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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 18, 2018

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

**RE: Erie County Sewer District No. 5
Increase & Improvement of Facilities (2018)**

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. 5.

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 yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JM:cs

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. 5
Increase & Improvement of Facilities (2018)
Date: July 18, 2018

SUMMARY

The Erie County Legislature is requested to approve the attached resolution for the proposed Increase and Improvement of Facilities in Erie County Sewer District (ECSD) No. 5.

FISCAL IMPLICATIONS

Approving this resolution will have no effect on Erie County's General Fund.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 268, an Increase and Improvement requires a Public Hearing on the proposed project. The Erie County Legislature approved a resolution on May 24, 2018 calling for a public hearing. The public hearing was held on June 26, 2018 with no objections to the Increase and Improvement of Facilities. The next step is to approve the attached resolution.

BACKGROUND INFORMATION

The Erie County Division of Sewerage Management's Capital Improvement Planning process has identified infrastructure in Erie County Sewer District No. 5 that needs to be upgraded. Furthermore, there may be the need for the District to advance a capacity study in the next few years to identify potential future projects. Finally, all existing bond authorizations within this Sewer District have expired and there is a need to have authorizations available to meet any problems that could arise.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to utilize bond authorization to construct new projects.

STEPS FOLLOWING APPROVAL

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.
_____, 2018

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 _____ 2018, at _____ o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____-2018

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2018.

(Adopted) _____, 2018.

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. 5 of the County of Erie, New York, has heretofore been established and

WHEREAS, the Board of Managers of Erie County Sewer District No. 5 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 Erie County Sewer District No. 5 on April 9, 2018 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 improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service requirements; 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 \$1,000,000, to be apportioned in accordance with

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applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 268 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 expenditure of funds for said increase and improvement because the \$10.87 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 \$11.00 for calendar year 2018; and; and

WHEREAS, said County Legislature duly adopted Resolution No. 115 on May 24, 2018, 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 the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June 26, 2018, at 6:00 P.M., Prevailing Time; 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; and

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. 5, 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 \$1,000,000.

Section 2. The cost of the aforesaid increase and improvement of the facilities of the District is to be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time.

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 _____, 2018, 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 _____, 2018.

Clerk, Erie County Legislature

(SEAL)