



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

June 17, 2019

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, NY 14202

**RE: Oakwood Avenue Reconstruction and Sewer Replacement  
Erie County Sewer District No. 8  
Proposed Intermunicipal Agreement –Village of East Aurora**

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 a proposed intermunicipal agreement with the Village of East Aurora.

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 of this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:bp  
Enclosure

Cc: J. Fiegl, Deputy Commissioner – DEP/DSM

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Oakwood Avenue Reconstruction and Sewer Replacement  
Erie County Sewer District No. 8  
Proposed Intermunicipal Agreement – Village of East Aurora  
**Date:** June 17, 2019

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### **SUMMARY**

Approval is requested to enter into an intermunicipal agreement (IMA) between the County of Erie, on behalf of Erie County Sewer District (ECSD) No. 8, and the Village of East Aurora for the replacement of approximately 480 lineal feet of sanitary sewer and associated manholes within the limits of the Village's planned Oakwood Drive road reconstruction project.

### **FISCAL IMPLICATIONS**

There will be no fiscal implications to the County's General Fund. The funds for this contract will be allocated from ECSD No. 8 Capital Reserve Project C.11801.

### **REASONS FOR RECOMMENDATION**

This cooperative endeavor would provide a cost benefit to the residents of East Aurora by preventing a duplication of restoration work, eliminating the economic waste of excavating and patching of a reconstructed roadway, and limiting the disruption to the public. ECSD No. 8 would also benefit through cost savings due to economies of scale by including the sewer replacement within a larger project.

### **BACKGROUND INFORMATION**

The Village of East Aurora is in the process of planning a full road reconstruction project on Oakwood Drive in the Village. ECSD No. 8 owns and maintains the sanitary sewer infrastructure in the Village of East Aurora. The Sewer District has planned the replacement of approximately 480 lineal feet of sanitary sewer and four (4) sanitary sewer manholes within the project limits of the Village's road reconstruction project.

The Village has indicated it would be willing to partner with ECSD No. 8 for this work and preliminary terms for an IMA to effectuate this arrangement have been discussed. Under the proposed IMA, the Village would include the sanitary sewer replacement as a bid-alternate in their project. Upon receipt of the bids, the Erie County Division of Sewerage Management (DSM) will review the proposed cost for the alternate work and provide authorization for the award. Should the DSM accept the bid pricing and request that the Village proceed with the alternate, initial payment for the work included in ECSD No. 8's bid alternate would be made by the Village to the contractor. The DSM would subsequently reimburse the Village for the construction cost per the bid items. The Village's Engineer will oversee construction and provide inspection as part of the larger project. The DSM will review and approve applicable shop drawings prior to construction, attend progress meetings when

applicable work is on the agenda, consult the Village's Engineer if issues are encountered, and review the final installation of sanitary sewer work prior to final acceptance.

The Engineer's estimate for the sanitary sewer replacement as a standalone project is \$214,000. If included as part of the road reconstruction project the potential savings are estimated to be over \$50,000. ECSD No. 8 has sufficient capital reserves to fund this project. As the estimate does not include engineering expenses by the Village, and as the exact cost for the alternate bid item will not be known until after bid, an amount not to exceed \$200,000 would be authorized for transfer.

### **CONSEQUENCES OF NEGATIVE ACTION**

The sanitary sewer replacement project would occur after the road reconstruction project. This would require excavation of a newly reconstructed roadway and payment by ECSD No. 8 for the duplicated restoration work. This would also be a nuisance the public by creating two sequential closings of the same road for the two separate projects and be a visible display of economic waste.

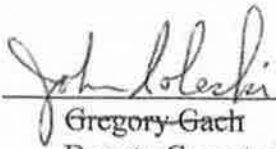
### **STEPS TO FOLLOW APPROVAL**

An IMA, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning with the Village of East Aurora will be executed. If the DSM approves of proceeding with the aforementioned alternate bid item, capital reserves in an amount not to exceed \$200,000 would be transferred to reimburse the Village for associated costs.

## **COMPTROLLER'S OFFICE REVIEW**

The proposed action has been reviewed by the Comptroller's Office and is related to authorize capital account for which there are sufficient capital appropriations for the action proposed.

Signed  
Title



Date

6/11/19

Gregory Gach

Deputy Comptroller

John Solecki

Director of Accounting Services & Cash Management

**Oakwood Avenue Reconstruction and Sewer Replacement**  
**Erie County Sewer District No. 8**  
**Capital Reserve Account C.11801**

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Oakwood Avenue Reconstruction and Sewer Replacement  
Erie County Sewer District No. 8  
Proposed Intermunicipal Agreement – Village of East Aurora

WHEREAS, the Erie County Department of Environment and Planning Division of Sewerage Management has initiated plans to replace sanitary sewer infrastructure including sewer pipe and manholes located in Oakwood Avenue in the Village of East Aurora (hereinafter referred to as the "Sewer Replacement Project"); and

WHEREAS, the Village of East Aurora intends to undertake road and utility reconstruction of a portion of Oakwood Avenue in the Village of East Aurora (hereinafter referred to as the "Road Reconstruction Project") which encompasses the area of the Sewer Replacement Project; and

WHEREAS, the Division of Sewerage Management and Village of East Aurora desire to enter into a cooperative agreement to coordinate and facilitate the Road Reconstruction Project and the Sewer Replacement Project on portions of Oakwood Avenue in order to achieve cost containment, efficiency, and minimize impact to the residents; and

WHEREAS, the Division of Sewerage Management has determined the sewer replacement project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Intermunicipal Agreement with the Village of East Aurora to facilitate the Sewer Replacement Project, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Intermunicipal Agreement with the Village of East Aurora require the Sewer Replacement Project to be included as a bid alternate in the Road Reconstruction Project; and be it further

RESOLVED, that the Erie County Division of Sewerage Management be authorized to review the pricing submitted for the Sewer Replacement Project bid alternate and if acceptable, advise the Village of East Aurora regarding proceeding with award; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of a sum not to exceed \$200,000 from Erie County Sewer District No. 8 Capital Reserve Project C.11801 for reimbursement to the Village of East Aurora for sewer replacement project work and a share of engineering costs as detailed under the terms of the Intermunicipal Agreement; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$200,000 from Erie County Sewer District No. 8 Capital Reserve Project C.11801 to Erie County Sewer District No. 8 Capital Project C.00071; and be it further

RESOLVED, that the revenue and appropriation budgets for Erie County Sewer District No. 8 Capital Project C.00071 be increased by \$200,000; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate these transfers; and be it further

RESOLVED, that any unused funds be returned to the capital reserve project and that the budget be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.