



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 11, 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,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JM:cs

cc: J. Fiegl – Environment and Planning

Comm. 22E-9

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: November 11, 2016

SUMMARY

The Erie County Legislature is requested to approve the attached resolution for the proposed Increase & Improvement of Facilities in Erie County Sewer District (ECSD) No. 4.

FISCAL IMPLICATIONS

The bond authorization will have no effect on Erie County's general fund.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 268, Increase & Improvement requires a Public Hearing on the proposed increase. The Erie County Legislature approved a resolution on October 6, 2016 calling for a public hearing. The public hearing was held on October 26, 2016 with no objections to the Increase & Improvement of Facilities. The next step is to approve the attached resolution.

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 to the New York State Law to fund these needed improvements.

CONSEQUENCES OF A NEGATIVE ACTION

The County would not be able to fund the necessary improvements in ECSD No. 4.

STEPS FOLLOWING APPROVAL

The Erie County Division of Sewerage Management will submit a Bond Resolution for approval to the Erie County Legislature.

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'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED _____, 2016

A RESOLUTION APPROVING AN 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 Erie County Sewer District No. 4 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, 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, said County Legislature duly adopted Resolution No. 239 on October 6, 2016, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at Erie County Hall ,92 Franklin St., 4th Floor, in Buffalo, New York, in said County, on October 26, 2016, at 1:30 o'clock P.M., Prevailling; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 4, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$6,000,000.

Section 2. 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 said Sewer District No. 4, 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.

Section 3. 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.

* * *

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 November , 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.

(SEAL)

Clerk, Erie County Legislature

Karen M. McCarthy