



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 7, 2025

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

**RE: Erie County Sewer District No. 8 Proposed Increase and Improvement of Facilities
(2024) Approving Resolution**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a proposed Increase and Improvement of Facilities for Erie County Sewer District No. 8.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark Poloncarz", with a long, sweeping horizontal line extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:jf

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8 Proposed Increase and Improvement of Facilities (2024) Approving Resolution
Date: March 7, 2025

SUMMARY

The Erie County Legislature is requested to approve the attached resolution relating to the proposed Increase and Improvement of Facilities in Erie County Sewer District No. 8 (the "Sewer District"). This resolution must be passed by a simple majority vote of your Honorable Body.

FISCAL IMPLICATIONS

Approving this resolution will have no effect on Erie County's general fund.

REASONS FOR RECOMMENDATION

Pursuant to the New York State County Law, Article 5A, Section 268, an Increase and Improvement of Facilities requires a public hearing on the proposed project. The Erie County Legislature approved a resolution on November 21, 2024 pursuant to Legislative Comm. 19E-20 (2024) calling for such a public hearing, and the required legal notice publication steps were then taken. The public hearing was held on December 16, 2024, and no objections or concerns were raised regarding the proposed Increase and Improvement of Facilities. The next step is for the Legislature to adopt the attached resolution that approves the project in concept. Such approval is necessary pursuant to the County Law.

BACKGROUND INFORMATION

Currently there is a need for new bonding authorization to make needed improvements to the East Aurora Water Resource Recovery Facility and collection systems in ECSD No. 8. These existing facilities in many cases have reached or exceeded the end of their useful life and are in need of replacement or upgrade.

On October 8, 2024 the Sewer District's Board of Managers approved a Sewer Agency Report recommending the Increase and Improvement of Facilities pursuant to Article 5A of the County Law to fund the necessary improvements (the "Report"). The Report was filed with Your Honorable Body pursuant to Legislative Comm. 19E-17 (2024) and was the subject of the public hearing referred to above.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to make the necessary improvements. This could jeopardize the Sewer District's ability to properly serve its customers, protect public health and the environment, and meet applicable regulatory responsibilities.

STEPS FOLLOWING APPROVAL

A bond resolution (to allow for the future financing of the work) will be proposed and submitted for consideration by the Erie County Legislature.

EXTRACT OF MINUTES
Meeting of the County Legislature of
the County of Erie, New York.

_____, 2025

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 _____ 2025, at ____ o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Olivia Owens, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____-2025

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE
FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 8 IN THE COUNTY OF
ERIE, NEW YORK.

(Introduced) _____, 2025.

(Adopted) _____, 2025.

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. 8 (the “Sewer District”) of the County of Erie, New York (the “County”), has heretofore been established, and

WHEREAS, this County Legislature (the “Legislature”) has heretofore 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 Sewer District (the “Report”), which Report has been approved by the Board of Managers of the Sewer District on October 8, 2024, and filed with the Legislature pursuant to Section 268 of the County Law; and

WHEREAS, the Report describes a proposed increase and improvement of the facilities of the Sewer District, consisting of improvements to the East Aurora Water Resource Recovery Facility and the sanitary sewer collection system (including pumping stations), all as more fully described in the Report; and

WHEREAS, the total maximum estimated cost of the aforesaid increase and improvement of the facilities of the Sewer District is \$8,600,000, which includes the expenditure of \$2,700,000 from the Sewer District’s reserve fund and the issuance of serial bonds in the aggregate principal amount not to exceed \$5,900,000, such amount to be offset by any State, Federal, and/or local funds received, which will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the Sewer District's Benefit and User Charge formulas, as such formulas currently exist and as the same may be amended from time to time; and

WHEREAS, pursuant to applicable provisions of 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 such increase and improvement because the estimated \$62.77 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 \$63.00 for calendar year 2024; and

WHEREAS, the County Legislature has given due consideration to the impact that the Project may have on the environment and, on the basis of such consideration, the County Legislature found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the County Legislature and the County have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation concerning the project, which has been filed in the office of the County Clerk; and

WHEREAS, the County Legislature adopted a Resolution pursuant to Legislative Comm. 19E-20 (2024) on November 21, 2024, calling a meeting of the County Legislature for the purpose of holding a public hearing on the proposed Project in accordance with the Report and Estimate (the "Public Hearing"); and

WHEREAS, such Resolution adopted pursuant to Legislative Comm. 19E-20 (2024) authorized and directed the Clerk of the County Legislature to publish the notice of the Public Hearing; and

WHEREAS, the Public Hearing was duly held at County Hall, in Buffalo, New York, on December 16, 2024, at 2:00 o'clock P.M., Prevailing Time; and

WHEREAS, notice of the Public Hearing was duly published in the manner provided by law;

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 Public Hearing, it is hereby found and determined that it is in the public interest to proceed with the Project and its proposed plan of financing, all as more fully described in the preambles hereto, and the Project is hereby authorized in concept. .

Section 2. It is hereby found and determined that the parcels and lots of the District shall be benefited by the Project.

Section 3. It is hereby found and determined that the maximum estimated cost of the Project is \$8,600,000 and the plan of financing includes the expenditure of \$2,700,000 from the Sewer District's reserve fund and the issuance of serial bonds in the aggregate principal amount not to exceed \$5,900,000, and unless paid for from other sources or charges, such cost to be to be apportioned among the benefitted real properties in the District in accordance with charges based on usage and/or special assessments based on units, assessed value and/or footage, as these or other applicable cost apportionment standards may be specified in the District's Benefit and User Charge formulas (as those currently exist or as they may be amended from time to time in accordance with

the County's sewer rents local law and the rules and procedures adopted by the Board of Managers of the District).

Section 4. It is hereby found and determined that the cost of the Project shall be financed by the issuance of serial bonds of the County (to be issued pursuant to one or more bond resolutions that are to be adopted by the Legislature in the future) at a maximum estimated cost of \$8,600,000. The plan of financing also includes the expenditure of \$2,700,000 from the Sewer District's reserve fund.

Section 5. It is hereby found and determined that this resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse (to the extent permitted) expenditures toward the Project with the proceeds of bonds, notes or other obligations, as required by United States Treasury Regulations Section 1.150-2.

Section 6. It is hereby found and determined that the County Legislature has directed that the Project (and its proposed plan of financing) for which approval is being sought is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof, and if the cost of the proposed improvements is to be assessed in whole or in part against a benefited area, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property has been excluded.

Section 7. It is hereby directed that within ten (10) days after adoption of this Resolution, the Clerk of the County Legislature shall record with the Clerk of the County a copy of this Resolution, certified by the Clerk of the County Legislature.

Section 8. It is hereby directed that 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 _____, 2025, 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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this _____ day of _____, 2025.

Olivia Owens, Clerk, Erie County
Legislature

(SEAL)