

MINUTES
ERIE COUNTY SEWER DISTRICT (ECSD) NO. 5
BOARD OF MANAGERS
FEBRUARY 18, 2015
CLARENCE TOWN HALL
Revised

MEMBERS PRESENT: Messrs. James Callahan, Thomas Ketchum, Timothy Lavocat, and Kevin Zynda

MEMBERS ABSENT: Mr. Steven Sanders

OTHERS PRESENT: Messrs. Joseph Fiegl and Larry Krug, Ms. Kristin Murray

ITEM NO. 1-CALL THE MEETING TO ORDER

Mr. Callahan called the meeting to order at 2:32 pm.

ITEM NO. 2 APPROVAL OF October 15, 2014 MEETING MINUTES

On a motion by Mr. Ketchum, seconded by Mr. Callahan the minutes were approved. The motion carried 4-0.

ITEM NO. 3 FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 NEW BUSINESS

There were no items for New Business.

ITEM NO. 5-OLD BUSINESS

- a. Dodge Road Relief Sewer – Status/Harris Hill Pollution Abatement Corporation

This item was addressed under 5.c.

- b. Creekwood Meadows Subdivision

Mr. Zynda updated the Board that the Newhouse Acres portion of this development will no longer be developed according to the developer. DSM is requesting a letter from the developer stating such.

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c. Spaulding Lake Subdivision

Mr. Zynda updated the Board that Mr. Fiegl and Matt Salah from DSM met with the Town of Clarence regarding the potential elimination of the privately-owned subdivision treatment plant. Mr. Callahan stated that the next step is an Environmental Impact Statement (EIS) and to investigate funding. Mr. Fiegl commented that the County was approached about contributing towards the cost of the EIS. Mr. Fiegl stated that ECSD No. 5 had funded two (2) previous studies on this matter without contribution from others. Furthermore, any contribution should be minor considering the low volume of flow from the County owned Clarence Research Park Treatment Facility in relation to the other flow sources. That being said, Mr. Fiegl noted that the County should contribute its fair share in the capital costs of this project should there be an opportunity to eliminate the Clarence Research Treatment Facility.

Mr. Ketchum stated that improvements were made to upgrade the sewer downstream of Dodge Road (North French Road) and should relieve some surcharge in that area.

d. Town of Lancaster Dog Control Property

Mr. Fiegl stated as noted in the handout, two options were presented to the Town of Lancaster regarding the purchase of the Lancaster Dog Control Property. Based on those options, the Town of Lancaster chose option No. 2; whereas the County agrees to purchase the property "as is" for \$50,000.00. In addition, the Town will be responsible for the removal of the large fill piles located on the property. Mr. Fiegl will have the County Attorney's office prepare a formal real estate contract. The individual allocations for Sewer Districts 1, 4, and 5 will be presented to each Board.

ITEM NO. 6-MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report – October - January(Handout)

Mr. Fiegl updated the Board on how the November snow storm affected Northern Region's District office. Staff was unable to get to the Clarence Research Park treatment plant for 2-3 days for testing, which was reported to the DEC. There were no operational problems to report.

b. Construction Report

Clarence Research Park Improvements: Mr. Zynda reported that the foundation for the new building and the electrical conduit for the main service have been installed. The contractor is waiting for the weather conditions to improve to continue. The project should be complete at the end of May.

c. Pretreatment Report

Mr. Zynda stated there was nothing to report.

d. Payments

Mr. Zynda reported that a progress payment of \$85,750 is currently being processed for the Clarence Research Project.

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e. SPDES Permit Renewal (Handout)

The SPDES permit was renewed for Clarence Research Park; effective August 1, 2015 through July 31, 2025.

Mr. James Callahan moved, seconded by Mr. Kevin Zynda to receive and file the informational items on the agenda. The motion carried 4 – 0.

ITEM NO. 7-ADJOURNMENT & NEXT MEETING

The meeting was adjourned at 2:50 p.m.

Respectfully submitted,



Kevin Zynda, P.E.

Secretary-ECSD No. 5 Board of Managers

*****NEXT MEETING*****

Wednesday, April 22, 2015 @ 2:30 p.m.

AMHERST TOWN HALL

Motion to approve minutes of 2/18/15

Moved By: J. Callahan

Seconded By: K. Zynda

Approved/Disapproved: 3-0

Date: 6/22/15

Signature: Kevin Zynda

KZ/km

MINUTES
ERIE COUNTY SEWER DISTRICT (ECSD) NO. 5
BOARD OF MANAGERS
JUNE 22, 2015 @ 2:30 PM
AMHERST TOWN HALL

MEMBERS PRESENT: Messrs., James Callahan, Thomas Ketchum, Timothy Lavocat
Steven Sanders and Kevin Zynda

OTHERS PRESENT: Messers., Joseph Fiegl, Richard Rehac and Ms. Brenda Rehac

ITEM NO. 1-CALL THE MEETING TO ORDER

Mr. Callahan called the meeting to order at 2:30 pm.

ITEM NO. 2 APPROVAL OF FEBRUARY 18, 2015 MEETING MINUTES

On a motion by Mr. Callahan, seconded by Mr. Zynda, the February 18, 2015 minutes were approved. Mr. Ketchum and Mr. Sanders abstained from voting. The motion carried 3-0.

ITEM NO. 3 FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 NEW BUSINESS

- a. Presentation and Approval of 2015 Budget
 - i. Proposed 2016 Budget (Handout)

Mr. Fiegl presented the proposed ECSD No. 5 Budget to the Board.

ECSD No. 5 is one of three sewer districts that comprise the Division of Sewerage Management's "Northern Region." The Northern Region budget is developed based upon a Memorandum of Understanding dated 6/19/91. 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. In summary:

- Costs such as personnel, supplies, equipment, "Division-wide" expenses, etc. are shared based upon the ratio of units in each sewer district and the total units in Northern Region.
- Contractual treatment charges, debt service, revenues, fund balance, and capital reserve are exclusive to each sewer district.

For this year, Northern Region shares in approximately 47% of the Division-wide expenses. Within Northern Region, ECSD No. 5 is responsible for approximately 14% of the costs.

Reviewing the Detail Summary for ECSD No. 5, total appropriations are projected to decrease slightly when compared to 2015. The change can be most attributed to a decrease in the budget for contractual treatment costs. On the revenue side, "user charges" are projected to decrease approximately \$39,000, contractual operation/maintenance of the Clarence Town Sewer Districts is expected to increase approximately \$20,000, and the ECSD No. 5 fund balance allocation has been budgeted at approximately the same amount as 2015. Observing

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recent trends on amount available and amount used, it is believed that this allocation of fund balance is prudent.

It is estimated that the proposed 2016 budget would result in no increase in the charges to the typical ratepayer (single family home) in ECSD No. 5.

No new positions are proposed in the Northern Region Budget for 2016.

Fringe benefits for employees are being calculated at 69.5% in this budget – same as 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.

The 2016 equipment line items represent approximately \$405,000 of the Northern Region budget. The major items include the replacement of equipment at numerous pumping stations throughout Northern Region, shared equipment purchases to be used across all Erie County Sewer Districts, the replacement of two (2) vehicles, and Northern Region's standard unanticipated replacement item.

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. Northern Region contributes 47% of these Downtown office expenses.

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, the \$100,000 increase in I&I repair / Sewer Lining, the Town of Amherst treatment bill, the \$250,000 allocation to capital reserves, utility costs, and personnel costs. The Utility Fund was decreased by over \$28,000. Budget estimates for natural gas and electric were based on a 10 year history of usage and rate trends.

Fund balance usage as an offsetting revenue is budgeted at 41%. The available district fund balance at 12/31/14 represents approximately 2.6 months of 2016 budgeted appropriations.

It is recommended for the 2016 Budget that the flat charge remain unchanged at \$100.00 per unit and the footage charges in ECSD No. 5 remain at \$1.00 / foot. At this time, the Board would be voting on the budget for ECSD No. 5. At the Combined Budget Meeting on June 24th, the entire Northern Region budget is voted upon. If any changes are proposed by either the ECSD No. 1 or ECSD No. 4 Board of Managers that impact the ECSD No. 5 portion of the budget, said changes would be presented and discussed at the July 2015 ECSD No. 5 Board of Managers meeting.

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.

Mr. Lavocat questioned if the footage charge changed. After review, Mr. Fiegl noted that there was an error on the cover memo, which should have read "the footage charge remains unchanged at \$1.00 per foot".

Mr. Lavocat questioned if the Clarence revaluation would affect the charges. Mr. Fiegl explained the calculations for this budget were performed using this year's assessment rolls. Should there be a difference between the Town of Clarence and the Town of Amherst due to the revaluation, the rates would be adjusted accordingly based on standard 'equalization' practices.

Mr. Sanders questioned the disparity between monies budgeted/used in the 2014 budget. Mr. Fiegl explained the higher than normal amount of encumbrances from 2014. Upon further review with Mr. Sanders after the meeting, it was also identified that on Page 17 several "actual" figures were not included on the table which greatly impacted the total.

On a motion by Mr. Ketchum, seconded by Mr. Callahan, the Board voted to approve the ECSD No. 5 portion of the 2016 Budget. The motion carried 5-0.

ii. 271 Resolution (Handout)

Mr. Fiegl presented the 271 Resolution to the Board for review and approval. Mr. Fiegl explained that the resolution spells out the rates used to calculate the tax levy, and is a necessary step in the budget approval process. Approximately 53%, 21%, and 26% of the sanitary sewer tax levy of \$1,522,021 shall be raised from the assessed value, footage and flat rate charges, respectively. Mr. Sanders moved, seconded by Mr. Callahan to approve Resolution 271 with a flat charge of \$100.00 and footage charge of \$1.00. The motion carried 5-0.

Mr. Fiegl noted that Resolution 271 has been passed under the assumption that the ECSD No. 5 portion of the budget for the Northern Region will remain unchanged after the upcoming Combined Budget meeting on June 24th. It is noted that if there are any modifications necessary, the budget and this resolution may need to be amended.

b. Confirmation of Phone Poll-Main & Transit CIPP, Contract No. 21-Award of Contract (Handout)

The Board received a copy of the award for Contract No. 21. Contract No. 21 is for the Transit & Main Cured-in-Place Pipe Lining Project. CMH was the low bidder with a bid of \$210,060.00. Mr. Zynda moved, seconded by Mr. Sanders to confirm the phone poll for Contract No. 21. The motion carried 5-0.

c. Application for Clarence SD 2 Out of District Agreement (Handout)

The Board received a copy of the request for an Out of District agreement for the Cimato Family Business Park located off of Kristina Circle, which is part of the Shadow Woods Subdivision. Mr. Zynda stated capacity for this project is being taken from reserved units for the Peanut Line. Therefore, the Division of Sewerage Management does not object to the agreement. Mr. Callahan stated the Town of Clarence Planning Board does not have any objections either.

d. NYSEG Claim (Handout)

The Board received a copy of the claim sent to NYSEG in the amount of \$8,168.47, due to a power outage on March 19, 2015, which resulted in costs incurred by the Sewer District. Mr. Zynda stated the payment was received.

ITEM NO. 5-OLD BUSINESS

- a. Dodge Road Relief Sewer – Status/Harris Hill Pollution Abatement Corporation

There was nothing new to report.

- b. Creekwood Meadows Subdivision

There was nothing new to report.

- c. Spaulding Lake Subdivision

Mr. Lavocat received a letter from the NYSDEC regarding the subdivision's treatment plant. Mr. Lavocat stated that it appears that the homeowner's association for the subdivision will be making repairs to the plant.

- d. Town of Lancaster Dog Control Property

Mr. Fiegl stated as noted in the handout, the Town of Lancaster has accepted Erie County's purchase of the Lancaster Dog Control property which is directly adjacent to the County's Northern Region Offices for \$50,000 in "as is" condition. ECSD No.5 contributes 14% towards the total purchase of \$50,000 and closing costs up to \$10,000. Mr. Zynda moved, seconded by Mr. Sanders to approve the purchase. The motion carried 5-0.

ITEM NO. 6-MISCELLANEOUS/INFORMATIONAL ITEMS

- a. Operational Report –March-May (Handout)

The District has purchased extra discharge hose in preparation of performing the bypass of Bryant & Stratton Pump Station for the Main & Transit pipe lining project. A pre-construction meeting is scheduled for Thursday, June 25th. The district staff has begun to identify/catalogue some of the ACP in ECSD No. 5 and will schedule the Central Maintenance TV crew to televise this summer. The crew will also televise sections on West Point stemming from a plugged sewer there.

Aside from the electrical issue at the Transit Valley Pumping Station (see Item 4. d), staff had perform corrective maintenance on pump number 1 at Stahley Road to clear debris, but no other pump station issues occurred outside of normal preventative maintenance.

- b. Construction Report

- i. Clarence Research Park

Mr. Zynda discussed the ongoing progress with the Clarence Research Park WWTP. Completion was originally scheduled for Memorial Day. Due to an error by the contractor the project has been delayed. The structure has been built and the project is currently about 60% complete.

- c. Pretreatment Report

There was nothing new to report.

d. Payments

The Board received a copy of the payments made to NFP for the improvement project at the Clarence Research Park WWTP in April 2015 which totaled \$148,912.50, about 30 percent of the project cost.

e. SPDES Permit NY016719

i. Compliance Inspection (Handout)

The Board received a copy of the letter from the NYS DEC regarding the SPDES permit compliance inspection at Clarence Research Park Wastewater Treatment Plant.

ii. Response Letter (Handout)

The Board received a copy of Mr. Absolom's response letter sent to the NYS DEC regarding the SPDES inspection completed at the Clarence Research Park WWTP.

Mr. Callahan moved, seconded by Mr. Zynda to receive and file the miscellaneous and informational items on the agenda. The motion carried 5-0.

ITEM NO. 7-ADJOURNMENT & NEXT MEETING

Mr. Fiegl explained the combined budget meeting will be held on June 24, 2015. Typically a July meeting is scheduled in the event the budget does not pass. Mr. Callahan moved, seconded by Mr. Zynda to cancel the July 13, 2015 meeting contingent on the Combined Budget Meeting results on June 24, 2015. The motion carried 5-0. The meeting was adjourned at 3:16 pm.

Respectfully submitted,



Kevin Zynda, P.E.
Secretary-Erie County Sewer District No.5
Board of Managers

*****NEXT MEETING*****

**Wednesday, October 14, 2015 @ 2:30 p.m.
Clarence Town Hall**

Motion to approve minutes of 6/22/15

Moved By: Callahan

Seconded By: Zynda

Approved/Disapproved: 3/0

Date: 10/14/15

Signature: Kevin Zynda

**MINUTES
ERIE COUNTY SEWER DISTRICT (ECSD) NO. 5
BOARD OF MANAGERS
OCTOBER 14, 2015
CLARENCE TOWN HALL**

MEMBERS PRESENT: Messrs. James Callahan, Timothy Lavocat, Steven Sanders (2:42) and Mr. Kevin Zynda

OTHERS PRESENT: Messrs. Brian Armstrong, Joseph Fiegl, Richard Rehac and Ms. Brenda Rehac

ITEM NO. 1-CALL THE MEETING TO ORDER

Mr. Callahan called the meeting to order at 2:35 pm.

ITEM NO. 2 APPROVAL OF JUNE 22, 2015 MEETING MINUTES

On a motion by Mr. Callahan, seconded by Mr. Zynda, the June 22, 2015 minutes were approved. The motion carried 3-0.

ITEM NO. 3 FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 OLD BUSINESS

- a. Dodge Road Relief Sewer-Status/Harris Hill Pollution Abatement Corporation

Mr. Zynda stated there was nothing new to report from Erie County, and Mr. Callahan stated there was nothing to report from the Town of Clarence. Mr. Fiegl suggested the item be removed from the agenda.

- b. Spaulding Lake Subdivision

Mr. Callahan reported Spaulding Lake has the made some mandated repairs and this this item may be removed from the agenda until such time where the treatment plant elimination concept is re-evaluated.

ITEM NO. 5-OLD BUSINESS

- a. Resignation of Board Member Thomas Ketchum (Handout)

The Board received a copy of the email correspondence regarding Mr. Ketchum's resignation.

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b. Amended Proposed 2016 Budget

The Board received a copy of the amended 2016 proposed budget. A 3% reduction in the fringe benefit rate was applied to the draft 2016 budget. The overall ECSD No. 5 budget would decrease \$13,608. Additionally, there was a reclassification of the flat charge as a user fee revenue with no impact to the ratepayer. Mr. Zynda moved, seconded by Mr. Lavocat to confirm the previously approved phone poll conducted on August 25, 2015. The motion carried 3-0.

c. User Charges 2015

i. Minutes from Public Hearing (Handout)

The Board of Managers received a copy of the minutes from the public hearing user charge for Erie County Sewer Districts 1-6 & 8, held on September 24, 2015. Now that the public hearing was held, the next step is for the individual Boards of Managers to adopt the proposed rates. Mr. Zynda stated that the rates would increase \$0.10 per 1,000 gallons from last year. The increase is related to treatment expenses.

ii. Approval of Resolution (Handout)

Mr. Zynda moved, seconded by Mr. Callahan to approve the resolution. The motion carried 3-0.

d. I&I Compliance Hearing-Approval for Fine Stages (Handout)

A Compliance Hearing was held on May 20, 2015. It was recommended by the Hearing Officer that the property owners at 5670 Woodruff Dr., Clarence receive a \$100 premium assessment for failure to permit an inspection. If not corrected within 30 days of the notification letter. For each month following non-compliance a \$100/month will be assessed. Mr. Sanders moved, seconded by Mr. Callahan. The motion carried 4-0.

e. Proposed Meeting Schedule (Handout)

The Board reviewed the 2016 proposed meeting schedule. Mr. Lavocat moved, seconded by Mr. Sanders to approve the 2016 schedule. The motion carried 4-0. Mr. Fiegl inquired if the members would be interested in serving another term. All indicated that they would be willing to do so.

f. Construction Inspection Term Agreement-change Order No.1 (Handout)

The Division of Sewerage Management presented proposed Change Order No.1 in the amount of \$50,000.00 each for DiDonato Associates, Wm Schutt Associates, and Greenman-Perderson, Inc. for the construction inspection term contracts. The amount for each was originally set for \$150,000.00. The agreements will terminate on December 31, 2016 and the original authorization is closed to be exhausted. The monies to pay for these services are in part recovered by means of inspection fees collected at the time of permit issuance. The DSM recommends the approval of Change Order No.1 in the amount of \$50,000.00 for each of the firms. Mr. Sanders moved, seconded by Mr. Lavocat to approve Change Order No.1. The motion carried 4-0.

g. ECSD No. 5 Sewer Agency Report-Sewer District Ext. (Handout)

Mr. Fiegl discussed the proposed ECSD No. 5 sanitary sewer service extensions which are currently serviced as out of district customers. The handout in Exhibit A-H included the description boundary and maps of the proposed property. Mr. Zynda noted a typographical error on page 3 of the suggested resolution under recommendations. ECSD No. 1 be changed to ECSD No. 5. Mr. Fiegl stated the process is very arduous; therefore, the District Extension action is commenced when there are enough out of district customers to warrant going through the process. Mr. Callahan moved, seconded by Mr. Sanders to approve the extension. The motion carried 4-0. The Sewer Agency Report will be submitted to the Erie County Legislature for consideration.

ITEM NO. 6-MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report – June - September (Handout)

A pump was replaced at the Eastern Hills Pump Station with a spare pump. District staff set up the bypass pumping of the Bryant & Stratton Pump Station and maintained through the overnight for the sewer lining project on Main & Transit. Four (4) of the six (6) sections scheduled to be lined have been completed. The project is scheduled to start again the week of October 19th to line the remaining sections. The DSM's Central Maintenance camera crew worked in Sewer Districts 1,4, and 5 for much of the summer. In District 5, four (4) sections of pipe on West Point were focused on stemming from a plugged sewer was televised and found heavy root intrusion. The roots were removed. Approximately 7,500 feet of asbestos sewer pipe on Roseville, Clarence Center and the Transit Rd., were also televised to assessed and catalogue all of the asbestos pipe in District 5.

b. Construction Report

i. Contract 21, Main & Transit CIPP (Handout)

The Board received the copy of the "Notice to Proceed" letter to the contractor, CMH as discussed in item 6a. In addition, Mr. Fiegl stated it was discovered during the lining project, the lines were much worse than anticipated and caught just in time to avoid a more serious issue.

ii. Contract 19, Clarence Research Park STP Improvements (Handout)

The switchover from the old structure to the new building has been completed for the most part and that portion of the plant is operational. Minor work still needs to be completed for moving some of the smaller items over to the new building. The project is about 85 percent complete and should be completed in the coming weeks.

c. Pretreatment Report (Handout)

There was nothing new to report.

d. Payments (Handout)

A payment to NFP for \$152,418.00 was issued on October 14, 2015. Payments are now about 70% complete.

e. Section 428 Proposed Fiscal year 2016 Appropriations Bill (Handout)

The Board received letters Mr. Fiegl submitted to Senator Schumer and Senator Gillibrand outlining the Division of Sewerage Management's concerns regarding the Proposed Fiscal year (FY) 2016 Appropriations Bill.

f. NYSDEC-Sewage Pollution Right to Know Act-Comments (Handout)

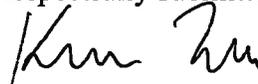
Mr. Fiegl discussed the letter submitted to the NYSDEC regarding the Sewage Pollution Right to Know (SPRTK) Act; proposed Rulemaking to 5 NYCRR Parts 750 and 621. The Division of Sewerage Management submitted their comments on the proposed rulemaking to 6 NYCRR parts 750 and 621, intended to implement the requirements of the SPRTK Act. The letter also includes the correspondence by the NYWEA regarding said rulemaking.

Mr. Sanders moved, seconded by Mr. Lavocat to receive and file the miscellaneous & informational items. The motion carried 4-0

ITEM NO. 7-ADJOURNMENT & NEXT MEETING

Mr. Sanders moved seconded by Mr. Lavocat to adjourn the meeting at 3:04 p.m. The motion carried 4-0.

Respectfully submitted,



Kevin Zynda, P.E.

Secretary-ECSD No. 5 Board of Managers

NEXT MEETING

Wednesday, December 16th, 2015 @ 2:30 p.m.
AMHERST TOWN HALL

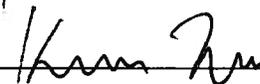
Motion to approve minutes of 10/14/15

Moved By: B. Armstrong

Seconded By: K. Zynda

Approved/Disapproved: 3/0

Date: 2/1/16

Signature: 

KZ/blr