



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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November 21, 2025

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

**RE: Erie County Sewer Districts
NYSDOT – Public Utility Work Agreements – 2026**

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 New York State Department of Transportation (NYSDOT) Public Utility Work Agreements for 2026.

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

Sincerely yours,

A handwritten signature in black ink, reading "Mark C. Poloncarz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. Poloncarz, Esq.
County Executive

MCP:mas
Enclosure

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 Districts
NYSDOT – Public Utility Work Agreements – 2026
Date: November 21, 2025

SUMMARY

Approval to enter into a 2026 Public Utility Work Agreement for improvement of Erie County Sewer Districts assets during certain New York State Department of Transportation (NYSDOT) projects is requested.

FISCAL IMPLICATIONS

There will be no fiscal impact to the County's General Fund. Work performed on Erie County sewers and manholes during certain projects will be paid by the NYSDOT in accordance with Article 2, Section 10, Subdivision 24, of the State Highway Law.

REASONS FOR RECOMMENDATION

Certain NYSDOT highway reconstruction projects may impact Erie County Sewer District assets, requiring the adjustment of Erie County sewerage facilities to meet the proposed highway alignment and elevations. In these instances, an agreement is necessary for this betterment work to occur at the NYSDOT's expense, as well as to memorialize that the Erie County Sewer Districts will maintain these improved facilities into the future.

BACKGROUND INFORMATION

The NYSDOT periodically schedules improvement of State Highways and the design includes the adjustment of County sewerage facilities. An agreement with the NYSDOT is required so the NYSDOT will pay for these betterments to County sewer district assets.

Note – a separate agreement is required in instances where the Erie County Sewer Districts request betterments be made on their behalf in NYSDOT projects – i.e. where adjustment of Erie County sewerage facilities is not necessarily required to complete the highway work.

CONSEQUENCES OF NEGATIVE ACTION

The NYSDOT will require Erie County to adjust its own sewer facilities, at the Erie County Sewer District's expense, in advance of the NYSDOT highway reconstruction projects.

STEPS TO FOLLOW APPROVAL

The County of Erie will execute a NYSDOT Public Utility Work Agreement, which will allow the NYSDOT to make adjustments to Erie County sewerage facilities at the NYSDOT expense during a State highway project.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Erie County Sewer Districts
NYSDOT – Public Utility Work Agreements – 2026

WHEREAS, the New York State Department of Transportation (NYSDOT) in the calendar year 2026 proposes the construction, reconstruction, or improvement capital projects of State Highways within the boundaries of the Erie County Sewer Districts; and

WHEREAS, the State will include as part of their capital projects sewer facilities adjustments to be done pursuant to Article 2, Section 10, Subdivision 24, of the State Highway Law, as shown on contract plans relating to the projects and satisfying the requirements of the Erie County Sewer Districts; and

WHEREAS, the service life of the adjusted utilities has not been extended; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the County of Erie enter into NYSDOT Utility Work Agreements (HC-140) in the year 2026 to allow for adjustments of Erie County Sewer District assets required for NYSDOT capital projects at the NYSDOT's expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the proposed adjustment of County owned sewer facilities as shown on contract plans relating to NYSDOT capital projects, to be completed at the NYSDOT's expense; and be it further

RESOLVED, that the affected Erie County Sewer District will maintain or cause to be maintained facilities adjusted by the NYSDOT as above stated; and it be further

RESOLVED, that authorization is hereby provided to the Commissioner of the Erie County Department of Environment and Planning or his/her designee, on behalf of the County of Erie, to sign NYSDOT Utility Work Agreements; and be it further

RESOLVED, that authorization is hereby provided to the Commissioner of the Erie County Department of Environment and Planning or his/her designee on behalf of the County of Erie, to sign any additional documentation relating to a project to be completed under an aforementioned NYSDOT Utility Work Agreements; and it be further

RESOLVED, that the Clerk of the Legislature be authorized to send a certified copy of this resolution to the New York State Department of Transportation with each package of NYSDOT Utility Work Agreements for each NYSDOT capital project approved by Erie County Department of Environment and Planning, and a certified copy of this resolution be sent to the County Executive's Office, Comptroller's Office, the Department of Law, Division of Sewerage Management and Division of Budget and Management.