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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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April 2, 2012

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

**RE: Erie County Sewer District No. 3
Village of Hamburg
Proposed Inter-Municipal Agreement**

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a proposed Inter-Municipal Agreement between Erie County/Erie County Sewer District No. 3 and the Village of Hamburg for construction required to eliminate the Charlotte, Sherburn and McKinley Pumping Stations and complete the demolition of the Brookwood Pumping Station.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: Joseph L. Fiegl, P.E., Department of Environment and Planning

7E-3

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Village of Hamburg
Proposed Inter-Municipal Agreement
Date: March 23, 2012

SUMMARY

Authorization to execute an Inter-Municipal Agreement (IMA) between the Village of Hamburg and Erie County on behalf of Erie County Sewer District No. 3 (ECSD No. 3) is requested.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. The IMA will allow the Village to reimburse the County for 100% of the cost for the construction. Based on the most recent planning level cost estimate, the construction cost is estimated to be approximately \$1,100,000. The final executed agreement will include the actual amount of the Construction bid.

REASON FOR THE RECOMMENDATION

Execution of this agreement will allow the County to more effectively manage construction and control costs borne by District ratepayers.

BACKGROUND INFORMATION

Effective in 2005, Erie County/Erie County Sewer District (ECSD) No. 3 assumed ownership of the Village of Hamburg's sanitary sewer system including the Charlotte, Sherburn and McKinley Pumping Stations. At the time of the transfer the Village was, and remains, under an Order on Consent from the New York State Department of Environmental Conservation for elimination of Sanitary Sewer Overflows (SSOs). Under the previous agreement the Village has agreed to fund the elimination of the pumping stations. The Village additionally owns the Brookwood Pumping Station and since they are funding the work they have requested the County to include the demolition as part of this project in order to benefit from an economy of scale. Both the County and the Village are desirous of having the County administer the project on behalf of the Village with the Village reimbursing the County for construction costs. Further, under the terms of the executed contract for transfer of ownership, the County and the Village mutually agreed that the County would act as the Village's agent throughout the Order on Consent compliance process. Note that this item will be discussed at the April 2012 ECSD No. 3 Board of Managers meeting.

CONSEQUENCES OF A NEGATIVE ACTION

The County may not have the opportunity to adequately manage the project under the terms of the ongoing Consent Order and constructed improvements need to conform to County Standards.

STEPS FOLLOWING APPROVAL

The project will be bid and awarded by Erie County and the County will manage the construction of this project. In return, the Village will be invoiced for reimbursement.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 3
Village of Hamburg
Proposed Inter-Municipal Agreement

WHEREAS, the County of Erie/Erie County Sewer District No. 3, as stated in an Inter-Municipal Agreement (February 2005) owns and operates the Village of Hamburg's sanitary sewer collection system; and

WHEREAS, the Village has entered into an Order on Consent (hereinafter also referred to as "ORDER") with the New York State Department of Environmental Conservation (hereinafter referred to as "NYSDEC") for the reduction of sanitary sewer overflows; and

WHEREAS, in response to the ORDER, the Village has agreed to complete projects to restore and rehabilitate the sanitary sewer collection system formerly owned and operated by the Village; and

WHEREAS, one such project will eliminate the Charlotte, Sherburn and McKinley Pumping Stations and demolish the Brookwood Pumping Station; and

WHEREAS, the Inter-Municipal Agreement executed on February 17, 2005 between the Village and the County states the Village shall be the contracting entity for engineering and construction work related to the Village Collection System and the County shall serve as the Village's agent for implementation of said work; and

WHEREAS, a construction contractor must be retained for the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project; and

WHEREAS, the Village and County agree that construction of the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project would be more efficiently and effectively administered directly by the County rather than by the County acting as agent for the Village; and

WHEREAS, the Village and County are desirous that the County shall be the contracting entity for services related to construction of the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project; and

WHEREAS, the Village will reimburse the County for the costs related to the construction of the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Inter-Municipal Agreement between the County, on behalf of Erie County Sewer District No. 3 and the Village of Hamburg for reimbursement of construction costs related to the Charlotte, Sherburn and McKinley Pumping Station Elimination and the Brookwood Pumping Station Demolition Project is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Inter-Municipal agreement with the Village of Hamburg subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Kristen Walder, Assistant County Attorney; and Hon. Thomas Moses, Mayor, Village of Hamburg.