

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY FEBRUARY 11, 2015
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: David Kaczor, Gerry Kapsiak (at 8:06 a.m.), Michael Kasprzyk, David Millar, Glenn Nellis Karl Simmeth, Don Witkowski (at 8:06 a.m.)

MEMBERS ABSENT: Chairman John Mills

OTHERS PRESENT: Glenn Absolom, Joe Fiegl, Jill Krafft, Larry Krug

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Kaczor called the meeting to order at 8:02 a.m.

ITEM NO. 2 – APPROVAL OF DECEMBER 10, 2014 MEETING MINUTES

On a motion by Mr. Kasprzyk, seconded by Mr. Nellis, the Board voted to approve the minutes from the December 10, 2014 meeting. The motion carried 5 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – NEW BUSINESS

a. Amended Agreement – Steuben Foods – Policy Modification (Handout)

The Board considered a resolution for an agreement amendment to formalize the financial terms for repayment of upgrade costs by Steuben Foods, Inc. for improvements to the Elma Pumping Station. The resolution also addresses changes to the existing policy relating to additional connections to the Elma Forcemain.

On a motion by Mr. Millar, seconded by Mr. Nellis, the Board voted to approve the Steuben Foods agreement amendment. The motion carried 5 – 0.

b. Payments (Handout)

The Board reviewed the payment handout for the month of February. On a motion by Mr. Simmeth, seconded by Mr. Millar, the Board voted to approve the February 2015 payments. The motion carried 7 – 0.

c. Rush Creek Interceptor Project

i. Award of Contract Approval

Bids for the Rush Creek Interceptor, Blasdell Milestrip Wet Weather Relief Pumping Station Project, Contract No. 17, were opened on February 3, 2015. The apparent low bidder for the General/Mechanical Contract 17A was Kandey Company, Inc. (Kandey). Within three days of the bid opening, a notice was received from Kandey requesting that the County allow the withdrawal of his bid due a unilateral mathematical error, per General Municipal Law. The County Attorney's office and the engineering consultant for the project will be consulted prior making a decision in this matter. Should the County accept the withdrawal of Kandey's bid, General Municipal Law prescribes the following two actions: 1.) award the contract to the next lowest responsible bidder, 2.) rebid the contract.

Mr. Fiegl requested that the Board enter into executive session.

On a motion by Mr. Millar, seconded by Mr. Witkowski, the Board voted to enter into executive session. The motion carried, 7 – 0.

On a motion by Mr. Millar, seconded by Mr. Kasprzyk, the Board voted to exit executive session and resume the Board of Managers meeting. The motion carried, 7 – 0.

ITEM NO. 5 – OLD BUSINESS

a. Steuben Foods Update/Elma Forcemain Update

Mr. Fiegl informed the Board that plans and specifications for improvements to the Elma Pumping Station are 90% complete. It is anticipated that the project will be bid by the end of February. Mr. Fiegl also mentioned that the Elma Forcemain was recently inspected with an evaluation system referred to as Smartball. Smartball makes use of a free-swimming technology designed to operate in a live pipeline and is capable of detecting and locating small leaks, gas pockets, and structural defects. Mr. Fiegl reported there were no leaks or structural defects detected in the Elma Forcemain. Two air pockets were identified very close to the discharge end of the pipe.

b. Sewer Agency Report – Southtowns AWTF Incinerator Upgrades

Last year, the Board approved a \$5-million Sewer Agency Report (SAR) to fund improvement to the Southtowns AWTF incineration system that were necessary as a result of new Environmental Protection Agency (EPA) air emission regulations for Sewage Sludge Incinerators (SSI). At this time, estimates for the (SSI) upgrades are expected to be in the \$1-million to \$2-million range for that work. Because the cost of the project is much lower than originally thought at the time the SAR was prepared, there is an opportunity to fund the SSI improvements project with capital reserves and use the \$5-million bond account for other improvements at the Southtowns AWTF, including those that will be required as a result of the recent State Pollutant Discharge Elimination System (SPDES) permit. There were no objections stated by the Board in regards to proceeding with SAR to fund treatment plant upgrades.

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report

Mr. Absolom reported that the District is still recovering from the November snow event. Central maintenance has been attempting to televiser the sanitary sewers in the Mount Vernon Dist., however the extreme winter weather has slowed progress.

b. Pretreatment Report

i. Steuben Food's Bypass Notice (Handout)

The Board reviewed a notification from the DSM to Steuben Foods, Inc. regarding scheduled bypassing of the pretreatment system to clean holding tanks in its waste treatment building. The notification advises Steuben that bypassing can only occur if pretreatment standards and limits are not violated. If a bypass occurs that violates pretreatment standards, the DSM may commence enforcement procedures. Subsequent to the notification, violations of pH limits occurred during bypassing activities. As cleaning the holding tanks will be an annual procedure, the DSM will require that Steuben develop a more effective method for bypassing to prevent future violations.

c. Construction Report

The General Contractor for the Influent Pump Station Project at the Southtowns AWTF, Contract 37A, has begun installing the 42" diameter ductile iron forcemain starting at the Overflow Retention Facility. Approximately 500 linear feet has been installed. The General Contractor has identified unanticipated conflicts with existing water and gas lines requiring relocation. The Electrical and HVAC Contractors for this project have not been on site as of yet.

The Underground Fuel Tank replacement in the Wanakah, Mt. Vernon and Rogers Road Pump Station contract is 50% complete.

d. NYSDEC SPDES Permit NY0095401

i. Ammonia Study Submittal (Handout)

The Board reviewed a copy of a transmittal letter that accompanied the ammonia study sent to the New York State Dept. of Environmental Conservation (DEC) as required by the new SPDES permit compliance schedule.

ii. Nine Month Progress Report (Handout)

The Board reviewed the nine month progress report sent to the DEC as a requirement of the new SPDES permit compliance schedule. The report summarizes related activities over that last nine months.

e. Town of Hamburg – November Storm – Thank You (Handout)

The Board reviewed a letter from the DSM to the Town of Hamburg thanking the Town for assistance during the November 2014 Storm.

f. Ltr. Blasdell WWTP SPDES Permit – SSO Elimination (Handout)

The Board reviewed a copy of the letter from the DSM to the DEC, sent at the request of the DEC, to formally identify the Sanitary Sewer Overflows (SSOs) that will be removed from the Blasdell system as part of the Rush Creek Interceptor project.

On a motion by Mr. Millar, seconded by Mr. Witkowski the Board voted to receive and file items 6.a. through 6.f. The motion carried 7 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Simmeth, seconded by Mr. Kapsiak, the meeting was adjourned at 8:48 a.m. The motion carried 7 – 0.

Next meeting is scheduled for Wednesday April 15, 2015 at 8:00 a.m.

Respectfully submitted



Secretary

ECSD No. 3 – Board of Managers

DM:jk

Motion to Approve the February 11, 2015 Meeting Minutes

Moved by: MIKE KASPREYK

Seconded by: GLENN NELLIS

App/Disapp: APPROVED 8-0

Date: 4/15/2015



David C. Millar, Secretary

ECSD No. 3 Board of Managers

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY APRIL 15, 2015
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, David Kaczor, Gerry Kapsiak (8:04), Michael Kasprzyk, David Millar, Glenn Nellis, David Rood, Karl Simmeth, Don Witkowski

MEMBERS ABSENT: None

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Jim Carr, Joe Fiegl, Kevin Kaminski, Larry Krug, Beth Pfalzer

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:01 a.m.

- a. The Board welcomed new member David Rood.

ITEM NO. 2 – APPROVAL OF FEBRUARY 11, 2015 MEETING MINUTES

On a motion by Mr. Kasprzyk, seconded by Mr. Nellis, the Board voted to approve the minutes from the February 11, 2015 meeting. The motion carried, 8 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None.

ITEM NO. 4 – NEW BUSINESS

- a. Payments (Handout)

The Board reviewed the payment handout for the month of April. On a motion by Mr. Simmeth, seconded by Mr. Millar, the Board voted to approve the April 2015 payments. The motion carried, 8 – 0.

- b. I & I Approval for Compliance Hearing (Handout)

The Board reviewed copies of final violation notices from the Division of Sewerage Management (DSM) to several property owners in ECSD No. 3. Written requests were mailed to each resident on several occasions, without response, to complete a house inspection or correct a deficient condition found during the DSM's Inflow/Infiltration inspection program. As a result, these residents have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the Rules and Regulations and recommend a follow up action. The Compliance

Item
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hearing will be held on May 20, 2015 at the Southtowns Advanced Wastewater Treatment Facility (AWTF).

On a motion by Mr. Kasprzyk, seconded by Mr. Kaczor, the Board voted to approve the referrals for a Compliance Hearing. The motion carried, 9 – 0.

Mr. Witkowski inquired about the response letter received from the owner of the property at 4917 Clifton Parkway in the Town of Hamburg regarding a final violation notice. Mr. Millar replied that the issue concerning the violation had been resolved.

c. ST Influent PS & ORF Improvements 37STPA -Approval of Change Order 2 (Handout)

The Board considered a proposed change order to the Southtowns Influent Pump Station and ORF Improvements Project, Contract 37STP-A. The General Contractor for that project, Kandey Company, identified a yard piping conflict with an existing 8” diameter watermain during the installation of a 42” diameter forcemain. It was anticipated during design that the new forcemain could be installed adjacent to the 8” diameter watermain, but the pipes were actually in conflict with each other. Relocating the watermain addresses the conflict issue and provides additional benefits including replacement of a 40-year-old back-flow preventer. The Division of Sewerage Management (DSM) recommends the change order for relocation of the existing 8” diameter watermain in the amount of \$87,322.00.

On a motion by Mr. Rood, seconded by Mr. Millar, the Board voted to approve the change order. The motion carried, 9 – 0.

d. Elma PS Improvement Contract 47 G & E (Handout)

i. Bid Opening (Handout)

The Board reviewed the Bid Opening notice for the Elma Pumping Station Project, Contract 47 G & E. This is an informational item; no action is required by the Board.

ii. Award of Contract - Confirmation of Phone/Email Poll (Handout)

The Board considered confirmation of the April 6, 2015 telephone/email poll approving award of the General and Electrical Contracts for the Elma Pumping Station Improvements Project, Contract Nos. 47G and 47E. The Project includes installation of an additional progressive cavity pump, piping and appurtenances as well as expansion of the existing building to accommodate the new pump. The Project also includes electrical and instrumentation improvements to support the new pump. Steuben Foods, Inc. will reimburse the District for the costs associated with the upgrades. The lowest responsible bidders for the project were:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract 47G	STC Construction, Inc. P.O. Box 459 Springville, NY 14141	\$336,480.00
Contract 47E	South Buffalo Electric, Inc.	\$164,498.00

1250 Broadway Street
Buffalo, NY 14212

Bids were reviewed by the DSM and the engineering consultant for the project, ARCADIS, U.S., Inc.

On a motion by Mr. Kaczor, seconded by Mr. Nellis, the Board voted to confirm the April 6, 2015 poll approving award of Contract 47G to STC Construction, Inc. in the amount of \$336,480.00 and Contract 47E to South Buffalo Electric, Inc. in the amount of 164,498.00. The motion carried, 9 – 0.

e. Hamburg (T) – Hoover Road Project

Mr. Fiegl informed the Board that he was contacted by the Town of Hamburg regarding a project to separate Hoover Road from Route 5. The project would involve closing off Hoover Road at the intersection of Route 5 and constructing a cul-de-sac. The cul-de-sac would be partially located on Southtowns AWTF property and would require an easement or property transfer from the County. More information will be presented to the Board as this project progresses. This is an informational item; no action is required by the Board.

ITEM NO. 5 – OLD BUSINESS

a. Steuben Foods Update/Elma Forcemain Update

i. Amended Agreement (Handout)

The Board reviewed a copy of a resolution to amend the existing Out-of-District Customer Agreement with Steuben Foods, Inc. to establish terms for repayment of the Elma Pumping Station Project. Steuben Foods will pay back all associated costs to the DSM, over a five-year period at a 0.25% interest rate, including costs for all construction and engineering services. This is an informational item; no action is required by the Board.

b. Contract 17 – Rush Creek Interceptor Project

i. Bid Bond Return (Handout)

The Board reviewed transmittal letters sent with bid bonds returned to bidders of the original bid of Contract 17 A. The DSM determined that a mistake, defined by General Municipal Law, Section 103(11), had occurred during the original bid of the Rush Creek Interceptor Project. Consequently, in accordance with the law, the lowest bidder was allowed to withdraw his bid, the bid bonds of all other bidders were returned, and the project was rebid. This is an informational item; no action is required by the Board.

ii. Sewer Agency Report – Confirmation of Phone/Email Poll (Handout)

The Board considered confirmation of the February 26, 2015 telephone/email poll approving the Sewer Agency Report (SAR) to extend authorization of the bond account that will be used to fund the Rush Creek Interceptor Project. Because the DSM was put in the position of having to accept

withdrawal of the original apparent low bid for Contract 17A, and because of the time frame involved with re-bidding the project, there were concerns about the existing Bond Authorization for the related bond account expiring before it can be used. Consequently, the poll was conducted to expedite the Board's review of the SAR to authorize time extension of the bond. The amount of the authorization will not be increased.

On a motion by Mr. Witkowski, seconded by Mr. Nellis, the Board voted to confirm the February 26, 2015 poll approving the SAR. The motion carried, 9 – 0.

iii. Award of Contract 17 D – Confirmation of Phone/Email Poll (Handout)

The Board considered confirmation of the March 3, 2015 telephone/email poll approving award of the Electrical Contract, Contract 17D, for the Rush Creek Interceptor Project. The poll was conducted to expedite the Board's approval as the Contract had to be awarded with 45-days after bids were opened, per General Municipal Law, to maintain the price as bid. The DSM recommends the award of Contract 17D to Industrial Power and Lighting in the amount of \$23,500.

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to confirm the March 3, 2015 poll approving award of Contract 17D to Industrial Power and Lighting in the amount of \$23,500. The motion carried, 9 – 0.

iv. Rebid - Award of Contract 17A – Confirmation of Telephone Poll/Email (Handout)

The Board considered confirmation of the March 19, 2015 telephone/email poll approving the award of the General/Mechanical, Contract 17A. The following bids were received and opened on March 18, 2015:

<u>Bidder</u>	<u>Amount</u>
Kandey Company	\$6,642,525.00
Catco	\$6,651,619.00
Mark Cerrone	\$6,782,400.00

Bids were reviewed by the DSM and the engineering consultant for the Rush Creek Interceptor Project, URS.

On a motion by Mr. Rood, seconded by Mr. Millar, the Board voted to confirm the March 19, 2015 poll approving the award of Contract 17A to Kandey Company in the amount of \$6,642,525.00. The motion carried, 9 – 0.

v. Article 78 Legal Challenge

Mr. Fiegl requested that the Board enter into executive session.

On a motion by Mr. Millar, seconded by Mr. Witkowski, the Board voted to enter into executive session. The motion carried, 9 – 0.

On a motion by Mr. Millar, seconded by Mr. Witkowski, the Board voted to exit executive session and resume the meeting. The motion carried, 9 – 0.

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported that the Blasdell Pump Station is 100% operational after repairs were made as a result of the extreme snow event that occurred in November 2014. Mr. Kaminski also stated that the flows received at the Southtowns AWTF have been elevated for an extended period of time. Mr. Absolom added that the flows have been high at all the DSM plants.

b. Pretreatment Report

i. Steuben Notice of Violation (Handout)

The Board reviewed a notification of violation from the DSM to Steuben Foods, Inc. In January, the DSM recorded several pH sampling results at the Elma Pumping Station exceeding the permitted limit of 12 S.U. as stated in Steuben's Industrial Wastewater Discharge Permit. Prior to the violation, Steuben had requested permission to bypass its pretreatment system in order to clean onsite tanks. The request was denied by the DSM, per Federal Regulations, as an industrial user may only bypass its pretreatment system, with written notice, if pretreatment standards and limits are not violated. Mr. Kaczor asked if the DSM had ever issued a violation letter like this before for which Steuben had not complied. Mr. Absolom stated Steuben was responsible following through with such procedures. Mr. Kaczor asked if there was any impact from the discharge. Mr. Kaminski replied that there was a slight effect at the Southtowns AWTF but no significant impact on the treatment process.

c. Construction Report

Mr. Millar stated that construction of the Southtowns Influent Pumping Station Improvements Project is progressing.

Mr. Millar stated that the bid opening for the Incinerator Upgrades Project, Contract Nos. 54 STP A and D, took place on April 9, 2015. Mr. Fiegl noted that there will be a phone/email poll for award of the contract soon.

The Underground Fuel Tank Replacement Project at the Wanakah, Mt. Vernon and Rogers Road Pump Stations is 100% complete.

d. NYSDEC SPDES Permit NY0095401 & 0020681 – Annual Report

The Board reviewed a copy of the transmittal letter for the Collection System Program (CSP) & Sanitary Sewer Overflow (SSO) Annual Report forwarded to the New York State Department of Environmental Conservation as a requirement of the Southtowns SPDES Permit.

e. Woodlawn Beach State Park Sanitary Survey Rpt. Addendum (Handout)

The Board reviewed a copy of a transmittal letter for an addendum to the Woodlawn Beach State Park Sanitary Survey Report prepared by the New York State Office of Parks, Recreation and Historic Preservation. The report acknowledged improvements made by ECSD No. 3 and recommended further study of point and non-point sources throughout the watershed.

f. Resident Response from violation - 4917 Clifton Parkway (Handout)

The Board reviewed a copy of a letter received from the owner of the property at 4917 Clifton Parkway in the Town of Hamburg regarding a final violation notice. Mr. Millar replied that the issue concerning the violation had been resolved.

On a motion by Mr. Millar seconded by Mr. Kasprzyk the Board voted to receive and file items 6.a. through 6.f. The motion carried, 9 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Millar, seconded by Mr. Witkowski, the meeting was adjourned at 8:55a.m. The motion carried, 9 – 0.

Next meeting is scheduled for Wednesday, June 17, 2015 at 8:00 a.m. The Combined Budget meeting is scheduled for Wednesday, June 24, 2015 at 8:00 a.m.

Respectfully submitted,



Secretary
ECSD No. 3 – Board of Managers

DM:bp

Motion to Approve the April 15, 2015 Meeting Minutes

Moved by: DAVID ROOT

Seconded by: MIKE KASPRZYK

App/Disapp: APPROVED 7-0

Date: 6/17/2015



David C. Millar, Secretary
ECSD No. 3 Board of Managers

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY JUNE 17, 2015
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, David Kaczor, Michael Kasprzyk, David Millar, Glenn Nellis (8:04 a.m.), David Rood, Karl Simmeth, Don Witkowski

MEMBERS ABSENT: None

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joe Fiegl, Kevin Kaminski, Jill Krafft

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:00 a.m.

a. Resignation of Mr. Kapsiak

The Board recognized Mr. Kapsiak's many years of service and valuable contributions to the Erie County Sewer District No. 3 (ECSO No. 3) Board of Managers (Board) and its rate payers. Mr. Kapsiak has retired from his position as Town Engineer for the Town of Hamburg and, consequently, has submitted his resignation to the Board. Mr. Fiegl noted that he will contact Supervisor Steven Walters for an appointment recommendation to replace Mr. Kapsiak; however, it may be prudent to wait as all Board appointments expire at the end of the year.

On a motion by Mr. Kaczor, seconded by Mr. Kasprzyk, the Board voted to accept the resignation of Mr. Kapsiak. The motion carried, 7 – 0.

ITEM NO. 2 – APPROVAL OF APRIL 15, 2015 MEETING MINUTES

On a motion by Mr. Rood, seconded by Mr. Kasprzyk, the Board voted to approve the minutes from the April 15, 2015 meeting. The motion carried, 7 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – NEW BUSINESS

a. Payments (Handout)

The Board reviewed the payment handout for the month of June. On a motion by Mr. Kasprzyk, seconded by Mr. Millar, the Board voted to approve the June 2015 payments. The motion carried, 7 – 0.

b. I&I Approval for Compliance Hearing (Handout)

Item
2a)

The Board reviewed copies of final violation notices from the Division of Sewerage Management (DSM) to several property owners in ECSD No. 3. Written requests were mailed to each resident on several occasions, without response, to complete a house inspection as part of the DSM's Inflow/Infiltration (I&I) inspection program. As a result, these residents have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the Rules and Regulations and recommend a follow up action.

Mr. Millar noted that the DSM's authority to enter properties within the District, for the purpose of completing inspections, comes from Section 1001 of the "Rules and Regulations for Erie County Sewer Districts" which has been adopted by the Erie County Legislature under the authority of New York State County Law.

On a motion by Mr. Millar, seconded by Mr. Simmeth, the Board voted to approve the referrals for a Compliance Hearing. The motion carried, 8 – 0.

c. Confirmation of Phone Poll – Award of Sewer Sludge Incinerators Contract (Handout)

The Board considered confirmation of the May 4, 2015 telephone/email poll approving award of the General and Electrical Contracts for work to complete the Sewer Sludge Incinerator Emissions Upgrade Project here at the Southtowns Advanced Wastewater Treatment Facility (AWTF). The lowest responsible bidder for the General Contract, Contract 54 STP-A, was Hohl Industrial Services, Inc. (Hohl) in the amount of \$483,000.00. Hohl's bid was approximately 5% lower than the engineer's estimate and within 6% of the next lowest bidder. Hohl has worked for the County in the past and has proven to be capable of completing the project. The lowest responsible bidder for Contract 54 STP-D, Electrical Contract, was CIR Electrical Construction Corp. (CIR) in the amount of \$137,700.00. CIR's bid was approximately 34% lower than the engineer's estimate and within 7% of the next lowest bidder. CIR has also worked for the County in the past and is capable of completing the project. The DSM and the engineer for the project, GHD Consulting Services, Inc. recommend award of these contracts.

Chairman Mills questioned whether or not an increase in change orders is anticipated as bid amounts for this project appear to be low. Mr. Millar replied that the DSM does not anticipate change orders at the time projects are bid, but they are necessary on occasion to account for unexpected and unforeseen conditions.

On a motion by Mr. Kasprzyk, seconded by Mr. Kaczor, the Board voted to confirm the May 4, 2015 poll approving award of Contract 54 STP-A to Hohl Industrial Services, Inc. in the amount of \$483,000.00 and Contract 54 STP-D to CIR Electrical Construction Corp. in the amount of \$137,700.00. The motion carried, 8 – 0.

d. Request for Sewer Permit Refund (Handout)

The Board reviewed a request to refund a duplicate permit fee for the property at 7415 Jewett Holmwood Rd. in Orchard Park. On October 24, 2014 the owner of the property obtained a permit from the DSM using an incorrect SBL number. On April 20, 2015, the owner's builder also obtained a permit from the DSM for the same property using a different, but correct, SBL number. The proposed refund would be in the amount of \$452.00 which represents the original fee of \$502.00 less a \$50.00 administration fee.

On a motion by Mr. Kaczor, seconded by Mr. Nellis, the Board voted to approve the Permit Refund. The motion carried, 8 – 0.

e. Bond Resolution – Extension of Bond Authorization (Handout)

The Board reviewed a request to approve a Resolution, prepared by the County's Bond Council, Barclay Damon, to extend Authorization for ECSD No. 3 Bond Account C.00062 that expired in March 2015. The intended use for Bond Account C.00062 is to fund projects at the Southtowns AWTF, as well as collection system and pump station rehabilitation projects. The remaining unused balance in the account is \$5,655,912.00 and the Resolution will extend the Authorization for an additional ten years. The amount of Bond Account C.00062 will not be modified in any way.

On a motion by Mr. Rood, seconded by Mr. Witkowski, the Board voted to approve a resolution, prepared by Barclay Damon, to extend authorization for bond account C.00062. The motion carried, 8 – 0.

ITEM NO. 5 – OLD BUSINESS

a. Steuben Foods Update/Elma Forcemain Agreement

Mr. Fiegl reported that the County is close to finalizing the Agreement with Steuben Foods, Inc. for repayment of engineering and construction costs associated with the Elma Pumping Station Project. He also noted that contracts for construction of that project were being executed.

Mr. Fiegl informed the Board that over the course of the last few years there has been an issue with scale depositing on surfaces of equipment and piping at the Elma Pumping Station and forcemain, as well as the downstream Milestrip Pumping Station. The scale is formed by a reaction between wastewater and a chemical added by Steuben to control odor. Scale has caused operational complications with check valves and isolation valves in the station and forcemain piping. Steuben will attempt to address the issue by dosing its wastewater with an additional chemical additive. Mr. Absolom stated that scale has interfered with station operations and the District has had to replace affected equipment.

Mr. Kaczor inquired about work completed at the Milestrip Pumping Station, including a significant bypass pump setup. Mr. Fiegl replied that this work was to address components that were damaged in part by the scale issue. Mr. Kaczor also inquired about odors in the area. Mr. Fiegl noted that staff have actually perceived the odors recently as originating from local farms or stagnant water in ditches or swampy areas. The wind may have an effect on the presence of odors

and added that District personnel always respond to related complaints when received and test for hydrogen sulfide which would indicate odors originating from the sewer. Recently most times the test results were that hydrogen sulfide was not present.

b. Contract 17 – Rush Creek Interceptor Project

i. Article 78 Legal Challenge

Mr. Fiegl informed the Board that the County is proceeding with its appeal to the April 2015 Court decision which vacated award of Contract 17A to Kandey Company, Inc. for construction of the Rush Creek Interceptor. To accelerate award of this contract, the County successfully moved to expedite its appeal to the Appellate Division's June term. A decision should be received between July 2, 2015 and July 10, 2015.

c. Public Hearing – Modification of Plans (Handout)

The Board reviewed a copy of the meeting minutes from the April 15, 2015 Public Hearing held to extend Authorization for ECSD No. 3 Bond Account C.00012 that expired in May 2015. The Public Hearing is a procedural requirement of County Law. The intended use for Bond Account C.00012 is to fund the Rush Creek Interceptor Project. The remainder will be used, as needed, to complete sewer projects in the ECSD No. 3. There will be no new costs associated with the time extension of Bond Account C.00012. No one was present at the meeting to speak against extending the Authorization.

On a motion by Mr. Millar, seconded by Mr. Kasprzyk, the Board voted to receive and file the above items 5.a., 5.b., and 5.c. The motion carried, 8 – 0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported that UNOX reactor numbers 1 and 2 were cleaned as part of the treatment plant's program to annually maintain two of the plant's four reactors. Mr. Kaminski informed the Board that ash hauling will commence when the weather is dry. Preventative maintenance activities will take place on clarifier numbers 3 and 4.

b. Pretreatment Report

Mr. Millar reported that an Industrial Wastewater Discharge Permit was issued to Lake Region Medical, located at 3176 Abbott Road in Orchard Park. This business produces dental tools.

Mr. Millar also reported that Fats, Oil, and Grease (FOG) inspections are currently being performed in Blasdell, Hamburg, Lakeview, and Boston.

c. Construction Report

Contract 54 – Procurement of mercury scrubbers. The delivery date for the scrubbers is September 15th and is currently on schedule.

Contracts 54STP A&D – Incinerator Emission Control Upgrades. Fully endorsed Contracts are expected by the end of the week. Notices to Proceed for both the general and electrical contractors will follow immediately after the contracts have been signed.

Contracts 37 STP A, B & D – Influent Pumping Station at the Southtowns AWTF. The General Contract is approximately 48% complete, the HVAC Contract is approximately 1% complete, and the Electrical Contract is approximately 13% complete. The project as a whole is approximately 40% complete and is currently on schedule.

d. NYSDEC SPDES Permit Compliance Inspection

- i. Ltr. From NYSDEC (Handout)
- ii. DSM Response (Handout)

The Board reviewed a copy of a April 10, 2015 permit compliance inspection letter for Blasdell WWTP and a copy of the DSM's response to the New York State Dept. of Environmental Conservation (DEC). Work has been completed to address the relatively minor items noted in the DEC's letter.

e. Village of Hamburg – Order on Consent

- i. Ltr. from DSM – Request to Close out Order (Handout)
- ii. Ltr. from NYSDEC – Close out of Consent Order (Handout)

The Board reviewed a copy of a letter sent last month from the DSM to the DEC concerning the Village of Hamburg's Consent Order. The letter is essentially an appeal for the DEC to review the DSM's December 2013 request to close out the Village's Consent Order. The request was accompanied by a narrative of all the projects completed to fulfill the terms of the Consent Order. In response, the DEC sent a determination that the requirements of the Order had been met.

Mr. Fiegl stated that this is something the ECSD No. 3 Board should be very proud of. Mr. Witkowski thanked the County on behalf of the Village of Hamburg.

f. Lateral Rehab Interest Letters (Handout)

The Board reviewed a copy of a letter sent from the DSM to residents in the District for the purpose of generating interest in the Division's I/I exchange program. The letter was targeted towards homeowners in areas that are known to have I&I issues.

g. Buffalo News Articles

- i. Towering Piles of lake debris line Woodlawn Beach (Handout)
- ii. Woodlawn Beach, often closed by sewage run off, will benefit from major clean-up project (Handout)
- iii. Work starts to end sewage run off near Woodlawn Beach (Handout)

The Board reviewed several articles published in the Buffalo News during the last two months. Mr. Fiegl stated there are many factors that influence issues at Woodlawn Beach and added that, while the articles were generally positive, some of the information presented was not factually correct.

On a motion by Mr. Nellis, seconded by Mr. Rood the Board voted to receive and file items 6.a. through 6.g. The motion carried, 8 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Kasprzyk, seconded by Mr. Simmeth, the meeting was adjourned at 8:40 a.m. The motion carried, 8 – 0.

Next meeting is the combined budget meeting, scheduled for Wednesday June 24, 2015 at 8:00 a.m.

Respectfully submitted,



David C. Millar, Secretary

ECSD No. 3 – Board of Managers

DM:jk

Motion to Approve the June 17, 2015 Meeting Minutes

Moved by: GLENN NELLIS

Seconded by: DAVID KACZOR

App/Disapp: APPROVED 8-0

Date: 10/7/2015



David C. Millar, Secretary

ECSD No. 3 Board of Managers

**BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 3 & 8
JUNE 24, 2015
SOUTHTOWNS SEWAGE TREATMENT PLANT
BUDGET MEETING**

MEMBERS PRESENT: Chairman John Mills, David Kaczor, Michael Kasprzyk, David Millar, Glenn Nellis, Don Rood, Karl Simmeth, Don Witkowski

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joe Fiegl, Jill Krafft, Garry Pecak (District 8)

MEMBERS ABSENT: None

1. Open Meeting

Chairman Mills called the District No. 3 meeting to order at 8:00 a.m.

2. Items from the Public

None

Adjournment

On a motion by Mr. Kasprzyk, seconded by Mr. Root, the ECSD No. 3 Board of Managers meeting was procedurally adjourned at 8:01 a.m. in order to conduct the combined ECSD No. 3 and No. 8 budget meeting. The motion carried 8 – 0.

3. New Business

2016 Combined Budget Meeting

Chairman Mills called the combined budget meeting of ECSD Nos. 3 and 8 to order at 8:01 a.m.

a. Presentation and Approval of 2016 Budget

i. Proposed 2016 Budget (Handout)

Mr. Fiegl presented the proposed ECSD No. 3 Budget to the Board. Overall, the impact to the typical ratepayer will be \$13.65 when comparing 2015 to 2016.

ECSD No. 3 is part of the combined ECSD Nos. 3 and 8 budget. The ECSD Nos. 3 and 8 (Central Region) budget is developed based upon a Memorandum of Understanding dated 6/17/08. Essentially, the Memorandum of Understanding outlines which costs or expenses are shared items and which items are exclusive to individual districts and their respective budgets.

*Item
2(b)*

In summary:

- Costs such as supplies, equipment, “District-wide” expenses, etc. are shared based upon the ratio of units in each sewer district and the total units in the ECSD Nos. 3 and 8 service area.
- Debt service, revenues, fund balance, and capital reserve allocations are exclusive to each sewer district.

For this year, Central Region shares in approximately 39.7% of the Division-wide expenses. Overall, within Central Region ECSD No. 3 is responsible for approximately 91% of ECSD Nos. 3 and 8 costs, except for Professional Services (accounting for debt incurred by the various municipalities merged with the County), debt service, capital reserves, and personnel.

It was mentioned that Mr. Pecak was in attendance representing the ECSD No. 8 Board of Managers. The ECSD No. 8 Board unanimously approved their portion of the Central Region budget at their June 23, 2015 meeting.

Reviewing the overall summary for ECSD No. 3, total appropriations are projected to increase over \$600,000 when compared to 2015. The major components of this increase are an additional \$150,000 allocated to capital reserves, additional maintenance and repair supplies, increased I&I repair, debt service, and personnel. With the appropriation increase is approximately \$47,500 less revenue available, primarily due to decreases in sewer rents, fund balance allocations, and the Steuben Foods bill.

As noted previously, the typical ratepayer (single family home) in ECSD No. 3 will see an increase of roughly \$1.00 - \$1.25 more per month when compared to 2015 which is an increase of 3.3% on average.

The Board discussed fringe benefits. Fringe benefits for employees are estimated at 69.5% in this budget, which represents no change from the 2015 budget. Actual numbers are not available at this time, but this is a conservative estimate. There are factors outside the County's control that influence the rate. The County's Administration has attempted to address the rising fringe benefit costs with recent Union Contract proposals. Chairman Mills inquired about the actual fringe benefit costs from the preceding year to which Mr. Fiegl responded that last year's actual percentage was roughly 66%. Chairman Mills noted that amount seemed high. Mr. Fiegl mentioned that a number of factors impact the fringe benefit rate, including retiree medical insurance and due to the nature of the work performed by the Erie County Sewer Districts – workers compensation. Chairman Mills inquired about what the effect of lowering the estimated fringe benefit rate to 65% would have on a typical ratepayer in the District. Mr. Fiegl responded that he could not accurately answer the question without performing some calculations and added that should the fringe benefit rate be lower the following year, said difference would be reflected in the fund balance in the following year's budget.

Before going into specific details of the budget line codes, Mr. Fiegl explained that the budgets are developed conservatively, with the understanding that monies left over at year end are transferred to fund balance and utilized as revenue to offset future rate impacts. Items listed in the budget as “DSM” are expenses for the Downtown office. Again, Central Region contributes 39.7% of these Downtown office expenses.

The 2016 equipment line items represent over \$610,000 of the Central Region budget. The major items includes various treatment plant equipment replacements throughout the Region, shared equipment purchases to be used across all Erie County Sewer Districts, replacement of four (4) vehicles, and Central Region's standard unanticipated replacement item. Mr. Fiegl informed the Board that the cost for shared items is prorated based on the number of units in each District.

A review of the individual budget codes was provided. It was noted that several changes were made in the budget for consistency throughout the various Erie County Sewer District budgets. Therefore, certain items were "zeroed" with a corresponding increase elsewhere in the budget. Specific items highlighted included the budgeting on fuel, various changes in Maintenance and Repair supply codes, the \$50,000 increase in I&I repair, breakdown on capital reserve allocation (\$1,550,000 total for ECSD No. 3), utility costs, and personnel costs.

Mr. Fiegl noted that fuel is budgeted at \$3.50 per gallon which represents a decrease from the preceding year. Chairman Mills inquired about how fuel is procured. Mr. Fiegl informed the Board that is bought through the Erie County Department of Purchasing.

Mr. Fiegl noted an increase of \$50,000 from last year's budget to the I&I Repair/Sewer Relining line item. This line item is used for the on-going Cured-In-Place Pipe (CIPP) lining and manhole rehabilitation program in the District. The program has been very successful.

Fund balance usage as an offsetting revenue is budgeted at 56%. The available district fund balance at 12/31/14 represents approximately 3.5 months of 2016 budgeted appropriations. Observing recent trends on amount available and amount used and considering the regulatory issues facing the sewer district, it is believed that this allocation of fund balance is prudent.

Mr. Kasprzyk asked if the budget allows the Division to complete work that really needs to be done. The Division is conservative and responsible in developing budgets. While cuts were made during development of this final proposed budget, said cuts were in areas where there would be no effect on day to day operations and that there were alternatives such as use of capital reserves to address the need. Mr. Kasprzyk also questioned whether or not there was a need for further mergers in the District. Mr. Fiegl informed the Board that the only areas left to merge within the areas tributary to ECSD No. 3 wastewater treatment plants include the Mt. Vernon and Woodlawn Commissioner Districts and the Town of Orchard Park. Mr. Kaczor added that a merger with the Town of Orchard Park could not be justified when last investigated due to the potential impact on the Town ratepayers.

It is recommended for the 2016 Budget that the unit charge be increased by \$10 per unit and the footage charges remain the same.

Mr. Fiegl's final comments related to the 2% Tax Cap. As the sewer district levies are part of the County's overall tax cap calculation, there is additional coordination required prior to finalization. If any changes are necessary, the Board of Managers will be informed.

On a motion by Mr. Kapsiak, seconded by Mr. Kaczor the Board voted to approve the budget presented for both ECSD Nos. 3 and 8. The motion carried 8 – 0.

On a motion by Mr. Nellis, seconded by Mr. Simmeth, the Board voted to close the combined budget meeting and resume the District No. 3 Board of Mangers meeting. The motion carried 8 – 0.

ii. **271 Resolution (Handout)**

It was resolved that approximately 35%, 11% and 54% of the total sanitary sewer tax levy of \$14,881,738 shall be raised from the assessed value, footage and flat charges, respectively, for ECSD No. 3.

On a motion by Mr. Millar, seconded by Mr. Witkowski, the Board voted to approve the 271 Resolution. The motion carried 8 – 0.

b. **Contract No. 74 – Bid Schedule**

Bids will be opened for the DSM's Sewer Manhole Rehabilitation and Replacement Project, Contract No. 74, at 2:00 p.m., Friday, July 17, 2015. This is an informational item; no action is required by the Board.

4. **Old Business**

None

5. **Adjournment and Next Meeting**

Prior to adjournment, Mr. Fiegl informed the Board about proposed legislation from United States Senator Mark Kirk (R-IL) which would amend the FY16 Appropriations Bill for the Environmental Protection Agency to prohibit wastewater treatment plants discharging into the Great Lakes, or its tributaries, from discharging overflows, or from blending or by-passing effluent even if the blended effluent meets National Pollutant Discharge Elimination System (NPDES), or SPDES in the case of ECSD No. 3, permit standards. The proposal would also raise penalties for each violation to \$100,000 beginning 2035. The implications of this proposed legislation are significant to ECSD No. 3 ratepayers and compliance would be extremely costly, if not unrealizable.

On a motion by Mr. Kaczor, seconded by Mr. Kasprzyk the Board voted in support of a letter of support in opposition of the proposed legislation. The motion carried 8 – 0.

The Board discussed the need to hold the next regularly scheduled meeting on July 15, 2015. On a motion by Mr. Simmeth, seconded by Mr. Root, the Board voted to cancel the July 15, 2015 meeting. The motion carried 8 – 0.

Chairman Mills informed the Board of a recent meeting he had involving the closing of Woodlawn Beach on Memorial Day. He noted that there were no overflows from the Southtowns AWTF on Memorial Day.

On a motion by Mr. Millar, seconded by Mr. Witkowski the meeting was adjourned at 9:17 am. The motion carried 8 – 0.

**The next Board of Managers Meeting is
Wednesday, October 7, 2015 at 8:00 am
Southtowns Treatment Plant**

DM:jk

Respectfully Submitted,



David Millar, Secretary
ECSD No. 3 – Board of Managers

Motion to Approve June 24, 2015 Budget Meeting Minutes

Moved By: GLYNN NELLS

Seconded By: DAVID KACZOR

App./Disapp.: APPROVED 8-0

Date: 10/7/2015



David C. Millar, Secretary
ECSD No. 3 Board of Managers

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY SEPTEMBER 2, 2015
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, David Kaczor, David Millar, Glenn Nellis,
David Rood, Don Witkowski

MEMBERS ABSENT: Karl Simmeth, Michael Kasprzyk

OTHERS PRESENT: Steve Canestrari, Joe Fiegl, Kevin Kaminski, Jill Krafft

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:01 a.m.

ITEM NO. 2 – ITEMS FROM THE PUBLIC

None

ITEM NO. 3 – OLD BUSINESS

None

ITEM NO. 4 – NEW BUSINESS

a. Amended 2016 Proposed Budget (Handout)

On a motion by Mr. Kaczor, seconded by Mr. Nellis, the Board voted to discuss and consider a proposed resolution reducing the 2016 fringe benefit rate, approved at the annual ECSD No. 3 budget meeting held on June 24, 2015, by 3% which would reduce the corresponding tax levy to District by \$120,224. The motion carried, 6 – 0.

Mr. Fiegl presented a copy of the Amended 2016 Proposed Budget, and accompanying Resolution, to the Board. He started the conversation noting that Mr. Kasprzk's firm view was that the fringe benefit savings should be reallocated to additional capital work in the sewer district and that Division of Sewerage Management staff have consistently stated that more infrastructure investment is necessary. Mr. Fiegl stated that, for years, the Board has discussed the benefits of infrastructure investment adding that, if funds were unlimited, the proposed budgets would include more projects. The 2016 Budget did include additional funding for several upgrades and continued the sewer district in the right direction relative to increasing investment in sewerage facilities. However, Mr. Fiegl also stated that Erie County must operate under New York State's Property Tax Cap Law adding that the proposed resolution supports the County's overall obligation to comply with that requirement.

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Mr. Kaczor stated that the approved budget proactively included funding for several capital projects. He noted that ECSD No. 3 ratepayers have been in a situation for years where many have not received pay raises at a time when the cost of living continues to increase. He added that the impact on the ratepayer is a primary priority.

Mr. Rood noted the Board must be mindful that a significant rate increase may be necessary to address capital projects in the future. He added that he is in agreement with the fringe benefit reduction at this time, but planning for the future must continue to be considered.

Mr. Witkowski expressed his support for infrastructure investment, but also acknowledged the need to comply with New York State's Tax Cap, and that the average increase as amended is still above the 0.73% threshold.

Chairman Mills stated that Erie County has a responsibility to keep Lake Erie clean. He added that, to that end, work carried out by ECSD No. 3 is very important.

Mr. Fiegl commented that Mr. Simmeth corresponded with him and although he was unable to attend this meeting, wished to express that he was in favor of the amended budget.

On a motion by Chairman Mills, seconded by Mr. Rood, the Board voted to approve the Amended 2016 Proposed Budget Resolution. The motion carried, 6 – 0.

ITEM NO. 5 – ADJOURNMENT & NEXT MEETING

On a motion by Chairman Mills, seconded by Mr. Rood, the meeting was adjourned at 8:19 a.m. The motion carried, 6 – 0.

Next meeting is scheduled for Wednesday October 7, 2015 at 8:00 a.m.

Respectfully submitted,



Secretary

ECSD No. 3 – Board of Managers

DM:jk

Motion to Approve the September 2, 2015 Meeting Minutes

Moved by: GLENN NOLLIS

Seconded by: DAVID KAEZOR

App/Disapp: APPROVED 8-0

Date: 10/7/2015



David C. Millar, Secretary

ECSD No. 3 Board of Managers

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY DECEMBER 9, 2015
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, David Kaczor, Michael Kasprzyk, David Millar, David Rood, Karl Simmeth, Don Witkowski (8:05 a.m.)

MEMBERS ABSENT: Glenn Nellis

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joe Fiegl, Kevin Kaminski, Jill Krafft

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:01 a.m.

ITEM NO. 2 – APPROVAL OF OCTOBER 7, 2015 MEETING MINUTES

On a motion by Mr. Kasprzyk, seconded by Mr. Rood, the Board voted to approve the minutes from the October 7, 2015 meeting. The motion carried 6 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – OLD BUSINESS

a. Steuben Foods Update/ Elma Forcemain Agreement

Mr. Fiegl informed the Board the agreement between the County and Steuben Foods for repayment of engineering and construction costs associated with the Elma Pump Station Project has been fully executed.

Mr. Fiegl also informed the Board the County issued an emergency declaration to install a tapping valve and sleeve on the Elma Forcemain to replace an inoperable valve, which is critical for maintenance and necessary to keep the forcemain functional. The County has been required to maintain the forcemain more frequently over the last several months to address problems caused by the formation of scale, within the pipe and on essential mechanical components, originating from Steuben Foods discharge. Scale led to the premature failure of the inoperable valve replaced under the emergency declaration. Scale has also adversely affected valves and other critical components at the Milestrip Pump station, which is directly downstream of the Elma Forcemain discharge. Mr. Fiegl informed the Board that he sent a letter to Steuben Foods providing an update about the scale issue and reiterating the County's concerns on the matter. Mr. Absolom and Mr. Fiegl met with representatives of Steuben Foods twice since issuance of the aforementioned letter to discuss this issue and Steuben's plans to remove scale

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that has already accumulated in the forcemain. Steuben is now adding a sequestering agent to its discharge stream to limit the amount of additional scale formation and is planning to add EDTA at a later date in an attempt to address the existing scale.

Another topic of discussion at these recent meetings with Steuben Foods was odors on Milestrip Road. Mr. Kaczor immediately inquired about the cause of recent odor issues in the vicinity of the Milestrip Pump Station and stated the problem seems to be worse than ever. He added there has been considerable pressure from the Town Board regarding this issue. Mr. Fiegl responded that during one of the recent meetings Steuben Foods informed him they had switched their wastewater process into "winter" mode which reduced the amount of disinfection chemicals added to the wastewater discharge. This switch appears to have corresponded with the rise in odor complaints on Milestrip Road. Mr. Kaczor informed the Board the next time this situation occurs, the Town of Orchard Park may call for a public hearing. Chairman Mills commented that a balance must be struck between supporting the business and the interests of the public before things get out of hand. The County desires to continue its support of Steuben Foods, but their wastewater must be pretreated properly. Mr. Fiegl stated that when Steuben changed their pretreatment process a few years ago from the addition of sodium hypochlorite to the addition of chlorine dioxide, the Division of Sewerage Management (DSM) commented that it has no opposition so long as no odor issues would arise. The DSM understands that Steuben Foods is attempting to control costs, but cost control needs to be mindful of the industrial discharge permit, including provisions on odor control. Mr. Absolom stated that this issue and the scale problems have consumed a lot of the DSM's manpower resources and expressed general frustration. Chairman Mills suggested the Board request the presence of Steuben Foods at the next regularly scheduled meeting to discuss the continuing odor complaints and compliance with its industrial discharge permit. Mr. Kasprzyk inquired as to whether or not a proven de-scaling technology exists. Mr. Fiegl responded that Steuben has retained a consultant who states that adding EDTA to its waste stream for descaling will work; time will tell how effective it is.

Mr. Fiegl discussed one more item regarding the Elma Forcemain involving Sonwil Distribution. Sonwil has not been able to pump into the forcemain on a continuous basis as a result of the higher pressures now experienced in the pipe. The DSM has been clear to Sonwil that they need to upgrade their pumping system and that the same message had been relayed to the previous property owner. Mr. Fiegl noted that the DSM cannot control flows that come into the Elma pumping station and forcemain, but it appears that Steuben Foods and Sonwil have worked out an arrangement to resolve the issue until Sonwil can install a new pumping system.

On a motion by Mr. Kasprzyk seconded by Mr. Kaczor, the Board voted to send a letter to Steuben Foods requesting their presence at the next regularly scheduled meeting to discuss continuing odor complaints. The motion carried 7 – 0.

ITEM NO. 5 – NEW BUSINESS

- a. Payments (Handout)

The Board reviewed the payments handout for the month of December. On a motion by Mr. Millar, seconded by Mr. Simmeth, the Board voted to approve the December 2015 payments. The motion carried 7 – 0.

b. Contract 54STP-A Incinerator Emission Upgrade Project – Change Order 1 (Handout)

The Board reviewed a copy of Change Order No. 1 to Hohl Industrial Services for the construction of a fiberglass reinforced plastic platform over the influent channel in the headworks area of the Southtowns AWTF. Construction of the new platform became necessary when a buried concrete support structure was unexpectedly found in conflict with the existing platform during work activities involved with the Influent PS Project. As a result, the existing platform over the influent channel had to be demolished and replaced. Quotes were received Hohl's quote was considerably lower.

On a motion by Mr. Kaczor, seconded by Mr. Kasprzyk, the Board voted to approve Change Order No. 1 to Hohl Industrial Services, Contract 54STP-A, in the amount of \$33,515.00 for construction of a fiberglass reinforced plastic platform over the influent channel in the headworks area of the Southtowns AWTF. The motion carried, 7 – 0.

c. Revised Sewer District Extension (Handout)

The Board reviewed a copy of the revised Sewer Agency Report (SAR) prepared for extension of Erie County Sewer District No. 3 (ECSD No. 3). The original SAR was approved at the Board's October 7, 2015 meeting. The revision now includes the Pleasant Acres subdivision which was inadvertently omitted from the original report.

On a motion by Mr. Witkowski, seconded by Mr. Kasprzyk, the Board voted to approve the revised SAR for extension of ECSD No. 3. The motion carried 7 – 0.

d. I/I Approval for Enforcement Hearing (Handout)

The Board reviewed copies of final violation notices from the Division of Sewerage Management (DSM) to several property owners in District No. 3. Written requests were mailed to each property owner on several occasions, without response, to complete a house inspection or correct a deficient condition found during the DSM's Inflow/Infiltration inspection program. As a result, these property owners have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the "Rules and Regulations" and recommend a follow-up action.

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to approve the referral for a Compliance Hearing. The motion carried 7 – 0.

e. Capital Project Close Out (Handout)

The Board reviewed a copy of a Resolution to close out Capital Project Bond Account C.00038 (C.00038). The New York State Environmental Facilities Corporation (NYSEFC) provided low-cost financing for construction work completed in ECSD No. 3 under C.00038. NYSEFC recently conducted a bond refinancing and the principal borrowed was reduced \$301,931.33. With \$130,841.00 available in C.00038, a transfer of \$171,089.34 is necessary to facilitate account closeout. This action will not result in an increase in capital costs and ECSD No.3's long term financing costs will be reduced.

On a motion by Mr. Kaczor, seconded by Mr. Millar, the Board voted to approve the Resolution transferring \$171,089.34 from ECSD No. 3 Capital Reserve Account to Capital Project Bond Account C.00038 to facilitate close out of this account. The motion carried 7 – 0.

f. Village of Hamburg Debt Service

Mr. Witkowski informed the Board that, as part of the merger agreement for sanitary sewer services between the County and the Village of Hamburg (Village) several years ago, the Village borrowed \$3.2 million for capital projects. Several environmentally beneficial projects were completed over the years with those funds. During that time, the Village also received a \$385,000 grant from the United States Environmental Protection Agency (USEPA) for the same purpose. Presently, the Village has \$305,000 in unused funds. Mr. Witkowski suggested applying the unused funds to the Village's annual debt service of \$116,000 for the next 2 ½ years or consider using the funds for a capital sewer project. Mr. Kaczor stated that the Village should spend the funds in a manner that is in the best interest of the Village. Mr. Fiegl suggested that funds might also be applied to ECSD No. 3's Capital Reserve Account and stated the DSM will consult with the Village and make a recommendation to the Board.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported that operations staff has been spending time on coordination efforts to support the construction projects currently taking place at the Southtowns AWTF. Mr. Canestrari reported that all sanitary sewers in the Town of Boston have been flushed with very minimal debris encountered. He noted excessive debris was found in the line under the Hamburg Town Golf Course directly in front of the Boston Valley Pumping Station. Further evaluation will take place to identify the source of that debris.

b. Pretreatment Report

i. Resident FOG Letters (Handout)

The Board reviewed a copy of an informational letter sent to the residents of Able Road,

Countryside Land, Brookfield Lane, Creekview Drive and connecting streets. The letter was sent in response to a grease blockage that occurred at the pump station to which these streets are tributary. The letter points out that grease blockages are preventable and may cause damage to personal property via basement backups.

ii. Steuben Foods Letter – Scale/Precipitate Issue (Handout)

The Board reviewed a copy of a letter from the DSM to Steuben Foods addressing the scale issue in the Elma Forcemain and the Milestrip Pumping Station. This letter was discussed under item 4.a. earlier in the meeting.

c. Construction Report

The Influent Submersible Pumping Station & ORF Improvements Project, Contract 37STP, is approximately 67% complete. The project is on schedule to be completed in the spring of 2016. The Rush Creek Interceptor Project, Contract 17, is approximately 12% complete. The current project schedule indicates completion of the project by November of 2016. We should receive before the end of 2015 100% of the NYSDEC \$5,000,000 grant, less any retention. The Elma Pump Station Improvements Project, Contract 47, is 20% complete.

i. Sewer Manhole Rehab & Replacement, Contract 74 – Notice to Proceed (Handout)

The board reviewed a copy of the Notice to Proceed for the Sewer Manhole Rehabilitation and Replacement Project, Contract 74.

ii. Sewer Manhole Rehab & Replacement, Contract 74 – Construction Notice (Handout)

The Board reviewed a copy of an information letter sent to property owners affected by the Sewer Manhole Rehabilitation and Replacement Project, Contract 74.

iii. Contract 17 – Rush Creek Interceptor Project (Handout)

The Rush Creek Interceptor Project, Contract 17, is approximately 12% complete. Forcemain work has progressed slowly due to the discovery of contaminated soils in the pipe alignment and a failed bore installation. The failed bore was abandoned and another successfully installed. The Contractor is currently installing a 335 linear foot bore for the force main pipe under the Route 5 traffic circle. Upon completion, the Contractor will install bores for the gravity pipes under the railroads.

d. NYSDEC

i. Permit NY 0095401 – Final Draft – Facility Report Update (Handout)

The Board reviewed a copy of a transmittal letter that accompanied the Southtowns AWTF Final Draft of the Facility Report Update to the NYSDEC, which is a requirement of the Southtowns AWTF SPDES Permit Schedule of Compliance. The report summarizes previous reports for the treatment plant and presents a plan for implementation of necessary upgrades essential to meet new permit limits.

Mr. Fiegl noted the report recommends \$75-million in capital improvements to the Southtowns AWTF including modifications to the existing plant outfall, disinfection system, UNOX reactors, clarification system, and solids processes. He noted that capital project costs keep increasing with time and regulations continue to become more stringent. Mr. Fiegl informed the Board that he recently met with the NYSDEC to present an overview of the report. Mr. Fiegl requested NYSDEC input on high level issues related to the Facility Report Update so that they could be incorporated into the No Feasible Alternatives Analysis Report which is due to the NYSDEC on May 1, 2016.

ii. Permit NY 0095401 – 9 Month Progress Report (Handout)

The Board reviewed a copy of the nine month progress report sent to the NYSDEC as a requirement of the Southtowns AWTF SPDES Permit Schedule of Compliance. The report summarizes related activities over the last nine months.

iii. Permit NY 0020681 – 9 Month Progress Report (Handout)

The Board reviewed a copy of the nine month progress report sent to the NYSDEC as a requirement of the Blasdell WWTP SPDES Permit Schedule of Compliance. The report summarizes related activities over the last nine months.

e. Elma PS Force Main Tapping Valve & Sleeve Install – Certificate of Emergency (Handout)

The Board reviewed a copy of the emergency declaration required to install the tapping valve and sleeve at the Elma Forcemain. This item was discussed under item 4.a. earlier in the meeting.

f. FEMA Appeals Analysis and Response (Handout)

The Board reviewed a copy of a letter from FEMA approving the DSM's appeal of FEMA's denial of additional costs of \$122,472 submitted for payment for damages to the Boston Valley and Mary Drive Pump Stations that occurred during the severe rain event that took place in August 2009.

On a motion by Mr. Millar, seconded by Mr. Kaczor the Board voted to receive and file the above items. The motion carried 7 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Kasprzyk inquired, in light of recent national events, as to whether or not the DSM has conducted a terrorism risk assessment for its facilities. Mr. Absolom reported that an assessment was completed after September 11th and several security upgrades were made. Most critical was the removal of gaseous chlorine from all County wastewater treatment facilities.

On a motion by Mr. Rood, seconded by Mr. Simmeth, the meeting was adjourned at 9:06 a.m. The motion carried 7 – 0.

Respectfully submitted,



Secretary
ECSD No. 3 – Board of Managers

DM:jk

Motion to Approve the December 9, 2015 Meeting Minutes

Moved by: DAVID MILLAR

Seconded by: DON WITKOWSKI

App/Disapp: APPROVED 7-0

Date: 2/3/2016



David C. Millar, Secretary
ECSD No. 3 Board of Managers