

**MINUTES**  
**BOARD OF MANAGERS DISTRICT NO. 4**  
**February 13, 2013 3:30 PM**  
**NORTHERN REGION CONFERENCE ROOM**

**MEMBERS PRESENT:** Mr. Gary Ambrose, Mr. Thomas Batt, Ms. Kristin McCracken, and Mr. Jesse C. Nikonowicz, Sr.

**MEMBERS ABSENT:** Mr. Robert Harris

**OTHERS PRESENT** Mr. Glenn Absolom, Mr. Joseph Fiegl, Mr. Roger Lalli, and Ms. Brenda Rehac

**ITEM NO.1-CALL MEETING TO ORDER**

Ms. McCracken called the meeting to order at 3:30 pm.

**ITEM NO.2-APPROVAL OF OCTOBER 10, 2012 MEETING MINUTES**

On a motion by Mr. Nikonowicz, Sr., seconded by Mr. Ambrose, the October 10, 2012 minutes were approved. The motion carried 4-0.

**ITEM NO.3-ITEMS FROM THE PUBLIC**

None

**ITEM NO.4-NEW BUSINESS**

a. Contract EC-7D Electrical – Contract Close Out(Handout)

On a motion by Mr. Ambrose, seconded by Mr. Nikonowicz, Sr., to approve the Contract EC-7D Electrical Contract Close Out resolution. The motion carried 4-0.

b. Confirmation of Telephone Poll – Contract No. 71 – Award of Contract (Handout)

Bids were opened for Sewer Rehabilitation Project, Contract No. 71 on October 25, 2012. Hydrolawn of Buffalo, Inc. was the low bidder with a base bid of \$140,460.65 and a total bid of \$170,590.56. Award of the contract was approved by a previous telephone poll. Mr. Batt moved, seconded by Ms. McCracken to accept the resolution as submitted and approve Hydrolawn of Buffalo for the award of Contract 71. The motion carried 4-0.

c. Confirmation of Telephone Poll – Engineering Term Agreements (Handout)

The Board received the handout which was previously approved by a telephone poll. The resolution outlines the agreement for engineering services when requested by the Division of Sewerage Management to Arcadis/Malcolm Pirnie; Conestoga-Rovers & Associates; DiDonato Engineering and Design Professionals; URS Corporation; and Wendel Companies. Ms. McCracken moved, seconded by Mr. Batt to accept the resolution as submitted and approve the term agreements as noted. The motion carried 4-0.

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i. Legislative Communication (Handout)

The Board received a copy of the communication to the County Legislature requesting the approval of the term agreements.

**ITEM NO.5-OLD BUSINESS**

a. Aurora North Pump Station Elimination (Handout)

Mr. Fiegl discussed the elimination of the Aurora North Pump Station project to the Board. The pumping station was in need of upgrading and it was determined that installing a gravity line to eliminate the pumping station was the best alternative. The project was bid and Man O'Trees was the low bidder. As discussed in the October 2012 Board of Manager's meeting, the low bidder, Man O' Trees could not execute the Performance Bond Information Form and their bid was deemed non-responsive. The remaining bids were much higher than the engineer's estimate and all bids were returned.

Mr. Fiegl further stated that URS was hired under a three year term agreement to evaluate the project and verify the costs of all options. URS concluded the elimination of the pumping station with a new gravity sewer is still the best alternative. URS further investigated the design to determine if any cost savings could be realized. Man O'Trees had proposed using directional drilling for a major portion of the contract and reportedly, that was what made his bid so low. URS's opinion was that directional drilling was not plausible and that directional drilling should be removed from the contract.

There were some potential savings in other areas that DSM will be considering. Starting at the downstream end, the sewer on Losson will be moved a couple of feet farther away from the curb to save on curb and restoration costs. Mr. Fiegl stated there are many challenges and factors to consider in regard to the very deep section along Flix. One of the bidders indicated more that extensive damage to the berm and more costly restoration would be included than was originally thought. URS offered the suggestion of allowing boring as an alternate to the open cut for this section. Contract will be changed to allow either method of installation for possible cost savings in the bid. In addition, crossing Michael Anthony by boring between the homes will cause major disruption and was very expensive. The possibility of the County purchasing a property for demolition or resell when the project is complete was discussed. There would be a cost savings by purchasing this house for easier construction and limited disruptions to traffic. With the support of the Board, DSM will proceed with the bidding of the contract based on the recommendations, with the understanding that the cost of the project is higher than originally anticipated, and proceed with the investigating the purchase of the property on Michael Anthony. Mr. Nikonowicz, Sr., moved, seconded by Mr. Ambrose to confirm the recommendation and move forward with the project. The recommendation carried 4-0.

i. URS Memorandum of Findings (Handout)

For the Board's review, a Memorandum of Findings from URS regarding the Aurora North Pumping Station Elimination project as discussed in item 5a was available.

**ITEM NO. 6-MISCELLANEOUS & INFORMATIONAL ITEMS**

a. Operation Reports-September, October, November, December 2012, January 2013 and February (Handout)

Mr. Lalli discussed the recent repair completed on William Street by Nichols, Long & Moore. Well executed preparation work between the District, contractor and assistance from the County Highway Department and Town of Lancaster made this difficult repair very successful.

b. Pretreatment Report (Handout)

None

c. Construction Status Report

i. William Street Repair

Mr. Batt discussed the repair work Nichols, Long & Moore completed on William Street. Due to the deterioration of the sanitary sewer, 25' of asbestos concrete pipe was replaced. The District provided 24/7 bypass pumping during construction. The estimated cost of the repair is \$40,000 and will be paid by a change order to Nichols, Long & Moore Contract EC-7A.

a. Resident Letter (Handout)

The Board received a copy of the letter prepared by Mr. Carr to the home owners affected by the sanitary sewer repair work on William Street for their review.

ii. Contract EC-7

All work has been completed. EC-7D Electrical contact is being closed out. Waiting for final William Street repair costs before closing out the General contract with Nichols, Long & Moore.

iii. Contract 70-CIPP Lining Contract

District 4 areas to be lined are on Central Avenue, Browzel, and Iroquois this year and Central, Edward, and Botimer next year.

a. Notice to Proceed(Handout)

The Board received a copy of the "Notice to Proceed" letter to United Survey, effective December 12, 2012, United Survey, Inc., received a 2-yr term agreement for Cured-In-Place Lining for District No.'s 1-6 & 8.

iv. Contract 71-Broezel and Iroquois Sewer Rehabilitation

As discussed in 4b, Hydrolawn of Buffalo was awarded the contract for Sewer Rehabilitation for Broezel and Iroquois and is in the process of getting bonds and insurance approval.

v. Iroquois PS/Broadway East PS

Design plans and specifications prepared by Wendel Engineers are at the 90% level and have been reviewed by the County. This contract could be bid as early as May of this year. Estimated cost is \$1.4M.

d. District Payments(Handout)

The Board received a copy of the following payments:

CRA	Invoice #9734	\$1,411.48
	9825	\$2,070.00
URS	Invoice #5379888	\$263.65

Wendel Invoice #336153 \$17,294.46  
Nichols, Long & Moore EST #15 \$56,161.80

e. December 4, 2012 Update Memo (Handout)

A copy of the memo from Mr. Fiegl dated December 4, 2012 updated the Board members on items which would have been mentioned at the December 2012 meeting. Included in the update were items regarding the William Street sinkhole, Aurora North Pumping Station Project, and Hydrolawn of Buffalo Project award.

f. Resident Letter (Handout)

The Board received a copy of Mr. Steuer's letter to Erie County Executive Polancarz, along with Mr. Fiegl's response letter. The Board approved all refunds allowable by law at the October 2012 meeting.

g. Minutes from Public Hearing -2012 Assessment Rolls(Handout)

The 2012 Assessment Rolls minutes were available as an informational item to the Board members. The hearing was held on November 2, 2012 and required by Article 5a of county Law and is an opportunity for the public to voice objections regarding assessments. Mr. Stephen Sharkey, Esq from Bond Schoeneck & Kind was present to represent their client "Niagara Wind Power, LLC" and Erie Wind". Mr. Sharkey objected to inclusion of parcels which were included in the minutes.

h. Frontier Chemical

Mr. Fiegl stated the County Attorney's office was contacted regarding ECSD No. 4's disposal of materials to what is now the Frontier Chemical superfund site. Mr. Fiegl informed the Board that a settlement has been reached. There are no payments from ECSD No. 4 necessary, and that he will sign the settlement agreement on behalf of the ECSD No. 4.

Mr. Ambrose moved, seconded by Mr. Nikonowicz, Sr., to receive and file informational handouts for items 4.c.i, 5.a.i, and 6a-h. The motion carried 4-0.

**ITEM NO. 7 ADJOURNMENT & NEXT MEETING**

Mr. Ambrose moved, seconded by Mr. Nikonowicz, Sr., to adjourn the meeting at 4:04 pm.

**\*\*\*NEXT MEETING\*\*\*  
Wednesday, April 10, 2013 @ 3:30 p.m.  
Northern Region Admin Bldg.**

Motion to Approve minutes

Moved By: Nikonowicz

Seconded By: Batt

Approved/Disapproved: 3-0

Date: 4/10/13

TB:br

Respectfully submitted,



Thomas Batt, P.E.  
Board of Managers Secretary

**MINUTES**  
**BOARD OF MANAGERS DISTRICT NO. 4**  
**April 10, 2013 3:30 PM**  
**NORTHERN REGION CONFERENCE ROOM**

**MEMBERS PRESENT:** Mr. Gary Ambrose, Mr. Thomas Batt, Mr. Robert Harris,  
and Mr. Jesse C. Nikonowicz, Sr.

**MEMBERS ABSENT:** Ms. Kristin McCracken

**OTHERS PRESENT** Ms. Susan Baranick, Mr. Joseph Fiegl, Mr. Roger Lalli,  
Ms. Brenda Rezac, and Mr. Walter Ryszka

**ITEM NO.1-CALL MEETING TO ORDER**

Vice-Chair Ambrose called the meeting to order at 3:30 pm.

**ITEM NO.2-APPROVAL OF FEBRUARY 13, 2013 MEETING MINUTES** (Handout)

On a motion by Mr. Nikonowicz, Sr., seconded by Mr. Batt, the February 13, 2013 minutes were approved. Mr. Harris was absent from the February Board meeting and abstained from the vote. The motion carried 3-0.

**ITEM NO.3-ITEMS FROM THE PUBLIC**

Ms. Susan Baranick and Mr. Walter Ryszka were present from the public. Ms. Baranick and Mr. Ryszka own homes at 70 and 65 Camner Avenue in Lancaster. Ms. Baranick and Mr. Ryszka expressed their concerns with the sanitary sewer back-ups they have experienced and the status of the new trunk line. Mr. Fiegl discussed the updates regarding the elimination of the Aurora North Pump Station. Mr. Fiegl explained the low bidder could not execute the Performance Bond Information Form and their bid was deemed non-responsive. The other bids were higher than the Engineer's estimate and all bids were returned. A Consultant Engineer firm was hired to evaluate the project for potential cost savings and recommendations for a better project. There is one area of concern that the County is working on before the project is re-bid.

Mr. Fiegl stated the Division of Sewerage Management has been working with the Village of Lancaster on televising, flushing, removing roots to help eliminate back-ups. However, Mr. Fiegl explained even under the best of circumstances an issue with grease can create a back-up problem and there are no service guarantees that can be promised to below grade connections. Homeowners can take some additional preventive measures to help protect themselves, such as installing check valves or hung plumbing.

Ms. Baranick's and Mr. Ryszka's main concern is the project will be put on the "back burner" and would like some assurance the County is doing all they can. Mr. Fiegl explained the County is making financially responsible decisions and although the project will ultimately cost more than originally anticipated, the Board voted at the last meeting to move ahead with the project. Mr. Fiegl reiterated even with the upgrades, this may not solve 100% of their problems. Mr. Fiegl will keep Mr. Cansdale abreast of

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the project. Mr. Fiegl thanked Ms. Baranick and Mr. Ryszka for attending the meeting and expressing their concerns.

#### **ITEM NO.4-NEW BUSINESS**

a. Out of District Customer Request – 6360 Transit Rd. (Handout)

The Board reviewed the memo from Mr. Salah, P.E., Sr. Coordinator of Sewer Construction Projects. On behalf of Carquest Auto Sales, Wm Schutt and Associates has requested the approval to connect to the ECSD No. 4 sewer system as an Out-of-District Customer. The plans and proposed average daily flows were reviewed by the Division and recommends approval of the request.

Mr. Batt moved, seconded by Mr. Nikonowicz, Sr. to approve the Out of District agreement with Carquest Auto Sales. Mr. Harris abstained. The motion carried 3-0.

b. Contract EC-7A-Contract Close Out (Handout)

Mr. Nikonowicz, Sr., moved, seconded by Mr. Harris to approve the close out of Contract EC-7A General, Vanderbilt Pumping Station, Depew Pumping Station and Overflow Retention Facility Project to Nichols, Long & Moore at the final contract amount of \$3,122,514.07 and issue the final payment. The motion carried 4-0.

c. Town of Lancaster Intermunicipal Agreement-Close Out (Handout)

The Board received a handout for the Intermunicipal Agreement Amendment and Close Out with the Town of Lancaster. The resolution requests recommendation to the Erie County Legislature to amend the intermunicipal agreement for sewer improvements in the vicinity of Glendale and Parkdale Road.

The resolution amends the agreement by decreasing the original approved cost of \$657,000 by \$27,242.02 for a final agreement amount of \$629,757.98 and further closes out the intermunicipal agreement with the Town of Lancaster.

Mr. Batt moved, seconded by Mr. Nikonowicz, Sr., to approve the resolution. The motion carried 4-0.

#### **ITEM NO.5-OLD BUSINESS**

Mr. Fiegl discussed the elimination of the Aurora North Pump Station in item no. 3, along with those present from the public. Mr. Fiegl also noted to the Board, the property previously considered house for purchase by the County on Michael Anthony has since been sold and other options are being considered.

#### **ITEM NO. 6-MISCELLANEOUS & INFORMATIONAL ITEMS**

a. Operation Reports for February (Handout)

Mr. Lalli stated the restoration work on William Street will begin when the weather permits. Also, with the recent rain events, the Vanderbilt Pump Station, Depew Pump Station and Depew ORF were all in use and operated properly.

b. Pretreatment Report (Handout)

None

c. Construction Status Report

No. 4. Mr. Batt provided the Board with a handout outlining the current construction in District

d. District Payments (Handout)

The Board received a copy of the March 2013 payment to URS for the Aurora North PS Elimination in the amounts of \$1,636.18 and \$271.51.

Mr. Harris moved, seconded by Mr. Ambrose to receive and file items 6a-d. The motion carried 4-0.

**ITEM NO. 7 ADJOURNMENT & NEXT MEETING**

Mr. Batt moved, seconded by Mr. Nikonowicz, Sr., to adjourn the meeting at 3:59 pm.

**\*\*\*NEXT MEETING\*\*\*  
Combined Regular and Budget Meeting  
Wednesday, June 25, 2013 @ 3:00 pm  
Northern Region Admin Bldg.**

Respectfully submitted,



Thomas Batt, P.E.  
Board of Managers Secretary

Motion to approve minutes of 4/10/13

Moved By: HARRIS

Seconded By: NIKONOWICZ

Approved/Disapproved: 4-0

Date: 6/26/13

TB:br