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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 16, 2016

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

RE: Erie County Sewer District No. 4
Increase & Improvement of Facilities (2016)

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. 4.

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,

Marcia R. Hughes
Mark C. Poloncarz, Esq.
Erie County Executive
Dpty County Executive

MCP:JM:cs

cc: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 4
Increase & Improvement of Facilities (2016)
Date: September 16, 2016

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. 4. 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 new bonding authorization will provide funding for engineering pumping station improvements, collection system/infiltration and inflow improvements and upgrades for the Depew Overflow Retention Facility.

On June 22, 2016 the Erie County Sewer District No. 4 Board of Managers approved the Sewer Agency Report recommending the Increase & Improvement of Facilities pursuant of New York State County Law to fund these needed improvements.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to fund the necessary improvements in Erie County Sewer District No. 4.

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 October 26, 2016 at 1:30 p.m. local time.

Thomas R. Hersey, Jr.
Commissioner

JM:cs
Enclosures

cc: J. Fiegl 0.11.0 Leg. Ltr. (w/enc.)
J. Carr/D. Millar/J. Mallory 4.5.0 Inc. & Imp. of Facilities (2016)

V:\Sewerage Management\Administration\Documents\Courtney\Resolution\Mallory\D4 Increase&Improve 2016.docx

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

_____, 2016

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 _____2016, at 2 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. _____

RESOLUTION DATED _____, 2016.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2016.

(Adopted) _____, 2016

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. 4 of the County of Erie, New York, has heretofore been established and created on February 22, 1961 (the "District") to provide sewer services for portions of the Villages of Depew and Lancaster, and the Towns of Lancaster, West Seneca, Alden and Cheektowaga; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on June 22, 2016 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the following projects: (i) various pumping station improvements at the estimated maximum cost of $2,400,000; (ii) various collection system/infiltration and inflow improvements at the estimated maximum cost of $2,100,000; and (iii) improvements required by anticipated modification of the State Pollutant Discharge Elimination System permit for the Depew Overflow Retention Facility at the

estimated maximum cost of $1,500,000; all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is $6,000,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the $10.32 cost thereof to the Typical Property (as defined in the County Law) does not exceed the applicable threshold for Average Estimated Cost for County Districts on similar types of expenditures, which was computed by the State Comptroller to be $12.00 for calendar year 2016; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement 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. A meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 26th day of October, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities

of Erie County Sewer District No. 4 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 26th day of October, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 4 in said County.

The increase and improvement of such facilities consisting of the following projects: (i) various pumping station improvements at the estimated maximum cost of $2,400,000; (ii) various collection system/infiltration and inflow improvements at the estimated maximum cost of $2,100,000; and (iii) improvements required by anticipated modification of the State Pollutant Discharge Elimination System permit for the Depew Overflow Retention Facility at the estimated maximum cost of $1,500,000, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of Erie County Sewer District No. 4 on June 22, 2016 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is $6,000,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is $10.32 for the District.

The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,

_____, 2016.

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

By _____
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "Challenger", the official newspapers of said County and in the "Depew Bee" a newspaper of general circulation, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

* * * * * * * * * * * * * * * *

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 thereupon declared duly adopted.

* * * * * * * * * * * * * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the _____ day of _____, 2016, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media	Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

I FURTHER CERTIFY that, on or about the time of said meeting, I duly caused a public notice of the time and place of said meeting to be filed with the Office of the Comptroller of the State of New York.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this _____ day of _____, 2016.

_____
Clerk, Erie County Legislature

(SEAL)