



TOWN OF WEST SENECA

TOWN SUPERVISOR  
SHEILA M. MLEGAN  
TOWN COUNCIL  
EUGENE P. HART  
WILLIAM P. HANLEY, JR.

TO: The Honorable Town Board

FROM: John J. Fenz, Esq.  
Town Attorney

DATE: June 1, 2016

RE: Out of District Sewer Connection Agreement  
East and West, Angle, Leydecker District  
Orchard Park Sanitary Sewer District No. 18

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Kindly authorize the Supervisor to execute the necessary documents, on behalf of West Seneca Sanitary Sewer District commonly known as at East and West, Angle, Leydecker District, to enter into an Out of District Sewer Connection Agreement with Orchard Park Sanitary Sewer District No. 18 to furnish sanitary sewer facilities.

Please be advised that this connection has met with the approval of both the Town of Orchard Park and the Town of West Seneca's Engineer.

## Agreement

West Seneca EWAL District & Orchard Park Sanitary Sewer  
District No. 18  
(Carnation Sr. Housing Area & Hazel Ct. Subdivision)

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 for the conveyance of sewage between the EAST & WEST, ANGLE, LEYDECKER SEWER DISTRICT, TOWN OF WEST SENECA, hereinafter called "WEST SENECA EWAL DISTRICT", with offices at 1250 Union Road, West Seneca, New York 14224 and Sanitary SEWER DISTRICT NO. 18, TOWN OF ORCHARD PARK, hereinafter called "ORCHARD PARK DISTRICT 18", with offices at 4295 South Buffalo Street, Orchard Park, New York 14127.

### WITNESSETH:

Whereas, WEST SENECA EWAL DISTRICT and WEST SENECA DISTRICT 13 now own and operate a system of trunk sewers and appurtenances for the transportation of sanitary sewage from various areas of WEST SENECA EWAL DISTRICT and WEST SENECA DISTRICT 13 to the trunk sewers of the Buffalo Sewer Authority; and

Whereas, WEST SENECA EWAL DISTRICT is willing to permit ORCHARD PARK DISTRICT 18 to construct a trunk sewer from lines within ORCHARD PARK DISTRICT 18 to an existing trunk sewer of WEST SENECA EWAL DISTRICT; and

Whereas, ORCHARD PARK DISTRICT 18, discharging into WEST SENECA EWAL DISTRICT, shall not be extended, enlarged, nor shall it contract with any other areas to convey flows to WEST SENECA EWAL DISTRICT without specific consent in writing from the TOWN OF WEST SENECA and the Buffalo Sewer Authority; and

NOW, THEREFORE, it is mutually agreed as follows:

I. WEST SENECA EWAL DISTRICT agrees to permit that portion of ORCHARD PARK DISTRICT 18 that presently fronts

on Southwestern Boulevard as shown on attachment "A" to discharge effluent into the lines of WEST SENECA EWAL DISTRICT at an existing manhole on the north side of Southwestern Boulevard, approximately six hundred seventy six feet (676') East of the centerline of the easterly intersection of Hazel Court and Southwestern Boulevard, and to discharge sanitary sewage effluent into the mains of WEST SENECA EWAL DISTRICT. The effluent so discharged shall be limited to sanitary sewage and shall not include rain water, storm water or any other unpolluted runoff. No down spouts, gutters, area drains, footing drains, sump pumps, highway, or roadway receivers shall be connected to said sewer system. The effluent discharged shall conform to all regulations as outlined in the "Town of West Seneca Sewer Use Ordinance" and "Town of Orchard Park SEWERS Ordinance" for which the more stringent shall govern.

II. The discharge effluent shall be limited to the discharge from the Carnation Senior Housing Facility (50 units), Hazel Court Subdivision approximately (+/- 30 Taps), including 2324 Southwestern Boulevard, through the existing 8" sanitary sewer main.

III. ORCHARD PARK DISTRICT 18 shall pay the entire cost of constructing all sewers within the area of ORCHARD PARK DISTRICT 18 to the sewers now in existence as referred to in Paragraph 1 above, including the connection and suitable chambers, if required, for connection to the said existing trunk sewer, together with its proportionate share of transmission charges between WEST SENECA EWAL DISTRICT and SEWER DISTRICT 13 of the TOWN OF WEST SENECA. Said proportionate share shall be arrived at by use of the same formula which is applied to the properties within WEST SENECA EWAL DISTRICT.

IV. ORCHARD PARK DISTRICT 18 shall pay annual rent for the privilege of maintaining such connection and for the transportation of sewage to the City of Buffalo, as shall be calculated upon the following formula:

A. The Town Board of the TOWN OF WEST SENECA shall annually calculate the payment necessary to amortize the bond principal and interest for the construction of SEWER DISTRICT EWAL of the TOWN OF WEST SENECA, and shall apportion the same on a benefit basis pursuant to §231, Paragraph 2 of the Town Law. The Town Board shall determine the number of lineal feet of trunk or subtrunk sewers which benefit particular properties within SEWER DISTRICT 13 of the TOWN OF WEST SENECA. The Town Board shall annually determine an equivalent lateral charge, which charge will be upon a front foot basis and shall be charged against those properties which are benefited by a trunk or subtrunk sewer. The total annual per foot equivalent lateral charge shall be multiplied by the number of benefiting feet of frontage upon a trunk or subtrunk sewer within SEWER DISTRICT 13 of the TOWN OF WEST SENECA. The total thus arrived at will be subtracted from the total annual amount necessary to amortize outstanding bonds pursuant to Paragraph 2 of §231 of the Town Law. The balance of said annual amount of principal and interest shall be spread against all of the properties within SEWER DISTRICT 13 of the TOWN OF WEST SENECA, ORCHARD PARK DISTRICT 18 as described in Section I, and all other properties or districts connected to SEWER DISTRICT 13 of the TOWN OF WEST SENECA lying outside of its boundaries including properties in adjoining towns or municipalities having contracted for sewage treatment with SEWER DISTRICT 13 of the TOWN OF WEST SENECA, directly or indirectly, upon an ad valorem basis, that is, the balance of the annual installment remaining after deduction of the equivalent lateral charge shall be divided into the total assessed value of all of the area serviced by SEWER DISTRICT 13 of the TOWN OF WEST SENECA, either immediately or through separate contract. This ad valorem rate shall then be applied to the total assessed value of all connected properties within ORCHARD PARK DISTRICT 18. Upon multiplying the ad valorem rate times the assessed value of all of said properties within ORCHARD PARK DISTRICT 18, a total

figure shall be arrived at which shall constitute the amount of annual rent to be paid by ORCHARD PARK DISTRICT 18 to WEST SENECA EWAL DISTRICT for the use of the connection between ORCHARD PARK DISTRICT 18 and WEST SENECA EWAL DISTRICT and the use of trunk line for the transportation of sewage by WEST SENECA EWAL DISTRICT to the lines of the Buffalo Sewer Authority.

For the purpose of this contract only, the Assessors of the TOWN OF WEST SENECA and the Town of ORCHARD PARK shall determine the assessed value of all properties within ORCHARD PARK DISTRICT 18 in the same manner as they determine the value of properties within the area of WEST SENECA EWAL DISTRICT.

B. In addition to payments based upon bond principal and interest for the connection to WEST SENECA EWAL DISTRICT and transportation of sewage as described above, ORCHARD PARK DISTRICT 18 shall pay to WEST SENECA EWAL DISTRICT an annual payment for conveyance of sewage and maintenance of WEST SENECA EWAL DISTRICT and WEST SENECA DISTRICT 13. This payment shall be calculated as follows:

1. The Town Board of the TOWN OF WEST SENECA shall annually prepare a budget estimating the cost of treatment of sewage to be charged to SEWER DISTRICT 13 of the TOWN OF WEST SENECA by the Buffalo Sewer Authority, taking into account any estimated surplus or deficiency from the preceding year, and in addition thereto, shall calculate the cost of maintenance and operation of SEWER DISTRICT 13 of the TOWN OF WEST SENECA and all extensions thereto and all parties or districts contracting therewith for the treatment of sewage, including all salaries, insurance, machinery, equipment, supplies, materials, overhead and any other operational expenses whatsoever. Upon completing said calculation of budget, a total net budget shall be arrived at for the operation of all of the sewers in SEWER DISTRICT 13 of the TOWN OF WEST

not metered with ORCHARD PARK DISTRICT 18, the result of this multiplication shall be the annual charge for maintenance treatment of sewage by WEST SENECA EWAL DISTRICT to ORCHARD PARK DISTRICT 18.

V. Upon completion of the calculation of total charges to be made to ORCHARD PARK DISTRICT 18, a bill shall be forwarded immediately to the Town Board of the TOWN OF ORCHARD PARK as Commissioners of ORCHARD PARK DISTRICT 18, who shall then spread such bill or charges as they see fit against the properties within ORCHARD PARK DISTRICT 18.

In addition to this, the Town Board of the TOWN OF WEST SENECA shall annually hold a public hearing on the proposed budgets, assessment rolls and rates for SEWER DISTRICT 13 of the TOWN OF WEST SENECA and all extensions thereto and districts contracting therewith during the months of September or October, pursuant to requirements of Town Law. At this hearing, the budgets and proposed spreading of costs shall be available in detail for public inspection. Said cost spreading shall be done pursuant to §231, Paragraph 2 of the Town Law. After the public hearings, the Town Board shall submit the total budget, the tax rolls, etc. to the County of Erie to be spread upon the next ensuing tax roll. Said tax bills shall be due and payable on or before February 15 of the following year.

In the event there is a revision of the proposed budget at or after the public hearing, such revision shall be reflected in the bill rendered to ORCHARD PARK DISTRICT 18 in the following year so as not to interfere with the hearing procedures required to be taken by the Town Board of the TOWN OF ORCHARD PARK.

VI. This contract shall become effective January 1, 2013 or when such effluent discharge as described in Section I is complete, and shall terminate December 31, 2017. This agreement, however, shall be subject to renewal at the option of WEST SENECA EWAL DISTRICT and ORCHARD PARK DISTRICT 18 on the same terms and conditions provided herein for three (3) additional five (5) year periods.

SENECA and extensions and connections thereto. The Town Board of the TOWN OF WEST SENECA shall then determine the total number of gallons of water consumed by each and every property having a sewer available to it, whether connected or not, within SEWER DISTRICT 13 of the TOWN OF WEST SENECA, any extensions thereto or any parties contracting therewith rounded to the nearest 1,000 gallons for the preceding twelve (12) month period ending nearest July 1, allowing for variation in meter reading periods.

2. In the event a parcel of property having a sewer available to it has been improved by the construction of a structure, does not have a metered water connection, but is supplied by water from wells or other source, a minimum gallonage of 130,000 per year shall be applied to that parcel for each family unit as its water consumption, or in the event it be a structure used for purposes other than a private residence, the TOWN BOARD of the TOWN OF WEST SENECA shall estimate the amount of water consumed. There shall be no abatement of rent for failure to connect any or all properties to the sewers as soon as a sewer is available to it.

3. The result arrived at as provided in paragraph III-B-2 above shall be known as the total water consumed. This shall then be divided into the total maintenance and treatment budget described in paragraph III-B-1 above and a rate arrived at per 1,000 gallons of water consumed. This rate shall then be applied to each and every parcel of property consuming water or assumed to be consuming water pursuant to paragraph III-B-2 above within the area of ORCHARD PARK DISTRICT 18. By multiplying this rate times the actual amount of water consumed or the assumed amount in the event the water is

VII. ORCHARD PARK DISTRICT 18 shall have access at any or all times to the records of the costs and expenses of construction and operation of SEWER DISTRICT 13 and all other parties contracting therewith or by WEST SENECA EWAL DISTRICT or any other records pertaining to the provisions of this agreement.

VIII. IN WITNESS WHEREOF, the Supervisor of the TOWN OF WEST SENECA, acting for and in behalf of WEST SENECA EWAL DISTRICT, and the Supervisor of the TOWN OF ORCHARD PARK, acting for and in behalf of ORCHARD PARK DISTRICT 18, have set their names and affixed the seals of the Towns thereto the day and year firsts written above.

TOWN OF WEST SENECA

(Seal)

By \_\_\_\_\_  
Supervisor

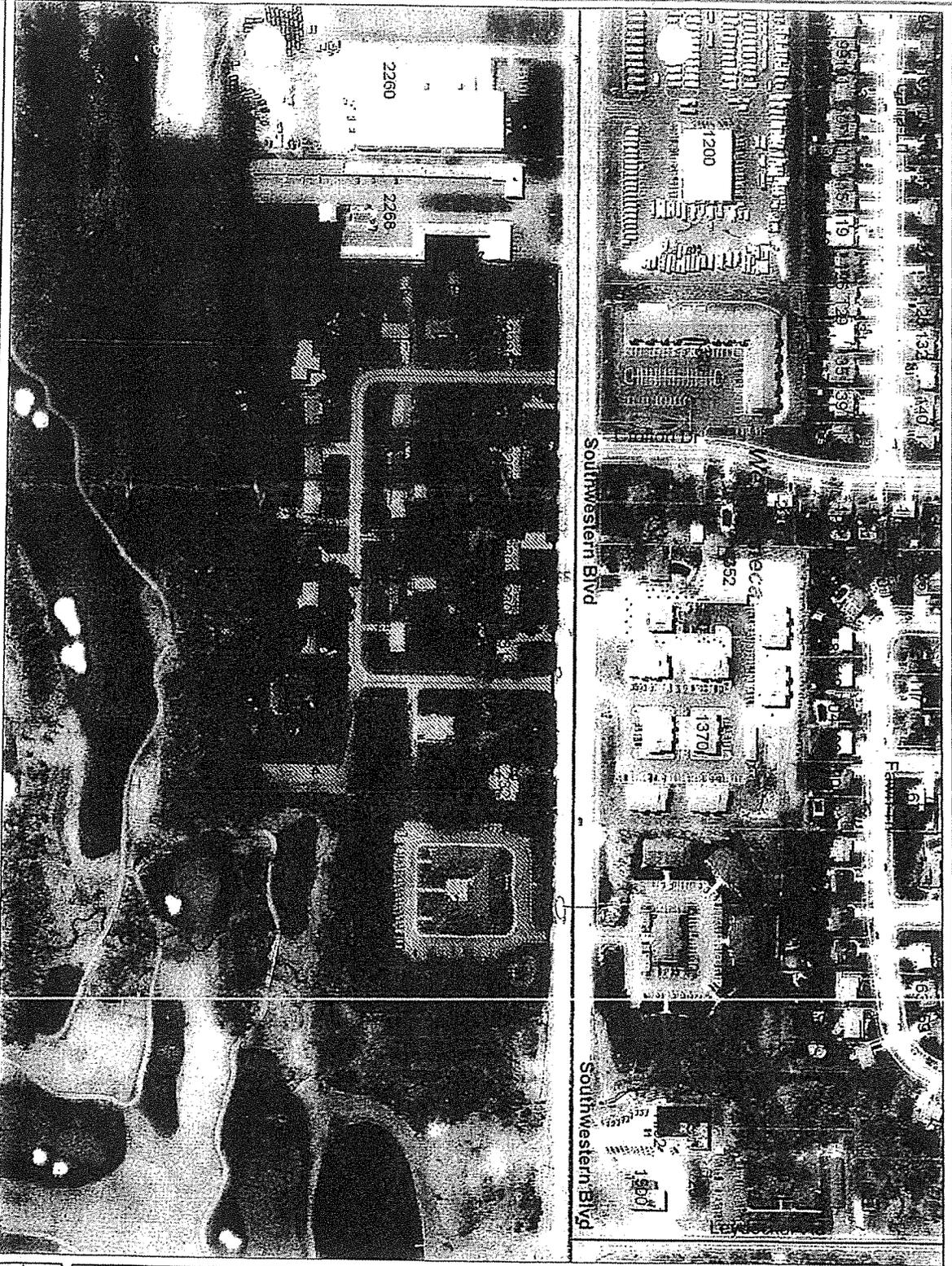
TOWN OF ORCHARD PARK

(Seal)

By \_\_\_\_\_  
Supervisor

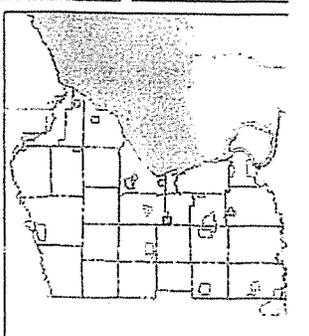


# ATTACHMENT A



Erie County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveying.

ERIE COUNTY, NEW YORK  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GEOGRAPHIC INFORMATION SERVICES



### Legend

- Streets and Highways**
- Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road
- Parcels**
- 1/4 Color Orthos - 2011
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- 2/4 Color Orthos - 2011
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

### Notes

Area In RED to Represent Discharge Service Area

