

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
FEBRUARY 12, 2013
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, and Mr. Anthony Collareno
OTHERS PRESENT: Messrs Steven Canestrari, Joseph Fiegl, & Larry Krug, and Ms. Gier

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk opened the meeting at 3:16 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING (Handout)

On a motion by Mr. Balcarczyk, and seconded by Mr. Collareno, the Board voted to approve the minutes from the October 9, 2012 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

There were no items from the public. However, Mr. Fiegl did refer to an article in the Buffalo News (2/6/13) regarding a sinkhole in the street in front of 170 Weber Street. Mr. Fiegl explained that laterals are private property and are not the responsibility of the County. He also explained that District personnel investigate sinkholes and if the County's infrastructure is the cause, we follow through and correct the problem.

ITEM NO. 4 – NEW BUSINESS

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

On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to confirm and approve the phone poll for Term Contract agreements to the five highest ranked engineers (Arcadis/Malcolm Pirnie; Conestoga-Rovers & Associates; DiDonato Engineering and Design Professionals; URS Corporation; and Wendel Companies) to perform engineering services over a three year term. The motion carried 3-0.

b. I/I Compliance Hearing (Handout)

Mr. Carr reported to the Board that there is currently one homeowner who still has not corrected violations at 266 Center Street.

Item 2

On a motion by Mr. Carr, seconded by Mr. Collareno, the Board voted to approve sending this violation to a Compliance Hearing. The motion carried 3-0.

ITEM NO. 5 – OLD BUSINESS

- a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Carr stated that there is nothing new to report.

- b. First Winds Lawsuit (Handout)

Mr. Fiegl reported to the Board the initial ruling for the Court regarding the First Winds Lawsuit. Judge Chimes ruled that sanitary sewer charges are not applicable to windmills, and in regard to storm sewer charges. There was not a determination in favor of either side. Lastly, Mr. Fiegl reported that Judge Chimes did rule in favor of the County regarding back charges for 2010.

A hearing relative to this matter will be held the week of August 26-29, 2013 in Buffalo.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

- a. Operational Report

Mr. Canestrari reported on sewer backup complaints on Maple Street affecting four homes. He reported that at first he could not find any record of the sewerline, but subsequent investigation revealed that the District had flushed that line in the past. This sanitary sewer is located entirely within the Right of Way and serves multiple homes therefore the District determined ownership of the sewerline. District personnel found the collapse and repaired it. Mr. Collareno stated he agreed with this approach. He further stated that in his opinion, if a sewer is found within the ROW and multiple homes are connected, it should be owned by the District, even if it is not shown on the original District maps.

Mr. Canestrari also mentioned to the Board an issue with constant backups at an apartment building at the Abbott Road siphon near Smokes Creek. District personnel did some flushing, which seemed to solve the problem, but another backup occurred. The District will be following up on this matter.

- b. Pretreatment Report

There is nothing to report at this time.

- c. Construction Report

Mr. Carr reported that there is no active construction at this time.

d. Payments

There are no payments to be received at this time.

e. November Update Memo (Handout)

Mr. Fiegl reported that he had met with the Buffalo Sewer Authority to discuss the elimination of the Lackawanna Sewage Treatment Plant. The Division feels that this would be most cost effective measure for the District considering the upgrades requirements at the WWTP under the new SPDES permit. However, there is still a regulatory issue with the NYSDEC. Mr. Fiegl will continue to update the Board. Mr. Fiegl also explained that all operations regarding collections, services, billings will still be performed by the Division, just that the flows will be sent to the Buffalo Sewer Authority for treatment. The residents of ECSD No. 6 would notice no difference in the service level.

f. SEORA – Welded Tube USA – Proposed Manufacturing Facility (Handout)

A copy of the letter sent by Mr. Fiegl to Ralph Miranda, Director of Development for the City of Lackawanna, was distributed to the Board stating that the ECDSM consents to the Planning Board being designated as the lead agency for this project. Mr. Fiegl also reiterated that any plans for storm or sanitary sewer infrastructure should be coordinated with the ECDSM and adhere to ECSD No. 6 Rules and Regulations.

g. CIPP Lining Contract No. 70

i. Notice to Proceed (Handout)

A copy of the Notice to Proceed letter sent to United Survey Inc. was distributed to the Board. Mr. Carr stated that the work will be starting soon, and that the cost is about one third that of open cut repairs.

ii. Work Order No. 2 (Handout)

This Work Order covers work in Erie County Sewer District 6 under the 2012 Lackawanna budget. A list of sanitary sewers for the 2012 work ordered was handed out to the Board. The Board was pleased to see the Meadowbrook Area was on the list for work.

h. Minutes from Public Hearing – 2012 Assessment Rolls

The minutes from the Public Hearing held on November 2, 2012 was distributed to

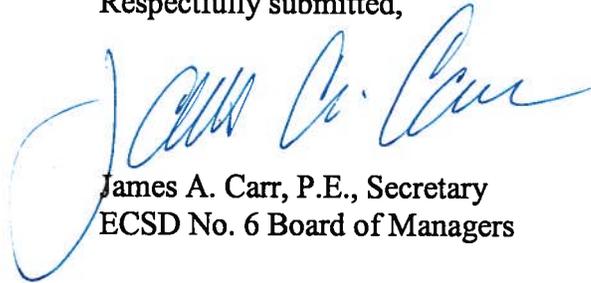
the Board. The only objection was from counsel representing Niagara Wind Power and Erie Wind who noted that certain parcels should not be on the roll as they feel there is no benefit from the storm or sanitary sewer.

On a motion by Mr. Balcarczyk, seconded by Mr. Collareno, the Board voted to receive and file the informational handouts under items 5 & 6. The motion carried 3-0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Balcarczyk, seconded by Mr. Collareno, the meeting was adjourned at 4:05 p.m. The motion carried 3-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve 2/12/13 minutes

Motioned By: TONY COLLARENO

Seconded By: JIM BALCARCZYK

Approved/Disapproved: 3-0

Date: 4/9/13

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
APRIL 9, 2013
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, and Mr. Anthony Collareno

OTHERS PRESENT: Messrs Joseph Fiegl, Lawrence Krug & William Strzeszynski, and
Ms. Laurie Gier

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk opened the meeting at 3:18 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

On a motion by Mr. Collareno, and seconded by Mr. Balcarczyk, the Board voted to approve the minutes from the February 12, 2013 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 – NEW BUSINESS

a. Confirmation of Telephone Poll – Close Out of Contract 44SA

On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to confirm the phone poll and approve the Close Out and final payment for Contract 44SA. The motion carried 3-0.

ITEM NO. 5 – OLD BUSINESS

a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl noted that the 2012 Challenge was recently issued for this time. The paperwork has been forwarded to Hodgson Russ.

Item 2

b. First Winds Lawsuit

Mr. Carr reported that the Board Members along with the County have been served legal papers regarding the Niagara Winds & Erie Wind, LLC Article 78 challenge. Board Members Balcarczyk and Collareno signed letters to the County Attorney requesting defense and indemnification in accordance to Section 18 of the of the New York State Public Officers Law, the Secretary to the Board will deliver these and retain copies for the Board.

Mr. Fiegl explained to the Board that a settlement has not been reached. He will continue to update the Board on the status. Hodgson Russ is handling this matter as well.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Strzeszynski presented the operations report. In March, 22,000 feet of sewer pipe was flushed; 4 pipe patch repairs were successfully installed; and the District siphons were bucketed.

Mr. Carr reported that the NYSDEC is considering dredging Smokes Creek and retained URS to conduct a survey of the Creek centerline and banks. The NYSDEC has reviewed the survey and informed the District that the survey indicates a loss, or depression of the Creek bottom at our Seal Street Pump Station siphons. The Division has followed up with a survey of our own and our results do not agree that there is a loss or depression, but rather a possible "bust" in the URS survey. The County's survey will be drawn and submitted to the NYSDEC for their review.

Mr. Carr reported to the Board that syringes were found at a former Seal Street Pump Station outfall. The Erie County Health Department was onsite to remove hypodermic needles from the abandoned overflow chamber. A District crew was there today to seal off the entrance to prevent future occurrences.

b. Pretreatment Report

There is nothing to report at this time.

c. Construction Report

Mr. Carr reported that the Cured-in-Place Pipe Lining Contractor, United Survey, began work on March 25 in the Meadowbrook area.

d. Payments

Mr. Carr reported a payment was made to Arcadis/MPI in the amount of \$1,124.65 for the business case study for the elimination of the Lackawanna Treatment Plant versus other options.

Mr. Fiegl reported that he and Commissioner Whyte had a meeting with Mayor Szymanski to update him on the SPDES permit and how the changes in the SPDES permit will impact the ratepayers. The new permit will require major upgrades to the WWTP, but an alternative would be to convey the wastewater to the Buffalo Sewer Authority for treatment. To that end, Mr. Fiegl provided the Mayor a status update of the CRA Engineering study with the details on costs of the alternatives. The Division desires to limit the cost impact on ratepayers within the District, therefore the solution will be driven by the monetary impact to the ratepayers.

The Mayor also expressed his concerns over sinkholes. Mr. Fiegl explained to him that the District is aware of these issues and addresses them as they are reported. He also mentioned the work the District has been performing to renew the infrastructure.

e. Basement Service Information Letter

Mr. Fiegl commented on the Basement Service Information Letters that were sent to homeowners in the District. He explained that this was a public information service letter to point out that basement facilities are at risk for sewer backups.

f. Letter to Lackawanna Development – Lackawanna Sewer Infrastructure

Mr. Carr commented on the letter sent to the City of Lackawanna Director of Development regarding the age and condition of the sewer infrastructure. The City of Lackawanna requested this information as grants and additional funding to the City will be based on, among other things, the age and condition of the City's utilities infrastructure

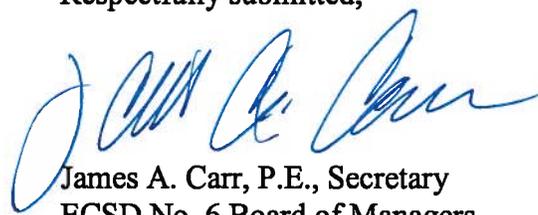
g. Letter to NYSDEC – SPDES Permit Schedule of Compliance

A copy of the letter sent to the NYSDEC from Mr. Fiegl was distributed to the Board which outlines the work plan for the Sewer System Evaluation Survey (SSES). This SSES is a requirement of the new SPDES permit.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Balcarczyk, seconded by Mr. Carr, the meeting was adjourned at 3:45 p.m. The motion carried 3-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of April 9, 2013

Moved By: J. Balcarczyk

Seconded By: J. Carr

Approved/Disapproved: 2-0

Date: 6/25/13

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
JUNE 25, 2013
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk and Mr. James Carr

OTHERS PRESENT: Messrs Mr. Glenn Absolom, Mr. Steve Canestrari, Mr. Joseph Fiegl,
Ms. Laurie Gier and Lawrence Krug

MEMBERS ABSENT: Mr. Anthony Collareno, excused

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk opened the meeting at 3:15 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

On a motion by Mr. Balcarczyk, and seconded by Mr. Carr, the Board voted to approve the minutes from the April 9, 2013 meeting. The motion carried 2-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 – NEW BUSINESS

a. Presentation and Approval of 2014 Budget

i. Proposed 2014 Budget

Mr. Fiegl discussed the 2014 Budget, highlighting certain items. He pointed out that overall, the ECSD No. 6 appropriations will increase approximately \$145,000. Taking into consideration water use charges, the typical ratepayer will have combined annual sanitary and storm charges that will increase about 1% higher than 2013.

Reviewing the detailed summary, there has been some adjustment from 2013 to proposed 2014 Budget to reflect analysis conducted this year by the District Manager and downtown staff in Erie County Sewer District No. 6 expenses and revenues. As a result, Erie County Sewer District No. 6 storm charges would decrease for the typical ratepayer while Erie County Sewer District No. 6 sanitary charges would increase, resulting in the previous referenced 1% overall increase.

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Mr. Fiegl reported that operation and maintenance expenses have increased approximately \$226,000 - \$75,000 of that is allocated to capital reserve and an additional \$50,000 to sewer relining. He explained that the sewer relining is likely to be a recurring budget item due to the aging infrastructure.

Mr. Fiegl noted that in addition to some increases, there are also some decreases as well. For example due to energy efficiency measures, electric costs have gone down. With the increase in User Charges and fund balance, there was a decrease in the tax levy. A decrease in debt service was balanced by an increase in the allocation to capital reserves.

Fringe benefits have been calculated at 67% in the 2014 budget. Increases in pension and medical insurance are difficult to project and the Division has no control over them. Fuel costs are also difficult to predict due to fluctuations in commodity markets.

Mr. Fiegl explained that the budgets are developed conservatively and that monies left over at the end of the year are transferred to fund balance, to be used as future revenue. The details from various accounts were reviewed. Specific items highlighted included budgeting on fuel, various changes in maintenance and repair supply codes, the \$50,000.00 increase in sewer lining services, AVL monitoring, \$75,000.00 increase in capital reserves, utility costs, and personnel costs.

Fund balance usage is budgeted at 50.25% of available balance. The available district fund balance at 12/31/12 represents about 4.3 months of 2014 budgeted appropriations. Having the fund balance at this level is important due to uncertainty related to legal challenges and regulatory requirements.

In summary, it is recommended that for 2014 the parcel charge remain unchanged at \$88.00 per parcel, and the water usage charge in ECSD No. 6 be increased to around \$3.35/1,000 gallons.

Mr. Balcarczyk asked if the Contract Control Clerk is a new position. Mr. Fiegl responded that it was not and later noted that this position title should have been a Senior Clerk Typist.

Mr. Balcarczyk asked on Page 8, flow meter, how many flow meters were budgeted for? Mr. Fiegl pointed out that the \$5000 represents the District No. 6 portion and it includes all the flow meter equipment to be purchased Division wide.

On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to approve the 2014 budget as presented. The motion carried 2-0.

ii. 271 Resolution

The 2014 Budget Resolution, which proposes that approximately 11% and 89% of the sanitary sewer tax levy shall be raised from the assessed value and parcel charges, respectively.

On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to approve the Resolution. The motion carried 2-0.

b. I/I Compliance Hearing

Mr. Carr presented to the Board a list of property owners that have not completed a house inspection. Mr. Carr recommended scheduling a compliance hearing as allowed by the Rules and Regulations of Erie County Sewer Districts for these homeowners. On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to send property owners to a Compliance Hearing. The motion carried 2-0.

ITEM NO. 5 – OLD BUSINESS

a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl explained that the County Attorney is proceeding with this issue. There is a conference call scheduled for Monday, July 1 to include the County Attorney, the Deputy County Executive, and the Real Property Services Head to discuss the assessed valuation of the property by the City of Lackawanna. Mr. Fiegl noted for the Board that Tecumseh has challenged their latest assessed value issued from the City of Lackawanna.

b. Niagara Winds Power – Summons (Article 78)

Mr. Fiegl explained to the Board that Niagara Winds may propose a settlement on this Article 78 challenge, Mr. Fiegl will continue to update the Board.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Canestrari reported on a flooding issue on Barlow Street. Division staff did address through root cutting, as well as some bucketing to alleviate the problem. Mr. Canestrari noted that by bucketing the sewer, it was revealed that a power pole was installed into the storm sewer. The pole has been subsequently removed.

b. Pretreatment Report

i. Letter to Local Businesses – Industrial Waste Survey

The Board reviewed a letter sent to 22 businesses that are within the Lackawanna WWTP sewer shed. A change to the SPDES permit by the NYSDEC requires an industrial waste survey. To date, eleven have complied with the survey; two have moved; and nine have not yet responded.

c. Construction Report

Mr. Carr reported that the Erie County Department of Public Works/Highways have bid and have recommended award to Dipizio Construction for the Overlay B Project. This project will include raising the Abbott Rd manholes to the existing grade of the street. The Abbott Rd manhole work will start at the City of Buffalo line and end at Smoke's Creek. Mr. Carr stated that the work should begin around mid-July. (p.s. The award of contract by Erie County Department of Public Works has been delayed and the projected construction for the Abbott Rd. manholes is the middle of September.

The Cured-In- Place Pipe project is proceeding with the 2012-2013 work orders. The 2012 work is almost complete. The 2013 work orders will be assigned to United Survey in July. The 2013 work will include sanitary sewers on Washington, Pearl, Wintergreen and Grant.

d. Payments

There was two payments presented to the Board – to MPI for the Business Case Study in the amount of \$334.76 and \$1,134.11.

e. Letter From NYSDEC – Acceptance and Approval of ECSD 6 CMOM Plan

The Board reviewed a letter received from the NYSDEC approving the Capacity Management, Operation, and Maintenance (CMOM) requirement of the SPDES Permit. The County is now required by the SPDES permit to submit an annual report to the NYSDEC outlining the actions taken during the preceding year.

f. Letter to NYSDEC – Change in Chief Operator

The Board reviewed a letter Mr. Absolom sent to the NYSDEC concerning Mr. Kaszubowski's retirement and of Mr. Walker's appointment to Chief Wastewater Treatment Plant Operator.

g. Letter to Mayor Szymanski – April 9, 2013 Meeting

The Board reviewed a letter from Deputy Commissioner Fiegl, to Mayor Szymanski regarding the meeting between the Mayor and Mr. Fiegl and Commissioner Maria Whyte of Environment and Planning on April 9, 2013.

The purpose of the meeting was to update the Mayor on initiatives the County/Sewer District are presently investigating. Sinkholes were discussed and the City was assured the Sewer District would investigate all complaints to identify the cause. If the deficiency is within the public sewer the Sewer District will perform the necessary repairs but if the deficiency is within the privately owned lateral the homeowner would be notified.

h. Sewer Backup Claim Response – 113 Palm Street

The Board received a copy of the Sewer Management's letter to the homeowner at 113 Palm Street denying their claim for damage to her basement. Sewer backups are unfortunate incidents which the District has no control over and is not negligent in this matter.

i. Compliance Hearings & Retainer Agreement

The board reviewed a copy of the Retainer Agreement between the County of Erie and Feldman Kieffer, LLP, dated May 8, 2013. The Erie County Attorney's Office recommended Feldman Kieffer, LLP to act as a hearing officer for the Compliance hearings.

The Board was also notified that the compliance hearing will be held on August 14, 2013 at the Southtowns Wastewater Treatment Plant.

j. Sewage Pollution Right to Know Act

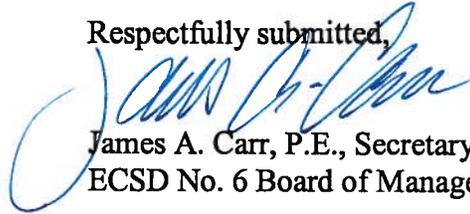
Mr. Fiegl discussed the new Sewage Pollution Right to Know Act, which became law effective May 1, 2013. This law requires notification of an overflow within 2 hours to the DEC, the Erie County Health Department, local officials, the Department of Public Works, as well as officials in any adjoining areas where the overflow occurred. The DSM has acted in accordance with the law.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Carr made a motion to cancel the July 9, 2013 board meeting. Mr. Balcarczyk seconded the motion. The motion carried 2-0.

On a motion by Mr. Balcarczyk, seconded by Mr. Carr, the meeting was adjourned at 4:08 p.m. The motion carried 2-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of June 25, 2013

Moved By: J. Balcarczyk

Seconded By: T. Collareno

Approved/Disapproved: 3-0

Date: 10/8/2013

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
OCTOBER 8, 2013
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, and Mr. Anthony Collareno
OTHERS PRESENT: Messrs Steven Canestrari, Joseph Fiegl, & Lawrence Krug, and Ms. Laurie Gier

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk opened the meeting at 3:15 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno, to approve the minutes from the June 25, 2013 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 – NEW BUSINESS

a. 2014 Meeting Schedule

The proposed meeting schedule for 2014 was distributed to the Board. Mr. Carr moved, seconded by Mr. Collareno, to approve the proposed 2014 schedule. The motion carried 3-0.

b. I/I Compliance Hearing

i. Approval for Compliance Hearing

The Board received a copy of the final inspection request for 19 Sunrise Drive. To date the violation has not been corrected. Mr. Carr moved, seconded by Mr. Balcarczyk, to send the owner(s) of 19 Sunset Drive to a compliance hearing. The motion carried 3-0.

ii. Approval for Fine Stages

A Compliance Hearing was held on August 14, 2013. The following properties were reviewed by the Hearing Officer: 29 Green St, 266 Center, 56 Modern, 59 Verel, and 47 Modern. The Hearing Officer recommended a "premium assessment" of \$100.00 be levied

Item 2

for non-compliance with the "Rules and Regulations of Erie County Sewer Districts" unless the homeowner complies within 30 days. Mr. Balcarczyk moved, seconded by Mr. Collareno to enforce the Hearing Officers recommendation. The motion carried 3 – 0.

c. Notice of Public Hearing – 2013 Assessment Rolls

Mr. Carr distributed and reported that the Public Hearing on the Assessment Rolls will be held on November 1, 2013 in the Chambers of the Erie County Legislature. The Legislature will then be requested to adopt and affirm the assessment Rolls.

d. User Charges 2014

i. Minutes from Public Hearing

The Board received the minutes from the September 24, 2013 public hearing for the User Charges. The proposed user charge rates for the Erie County sewers for 2014 were presented and the public was provided an opportunity to express any concerns over the proposed rates. Mr. Carr noted that there were no comments on the proposed 2014 User Charges.

ii. Approval of Resolution

Mr. Carr presented to the Board the Erie County Sewer District No.6 User Charge Resolution for adoption by the Board. Mr. Carr moved, seconded by Mr. Collareno, to approve the User Charge Resolution for Erie County Sewer District No. 6. The motion carried 3-0.

e. Confirmation of Telephone Poll – 2013 Tax Bill Refund

The homeowner of 114 Victory requested a refund on his 2013 sewer tax bill. 114 Victory had a water leak in their water service line and was charged for 1,257,000 gallons of water. This resulted in a tax sum of \$3,613.00. He requested a reduction on his water usage from Erie County Water Authority and was ultimately billed for 300,000 gallons. The Division's Tax Department has researched this with the Erie County Water Authority and confirmed the charge and the reduction. The Board, on a motion by Mr. Carr, seconded by Mr. Collareno, voted to confirm the phone poll of July 11, 2013, and approve the refund as noted in the memo. The Motion carried 3-0.

ITEM NO. 5 – OLD BUSINESS

a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl reported that Charles Alessi, the former Deputy Commissioner, was deposed on the Article 78, in particular, user rates, i.e. parcel changes and property assessment within Erie County Sewer District No.6.

b. Niagara Winds Power – Summons (Article 78)

Mr. Fiegl reported to the Board that our Attorneys are working to settle the Niagara Winds matter. Mr. Fiegl will update the Board as this item progresses.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Canestrari highlighted several District projects:

District staff replaced 60 linear feet of 8 inch main at Pearl and Washington to facilitate lining of the remaining sewer. This project also involved taking down and installing a privacy fence and clearing and grubbing of overgrowth for access to the site.

Staff replaced 6 existing catch basins and installed 2 new catch basins; and also installed 250 ft. of 8 inch storm main on Lincoln Ave.

Staff investigated sinkholes at 96 Della, 288 South Shore and Center & Krakow Streets and after ascertaining that that cause was due deficiencies in the County's infrastructure, completed the repairs. This included the assistance of an outside contractor for the repairs on Della and Center/Krakow.

On Sharon Pkwy the District's TV camera became stuck in the sewer in Sharon Pkwy. Staff had to excavate the sewer main to retrieve the camera. This resulted in the replacement of approximately 7 feet of sewer main.

b. Pretreatment Report

i. Letter to Local Businesses – Industrial Waste Survey

The Board received a copy of the 2nd Notice letter sent to the 4 industries who have not returned the Industrial Waste survey.

c. Construction Report

i. Contract No. 70 – Work Order No. 5

Mr. Carr distributed a copy of the Work Order No. 5 for United Survey Inc. The work order for lining the sanitary sewers in sections of: Washington Street, Pearl Street, Baker, Wilkesbarre, Wintergreen, and Electric Street.

ii. Contract No. 70 – Contract Extension for 2014-2015

Mr. Carr distributed copies of his memo recommending an extension of the

contract with United Survey Inc. for two additional years, 2014 and 2015 and United Survey's letter agreeing to hold their 2012 bid prices for the two-year extension. The Purchasing Department has agreed to extend the contract with United Survey Inc. an additional 2 years.

d. Payments

The Board received and filed a payment of \$28,064.28 for legal fees to Hodsson Russ for the Niagara Winds Lawsuit.

e. Letter to NYSDEC

i. Flow Meter Installation SPDES Permit Schedule of Compliance

The Board reviewed a copy of a letter to the DEC regarding a new flow meter location at the Lackawanna Wastewater Treatment Plant (WWTP). This meter will measure primary effluent bypass flow and is in accordance with the Schedule of Compliance listed in the SPDES permit.

ii. SPDES Permit Schedule of Compliance – 9 Month Progress Report

The Board reviewed a copy of Mr. Fiegl's letter sent to the DEC outlining the 9 Month Progress for the schedule of compliance listed in the SPDES Permit.

iii. I/I and SSES Work Plan Response

The Board reviewed Mr. Fiegl's letter regarding the August 1, 2013 meeting with the NYSDEC. The meeting was a follow up for clarification on the NYSDEC perspective on the I/I and SSES Work Plans. The Division and the NYSDEC agreed to formally document the collection system work previously completed and the NYSDEC requested the Division review its records and propose a schedule for resubmission of the work plans. The Division committed to submit these updated work plans by January 1, 2014.

f. District Chemical Spill

The Board was informed about a trouble call on August 8, 2013 for a strong odor of gasoline in the basement at 258 Steelawanna Ave. ECSD No. 6 staff along with Lackawanna Fire Department, the County Hazmat team, and the NYSDEC were called in and assisted with successfully resolving the problem.

g. New Environmental Bond Act

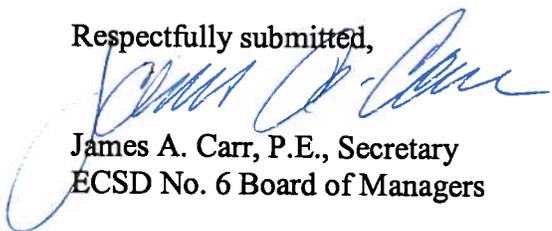
Mr. Fiegl reported to the Board that he went to Albany to speak about the condition of and the need for continued improvements to the sanitary sewer infrastructure. Albany is considering a five billion dollar environmental bond program, two billion dollars that would specifically be for water and sewer infrastructure. If the Senate and Assembly approve the Environmental Bond Act would be on the ballot in 2014 for voters' approval.

Mr. Balcarczyk moved, seconded by Mr. Collareno to receive and file the informational items on the agenda. The motion carried 3-0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Carr, to adjourn the meeting. The motion carried 3-0.

Respectfully submitted,


James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of October 8, 2013

Moved By: J. Balcarczyk

Seconded By: A. Collareno

Approved/Disapproved: 3-0

Date: 12/10/2013

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
DECEMBER 10, 2013
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, and Mr. Anthony Collareno
OTHERS PRESENT: Messrs. Steven Canestrari, Joseph Fiegl, & Lawrence Krug, and Ms. Laurie Gier, and Jennifer Salter

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk opened the meeting at 3:15 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno, to approve the minutes from the October 8, 2013 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

Jennifer Salter of 40 Victory Ave in Lackawanna attended the meeting and spoke about odors coming from manholes. She stated that in her opinion, the sewers should be flushed twice per year. Mr. Carr explained that Sewer District staff does regular flushing, and that when she has a particular issue, i.e., odor, she should call the District office to inform the staff so that District staff could investigate and record her complaint, and follow-up can be done. The phone number was provided to her.

Mr. Fiegl also informed Ms. Salter that if odors were a problem in her neighborhood, that manhole inserts could also be used to prevent gases from escaping.

ITEM NO. 4 – NEW BUSINESS

a. I/I Approval for Compliance Hearing

The Board received a copy of the final violation notice for the following four properties: 68 Modern Ave, 24 Seal Place, 3167 South Park Ave, and 225 Warsaw St. To date, the violations have not been corrected. Mr. Carr moved, seconded by Mr. Balcarczyk, to send the owners of the aforementioned properties to a compliance hearing. The motion carried 3-0.

b. Confirmation of Telephone Poll – Construction Inspection Services

The Board received a copy of a Division of Sewerage Management Resolution and

Item 2

Memorandum for Division of Sewerage Management's professional services associated with construction inspection for the Division of Sewerage Management. Award of contracts to DiDonato Associates, Greenman-Pedersen, Inc. and Wm. Schutt Associates were recommended to the Erie County Legislature. The Board, on a motion by Mr. Collareno, seconded by Mr. Balcarczyk, voted to confirm the phone poll of November 18, 2013. The motion carried 3-0.

ITEM NO. 5 – OLD BUSINESS

- a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

There was nothing new to report.

- b. Niagara Winds Power – Summons (Article 78)

Mr. Collareno moved, seconded by Mr. Balcarczyk to go into Executive Session to discuss legal matters with the Niagara Winds lawsuit. The motion carried 3-0.

The Board members agreed to table Items 5a. and 5b.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

- a. Operational Report

Mr. Canestrari highlighted two District projects:

Final pavement restoration was completed by Amherst Paving at Center and Krakow Streets. This was a curb-to-curb restoration within the work zone.

Final pavement restoration was also completed on Sharon Parkway. District staff partnered with City of Lackawanna DPW, who supplied roller and operator. Mr. Canestrari reported that these outstanding jobs have been completed prior to the winter season. Mr. Fiegl commended Mr. Canestrari and his staff for the tremendous amount of work that was accomplished this past year in ECSD No.6.

- b. Pretreatment Report

There was nothing new to report.

- c. Construction Report

- i. Contract No. 70

Mr. Carr updated the Board on the Cured in Place Pipe Lining Contract

No. 70. Mr. Carr reported that the 2014 Work Orders will be going out for award in 2014.

ii. Erie County DPW/Highways – Abbott Road Manholes

Mr. Carr reported that the manhole frame and covers on Abbott Road within the City of Lackawanna limits have been replaced and raised to grade. The project was constructed by the Erie County DPW/Highway through a Memorandum of Agreement between the two (2) Departments. The Contractor was DiPizio Construction and contract close out is expected in early 2014.

d. Payments

There were no payments reported.

e. Compliance Properties

i. Fine Letters Sent November 1, 2013

Copies were distributed to the Board of the Premium Assessment letter sent to the following properties for failure to correct violations or failure to allow an inspection: 266 Center St, 29 Green St, 59 Verel Ave, 47 Modern Ave, and 56 Modern Ave.

ii. Homeowner Response – 47 Modern Ave

Copies of correspondence between Mr. Timothy Eckert of 47 Modern Ave and the Division of Sewerage Management were distributed to the Board. As noted in Item 6.e.i., 47 Modern Avenue received their final notice of violation letter, and Mr. Eckert challenged the Premium Assessment via an email to the Count Executive's office. Mr. Eckert requested documentation of the County's Rules and Regulations giving them the authority to inspect his property, as well as exactly what would have to be inspected. Mr. Carr responded giving Mr. Eckert the information he requested.

f. ECDPW – Botanical Gardens

The Board was given a copy of a letter dated November 27, 2013 sent to the Commissioner of Erie County Department of Public Works notifying them of a potential illicit discharge into the sewers from the Botanical Gardens located at 2655 South Park Ave in Lackawanna. The letter requests a response within 20 days of receipt of the letter. Mr. Carr stated that the Erie County Department of Public Works had a meeting scheduled with their consultant for December 11, 2013 to discuss and this item.

g. Buffalo News Article on America's Infrastructure (handout).

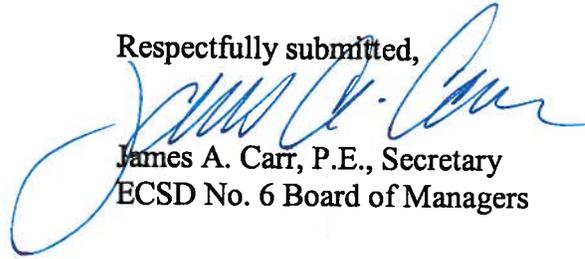
There was a brief discussion on the Buffalo News article about America's aging infrastructure and the limited funds available to remedy the situation.

Mr. Carr moved, seconded by Mr. Collareno, to receive and file the informational items on the Agenda. The motion carried 3-0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno, to adjourn the meeting at 3:55. The motion carried 3-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of October 8, 2013

Moved By: J. Balcarczyk

Seconded By: J. Carr

Approved/Disapproved: 2-0

Date: 2/11/2014