for your use in determining whether approval of the State Comptroller is necessary for certain special district actions in the year 2016.

Certain "low cost" special districts, i.e., those which are at or below average estimated cost thresholds contained in the enclosure, do NOT require approval of the State Comptroller. However, if debt is being issued, a certified copy of the notice of hearing for the "low cost" district must be sent to our office. This copy must be sent, on or about the date of publication, to the Office of the State Comptroller, Division of Legal Services, 110 State Street, 14th Floor, Albany, New York 12236. It should be sent no later than 14 calendar days after publication. This notice enables us to accurately calculate future average estimated cost thresholds.

In addition, certified copies of resolutions or orders which, among other things, finally establish or extend a district, and in the case of counties, authorize an increase and improvement of facilities, are required to be filed with this Office regardless of whether the Comptroller's approval is required. Resolutions or orders that are subject to permissive referendum should not be filed until the period for filing a petition has passed, or if a petition is filed, a referendum has been held.

We would be happy to provide advisory services and assist you in identifying and resolving issues in connection with special district actions, even if the proceedings are not subject to our approval. You can obtain additional information and guidelines on submitting applications by contacting our office. The information in this letter, as well as the Comptroller's regulations relating to applications for permission of the Comptroller to establish or extend special districts (Part 85), can also be found on our website:

<http://www.osc.state.ny.us/localgov/dtansta/files/part85regs.pdf>

If you have questions or need more information, please contact Eileen McDonald in our Division of Legal Services at (518) 474-3517 or Scott Waldorf in our Division of Local Government and School Accountability at (518) 486-3145.

Sincerely,

Andrew A. SanFilippo  
Executive Deputy Comptroller  
Office of State and Local Government Accountability

Enc.

EXHIBIT E

Comm. 18E-4  
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## AVERAGE ESTIMATED COSTS FOR COUNTY AND TOWN SPECIAL IMPROVEMENT DISTRICTS

(EFFECTIVE FOR PROCEEDINGS FOR WHICH A NOTICE OF HEARING IS PUBLISHED FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016)

The Comptroller's approval is required if debt is proposed to be issued by a town or county, and the "cost of the district or extension" to the "typical property" or, if different, the "typical one or two family home" as stated in the notice of hearing, is above the average estimated cost thresholds listed below.<sup>1</sup>

"Costs" include amounts required to be paid for debt service, operation and maintenance and other charges, including user fees, related to the improvement in the first year following formation of the district or extension, or the increase and improvement of facilities in counties (or, if greater, the first year in which both principal and interest and operation and maintenance will be paid). To ensure accurate calculations of estimated costs, towns and counties should not assume the receipt of federal or state aid in the absence of firm commitments from the appropriate agency. In addition, estimated borrowing costs should be based on the proposed maturity of the obligations and interest rate assumptions derived from market surveys or a letter of commitment. Charges imposed by other governmental entities, such as public authorities or other municipalities, should also be included in the computation. Costs, for this purpose, do not include hook-up fees.

A summary of the notice of hearing requirements for the establishment and extension of town special districts appears in Appendix A. Frequently asked questions (FAQs) on the establishment or extension of town special districts concerning required determinations and methods of assessment appear in Appendix B.

### TOWN DISTRICTS

The following average estimated costs apply to town special district establishments, extensions, or increases in the maximum amount to be expended.<sup>2</sup>

Sewer	\$ 798
Water	\$ 902

<sup>1</sup> For those proceedings that are subject to a permissive referendum requirement, the Comptroller's Office will accept the filing of an application prior to the expiration of the time for filing a petition requesting a referendum, or if a petition is filed, the vote on the proposition. However, no approval order will be granted until after the completion of all such requirements.

<sup>2</sup> The Comptroller's approval, if required in the case of an increase in the maximum amount to be expended, may be given only after a public hearing and, in the case of Article 12-A districts, permissive referendum requirements are met.

## COUNTY DISTRICTS

The following average estimated cost applies to county special district establishments, extensions or increases in the maximum amount to be expended.

Sewer	\$ 442
Water	\$ 3

The following average estimated cost applies to county special district increases and improvements of facilities. Please note that this figure represents only the increased cost to the typical property as a result of the increase and improvement.

Sewer	\$ 12
Water	\$ 3

## OTHER DISTRICTS

For all other types of districts, there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the Comptroller's approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.

Note that proceedings under Town Law § 202-b to, among other things, repair, improve, or replace facilities within an existing town district do not require the Comptroller's consent, except in certain cases within the Adirondack Park (see Town Law § 202-b[5] and Local Finance Law § 104.10[3]).