

AGENDA
BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 2
OCTOBER 10, 2013 @ 9:00 AM
DISTRICT ADMINISTRATION BUILDING
****Revised****

1. Call Meeting to Order
2. Approval of June 27, 2013 Meeting Minutes
3. Items from the Public
4. New Business
 - a. 2014 Meeting Schedule (Handout)
 - b. Notice of Public Hearing – 2013 Assessment Rolls (Handout)
 - c. User Charges 2014
 - i. Minutes from Public Hearing (Handout)
 - ii. Approval of Resolution (Handout)
 - d. Permit Fees Refund
 - i. 547 Church Street (Handout)
 - ii. 1073 Eden Evans Center Road (Handout)
 - e. Approval for Fine Stages (Handout)
 - f. Approval of Trucker’s Discharge Permits 2014 (Handout)
 - g. I/I Compliance Hearing (Handout)
5. Old Business
6. Miscellaneous & Informational Items
 - a. District Payments (Handout)
 - b. Operational Report
 - c. Pretreatment Report
 - d. Construction Report
 - i. Contract 70 – CIPP Lining Work Order No. 5 (Handout)
 - ii. Contract 70 – CIPP Lining – Contract Extension (Handout)
 - e. New Environmental Bond Act – Notice of Public Hearing (Handout)
7. Adjournment & Next Meeting

Thursday, December 5, 2013 @ 9:00 am
District Administration Building

**ERIE COUNTY SEWER DISTRICT (ECSD) NO. 2
BOARD OF MANAGERS MEETING MINUTES
JUNE 27, 2013 @ 9:00 AM
DISTRICT ADMINISTRATION BUILDING**

MEMBERS PRESENT: Mayor Howard Frawley, Angela Horton, Anna Knack, Gifford Swyers
*Mayor Frawley was excused for another meeting and left at 10:04 a.m.

MEMBERS EXCUSED: Mayor Vincent George

OTHERS PRESENT: Glenn Absolom, Patrick Breier, Joseph Fiegl, Nancy Forys, Lawrence Krug

ITEM NO. 1 – CALL MEETING TO ORDER

Chairperson Knack opened the meeting at 9:03 a.m.

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

On a motion by Mayor Frawley, seconded by Mr. Swyers, the Board voted to approve the minutes from the April 11, 2013 meeting. The motion carried 4 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

There were no new items from the public.

ITEM NO. 4 – NEW BUSINESS

a. Presentation of the Budget

Mr. Fiegl presented the proposed ECSD No. 2 Budget to the Board. Overall, the ECSD No. 2 appropriations or expenses are budgeted in 2014 to increase approximately \$297,000. When considering the anticipated revenues, the required levy for 2014 is expected to be approximately \$179,000 higher than 2013. Based upon this levy, the typical ECSD No. 2 ratepayer will have annual sanitary sewer charges that will increase approximately 2.6%.

Reviewing the detailed summary for ECSD No. 2, the majority of the appropriations increase in 2014 is due to operation and maintenance expenses, with approximately \$13,000 associated with additional bond debt requirements. The major increases on the operation and maintenance expenses are associated with a \$150,000 increase for cured in place pipe lining and \$50,000 for capital reserves. On the revenue side, all items are expected to be at or below 2013 budget with the exception of fund balance. The use of fund balance has increased approximately \$126,000 when compared to 2013.

As stated previously, the estimated impact to the typical ratepayer (single family home) in ECSD No. 2 for sanitary sewer services in 2014 is an increase of approximately 2.6%, or around \$10 - \$15 per home on average.

Fringe benefits for employees are being calculated at 67% in this budget. Actual numbers are not available at this time. Increases in pension and medical insurance are projected, influencing the change from the 2013 budget.

The 2014 equipment line items represent close to \$377,000 of the ECSD No. 2 budget. The major items include several replacements for treatment plant and pumping station equipment, the replacement of two (2) vehicles, and the ECSD No. 2 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 a revenue to offset future rate impacts. Items listed in the budget as "DSM" are expenses for the Downtown office. ECSD No. 2 contributes 9.2% of the overall Downtown office expenses.

A review of the individual budget codes was provided. Specific items highlighted included the budgeting on fuel, chemical cost decreases, modifications to equipment repair items, the \$150,000 increase in I&I services, AVL monitoring, the \$50,000 capital reserve allocation, utility cost decreases, and personnel costs.

Fund balance usage as an offsetting revenue is budgeted at 62% of available balance. The available district fund balance at 12/31/12 represents approximately 3.4 months of 2014 budgeted appropriations. Observing recent trends on amount available and amount used, it is believed that this allocation of fund balance is prudent. However, fund balance will be monitored to determine if additional considerations should be made next year.

It is recommended for the 2014 Budget that the unit charge remain unchanged at \$270.00 per home and the footage charge in ECSD No. 2 remain at \$1.00/foot.

The floor was opened up for questions and discussions ensued.

On a motion by Mayor Frawley, seconded by Ms. Horton, the Board voted to approve the 2014 Budget. The motion carried 4 – 0.

i. 271 Resolution

It was resolved that approximately 36%, 17% and 47% of the total sanitary sewer tax levy of \$6,422,105 shall be raised from the assessed value, footage and flat charges, respectively, for ECSD No.2.

On a motion by Ms. Knack, seconded by Mr. Swyers, the Board voted to approve the assessment roll resolution, that the sanitary sewer tax levy shall be raised from the assessed value, footage and flat charges respectively. The motion carried 3 – 0.

b. The Board reviewed a list of homeowners the DSM is recommending be sent to a compliance hearing. This list is comprised of homeowners who have failed to correct their violation according to the "Rules and Regulations for Erie County Sewer Districts".

On a motion by Ms. Knack, seconded by Mr. Swyers, the Board approved the recommendation to move forward with the compliance hearings. The motion carried 3 – 0.

ITEM NO. 5 – OLD BUSINESS

There was no old business discussed.

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. District Payments (Handout)

Ms. Horton conveyed to the Board the payments made June 2013 to Hiscock & Barclay for Zoladz Easement in the amounts of \$59.90 and \$732.00.

Mr. Swyers asked if this would be the last payment and Mr. Fiegl responded that he cannot guarantee this is the last payment, they are very close to the end of issuing payments for this.

b. Operational Report

Mr. Breier advised the Board that during the months of April and May there were 21 sanitary sewer complaints. He noted that 7 of the 21 complaints received were homeowner problems and 7 were odor complaints.

He informed the Board that deodorizer drippers were installed in the Angola manholes on April 1, 2013 and in the odor control system in service at the treatment plant on May 11, 2013.

He updated the Board on the Cured in Place Pipe (CIPP) lining contract ongoing in the District. The Eden and Derby lining areas are currently on hold until the spot repair project is bid and completed so that all the CIPP work in ECSD 2 can start and be mobilized one time. The Eden Section (West Church St. at Main St.) spot repair project is in the final review process and will go out to bid in July 2013.

The Infiltration & Inflow (I&I) program update is as follows: Letters requesting initial inspections were sent to property owners in North Collins MS 13 which has approximately 550 homes. To date, 220 homes have been inspected.

This July, smoke testing will also be conducted in North Collins MS 13 areas.

Our Central Maintenance Crew completed working in the Derby area (MS 12) and North Collins area (MS 13) televising and dye testing lines with good results. They observed leaking manholes and mainline issues. These are infiltration candidates for pipe patches and future CIPP projects. Four pipe patch repairs were completed this spring.

c. Pretreatment Report

Nothing new reported at this time.

d. Construction Report

Ms. Horton advised the Board that Contract 79A and D, associated with the Lake St./Pt. Breeze Pumping Stations, are still open. For Contract 79D, there is an issue with the Gen Set fuel tanks at both stations; the fuel port will not gravity fill and adapters are needed to enable the tanks to be filled under

pressure from the tanker. This issue does not prevent the Gen Set fuel tanks from being filled. This is a punch list item which is currently being worked through.

Mr. Fiegl commented on Contract 79D which is the electrical portion of the contract. He recently met with representatives of O'Connell Electric in order to settle differences and come up with a solution to suit both parties. He feels a compromise has been reached and the final punch list items will be issued shortly.

Regarding the matter of the water meter, Ms. Horton advised the Board that since this item was over-bid, the plan is to purchase a meter and backflow preventer device through the operations budget and purchasing; and have the piping, enclosure and power work contracted out through purchasing with the contractor installing the meter and backflow preventer as part of the contract. The plan would be to purchase parts this year and install those parts into the enclosure constructed next year.

e. Lateral Interest/Information Letter (Handout)

Ms. Horton briefly explained to the Board a letter which was sent to Derby area residents who were identified through smoke testing conducted last summer as part of the I&I Program, as candidates for the lateral rehab replacement project currently ongoing. There were four (4) homeowners on this list who have signed on to the project bringing the total to seven (7) on the waiting list; we require 10 properties to continue with development tributary to Sweetland PS.

f. SPDES Annual I&I Report (Handout)

Presented as informational to the Board.

g. Compliance Hearing & Retainer Agreement (Handout)

Ms. Horton presented to the Board the retainer agreement between Erie County and Feldman Kieffer, LLP, who was referred by the Erie County Attorney's Office to act as a hearing officer for compliance hearings in response to violating the Rules and Regulations for ECSDs. The hearing date is scheduled for Wednesday, August 14, 2013 at the Southtowns Advanced Wastewater Treatment Facility.

h. The Sewage Pollution Right to Know Act

Mr. Fiegl noted that the Act became effective on 5/1/13 making it necessary to notify the DEC, DOH, local officials and officials in Albany within two hours of any sanitary sewer overflows. He said this is generating a lot of publicity, particularly through local television stations.

i. Grinder Pump Issue (Handout)

Mr. Breier explained a situation with regard to a grinder pump unit in our District. He advised the Board that the District is making every effort to resolve this issue before any charges are passed on to the homeowner.

j. DEC Compliance Inspection Response (Handout)

Mr. Fiegl spoke on this topic and noted that the NYSDEC's letter seemed to indicate that we are doing a good job maintaining our facilities and protecting water quality.

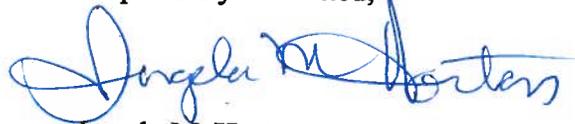
On a motion by Ms. Knack, seconded by Ms. Horton, the Miscellaneous/Informational Items listed above were all received and filed. The motion carried 3 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Ms. Knack, seconded by Mr. Swyers, the meeting was adjourned at 10:27 a.m. The motion carried 3 – 0.

The next meeting scheduled for Thursday, July 11, 2013 has been cancelled. The October 10, 2013 meeting will most likely be rescheduled via telephone poll at a future date.

Respectfully submitted,



Angela M. Horton, P.E.

Secretary - ECSD No. 2 - Board of Managers

Approval of Minutes:

Motioned By: _____

Seconded By: _____

Approved/Disapproved: _____

Date: _____

Signed: _____

BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 2
2014 MEETING SCHEDULE

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Thursday, February 6	9:00 a.m.	District Admin. Bldg.
Thursday, April 10	9:00 a.m.	District Admin. Bldg.
Thursday, June 26	9:00 a.m.	District Admin. Bldg.
Thursday, July 10	9:00 a.m.	District Admin. Bldg.
Thursday, October 9	9:00 a.m.	District Admin. Bldg.
Thursday, December 4	9:00 a.m.	District Admin. Bldg.

MOVED BY: _____

SECONDED BY: _____

APPROVED/DISAPPROVED _____

DATE _____

Angela M. Horton
SECRETARY

AMH/bp
09/13

Item 4(a)



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 12, 2013

The Honorable
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

**RE: Notice of Public Hearing
Erie County Sewer Districts
2013 Assessment Rolls (2014 Levy)**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to a Notice of Public Hearing, Erie County Sewer Districts, 2013 Assessment Rolls.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JF:ms

Encs.

CC: J. Fiegl – Environment and Planning

LEGISNPHEA-AR.SAV

*Item
4(b)*

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Notice of Public Hearing - Erie County Sewer Districts
2013 Assessment Rolls (2014 Levy)
Date: September 12, 2013

SUMMARY

The Erie County Legislature calls a Public Hearing on the 2013 Assessment Rolls (2014 Levy) as prepared by the Division of Sewerage Management at 1:30 p.m., local time, on November 1, 2013 in the Legislature Chambers. It is also requested that the Clerk of the Legislature be directed to have the attached Public Notice published in the official County newspapers and the Buffalo News.

The Notice of Public Hearing must be published in the official papers prior to the Public Hearing. Since the official papers are published only once during the week, it is requested that notice be published the week of October 14, 2013.

FISCAL IMPLICATIONS

There is no cost to the County's General Fund associated with holding the Public Hearing on the 2013 Assessment Rolls. However, if the Public Hearing is not held, then the County will not have the legal authority to levy sewer charges against the lots and parcels of land within the Erie County Sewer Districts.

REASON FOR RECOMMENDATIONS

Sections 270 and 271 of Article 5A, County Law, require the Erie County Legislature to annually hold a Public Hearing on the Assessment Rolls.

BACKGROUND INFORMATION

Pursuant to Article 5A, Sections 270 and 271 of the County Law of New York, the Erie County Legislature has annually held a Public Hearing on the Assessment Rolls for the Erie County Sewer Districts. In order for the Sewer Districts to raise the sewer tax levies against the lots and parcels of properties within the Sewer Districts, it is first necessary to hold a Public Hearing on the Assessment Rolls. The purpose of the Public Hearing is to allow the public an opportunity to voice their objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

CONSEQUENCES OF NEGATIVE ACTION

If the Public Hearing on the Assessment Rolls is not held, the Erie County Legislature, and therefore, the Erie County Sewer Districts, will not have the legal authority to raise the sewer district tax levies. As a result, funds would not be available in 2014 to carry out Sewer District operations, nor to pay annual principal and interest due on Sewer District Bonds.

STEPS FOLLOWING APPROVAL

1. The Clerk of the Legislature must have the Public Hearing Notice published in the official County newspapers and the Buffalo News no later than the week of October 14, 2013.

2. A Public Hearing will be held by the Erie County Legislature on November 1, 2013 at 1:30 p.m. local time.
3. The Legislature will be requested to adopt and affirm the Assessment Rolls.
4. The Sewer Districts Budgets must be approved in conjunction with the Erie County Budget.
5. The Sewer District tax levies must be approved in conjunction with the 2014 Budget.
6. After approval of the Budget, the Commissioner of Finance must raise the Sewer District tax levies from the various lots and parcels of land within the Erie County Sewer Districts.

JF


Maria Whyte
Commissioner

JLF:ss
Encl.

c: Kristen Walder, Asst. County Attorney
R. Graber, Clerk of the Legislature
Boards of Managers, SD #s 1-6 & 8
Director, Budget and Management
0.11.0.Leg. Ltr.
Annual File
R. Ferber/ 0.4.2. Tax Rolls

LEGIS\NPHEA-AR.SAV

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Public Hearing
2013 Assessment Rolls
Erie County Sewer Districts (2014 Levy)

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2013 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 1, 2013 for the purpose of meeting to hear and consider any objections which may be made to the 2013 Sewer District Assessment Rolls (2014 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 14, 2013; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Erie County Comptroller, Kristen Walder, Assistant County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning,

JLF:ms
9/13

LEGISNPHEA-AR.SAV

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Assessment Rolls for 2013 (2014 Levy) have been completed for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 and will be on file in the Office of the Division of Sewerage Management, Department of Environment & Planning, 95 Franklin Street, Buffalo, NY 14202, and open for public inspection during business hours on and after the first of October, 2013.

The County Legislature will hold a Public Hearing on the Assessment Rolls at 1:30 p.m., local time, on November 1, 2013, in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, to hear all persons interested in the subject concerning the same.

DATED: October 14, 2013

Buffalo, New York

Robert M. Graber
CLERK
Erie County Legislature

LEGIS\NPHEA-AR.SAV

MINUTES
PUBLIC HEARING
USER CHARGE
ERIE COUNTY SEWER DISTRICT NOS. 1-6 & 8
SEPTEMBER 24, 2013

PRESENT: Matt Salah and Mary Sweet of the Erie County Department of Environment & Planning

Mr. Salah opened the hearing at 10:30 A.M. He then stated the purpose of the hearing is to present the proposed user charge rates for the Erie County Sewer Districts for 2014 and to hear all interested members of the public regarding any concerns over the proposed rates.

Mr. Salah then reviewed the rates as published in the Buffalo News and the official County newspapers. Mr. Salah mentioned the Notice of Public Hearing, a copy of which was read and is attached to these Minutes.

It was explained, by Mr. Salah, how users are surcharged on the basis of flow and pollutant loadings. The charges are more accurately assessed for sewage service to the users of the sewer systems of Erie County Sewer District Nos. 1-6 & 8, Mr. Salah commented. Historical cost data from the appropriate treatment plants is used to estimate the actual cost the Districts will incur for treating high strength or high volume wastewater.

Actual sewage flow may be used if it is materially different from water use and it can be otherwise measured or determined. The burden, however, is on the property owner to justify that water consumption is not a reasonable and cost effective means to describe sewage flow.

Mr. Salah commented further that District Nos. 6 and 8 are the only Districts where all users are charged based on water use. In the other five Districts, flow is a surcharge only for those non-residential properties, which use more than the single family home equivalent flow. The single family home equivalent flow is 91,250 gallons per year.

Mr. Salah then pointed out in the third paragraph of the Public Notice, the 91,250 gallons per year is with reference to non-residential users in Sewer District Nos. 1-5, but not District Nos. 6 and 8. As stated previously, all users in District Nos. 6 and 8 pay a flow charge based on water use.

With regard to wastehaulers, Erie County Sewer District Nos. 2 and 3 (Southtowns) are the only Districts that accept septage from wastehaulers. The charges for wastehaulers will remain at \$60/1000 gallons.

Mr. Salah noted that user charges are collected annually with the regular County Sewer (special) District charges.

The figures will then be adjusted as new data becomes available each Budget Year.

Item 4/6/13

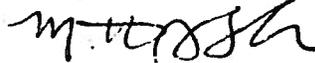
It was then explained by Mr. Salah the next step is for the individual Boards of Mangers to adopt the rates. After this step and subsequent publication in the official County newspapers and the Buffalo News, property owners have 30 days to appeal the adopted schedule of rates and charges to the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York.

Mr. Salah asked if anyone else was present to speak for or against adoption of said User Charge Rates.

The effective date of the rates is January 1, 2014.

The Public Hearing closed at 10:45a.m.

Respectfully submitted,



Matt A. Salah, P.E.

Sr. Coor. Sewer Construction Projects

MAS:ms

Encl.

Cc: 0.4.2.User Charge 2014 (w/encl)
0.8.0.Public Hearings, Affid. & Advert. (w/encl)
Boards of Managers 1-6 & 8

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

**** MEMORANDUM ****

FROM: ^{WMS} Matt A. Salah, Sr. Coordinator of Sewer Construction Projects
TO: Angela M. Horton, Secretary, ECSD No. 2 Board of Managers
David C. Millar, Secretary, ECSD No. 3 Board of Managers
Thomas M. Batt, Secretary, ECSD No. 4 Board of Managers
Kevin Zynda, Secretary, ECSD No. 5 Board of Managers
James A. Carr, Secretary, ECSD No. 6 Board of Managers
Edward A. Paolini, Secretary, ECSD No. 8 Board of Managers
DATE: August 26, 2013
RE: 2014 User Charges

Please place the attached resolution on the next Board of Managers agenda for approval.

Cc: 0.4.2. User Charge (2014)

*Item
4(c)(ii)*

**ERIE COUNTY SEWER DISTRICT NO. 2
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 2 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2013; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 2 did at their meeting of October 10, 2013 review and approve new rates for the 2014 budget year as follows:

Flow (water use):	\$ 3.00 /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ 0.12 /lb.
Suspended Solids (SS):	\$ 0.08 /lb.
Phosphorous (P):	\$ 0.71 /lb.
Waste Hauler	\$ 60.00 /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 2 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: _____
SECONDED BY: _____
APPROVED/DISAPPROVED: _____
DATE: _____

ANGELA HORTON, P.E.
SECRETARY

JAC:ms

c: 2.4.2.User Charge (2014)

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

**** MEMORANDUM ****

FROM: Matt A. Salah, Sr. Coordinator of Sewer Construction Projects
TO: Angela M. Horton, Secretary, ECSD No. 2 Board of Managers
DATE: September 13, 2013
RE: Permit Fees Refund – 547 Church St

Please place the attached letter from Mr. Samuel Militello requesting a permit fees refund of \$502.00.

Based on his explanation for the refund request, it is the Division's recommendation to grant him the refund. However, a \$50.00 administrative fee will apply.

Therefore, the total refund would be \$452.00 (\$502.00-\$50.00).

Respectfully Submitted,



Matt Salah, P.E., Sr. Coordinator of
Sewer Construction Projects

Motioned By: _____

Seconded By: _____

Approved/Disapproved: _____

Date: _____

Angela M. Horton, P.E.
Secretary

Cc: J. Fiegl / A. Horton / 2.2.4. Permit (w/encl)

*Item
11/2/13*

Samuel Militello
559 Church St.
Farnham, NY 14061

September 10, 2013

Erie County Sewer District No. 2
8443 Lake Shore Road
Angola, NY 14006

To Whom It May Concern:

Please find attached a copy of the sewer permit issued to me dated 7/11/2013 for 547 Church Street, Farnham (Brant) NY. My intention was to build my home at this location. Unfortunately, the deal has fallen through and I am unable to do so.

I respectfully request that this permit be voided and a refund check issued to me.

Thank you very much for your consideration in this matter.

Sincerely,



Samuel Militello

Enc.

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

**** MEMORANDUM ****

FROM: Matt A. Salah, Sr. Coordinator of Sewer Construction Projects
TO: Angela M. Horton, Secretary, ECSD No. 2 Board of Managers
DATE: September 20, 2013
RE: Permit Fees Refund – 1073 Eden Evans Center Road

Please place the attached letter from Mr. Scott Addison requesting a permit fees refund of \$502.00.

Based on his explanation for the refund request, it is the Division's recommendation to grant him the full amount of the refund as public sewer fronting his lot does not exist

Therefore, the total refund would be \$502.00.

Respectfully Submitted,



Matt Salah, P.E., Sr. Coordinator of
Sewer Construction Projects

Motioned By: _____

Seconded By: _____

Approved/Disapproved: _____

Date: _____

Angela M. Horton, P.E.,

Secretary

Cc: J. Fiegl / A. Horton / 2.2.4. Permit (w/encl)

*IKM
4/16/11*

September 16, 2013

Scott J. Addison
262 N. Main St.
Angola, NY 14006
716-445-8126

Erie County Sewer Dept.
Angola, NY

RE: RE-IMBURSEMENT FOR A SEWER CONNECTION PERMIT

To whom it may concern:

I'm writing this letter to request re-imbusement of \$502.00, for a sewer permit we applied for back on May 21, 2013. After obtaining the permit, and building a new home, we were informed that connecting to the sewer was, NOT, an option. We have since had to install a septic system.

Sincerely,
Scott J. Addison

A handwritten signature in black ink that reads "Scott Addison". The signature is written in a cursive style with a large initial "S" and "A".

RECEIVED
COUNTY OF ERIE

SEP 16 2013

SEWERAGE MANAGEMENT
SOUTHERN REGION OFFICE

COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT

• • MEMORANDUM • •

TO: ANGELA M. HORTON, P.E., Secretary, ECSD 2 Board of Managers (BOM)
FROM: *B*BETH M. PFALZER, Data Processing Control Clerk
DATE: October 2, 2013
SUBJECT: ECSD 2 BOM – Approval for Compliance Hearing Premium Assessments

Please find attached the compliance hearing summaries to be presented at your next Board of Managers meeting for the property owners listed below. If the inspection is not completed within 30 days of the notification letter being sent, this property will receive a \$100 premium assessment. For each month following non-compliance a \$100/ month will be assessed.

1. **Conrad J. Jason Jr., 9415 Steffi Drive, Angola**, to date has not scheduled an inspection.
2. **Andrew M. Strianese, 49 Orchard Ave, Angola**, to date has not scheduled an inspection.

Should you have any questions, please contact me at 858-8383.

MOVED BY: _____

SECONDED BY: _____

APPROVED/DISAPPROVED: _____

DATE: _____

Angela M. Horton, P.E.
SECRETARY

cc: 2.2.2.I&I

V:\Sewerage Management\I&I Program\House Inspection Program\Hearings 8-14-13\BOMtemplateD6Fines2.doc

*Item
4(e)*



FELDMAN KIEFFER, LLP
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN
ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

October 2, 2013

Board of Managers
Erie County Sewer District No. 2 (ECSD 2)

Re: Enforcement Hearing - Failure to Permit Inspection
Conrad J Jason Jr. – 9415 Steffi Drive, Angola, NY 14006, SBL 251.05-1-46

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article X, Inspections
Section 1001 - Powers and Authority of Inspectors

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP, was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.
- VII. PRESENT: Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs

Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all

ECSDs

Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII. TESTIMONY:

A. 9415 Steffi Drive, Angola, NY 14006 (Conrad J Jason Jr.) – Failure to permit inspection.

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 9415 Steffi Drive, Angola, NY 14006, is located within ECSD 2.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 9415 Steffi Drive, Angola, NY 14006, is owned by Conrad J Jason Jr since 2010.
3. Initial Inspection Request, via U.S. mail, dated June 26, 2012.
4. Second Inspection Request, via U.S. mail, dated August 10, 2012.
5. Third Inspection Request, via U.S. mail, dated October 1, 2012.
6. Final Inspection Request, via U.S. certified mail, dated November 14, 2012. Said U.S. certified mail was returned unclaimed.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013. Said U.S. certified mail was returned unclaimed and three notices were left by the post office, but first class mail was not returned. Said letter advised Conrad J Jason Jr of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, inspection letters sent and comments pertaining to the property.

The inspection has not been completed as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that Conrad J Jason Jr failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 9415 Steffi Drive, Angola, NY 14006, owned by Conrad J Jason Jr, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 2;

2. That the property owner was given proper Inspection Notices on four occasions pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts;
3. That the property owner was given proper Notice of Hearing for Failure to Permit Inspection pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property to be inspected;
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 1001 and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 2 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000;
5. In the event that access is denied or otherwise prevented, the BOM may seek a warrant from a court of competent jurisdiction to enter the subject premises to conduct an Initial Inspection pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts; and
6. Pursuing a warrant to enter these premises shall not limit the application of other remedies under the Rules and Regulations for Erie County Sewer Districts.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,



Matthew S. Feldman, ESQ.

September 25, 2013
Page 4 of 4
9415 Steffi Drive



Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 2.2.2.I&I
P. Breier / C. Militello / B. Virkler / N. Forsys



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ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

October 2, 2013

Board of Managers
Erie County Sewer District No. 2 (ECSD 2)

Re: Enforcement Hearing - Failure to Permit Inspection
Andrew M Strianese – 49 Orchard Avenue, Angola, NY 14006, SBL 235.16-1-13

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article X, Inspections
Section 1001 - Powers and Authority of Inspectors

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP, was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.

- VII. PRESENT:
- Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs
Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all
ECSDs
Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII. TESTIMONY:

A. 49 Orchard Avenue, Angola, NY 14006 (Andrew M Strianese) – Failure to permit inspection.

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 49 Orchard Avenue, Angola, NY 14006, is located within ECSD 2.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 49 Orchard Avenue, Angola, NY 14006, is owned by Andrew M Strianese since 2011.
3. Initial Inspection Request, via U.S. mail, dated August 17, 2012.
4. Second Inspection Request, via U.S. mail, dated October 1, 2012.
5. Third Inspection Request, via U.S. mail, dated November 15, 2012.
6. Final Inspection Request, via U.S. certified mail, dated January 16, 2013.
Said U.S. certified mail was signed on delivery by Amanda Ion on January 18, 2013.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013.
Said U.S. certified mail was signed on delivery by Amy Strianese on July 27, 2013. Said letter advised Andrew M Strianese of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, inspection letters sent and comments pertaining to the property.

Ms. Horton stated that a check on Real Property verified the owner has not changed and that the taxes have been paid to date. An ECSD inspector has been to the property twice and noted people in the house but no one would answer the door.

The inspection has not been completed as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that Andrew M Strianese failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 49 Orchard Avenue, Angola, NY 14006, owned by Andrew M Strianese, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 2;
2. That the property owner was given proper Inspection Notices on four occasions pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts;
3. That the property owner was given proper Notice of Hearing for Failure to Permit Inspection pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property to be inspected;
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 1001 and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 2 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000;
5. In the event that access is denied or otherwise prevented, the BOM may seek a warrant from a court of competent jurisdiction to enter the subject premises to conduct an Initial Inspection pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts; and
6. Pursuing a warrant to enter these premises shall not limit the application of other remedies under the Rules and Regulations for Erie County Sewer Districts.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

September 25, 2013
Page 4 of 4
49 Orchard Ave

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Feldman', with a long horizontal line extending to the right.

Matthew S. Feldman, ESQ.

A handwritten signature in black ink, appearing to read 'M. J. Kibler', with a long horizontal line extending to the right.

Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 2.2.2.I&I
P. Breier / C. Militello / B. Virkler / N. Forsys

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

*****MEMORANDUM*****

TO: David C. Millar, P.E., Assistant Deputy Commissioner
Angela M. Horton, P.E., Coordinator Sewer Construction Projects

FROM:  Laura Surdej, Industrial Wastewater Specialist

DATE: September 30, 2013

RE: Trucker's Discharge Permits- 2014

Please consider the following list for Discharge Permit approval at the next District Board meeting. Applications and Insurance Forms are currently being sent to the previous Permit holders listed below.

<u>Name</u>	<u>District 2</u>	<u>District 3</u>
1. Delo Drain & Septic Service Holland, New York	X	X
2. JB Enterprises, Inc. DBA, Ball Toilets & Septic Blasdell, New York	X	X
3. Modern Portable Toilets Model City, New York		X

cc: G. Absolom
2.2.4.5
3.2.4.5

Moved By: _____
Seconded By: _____
Approved/Disapproved: _____
Date: _____
Signed: _____

Item 4(A)

COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT

• • MEMORANDUM • •

TO: ANGELA M. HORTON, P.E., Coordinator of Sewer Construction Projects
FROM: Beth M. Pfalzer, Data Processing Control Clerk *BP*
DATE: October 7, 2013
SUBJECT: ECSD 2 Board of Managers – Approval for Compliance Hearing

Please present at your next Board of Managers meeting the attached list of property owners that have not corrected a violation found during their house inspection and require a Compliance Hearing:

The Division of Sewerage Management is recommending a Compliance Hearing for the attached list. Should you have any questions, please contact me at 858-8383 or *beth.pfalzer@erie.gov*.

MOVED BY: _____

SECONDED BY: _____

APPROVED/DISAPPROVED: _____

DATE: _____

Angela M. Horton, P.E.
SECRETARY

Encl.

cc: 2.2.2.I&I

V:\Sewerage Management\I&I Program\House Inspection Program\BOMtemplateD2.doc

*Item
4/10*



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

October 3, 2013

THOMAS SZCZEPANIAK
9205 ERIE RD
ANGOLA NY 14006

RE: Erie County Sewer District No. 2
"FINAL VIOLATION NOTICE"
For Property Located at: 9205 ERIE RD (I.D.#6140)

Dear Property Owner:

A recent review of our records indicates that you were advised by letters dated 1/9/2013, 4/18/2013, and 5/21/2013 that the above-mentioned property was inspected and the following apparent violation of the Rules and Regulations for Erie County Sewer Districts was observed:

DISCONNECT WASHING MACHING FROM THE SUMP PUMP AND CONNECT TO THE SANITARY SEWER AND DISCONNECT SUMP PUMP FROM THE SANITARY SEWER.

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District #2 Board of Managers for consideration of holding an enforcement hearing to obtain compliance with this request.

This matter is scheduled to be taken up at the next meeting of the Board of Managers. If compliance with this request is not completed by that time, the Board of Managers will consider scheduling a hearing on the matter, the result of which could be fines of up to \$500 per day that the violation continues.

Should you have any questions on this matter or wish to schedule an inspection, please contact our office at 549-3161 during normal business hours Monday through Friday, 8:00 a.m. to 4:00 p.m.

Very truly yours,

Patrick J. Breibr
Sewer District Manager

Cc: ECSD #2 Board of Managers/A. Horton
2.2.2.I&I

(BOM/4-11)



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

October 3, 2013

BRYAN W MANGES
46 LERCZAK DR
ANGOLA NY 14006

**RE: Erie County Sewer District No. 2
"FINAL VIOLATION NOTICE"
For Property Located at: 46 LERCZAK DR (I.D.#6384)**

Dear Property Owner:

A recent review of our records indicates that you were advised by letters dated 1/9/2013, 4/18/2013, and 5/21/2013 that the above-mentioned property was inspected and the following apparent violation of the Rules and Regulations for Erie County Sewer Districts was observed:

DISCONNECT SUMP PUMP FROM THE SANITARY SEWER

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District #2 Board of Managers for consideration of holding an enforcement hearing to obtain compliance with this request.

This matter is scheduled to be taken up at the next meeting of the Board of Managers. If compliance with this request is not completed by that time, the Board of Managers will consider scheduling a hearing on the matter, the result of which could be fines of up to \$500 per day that the violation continues.

Should you have any questions on this matter or wish to schedule an inspection, please contact our office at 549-3161 during normal business hours Monday through Friday, 8:00 a.m. to 4:00 p.m.

Very truly yours,

Patrick J. Breier
Sewer District Manager

Cc: ECSD #2 Board of Managers/A. Horton
2.2.2.I&I

(BOM/4-11)



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

October 3, 2013

SCOTT C RUSSELL
278 NORTH MAIN ST
ANGOLA NY 14006

RE: Erie County Sewer District No. 2
"FINAL VIOLATION NOTICE"
For Property Located at: 278 NORTH MAIN ST (I.D.#6620)

Dear Property Owner:

A recent review of our records indicates that you were advised by letters dated 1/9/2013, 4/18/2013, and 5/21/2013 that the above-mentioned property was inspected and the following apparent violation of the Rules and Regulations for Erie County Sewer Districts was observed:

DISCONNECT SUMP PUMP FROM THE SANITARY SEWER

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District #2 Board of Managers for consideration of holding an enforcement hearing to obtain compliance with this request.

This matter is scheduled to be taken up at the next meeting of the Board of Managers. If compliance with this request is not completed by that time, the Board of Managers will consider scheduling a hearing on the matter, the result of which could be fines of up to \$500 per day that the violation continues.

Should you have any questions on this matter or wish to schedule an inspection, please contact our office at 549-3161 during normal business hours Monday through Friday, 8:00 a.m. to 4:00 p.m.

Very truly yours,

Patrick J. Breier
Sewer District Manager

Cc: ECSD #2 Board of Managers/A. Horton
2.2.2.1&1

(BOM/4-11)

**ECSD # 2 BOARD OF MANAGERS MEETING
CAPITAL CONSTRUCTION PAYMENTS
October 10, 2013**

<u>DATE</u>	<u>BOND ACC</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10/10/13	C.00004	URS	PS Rehab Release retention	\$29,897.36
10/10/13	C.00028	Wendel Duscherer	Energy SCADA Design WD-3 Inv 337665	\$6,741.95



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

July 17, 2013

Mr. Michael Kerl
United Survey, Inc.
310 Tudor Blvd.
West Seneca, NY 14220

RE: Cured in Place Pipe Lining 2-yr Term Agreement 2012-13
Contract No. 70
Work Order No. 5
Central Region – Erie County Sewer District No. 6, 2

Dear Mr. Kerl:

Please consider this the formal issuing of **Work Order No. 5** effective July 17, 2013 for the Erie County Sewer Districts No. 1, 2, 3, 4, 5, 6, 8 Cured-in-Place Pipe Lining 2-yr Term Agreement, Contract 70. This Work Order covers work to be complete in the Erie County Sewer Districts 6 and 2 under the 2013 Lackawanna and Southern Region budget allocations.

Attached is a list of the sewer sections to be investigated and lined for this Work Order under the above mentioned contract. An electronic version of the list will be provided as well via email to facilitate your planning and record keeping. Maps of the locations of these lines and preliminary condition reports from the County were provided at the pre-construction meeting on December 12, 2012. You are reminded that condition reports provided by the County are for informational purposes only and are not a substitute for investigation work required under this contract. If any maps are missing from the provided information please inform me and I will forward them to you promptly. Please provide me with a proposed work schedule, homeowner notification procedure, and any other pre-investigation submittals, as required per the contract, prior to beginning the investigation work under this Work Order.

If you have any questions please contact me at 716-858-6267.

Very truly yours,

Garry S. Pecak, P.E.
Sanitary Engineer

CC: G. Absolom
ECSD No. 6, 2 **BOM**
J. Fiegl/J. Carr/W. Lardo/J. Russell/0.3.3.70 (w/enc)
L. Krug/S. Canestrari/P. Breier (w/enc)
M. Matesic (w/enc)
R. Ferber

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TEMM (1/16)

**Erie County Division of Sewerage Management
2013 Cured In Place Pipe (CIPP) Lining - United Survey - Work Order 5**

Sewer District	Miln-system	Municipality	Map	Street	Sewerline Handle	Pipe Size	# of Connections	Linear Footage	Measured Distance	Connections Reinstated	Date Completed	
Central Region	6	9	Lackawanna	10	Meadowbrook Dr	D66F8**	8	325				
	6	9	Lackawanna	10	Meadowbrook Dr	D66FA**	8	325				
	6	9	Lackawanna	10	Wintergreen Pl	D6702	8	269				
	6	1	Lackawanna	12	Washington	1096	8	169				
	6	1	Lackawanna	12	Washington	D6344	8	field verify				
	6	1	Lackawanna	12	Washington	D6343	8	field verify				
	6	1	Lackawanna	12	Pearl	D6341	8	21*				
	6	1	Lackawanna	12	Pearl/Wilksbarre	D6342	8	6	235			
	6	9	Lackawanna	16	Baker	D66E7	8	8*	299			
	6	9	Lackawanna	16	Baker	D66E8	8	10	320			
	6	6	Lackawanna	17	Electric	D6595	12	7	260			
	Total								3,044			

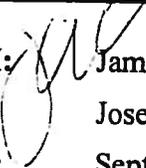
Southern												
Sewer District	Miln-system	Municipality	Map	Street	Sewerline Handle	Pipe Size	# of Connections	Linear Footage	Measured Distance	Connections Reinstated	Date Completed	
2	11	Derby (Evans)	14	Schuyler	E8207	8	11	376				
2	11	Derby (Evans)	14	Schuyler	E8208	8	7	368				
2	11	Derby (Evans)	14	Hamilton	E81FF	10	3	286				
2	12	Derby (Evans)	18	Derby	E8307	10	3	270				
Total								1,300				

** Inspection work completed and paid for under 2012 budget (WO #2)

* Number of connections exceeds number of buildings and should be field verified prior to CIPP lining and reinstating the connection.

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

**** MEMORANDUM ****

FROM:  James A. Carr, P.E., Assistant Deputy Commissioner
TO: Joseph L. Fiegl, P.E, Deputy Commissioner
DATE: September 20, 2013
RE: ECSD No. 1, 2, 3, 4, 5, 6 & 8 Cured In Place Pipe Lining
Contract 70 Two year Agreement; Bid Number 212299-002
United Survey Inc.

Bids for the above contract were received and opened by the Department of Purchasing on September 12, 2012 and awarded to United Survey Inc. (USI). This contract covered work orders for calendar years 2012 and 2013, a two year agreement. We are nearing the end of the two year agreement and in review of the work performed by USI the Division observed excellent work in the form of competent liners, crew knowledge, workmanship and timely responses to questions the Division has posed to USI. USI has been asked if they would hold their 2012 bid prices for years 2014 & 2015. I have attached their letter acknowledging their willingness to extend the current contract prices for two years, 2014 and 2015. It is my understanding that since this contract was bid through Purchasing, that department can choose to extend the contract. Any extension would require a recommendation from our department/division. After discussions with our project engineer, Garry Pecak, P.E. and our chief inspector, James Russell, I am recommending the Division extend Contract 70 CIPP, bid number 212299-002 with United Survey Inc. for the contract years 2014 and 2015 at the 2012 bid prices.

If you have any questions or require more information, Please let me know.

jac
cc: G. Pecak/J. Russell/0.3.3.70 (w/enc.)
D. Millar

*Item
(d)(ii)*



**UNITED
SURVEY,
INC.**

July 25, 2013

Mr. Garry S. Pecak, P.E.
Erie County Division of Sewerage Management
95 Franklin Street, Room 1034
Buffalo, New York 14202

RE: Cured-In-Place Pipe Lining 2-yr Term Agreement 2012-2013
Contract No. 70

Dear Mr. Pecak:

As we near the end of the 2012-2013 contract for Cured-In-Place Pipe Lining we would be willing to extend our contract for another two years 2014-2015. We agree to offer our services and we are willing to extend our current contract prices for the additional two years, 2014-2015.

We hope you look favorable upon our request, however if you should have any questions, or require any additional information, please feel free to contact us.

Sincerely,

UNITED SURVEY, INC.


Joseph Tartabini, Jr.
President

CC: Michael Kerl

**Sewer Rehabilitation,
Inspection & Maintenance**

25145 Broadway Avenue
Cleveland, Ohio 44146
Phone: (440) 439-7250
Fax: (440) 439-7255



**ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION
ASSEMBLY SUBCOMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

NOTICE OF PUBLIC HEARING

SUBJECT: Impacts of the 2013-14 State Budget on the Department of Environmental Conservation (DEC) and the Need for a New Environmental Bond Act.

PURPOSE: To review DEC's implementation of the State Budget and to examine the need for a new Environmental Bond Act.

Albany
Friday
September 6, 2013
9:30 a.m.
Roosevelt Hearing Room C, 2nd Floor
Legislative Office Building

The Department of Environmental Conservation (DEC) is responsible for conserving and improving New York's natural resources, managing the State's fish, wildlife and marine resources, and controlling water, land and air pollution to enhance the health, safety and general welfare of the State's residents. The State Fiscal Year (SFY) 2013-14 State Budget provides over \$900 million for the environment.

A 2008 assessment of the costs to repair, replace and update New York's wastewater infrastructure estimated the total funding need to be \$38.2 billion over a 20 year period. A similar assessment for drinking water infrastructure found a need of \$38.7 billion over a 20 year period. In the past, the issuance of environmental bonds has helped to provide funding for capital projects; however, the last environmental bond act was approved in 1998.

The purpose of this hearing is to review the DEC's implementation of programs and the overall impact of the SFY 2013-14 State Budget on the State's environmental programs and to examine the need for a new Environmental Bond Act.

Persons wishing to present pertinent testimony to the Committee at the above hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation. Oral testimony will be limited to ten minutes duration. Ten copies of any prepared testimony should be submitted at the hearing registration desk. The Committee would appreciate advance receipt of prepared statements.

In order to meet the needs of those who may have a disability, the Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

**Robert K. Sweeney
Member of Assembly
Chair
Committee on Environmental
Conservation**

**Sean M. Ryan
Member of Assembly
Chair
Subcommittee on Oversight of the
Department of Environmental
Conservation**

*Item
b(e)*