

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
FEBRUARY 10, 2015
LACKAWANNA CITY HALL
Revised

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, Mr. Tony Collareno
OTHERS PRESENT: Messrs Joseph Fiegl, Lawrence Krug, William Strzeszynski

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. Collerano, to approve the minutes from the December 2, 2014 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. Well Street P.S. Roof Replacement, Contract 52 – Close Out

The Board reviewed the proposed resolution to recommend closing Contract 52 with Progressive Roofing for the Well Street P.S. Roof Replacement Project. Mr. Carr noted that the Division of Sewerage Management reports the work has been both successfully completed and is recommending final acceptance of Contract 52 in the amount of \$117,217.50, which includes Change Order No. 1 (final), a decrease of \$6,782.50. Mr. Carr moved, seconded by Mr. Balcarczyk to approve the resolution recommending that the Erie County Legislature move to accept the contract between the County of Erie and Progressive Roofing in the final contract amount of \$117,217.50. 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 is nothing new to report.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Item 2

Mr. Strzeszynski reported the District conducted routine flushing, inspections and two repairs to the sanitary sewers. The District removed and replaced approximately 10 linear feet of 10 inch sanitary sewer pipe in the Right of Way of Eagan Street. Mr. Strzeszynski reported that it was necessary to remove some of the existing sidewalk for the repair and that the District installed temporary asphalt sidewalks. The District also removed and replaced approximately 28 linear feet of 15 inch sanitary sewer pipe in Homestead Street. The District is continuing to televise South Shore and the related streets in an effort to shed light on reasons for potential basement backups in the area. Mr. Strzeszynski noted this work is progressing slowly due to packed snow over our manholes restricting access for our camera crews, but did report on the discovery and removal of root masses from some of these sewers. TV crews have also televised the sewers in the First Ward where the Lackawanna Community Development Corporation (LCDC) has plans for "Infill Housing". These TV inspections have identified various defects to the main sewers leading to the work in Homestead Street.

Mr. Collareno and Mr. Balcarczyk both asked if the District is inspecting the Infill Housing's tap connections to the main sanitary sewers and if they are meeting the Divisions current standards for construction. Mr. Strzeszynski reported that the District is inspecting the tap connections for each house and as such new laterals are being built for the Infill Housing.

Mr. Balcarczyk inquired if the Botanical Gardens force main new connection was installed in South Park Avenue. Mr. Fiegl reported a tap was completed and that we are waiting for final confirmation from Erie County DPW that the improvements are complete.

b. Pretreatment Report

No report.

c. Construction Report

Mr. Carr reported to the board that the anticipated start for Kennedy Drive Sanitary Sewer Replacement project is the first or second week of March. The contractor has asked for this delay to minimize, to the public, the impact of the project's sidewalk restoration due to the proximity to the public school. The construction work is expected to take 4 weeks with restoration to follow immediately after.

d. Payments

Mr. Carr presented to the Board payments for the following:

- a. CRA for the Well Street P.S. Electrical Evaluation in the amounts of \$4,563.79, \$8,022.77 and \$3,470.73.
 1. Mr. Carr reported the Division has received and is reviewing the Engineer's final report for the electrical evaluation.
- b. Progressive Roofing for Well Street Roof Replacement in the amounts of \$94,420.50 and \$22,797.00.
- c. CRA Engineering for the SMSI Merger Study in the amount of \$29,888.42.

1. Mr. Fiegl reported the merger study is ongoing between the BSA and the District and that the NYSDEC has not formerly commented in writing on the study.

e. SPDES Permit Schedule of Compliance NY 0022136 – Progress Report No. 2

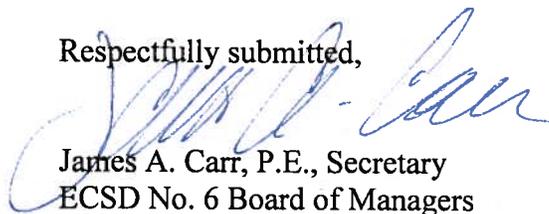
Mr. Fiegl reported that this not our second report but our third report to the NYSDEC, so the heading should read “-Progress Report No. 3. The Board secretary noted the correction. The Board reviewed Mr. Fiegl’s letter of January 30, 2015 to the New York Department of Environmental Conservation (NYSDEC) for the above SPDES Permit. Mr. Fiegl directed the Board’s attention to the item, “Percent Removal Requirements for TSS and BOD₅” noting the BSA and the DSM met with the NYSDEC on December 5, 2014 and presented a draft final report for redirecting flows from ECSD 6 to BSA for their consideration. At that meeting, the NYSDEC stated “high level” comments would be forthcoming. To date none have been received. Mr. Fiegl stated that delays in receiving comments from NYSDEC may negatively impact the schedule of compliance for the District.

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

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Collerano, to adjourn the meeting 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 February 10, 2015

Moved By: J. Balcarczyk

Seconded By: T. Collerano

Approved/Disapproved: 3-0

Date: 4/14/2015

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
APRIL 14, 2015
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, Mr. Tony Collareno

OTHERS PRESENT: Messrs Steve Canestrari, Joseph Fiegl, Lawrence Krug

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 (Handout)

Mr. Balcarczyk moved, seconded by Mr. Collerano, to approve the minutes from the February 10, 2015 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

Mr. Fiegl reported that Mr. Lawrence Krug, Steve Canestrari and himself met with Senator Timothy Kennedy, his staff and two residents regarding sanitary sewer backups in the Meadowbrook area of the City. Mr. Fiegl presented a profile of the main sewer and a house lateral from the Meadowbrook area. The profile showed that the basement and main sewer are constructed at essentially the same elevation and as such once the main fills (charges) the house lateral will back up into the basement. This is a result of the original construction in the City. It was noted that the District cannot guarantee service to below grade connections due to the inherent risks. Therefore, even with the significant investments in this area over the years, basement back up risks will persist. The homeowner can resolve the issue by protecting their home through installation of “hung” plumbing above the basement floor. Mr. Fiegl pointed out “hung” plumbing is now required by New York State Building Code. In a separate issue the resident asked about ponding in the streets during/after rain events. Mr. Fiegl stated the District would investigate.

ITEM NO. 4 – NEW BUSINESS

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

The Board was presented a recommendation from the Division of Sewerage Management to send the following property owner, Barbara McGowan, 19-21 Elkhart Avenue, Lackawanna NY, to a Compliance Hearing. The property owner has not corrected violations found that are not in compliance with the Rules and Regulations for Erie County Sewer Districts. Mr. Carr moved and seconded by Mr. Collerano to send the property owner to a compliance hearing. The motion passed 3 – 0.

ITEM NO. 5 – OLD BUSINESS

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

There is nothing new to report at this time.

b. Lackawanna Wastewater Treatment Plant Elimination Study:

Item 2

Mr. Fiegl reported to the Board that the Division along with the Buffalo Sewer Authority (BSA) responded to comments received from the New York State Department of Environmental Conservation (NYSDEC) regarding the above study. The response letter was sent on 4/13/15 and addressed the impacts on the SPDES permit and BSA's approved long term control plan and financial impacts on the ratepayers within the District. That letter will be presented for discussion at the next Board meeting's agenda.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Canestrari reported on the activities of the District. ECSD staff completed televising South Shore & Martin. ECSD staff televised the Center Street storm sewer between Clinton and Kirby and reported that 3 sinkholes are believed to be caused by the abandoned storm sewer. That abandoned line is bulk headed at Muck and at Krakow and is opened from Muck to Edgewood. District will continue to investigate and report back to Board. ECSD staff repaired a 20 foot section of storm sewer pipe at 306 Center and a repair is planned Kirby and Center. All of the other sinkholes are either home owners' problems or an unknown line that may be the City's responsibility. Annual root cutting has begun for 2015. The City is planning paving projects though-out the City and our crews have begun cleaning and inspecting all the drop inlets within those areas. Finally, 35 house taps have been completed for the Lackawanna Community Development Corporation's in-fill housing project.

i. 47 Modern Email (Handout)

The Board reviewed an email sent by the Division of Sewerage Management (DSM) to Mr. Eckert, property owner of 47 Modern. This email was in response to Mr. Eckert email to Legislator Dixon with the subject line of "Fees added to tax bill". The Board noted the DSM's email documenting the history of the Inspection Requests, Notice of Hearing et al for 47 Modern and the attachments sent to Mr. Eckert.

b. Pretreatment Report

No report.

c. Construction Report

i. Certification of Completion - Force main Tie-in Botanical Gardens (Handout)

The Board acknowledged the successful completion of the relocation of the sanitary force main for the Botanical Gardens to the Districts' sanitary sewer in South Park Avenue.

ii. Kennedy Dr. Sewer Rehab -- Contract 51 (Handout)

Mr. Carr reported to the Board that the Division sent the Notice to Proceed, dated March 30, 2015 to New Frontier Excavating and Paving Inc. for the Kennedy Drive Sanitary Sewer Replacement project. Work is anticipated to start during the Spring Break for the Lackawanna Schools and finish by the end of April. Mr. Carr also reviewed the Construction Activity Notice sent to the

property owners on Kennedy, the City of Lackawanna and the Principal of the elementary school at the end of Kennedy.

d. Payments (Handout)

Mr. Carr presented to the Board payment for the following:

a. CRA for the Well Street P.S. Electrical Evaluation in the amounts of \$1,428.68.

e. SPDES Permit NY 0022136 – Annual Report

The Board acknowledged the annual report sent to the NYSDEC per the SPDES Permit for the District. Mr. Carr noted that in 2014 the Lackawanna Wastewater Treatment Plant did not have a Sanitary Sewer Overflow (SSO), the collection system had 5 SSO's and 4 of those were the result of the FEMA declared November Storm melt and the other SSO was the result of a blockage in the system.

f. Kohl Construction Article 78

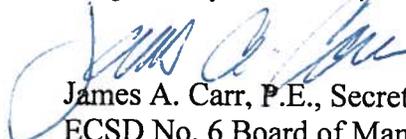
Mr. Fiegl asked to speak on the Article 78 the Division received from Kohl Construction, Contract 41-G, the Willmuth Trash Racks project. Mr. Fiegl explained that the Article 78 challenge is to release funds and resolve an escalation of stainless steel material cost. The Article 78 challenge will be handled by the County Attorney's office. The Division will inform the Board the outcome of the challenge.

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

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Collerano, to adjourn the meeting at 3:50 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 14, 2015

Moved By: A. COLLARANO

Seconded By: J. BALCARCZYK

Approved/Disapproved: 3-0

Date: 6/23/2015

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
JUNE 23, 2015
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk, Mr. James Carr, Mr. Tony Collareno

OTHERS PRESENT: Messrs Patrick Breier, Steven Canestrari, Joseph Fiegl, Kevin Kaminski,
and Ms. Beth Pfalzer

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:16 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Collareno moved, seconded by Mr. Balcarczyk, to approve the minutes from the April 14, 2015 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. Presentation and Approval of 2016 Budget
 - i. Proposed 2016 Budget (Handout)

Mr. Fiegl presented the ECSD No. 6 Budget to the Board. Overall, the ECSD No. 6 appropriations or expenses are budgeted in 2016 to decrease approximately \$7,000. However, due to the loss of available fund balance coupled with a decrease in the flow and assessed valuation in ECSD No. 6 customer base, the typical ECSD No. 6 ratepayer will have combined sanitary and storm sewer charges that will be approximately 4.9% higher than fiscal year 2015.

The sum of operation and maintenance expenses proposed in this budget has decreased approximately \$50,000, with the majority of this decrease attributed to fuel costs and utilities when compared to the 2015 budget. On the revenue side, user charges (water usage) are calculated to remain relatively flat while fund balance utilization is budgeted to decrease by approximately \$163,500. The amount of available fund balance dropped over \$300,000 from 12/31/13 to 12/31/14, which impacted the sewer district's utilization.

As noted previously, the impact to the typical ratepayer in ECSD No. 6 will be an increase of 4.9% or approximately \$1.75/month when compared to 2015.

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.

Item 2

The 2016 equipment line items represent \$236,640 of the ECSD No. 6 budget. The major items include the purchase of one vehicle, new/replacement treatment plant equipment, pumping equipment, shared items with the other Erie County Sewer Districts, and the ECSD No. 6 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. ECSD No. 6 contributes approximately 4.4% of these Downtown office expenses.

A review of the individual budget codes was provided. It was noted that several changes were made 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, a misprint on the 2015 budget for code 506400, maintenance of monies in I&I repair and capital reserve allocations, decreases in utility costs, and personnel costs.

Mr. Collareno asked about funding sources for a local match if grants are available. Mr. Fiegl responded that grant funding is not as readily available as in the past. Mr. Carr added that currently there are limited grant programs, but are for specific purposes such as "green initiatives" and projects for Smart Growth. Mr. Fiegl stated the EPA shifted away from the construction grants program towards low interest loan funds and the Sewer District currently qualifies for a 0% interest rate. That being said, grant programs in which ECSD No. 6 qualifies are fully vetted. The study for the Lackawanna WWTP Elimination project is one example.

Fund balance usage as an offsetting revenue is budgeted at 60% of available balance. The available district fund balance at 12/31/14 represents approximately 3.3 months of 2016 budgeted appropriations. As noted previously, there was a large drop in the amount available; however, the DSM's general target of fund balance available in comparison to the budget appropriations is around 3 months, with higher amounts targeted for districts with certain liabilities. Therefore, it is believed that this level of fund balance is sufficient to protect the ratepayers of the district, particularly considering uncertainty related to legal challenges and regulatory requirements. This will be an item to monitor.

Mr. Balcarczyk asked if there would be an impact on the budget with construction of the in-fill housing in the First Ward. Mr. Fiegl replied that it may help slightly. Mr. Carr responded that if there were a second and third wave of construction it would help.

It is recommended for the 2016 Budget that the parcel charge be increased by \$2 to \$90.00 per parcel and the water use charge in ECSD No. 6 be increased to approximately \$3.47 / 1,000 gallons.

On a motion by Mr. Carr, seconded by Mr. Collareno, the Board voted to approve the 2016 Budget as proposed. The motion carried 3-0.

ii. 271 Resolution (Handout)

Mr. Fiegl presented to the Board the 271 Resolution for review and approval. Approximately 17% and 83% of the sanitary sewer tax levy shall be raised from the assessed value and parcel charges, respectively, with the parcel charge increased to \$90.00 per parcel. On a motion by Mr. Collareno, seconded by Mr. Carr, the Board voted to approve the Resolution. The motion carried 3-0.

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

The Board reviewed a list of homeowners the DSM is recommending to be sent to a compliance hearing. The list is comprised of homeowners who have failed to allow a house inspection in accordance with the "Rules and Regulations for Erie County Sewer Districts." On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to send them to the Compliance Hearing. The motion carried 3-0.

c. Request for Drainage Pipe (Handout)

The Board received a letter from Mr. Anthony DeSantis, Commissioner of Public Works, for the City of Lackawanna requesting the DSM provide 646 LF of drainage pipe and four catch basins for subsequent drainage issues in the Michelle Drive subdivision. Mr. DeSantis noted the City would be responsible for the installation of the material and operation & maintenance of the drainage system. Mr. Carr noted that the DSM does not typically furnish drainage materials and would have to purchase the HDPE pipe required for the repair at expense to the District. Mr. Collareno supported the City stating that the proactive measure was necessary and whether or not the work was done by the DSM or the City the same taxpayers would still be affected and the proposed drainage pipe would be connected to the District's storm sewer system. Mr. Fiegl stated a concern that the County would supply materials for an asset not owned by the sewer district. On a motion by Mr. Collareno, seconded by Mr. Balcarczyk the Board voted to approve the request for drainage material. The motion carried 2-1.

Mr. Canestrari suggested that once the pipe is installed that DSM staff will RTK the assets and label as privately owned in the County's GIS.

ITEM NO. 5 – OLD BUSINESS

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

Mr. Fiegl advised the Board that Counsel for the County and Tecumesh continue to meet regarding the Article 78 and he would advise the Board if a tentative agreement is reached.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Canestrari reported that the City began their paving project, starting with Ridge Road. Sewer District staff worked with the City regarding preparation for the paving.

Mr. Fiegl reported the ECSD Central Maintenance staff has been working on the weekends doing various investigations of trouble spots and televising sink holes in an effort to prevent further issues.

Mr. Collareno advised Mr. Canestrari of a gap forming near a drain intake on Weisner Road at the corner of Abbott.

b. Pretreatment Report

Mr. Fiegl reported to the Board that the Division is in the process of retaining an engineer to evaluate ECSD No. 6 Local Limits in accordance with the EPA pretreatment guidelines. Currently, ECSD No. 6 does not have any categorical users in its system; however, considering the potential growth on the former Bethlehem Steel site, the County wants to be in position to provide proper guidance to these types of companies should they want to consider locating in ECSD No. 6.

c. Construction Report

i. Cured in Place Pipe Lining – Work Order Nos. 13 & 14 (Handout)

Mr. Carr reported that 2015 Work Order No. 13 for the Cured-in-Place Pipe Lining Contract was issued and will include: Steelawanna, Warsaw, Roland and Smith Streets. Work Order No. 14 was also issued including: Firestone, Berg, and Della streets.

ii. Kennedy Drive Contract

Mr. Carr reported to the Board that the Kennedy Drive Contract work was completed successfully by New Frontier Paving Inc. and the close out will be on the next meeting agenda.

iii. Sewer Manhole Rehabilitation Project – Bid Schedule (Handout)

Mr. Carr reviewed a bid schedule for an upcoming manhole rehabilitation contract. This project will be utilized for manholes Division wide.

d. Payments

There were no payments reported.

e. BSA District No. 6 WWTP Elimination Feasibility Study (Handout)

Mr. Fiegl reported to the Board that the Buffalo Sewer Authority and the Division issued a joint response to the NYSDEC. This letter was in response to their letter of March 2015 regarding the feasibility of eliminating the Lackawanna WWTP.

f. Botanical Gardens Force Main Connection (Handout)

Mr. Carr reported that the DSM received correspondence from the Erie County Department of Public Works stating the relocation of the sanitary force main from the Botanical Gardens had been relocated and has been accepted by the Division.

g. House Inspection Response (Handout)

The Board was informed that a homeowner, Mr. Jurek, had been sent erroneous homeowner violation notices in error. The DSM reviewed our inspection reports and subsequently responded to Mr. Jurek apologizing for the error and corrected our databases.

h. Kohl Construction – Article 78

Mr. Carr reported that the Erie County and Kohl Construction's Attorney have been meeting to resolve outstanding claims against this contract. Once an agreement is reached the Board would be phone polled to recommend close out.

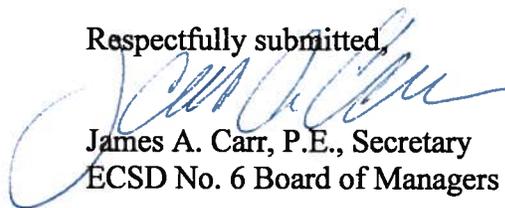
Mr. Balcarczyk moved, seconded by Mr. Collareno, to receive and file the informational items. The motion carried 3-0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk made a motion, seconded by Mr. Carr to cancel the July 8th ECSD No. 6 Board of Managers meeting. The motion carried 3-0.

Mr. Balcarczyk moved, seconded by Mr. Collareno, to adjourn the meeting at 4:35 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 June 23, 2015

Moved By: JBALCARCZYK

Seconded By: A. COLLARENO

Approved/Disapproved: 3-0

Date: OCTOBER 13, 2015

Signed: JAMES A. CARR

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
OCTOBER 13, 2015
LACKAWANNA CITY HALL

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

OTHERS PRESENT: Mr. Joseph Fiegl and Mr. Patrick Breier

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:37 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 23, 2015 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

Prior to the meeting, City of Lackawanna Code Enforcement Officer Steve Bremer requested information on new sanitary sewer taps for house numbers 139 and 141 Ingham, which are part of the City's infill housing project. Mr. Breier informed Mr. Bremer that the in-fill housing developer has two plumbers, one for the site plumbing and the other for the right of way work (ROW, including the tap to the sanitary sewer main. At this time the site plumber has completed his work but the ROW, lateral work has not been constructed for either of the two houses. Mr. Bremer expressed a concern that the District was not responding in a timely manner. Mr. Breier asked that when he calls for information to talk with the operator who will document his call and District personnel will have a record of the call and their response to the call. There were no further items from the public

ITEM NO. 4 – OLD BUSINESS

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

Mr. Fiegl addressed the Board regarding the status of the Court's recent action regarding the above Notice of Petition, Article 78 challenge. Judge Walker issued the following decision, dismissing the petitions in the Article 78 challenge by determining that the Petitioners failed to exhaust their administrative remedies, failed to pay the challenged sewer charges under protest and that, on the merits, there is a rational basis for the sewer assessment formula. The Court denied the Petitioners motion in all aspects. This was certainly good news for Erie County Sewer District No. 6. The Division of Sewerage Management will keep the Board informed on any next steps including a possible appeal.

ITEM NO. 5 – NEW BUSINESS

- a. Confirmation of Telephone Poll - Amended Proposed 2016 Budget (Handout)

The Board received and reviewed a copy of the amended 2016 proposed budget. Since the June 2015 meeting, the Division was informed that a 3% reduction in the fringe benefit rate could be applied to the draft 2016 budget. As a result of the reduction, the overall ECSD No. 6 budget could

Item 2

decrease by \$41,754, which would decrease the impact to the typical ratepayer when compared to the budget passed in June 2015.

Mr. Carr moved, seconded by Mr. Collareno to confirm the telephone poll approving the amended 271 resolution. The motion carried 3-0.

b. User Charges 2016

i. Minutes from Public Hearing (Handout)

The Board of Managers received a copy of the minutes from the public hearing held on September 24, 2015, for User Charges for Erie County Sewer Districts 1-6 & 8. The next step after holding the Public Hearing is for the individual Boards of Managers to adopt the rates. A Notice of Adoption will then be published in the Buffalo News and the County's other official papers.

ii. Approval of Resolution (Handout)

Mr. Balcarczyk moved, seconded by Mr. Collareno to approve the resolution adopting the User Charges for 2016. The motion carried 3-0. Mr. Fiegl inquired if the members would be interested in serving on the Board after their current term ends this year. All indicated they would be willing to do so.

c. 2016 Proposed Meeting Schedule (Handout)

The proposed 2016 meeting schedule was provided for the Board's review and approval. Mr. Balcarczyk moved, seconded by Mr. Carr to approve the proposed schedule. The motion passed 3-0.

Mr. Fiegl inquired if the members would be interested in serving on the Board after their current term ends this year. All indicated they would be willing to do so.

d. Construction Inspection Term Agreement – Change Order No. 1 (Handout)

The Division of Sewerage Management is recommending the approval of Change Order No. 1 in the amount of \$50,000 each for DiDonato Associates, Wm. Schutt Associates and Greenman-Pederson, Inc. for construction inspections. The construction inspection agreements will terminate on December 31, 2016. Their original agreement, for \$150,000 each, and has been expended and the Division has on-going construction projects and at this time does not have personnel available to cover and inspect these projects. These monies are in part recovered by means of inspection fees collected at the time of permit issuance. Approval of Change Order No. 1 will increase each agreement from \$150,000 to \$200,000. Mr. Carr moved, seconded by Mr. Balcarczyk to approve Change Order No. 1. The motion carried 3-0.

e. I/I Compliance Hearing – Approval for Fine Stages (Handout)

The Board received copies of the Hearing Officer's recommendations to approve a premium assessment of \$100 per month for non-compliance to the Rules and Regulations of the Erie County Sewer Districts for the following properties: 88 Verel Avenue, Lackawanna, NY; 243/247

Warsaw Street, Lackawanna NY and 19 Sunrise Drive Lackawanna, NY. The Division of Sewerage Management is recommending approval of the premium assessment in accordance with the Hearing Officer's recommendation.

Mr. Carr moved, seconded by Mr. Balcarczyk to approve the premium assessments. The motion carried 3-0.

f. Confirmation of Telephone Poll – Closeout of Wilmuth Ave PS Project (Handout)

The Board received a resolution for the closeout of Contract 41G, Kohl Construction Inc. The Board was asked to confirm the July 7, 2015 phone poll to approve the resolution recommending of the close out of this contract to the Erie County Legislature. The close out includes Change Order No. 1 (final) a decrease of \$12,500.00. The Division reported the work has been completed satisfactorily. As noted in the resolution, final close out is contingent on all paperwork being completed by Kohl Construction.

Mr. Carr moved, seconded by Mr. Collareno to confirm the phone poll recommending close out of Contract 41G. The motion carried 3-0.

g. Confirmation of Telephone Poll – Closeout of Kennedy Dr. Sewer Rehab Project (Handout)

The Board received a resolution for the closeout of Contract 51, New Frontier Excavation and Paving. The Board was asked to confirm the September 1, 2015 phone poll for approval of the resolution recommending close out of the contract to the Erie County Legislature. The close out includes Change Order No. 1 (final) a decrease of \$32,793.36. The Division reported that the work has been satisfactorily completed.

Mr. Carr moved, seconded by Mr. Collareno to confirm the phone poll recommending the close out of contract 51. The motion carried 3-0.

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

The Board received a recommendation from the Division of Sewerage Management to refer the following properties to an Enforcement Hearing; 49 Gibbons Street, 19 Hamilton Avenue, 206 Kirby Avenue, 213 Kirby Avenue, 53 Newman Street, 54 Newman Street, 60 Newman Street, and 27 St. Johns Place.

Mr. Balcarczyk moved, seconded by Mr. Collareno to approve referring the properties for an Enforcement Hearing. The motion carried 3-0.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Breier reported the following operational and maintenance activities to the Board. District 6 personnel completed various catch basin repairs/replacements to coordinate with the South

Park Avenue paving project. The Erie County Water Authority removed a live water valve and pipe from a sanitary manhole in Modern Avenue and South Park Avenue, supplied manhole and drop inlet frames as needed to coordinate with the paving projects in both South Park Avenue and Electric Street. District staff delivered pipe and drop inlet materials to the Martin Road subdivision. District staff also completed a mainline sewer repair in Grape Street, completed two pipe patch sewer repairs under sink holes in Roland and Cleveland and conducted vaporrooting in various sewers through the District.

b. Pretreatment Report

No report

c. Construction Report

Work orders for the manhole repair contract are expected to be issued by the end of October and work to commence shortly after.

d. Payments

The Board reviewed one payment for CRA/GHD in the amount of \$2,458.98 for the Well Street Pumping Station Electrical Evaluation.

e. Lackawanna WWTP Request to NYSDEC for Extension for TRC Study (Handout)

The Board received a copy of the Division's communication with the New York State Department of Environmental Conservation regarding an extension request for the Total Residual Chlorine and Ammonia Nitrogen Studies. In September of 2014 the Division submitted a report to the NYSDEC for the elimination of the Lackawanna Wastewater Treatment Plant and convey sewage to the Buffalo Sewer Authority. This report was submitted early in order to obtain guidance from the NYSDEC and after meeting, the DEC agreed to the extension. This extension will allow for all regulatory requirements in the Lackawanna WWTP SPDES Permit to be addressed in a coordinated manner.

f. Section 428 Proposed Fiscal Year 2016 Appropriations Bill (Handout)

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

g. 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 6 NYCRR Parts 750 and 621. The Division of Sewerage Management submitted comments to the NYSDEC on the proposed implementation of the requirement for the SPRTK Act. The letters also included NYWEA's correspondence regarding the proposed rulemaking.

h. Basement Bathroom Letter (Handout)

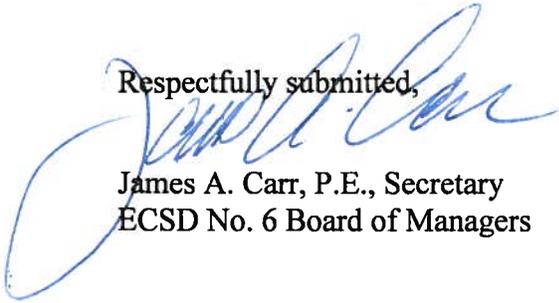
The Board reviewed the Division's follow up letter to homeowners that upon house inspection revealed to have basement bathroom facilities. These types of letters are sent out for education purposes and are not a violation letter.

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

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

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

Respectfully submitted,


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

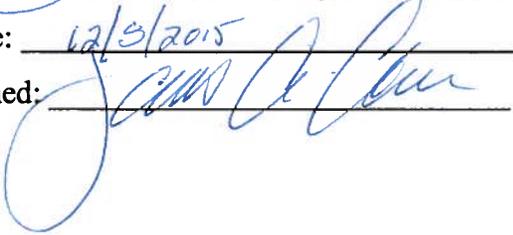
Motion to approve minutes of October 13, 2015

Moved By: J. Balcarczyk

Seconded By: J. Carr

Approved/Disapproved: 2-0

Date: 12/9/2015

Signed: 

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
DECEMBER 8, 2015
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk and James Carr

MEMBERS ABSENT: Mr. Anthony Collareno

OTHERS PRESENT: Mr. Joseph Fiegl and Mr. Patrick Breier

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:29 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Carr to approve the minutes from the October 13, 2015 meeting. The motion carried 2-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

No items from the public.

ITEM NO. 4 – OLD BUSINESS

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

Mr. Fiegl notified the Board that the attorneys for the above, files a Notice of Appeal with the Appellate Division, Fourth Department of the Supreme Court of the State of New York. The appeal allows Arcelor Mittal to submit the record and brief within 60 days, but extensions can be granted up to 9 months. Mr. Fiegl stated the Division would update the Board on the status of the Notice of Appeal.

ITEM NO. 5 – NEW BUSINESS

- a. Confirmation of Telephone Poll - Approval for Suspension of Fines (Handout)

The Board reviewed the phone poll approving the suspension of fines for 47 Modern Ave. Lackawanna, NY. The Board noted the property was not in compliance to the rules and regulations from December 1, 2013 and was recommended by the Hearing Officer and approved by the Board of Managers to impose a premium assessment on the property, and the home was occupied for part of the period between December 1, 2013 and December 1, 2014 resulting in \$1,300 in premium assessments. The property is currently unoccupied, confirmed by review of water usage records; the owner is currently living out of state and has requested a suspension of the premium assessment until such time the house is rented. The Division is recommending suspending the premium assessment until the house is occupied.

Mr. Carr moved, seconded by Mr. Balcarczyk to confirm the telephone poll approving the suspension of Fines for 47 Modern Lackawanna NY. The motion carried 2-0.

Item 2

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

The Board received and reviewed the Recommendations from the Division to send the following property owners that have not completed a house inspection to an Enforcement Hearing: 29 Current Avenue and 69 Stearns both in the City of Lackawanna. The Board noted that 30 Reddon Street was also referred for an enforcement hearing. The Board did not move to send 30 Reddon Street to enforcement hearing, rather to reach out to the City of Lackawanna for a status of the required correction.

Postscript to the meeting. The District reviewed their records and report the southwest downspout of the building was disconnected, permanently plugged and inspected by the District on October 27, 2015.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

The District has performed the following repairs since the last board meeting:

- Several pipe patches were installed on Roland, Julian and Ludel;
- Catch basins repaired and/or replaced on Electric Ave, Gibbons St, Orchard St and Lehigh St
- Several restorations throughout the district were completed as well.
- American Pipe mechanically cleaned sanitary sewerlines on Willet, Electric, Roland and South Park with some debris found and removed.
- The District reviewed an updated list of catch basins in the City's paving projects on Electric and Kirby as well as various frames and covers for sanitary and storm manhole on South Park project.

b. Pretreatment Report

Nothing new to report.

c. Construction Report

i. The Board received the Notice to Proceed for Contract 47 – Sewer Manhole Rehabilitation Project.

ii. Contract 47 – Sewer Manhole Rehabilitation Project – Resident Letter (Handout)
The Board noted that all of the manholes under this contract are located in the Bethlehem Park subdivision and the resident letters went out to the property owners that have manholes in front of their homes and those that are adjacent to the targeted manholes.

d. Payments (Handout)

The Board reviewed 2 payments to GHD/CRA, the first for \$6,031.55. Regarding this payment, the SPDES Permit Schedule of Compliance for the Lackawanna WWTP requires the completion of a No Feasible Alternative Analysis (NFA) Study. The Division has retained services of GHD/CRA to conduct the analysis and complete the report. The second payment of \$2,295.30 to GHD/CRA is for the

Well Street Pumping Station evaluation. The Division retained GHD/CRA to evaluate the power supply, the electrical condition of the Well Street P.S. along with the evaluation of an emergency generator needed for both the Well Street and Wilmuth Street Pumping Stations.

- e. SPDES Permit NY0022136 – 9 Month Progress Report (Handout)

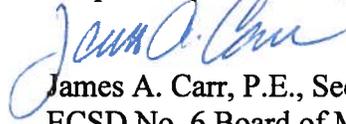
The Board review Mr. Fiegl's NYSDEC letter titled "Nine (9) Month progress Report – SPDES Permit Schedule of Compliance."

Mr. Carr moved, seconded by Mr. Balcarczyk, to receive and file the informational items on the agenda. The motion carried 2-0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Carr to adjourn the meeting. The motion carried 2-0.

Respectfully submitted,


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

Motion to approve minutes of December 8, 2015

Moved By: J. Balcarczyk

Seconded By: A. Colladino

Approved/~~Disapproved~~: 3-0

Date: Feb. 2, 2016

Signed: 