



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

EC LEG APR 4 '22 AM 11:57

April 1, 2022

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

**RE: 2020 Corrective Action Plan Implementation Project  
CR# 243 – Aurora St., Village of Lancaster**

Dear Honorable Members:

The Department of Public Works (DPW), Division of Highways is requesting authorization for the County Executive to execute an agreement with the Village of Lancaster. This agreement allows DPW to reimburse the Village of Lancaster for the cost of disconnection of Erie County storm sewers from the Village of Lancaster sanitary sewer system.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr., Commissioner of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark Poloncarz, Esq.  
Erie County Executive

MCP/ds  
Enclosure

Cc: William E. Geary, Jr., Commissioner, Department of Public Works  
Karen Hoak, Deputy Commissioner, DPW-Highways Division

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works/Division of Highways  
**Re:** 2020 Corrective Action Plan Implementation Project  
CR# 243 – Aurora St., Village of Lancaster.  
**Date:** April 1, 2022

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### **SUMMARY**

The Village of Lancaster is under an Order of Consent from the New York State Department of Environmental Conservation (NYSDEC) to decrease the storm water infiltration into their sanitary sewer system. Aurora St., in the Village, falls within this consent order. The County of Erie maintains, and is responsible for, Aurora St. within the Village limits, from the Village line to Como Park Blvd., including the storm sewer system. The County's storm sewer discharged into the Village's sanitary sewer at several locations. As a betterment to the Village's contract, the County's storm sewers were disconnected from the sanitary sewer system and connections were re-established to the storm sewer.

### **FISCAL IMPLICATIONS**

Funding for this betterment is available in the Transfer Tax (Comm. 9E-18 (2017)) portion of Capital Project B.17050.2.9 – 2017 Capital Overlay, Fund 420, Funds Center 123, in the amount of \$37,875.

### **REASONS FOR RECOMMENDATION**

The Village of Lancaster is under a mandate from NYSDEC to eliminate storm sewer connections to their sanitary sewer. The Village has construction contracts to remove and repair storm sewer connections into their sanitary system. It is to the County's advantage to ask for a betterment in the Village's contract to remove the drainage connections from Erie County Road # 243, Aurora St. from the Village's sanitary sewer.

### **BACKGROUND INFORMATION**

After exploratory testing of the sanitary sewers on Aurora St., there were two storm sewer locations contributing to the sanitary sewer issue. These locations are at the intersection of Lancaster Ave. and Aurora St. and Briarwood Dr. and Aurora St. Work at these intersections entailed replacing storm sewer pipe and catch basins, totaling 144 lineal feet of pipe replacement and 3 new catch basins. The Department of Public Works is asking for authorization on behalf of the County Executive to enter into an agreement with the Village of Lancaster to release the funds necessary to pay for these repairs within the Village's construction project.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Village would not be reimbursed for the funds necessary to remove the County's points of storm water discharge into their sanitary sewer.

**STEPS FOLLOWING APPROVAL**

The County executive will authorize and sign the Inter-municipal agreement. The County will transfer the funds to the Village of Lancaster in the amount of \$37,385.

## **COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



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JOHN SOLECKI  
Director of Accounting Services/Cash Management  
Comptroller's Office

B.17050.2.9 – 2017 Capital Overlay, Transfer Tax portion  
Aurora St., Village of Lancaster IMA

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

RE: 2020 Corrective Action Plan Implementation Project  
CR# 243 – Aurora St., Village of Lancaster

WHEREAS, the Village of Lancaster is under an Order of Consent from the New York State Department of Environmental Conservation (NYSDEC) to decrease the storm water infiltration into their sanitary sewer system; and

WHEREAS, there were two locations found during design, at the intersections of Lancaster Ave. and Aurora St. and Briarwood Dr. and Aurora St., in which the storm sewer from Aurora St. (CR 243) discharged into the Village's sanitary sewer system; and

WHEREAS, the Village of Lancaster ("Village") has construction projects for corrective actions eliminating the discharge of storm water into their sanitary sewer system; and

WHEREAS, the County of Erie maintains and is responsible for that portion of Aurora St. within the Village from the Village line to Como Park Blvd., including storm sewers; and

WHEREAS, the Department of Public Works requests authorization for the County Executive to enter into an inter-municipal agreement to reimburse the Village for remediating those locations on Aurora St. as a part of their project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an inter-municipal agreement between the County of Erie and the Village of Lancaster, to reimburse the Village for the cost of the work at the two locations defined on Aurora St.; and be it further

RESOLVED, that authorization is hereby given, for funds totaling \$37,875, available in the Transfer Tax (Comm. 9E-18 (2017)) portion of Capital Project B.17050.2.9 – 2017 Capital Overlay, Fund 420, Funds Center 123, to be disbursed to the Village of Lancaster having completed said work; and be it further

RESOLVED, the Clerk of the Legislature is directed to send five (5) certified copies of this resolution to the Department of Public Works, Commissioner's Office and one certified copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the County Attorney.

TO;           COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55  
CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                          |   |
|--------------------------|---|
| 1. CONTRACTOR'S NAME     | Village of Lancaster  |
| 2. AMOUNT OF CONTRACT(S) | _____<br>\$37,875   |
| 3. PROJECT NUMBER        | B.17050.2.9 2017 Capital Overlay - Transfer<br>Tax portion                            |
| 4. PROJECT TITLE         | _____<br>Intermunicipal agreement Village of Lancaster                                |
| 5. DEPARTMENT CONTACT    | _____<br>Funding questions: William E. Geary,<br>Letter pickup: Christy Weber at 8301 |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

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|------------------------------------|------------------------------|
| 6. AVAILABILITY OF FUNDS           | \$103,093.31                 |
| 7. PERFORMED BY                    | _____<br><i>Henry J. ...</i> |
| Date Sent to Comptroller's Office: | _____<br>3/2/2022            |