

**ERIE COUNTY SEWER DISTRICT NO. 2 (ECSD 2)
BOARD OF MANAGERS MEETING
APRIL 12, 2012
DISTRICT ADMINISTRATION BUILDING**

MEMBERS PRESENT: Anna Knack, Angela Horton, Gifford Swyers, Mayor Howard Frawley, Mayor Vincent George

MEMBERS ABSENT: None

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

ITEM NO. 1 – CALL MEETING TO ORDER

Ms. Horton opened the meeting at 9:05 a.m.

Mr. Fiegl introduced and welcomed the new members to the Board, Mayor Vincent George of the Village of North Collins and Ms. Angela Horton of the Division of Sewerage Management (DSM).

a. Election of Officers

Ms. Horton was nominated Secretary; Ms. Knack was nominated Chairperson; and Mayor Frawley was nominated Vice Chair.

On a motion by Mr. Frawley, seconded by Ms. Knack, the Board unanimously voted to approve the nominations as outlined above, the motion carried 5 - 0.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

On a motion by Mayor Frawley, seconded by Mr. Swyers, the Board voted to approve the minutes from the October 13, 2011 meeting. The motion carried 5 - 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

Mayor Frawley brought to the attention of the Board odor complaints from Dean Case of Bay Point Road related to the Digester. Mr. Breier noted nothing significant going on at the Plant to cause these odor complaints. Mr. Fiegl noted that the District is diligent in sending someone out on each odor complaint to investigate.

ITEM NO. 4 – NEW BUSINESS

a. Approval of Payments

Ms. Horton presented the following telephone poll payments for the month of December 8, 2011, for approval to LP Ciminelli for Lake St. /Pt. Breeze Pumping Stations (PS) for \$132,687.45 and \$221,207.00; to Hiscock & Barclay for Zoladz Litigation for \$78.00 and \$39.30; to Wendel Duscherer for Energy Performance Study for \$2,143.98.

Item 2

On a motion by Ms. Knack, seconded by Mayor Frawley, the above payments were approved for payment. The motion carried 5 - 0.

Ms. Horton presented the following payments for the month of April 12, 2012, for approval to URS for Lake St./Pt. Breeze PS for \$8,821.61 and \$11,693.52; to Trason for Roof Replacements for \$29,620.00; to LP Ciminelli for Lake St./Pt. Breeze PS for \$18,607.65, \$177,173.10 and \$9,872.40; to URS for Roof Replacement Asbestos Inspection for \$1,048.65; to Hiscock & Barclay for Zoladz Litigation for \$1,451.20; and to Wendel Duscherer for Energy Performance Study for \$3,426.56, \$882.25, and \$1,100.85.

On a motion by Mr. Swyers, seconded by Ms. Knack, the above payments were approved for payment. The motion carried 5 - 0.

Mr. Fiegl requested approval from the Board to eliminate the formal vote to approve payments in order to expedite these payments with the understanding that the DSM would continue to monitor these payments with extreme diligence. The payments would be presented to the Board in the future as a receive and file item. It was also noted that the Board would continue to approve new contracts, change orders, and close out process for all contracts.

As there was no opposition by the Board to this request, the payments will be an informational item at future meetings.

b. House Inspection Program - Final Inspection Notice

The Board reviewed a list of homeowners the DSM is recommending be brought before a Hearing Officer. This list is comprised of homeowners who have failed to have a house inspection in accordance with the 'Rules & Regulations for Erie County Sewer Districts'.

On a motion by Mr. Swyers, seconded by Mayor Frawley, approval was granted to send the noncompliant homeowners to a Hearing Officer. The motion carried 5-0.

ITEM NO. 5 - OLD BUSINESS

Mayor Frawley asked for information on where the sewers are located for the Sturgeon Point Marina so he can advise the Economic Development Board who have plans for an expansion at that site. Mr. Fiegl asked him to provide a formal letter requesting this information.

Mayor Frawley also mentioned to the Board that there has been talk of renaming the Big Sister Wastewater Treatment Plant in honor of Marco Faraci who was the long time District Manager at District 2. Mr. Fiegl stated he was unaware of this, but that the County normally does not name buildings outside of naming the Rath Building downtown.

ITEM NO. 6 - MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report

Mr. Breier advised the Board that there was nothing significant to report outside of day to day activities.

Mr. Swyers inquired about the work that he observed being done in the Village of Angola. Mr. Breier stated that the TV crew was working to locate infiltration and inflow (I&I) sources. An outside contractor was brought in to 'drag' the sewers as a method of cleaning certain pipes in the system. There have been few complaints in the Village in the past few months.

b. Pretreatment Report

i. Fat, Oils, and Grease (FOG) Report

This handout was provided for the Board's information. Ms. Horton highlighted some points on the handouts from October 2011 and February 2012. Mr. Fiegl gave a brief explanation about the FOG program.

ii. Maria's Pizzeria & Restaurant

This handout was provided for the Board's information. A notice of violation letter was sent to Maria's Pizzeria & Restaurant back on December 7, 2011, advising Maria's to properly maintain its grease trap and document this maintenance. A subsequent follow-up inspection was conducted by the DSM on January 26, 2012, which found Maria's is not responding to our letter to properly maintain its grease trap and document that maintenance. As a result of this, Maria's is not eligible for a waiver and the minimum 750 gallon exterior grease separator will be enforced. The deadline to submit plans for the exterior grease trap is by the end of April.

c. Construction Report

Ms. Horton stated that the Pinehurst PS bypass pump around was awarded to Pinto Construction. A notice to proceed was issued for April 9, 2012.

Mr. Carr advised the Board that the Lake St./Pt. Breeze PS project was at 96% to 98% complete with punch list items remaining. Cracks at the pump stations have been addressed. The close out process will begin soon.

Ms. Horton stated that the Roof Replacement contract with Trason is complete.

d. I&I Program

These handouts were provided for the Board's information. Ms. Horton gave a brief explanation about the Developers Lateral Replacement Program and what it entails. A recent letter was sent to area homeowners giving them an opportunity to sign up to have their lateral building sewers replaced from the right of way to the house at no installation or material cost to them. The homeowners would be responsible for final restoration (top soil, seeding, watering, landscaping).

Ms. Horton went on to explain that after an initial house inspection is completed, data is collected and maintained. Based on that data from the 2011 inspections, a notice was sent to properties who are not in violation of Rules and Regulations, but rather run the risk of a basement backup due to having any basement bathroom facilities and/or a floor drain connected to the sanitary sewer. This letter was informational only, and no response is required by the owners.

e. SPDES #NY0022543 - Notice of Violation

This handout was provided for the Board's information. Mr. Absolom's letter to Mr. Richard Rink of the NYSDEC updated the Board on the violations the Plant received and corrective measures taken as a result of the Plant's operational upset last June 2011 as outlined in a letter.

f. Worker Safety Program

i. Clear Water Article

The Board was informed that two articles on worker safety were included in this publication. These articles were submitted by DSM employees Mr. James Lavelle, Safety Manager, and Mr. Chris Baldwin, Assistant Sewer Repair Supervisor.

Presented as informational to the Board.

g. Clean Water Advocate

Presented as informational to the Board.

On a motion by Ms. Knack, seconded by Mayor Frawley, the Miscellaneous & Informational Items listed above were received and filed. The motion carried 5 - 0.

ITEM NO. 7 - ADJOURNMENT & NEXT MEETING

Mayor Frawley and others on the Board expressed interest in touring the new Lake St and Point Breeze PS. Mr. Fiegl stated that a tour would be setup at a later date.

On a motion by Ms. Knack, seconded by Mayor Frawley, the meeting was adjourned at 9:40a.m. The motion carried 5 - 0.

Next meeting is scheduled for June 28th, 2012 @ 9:00 a.m.

Respectfully submitted,



Angela M. Horton, P.E., Secretary
ECSD No. 2 - Board of Managers

Motion	<u>Mayor Frawley.</u>
2 nd	<u>Mr. Swyers.</u>
Approved	<u>5-0</u>
Date	<u>6/28/12</u>

**ERIE COUNTY SEWER DISTRICT NO. 2
BOARD OF MANAGERS MEETING
JUNE 28, 2012
DISTRICT ADMINISTRATION BUILDING**

MEMBERS PRESENT: Mayor Howard Frawley, Mayor Vincent George, Angela Horton, Anna Knack, Gifford Swyers

MEMBERS ABSENT: None

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

ITEM NO. 1 – CALL MEETING TO ORDER

Chairperson Knack opened the meeting at 11:33 a.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

On a motion by Mayor Frawley and seconded by Mr. Swyers, the Board voted to approve the minutes from the April 12, 2012 meeting. The motion carried 5 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

Mayor Frawley brought up the issue of odor complaints by Dean Case of Bay Point Rd.; by Mark Anarino of So. Main Street (Village of Angola); and by other homeowners residing on Locust Street (also in the Village of Angola by Forest Cemetery). Mr. Fiegl assured him that the District is doing everything within means to control these odor issues. He also advised Mayor Frawley to have the residents complain to the District office. Mr. Fiegl informed the Board that Goya is in compliance with all of their permits.

Mayor Frawley stated that some residents were concerned about the smoke testing of the sewers in Angola. Ms. Horton spoke about the testing that was conducted the last two days, explaining that it is non-toxic and that it is used to determine where stormwater may be entering the sanitary sewers. Mr. Swyers observed the testing in progress and stated that it went smoothly. Mr. Swyers also expressed high praise for some District personnel who were conducting I&I house inspections, namely Doug Prince and Dan Brown.

Ms. Knack raised questions regarding residents on Sunset Blvd. (Angola) with respect to issues with their sump pumps. Further information may need to be obtained by Mayor Frawley's office.

ITEM NO. 4 – NEW BUSINESS

a. Presentation of the Budget

As per Mr. Fiegl's prior discussions with each Board member in anticipation of this meeting, he presented the 2013 proposed budget to the Board. Mr. Fiegl has advised the Board members that due to the New York State 2% Property Tax Cap law, there is less flexibility in this year's budget than in the past. Mr. Fiegl commented that he believes this draft budget is a responsible plan to protect the assets and ratepayers of Erie County Sewer District No. 2 (ECSD 2).

The estimated impact to the typical ratepayer (single family home) in ECSD 2 for sanitary sewer services in 2013 is an increase of \$4 to \$8 on average.

The fringe benefits for employees are not expected to spike sharply this year; also, the pension and medical insurances are not projected to be as high as in past years while such items as workers compensation and unemployment are expected to decrease slightly.

The 2013 equipment line items represent \$361,900 of the proposed budget. The major items include several replacements for the treatment plant laboratory, the replacement of two vehicles, the upgrade to Kellerman pumping station, and the ECSD 2 standard unanticipated replacement item which is our intention not to use, unless necessary.

Mr. Fiegl presented additional details from the various accounts. The Board was apprised that generally budgeting in the various codes is conservative with the understanding that any unused funds roll into fund balance. Fund balance is subsequently offsetting revenue in the next year's budget.

Capital reserves have increased slightly due to interest earnings. The Board was reminded that there was not an allocation to Capital Reserves in the last several years and that it is anticipated that portions of these funds will be used for upcoming projects.

The floor was opened up for questions and discussions ensued.

On a motion by Mayor Frawley, seconded by Mayor George, the Board voted to approve the 2013 Budget. The motion carried 5 – 0.

i. 270/271 Resolution

On a motion by Mr. Swyers, seconded by Mayor Frawley, 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 5 – 0.

b. URS Corporation - Change Order #9 (Lake St./Pt. Breeze Pumping Stations)

Mr. Fiegl provided an update on the status of this project. Mainly, he advised the Board that the project is 16 months overdue and that URS has basically been working without being paid because of numerous issues on this project. Mr. Fiegl has recommended the Board approve this Change Order.

On a motion by Mayor Frawley, seconded by Mayor George, the Board approved the Resolution for Change Order No. 9 to URS. The motion carried 5 – 0.

c. Dumpster Placement at Big Sister Creek Property

On behalf of the Town of Evans residents in "The Grove" area, Mr. Paul Cooper, Councilman, submitted in writing a proposal for permission to place two 7' x 7' dumpsters with a three foot space between them for a total surface area of twenty-three foot (23') length and ten foot (10') depth for placement on the ECSD 2 property located at Bay Point and Lake Shore Roads.

Mr. Fiegl expressed his concern approving this request mainly for liability issues on County property. Mr. Fiegl suggested the Town of Evans Board reach out to the Bay Point residents for their comments. The floor opened up for discussions.

On a motion by Mr. Swyers, seconded by Mayor Frawley, the Board approved the placement of dumpsters as outlined in the request on a 90-day trial period. The motion carried 5 – 0.

At this time Mr. Fiegl advised the Board before any final decision can be made, this would have to go before the County Legislature and be reviewed by the County Attorney's office.

d. I&I Final Notice for Inspection or Violation Letters

The Board reviewed a list of homeowners the DSM is recommending be brought before a Hearing Officer. This list is comprised of homeowners who have failed to have a house inspection or correct a violation in accordance with the "Rules and Regulations for Erie County Sewer Districts".

On a motion by Mayor Frawley, seconded by Ms. Knack, approval was granted to send the noncompliant property owners to a Compliance Hearing. The motion carried 5 – 0.

e. Modification of Plans – Confirmation of telephone poll

Ms. Horton presented to the Board the telephone poll completed on June 19, 2012 for approval to amend a Sewer Agency Report for Modification of Plans. This modification is necessary to authorize the unused \$677,514 for current ECSD 2 project improvement needs.

On a motion by Ms. Horton, seconded by Ms. Knack, the modification of plans was approved. The motion carried 5 – 0.

ITEM NO. 5 – OLD BUSINESS

Mr. Swyers asked for an update on Maria's Pizzeria & Restaurant. He was advised that the grease trap plans were submitted and approved on April 30, 2012. Maria's has 60 days until June 30, 2012 to complete the installation.

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. District Payments

Ms. Horton conveyed to the Board the payments made for the month of June 2012 including \$655.50 to MLP for Lake Street/Point Breeze Pump Stations and \$2,073.80 to Hiscock & Barclay for Zoladz Litigation.

b. Operational Report

Mr. Pat Breier presented the recent ECSD 2 operational activities to the Board. He noted that smoke testing was currently being done in Minisystem 5 (Village of Angola) area and should be completed this week. He also noted that flushing in the Village of North Collins was completed this past spring. Also an odor complaint at Old Lakeshore and Wilson was received and addressed.

Mr. Breier spoke about a noise complaint by a homeowner residing next to the Shorecliff Pump Station. After investigating this, it was determined that there was a faulty exhaust fan which has since been repaired.

c. Pretreatment Report (Dental Amalgam Program)

Mr. Glenn Absolom reported that there are nine (9) dental offices in ECSD 2. Seven of the nine were inspected to date. Of those inspected, 100% are in compliance with having an amalgam separator installed. The remaining two (2) offices were sent a 2nd notice letter on June 7, 2012, requesting that they schedule an inspection.

d. Construction Report

Ms. Horton reported that the performance testing was completed and Pt. Breeze Pumping Station (PS) accepted with conditions April 18, 2012. In regards to the Lake Street and Pt. Breeze PS, the contract close outs are currently being worked on and resolving all punch list items.

e. 2011 Annual I&I Report SPDES #NY002-2543

Ms. Horton reported that pursuant to the SPDES permit schedule, the Annual Report for 2011 was sent to the New York State Department of Environmental Conservation on April 30, 2012.

f. Attorney Letter regarding House Inspection @ 2177 Marina Dr. Lakeview

Ms. Horton advised the Board that a letter dated April 19, 2012 was received from an area homeowner, Mr. Joseph Gogan, who will not consent to the house inspection at his property siting illegal searches. The Board was informed that Mr. Gogan has received all the standard letters and the next step will be a compliance hearing letter for his chance to appear before a Hearing Officer. Once a compliance hearing is scheduled, he will receive that letter.

g. NYS Sewage Pollution Right to Know Act

Mr. Fiegl advised the Board of this piece of legislation which was lumped in with the Earth Day legislation recently approved by the Senate. Currently the Act includes notifications to health departments, the public, and municipal offices and was presented as having no cost to NYS.

h. Tour of the New Pump Stations

The question was raised as to when to schedule another tour of the new pump stations. It was suggested that a tour can possibly be scheduled immediately following the next Board meeting which will be in October.

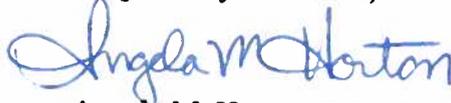
On a motion by Ms. Knack, seconded by Mr. Swyers, the Miscellaneous/Informational Items listed above (a.-h.) were received and filed. The motion carried 5 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Ms. Knack, seconded by Mr. Swyers, the meeting was adjourned at 1:00 p.m. The motion carried 5 – 0.

The next Board meeting is scheduled for October 11, 2012 at 9:00 AM and the July 12, 2012 meeting has been cancelled.

Respectfully submitted,



Angela M. Horton, P.E., Secretary
ECSD 2 - Board of Managers

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Motion Mayor Frawley
2nd Mayor George
Approved 5/0
Date 10/11/12
Angela M Horton

**ERIE COUNTY SEWER DISTRICT (ECSO) NO. 2
BOARD OF MANAGERS MEETING MINUTES
OCTOBER 11, 2012 @ 9:00 AM
DISTRICT ADMINISTRATION BUILDING**

MEMBERS PRESENT: Mayor Howard Frawley, Mayor Vincent George,
Angela Horton, Anna Knack, Gifford Swyers

OTHERS PRESENT: Patrick Breier, Joseph Fiegl, Lawrence Krug, Beth Salatka

ITEM NO. 1 CALL THE MEETING TO ORDER

Chairperson Knack called the meeting to order at 9:03 am.

ITEM NO. 2 APPROVAL OF JUNE 28, 2012 MEETING MINUTES (Handout)

On a motion by Mayor Frawley, seconded by Mayor George the June 28, 2012 minutes were approved. The motion carried 5-0.

ITEM NO. 3 FROM THE PUBLIC

None

ITEM NO. 4 NEW BUSINESS

a. **2013 Meeting Schedule** (Handout)

The Board received a copy of the proposed 2013 Erie County Sewer District No. 2 Meeting Schedule. On a motion by Mr. Swyers and seconded by Mayor Frawley, the Board voted to approve the 2013 meeting schedule. The motion carried 5-0.

b. **Notice of Public Hearing** (Handout)

i. The Board received a copy of the Public Hearing Notice which outlined the charges for the industrial users of Erie County in Sewer Districts 1-6 and 8.

ii. **Meeting Minutes** (Handout)

The Board of Managers received a copy of the public hearing notice and minutes of the meeting which was held on August 16, 2012.

Mr. Fiegl explained that the individual Boards of Managers need to adopt the rates. These rates are for commercial and industrial customer costs. Mr. Swyers asked if these charges were on top of regular rate charges. Mr. Fiegl said they were; these industrial customers generally produce either much higher rates of flow or more concentrated wastewater which in turn costs the treatment plant more.

iii. Approval of Resolution (Handout)

Mayor Frawley moved, seconded by Mr. Swyers to approve the user charges resolution for Erie County Sewer District No. 2. The motion carried 5-0.

c. Truckers Discharge Permit (Handout)

On a motion by Mr. Swyers, seconded by Mayor Frawley, the Board voted to approve the 2013 Truckers Discharge Permits for Delo Drain & Septic Service, Holland, NY and JB Enterprises Inc, Blasdell, NY. The motion carried 5-0.

d. Contract 79B – Close Out (Handout)

Mr. Fiegl stated that MLP Plumbing and Mechanical, Inc., was one of three contractors working on the Lake Street Point Breeze Pumping Stations Project, and has completed work to the satisfaction of the County. Mr. Fiegl also stated that a decrease change order was submitted, lowering the total anticipated cost to a total of \$269,960.02. On a motion by Mayor Frawley, seconded by Mayor George, the Board voted to approve the close out of Contract 79B with MLP Plumbing and Mechanical, Inc. The motion carried 5-0.

e. I&I Compliance Hearing (Handout)

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 have a house inspection and one who failed to correct a violation in accordance with the "Rules and Regulations for Erie County Sewer Districts". On a motion by Ms. Horton, seconded by Ms. Knack the Board voted to approve the properties for a compliance hearing. The motion carried 5-0.

Mayor Frawley made a note the property at 24 Glenwood Ave. has been vacant for some time and is owned by the Bank of America.

ITEM NO. 5 OLD BUSINESS

a. Confirmation of Telephone Poll (Handout) - Ms. Knack reminded the Board of a request for permit refund from Alliance Homes in the amount of \$502 because the homeowner decided not to build their home on the lot. Per a DSM Policy, there is a \$50 non-refundable administrative fee to be deducted. Original telephone poll motioned by Ms. Horton, seconded by Mayor Frawley, motion carried 5-0 on July 24, 2012. Confirmation of telephone poll motion by Ms. Knack, seconded by Mr. Swyers the Board voted to approve the refund of \$452. The motion carried 5-0.

b. Mr. Frawley asked the status of the water meter. Mr. Fiegl responded that there were additional design requirements with respect to the length. The water meter would need to be redesigned to a compound meter.

c. Mr. Fiegl brought up the status of the dumpster placement at the Big Sister Creek Property. He stated that the Erie County had an approved agreement with the Town of Evans regarding placement of the dumpster. Mr. Fiegl further stated that the Legislature had approved the resolution for a 90 day trial period. Councilman Paul Cooper would need to inform the residents prior to the dumpster being placed there.

d. Mr. Swyers asked the status of Joseph Gogan's refusal to allow inspection. Mr. Fiegl stated that Mr. Gogan was referred to a hearing, which has not taken place yet. Ms. Horton added the hearings are tentatively scheduled for late spring 2013.

e. Mr. Swyers asked the status of the Sewage Right to Know Act. Mr. Fiegl indicated that the Governor signed the law into effect in August 2012 and now the work lies in the DEC's hands to promulgate rules and regulations.

f. Ms. Knack thanked Mayor Frawley for installing the new storm sewer on Sunset and stated the residents have already connected. Mayor Frawley also noted that they received \$100,000 to install more storm drains on South Main.

ITEM NO. 6 MISCELLANEOUS/INFORMATIONAL ITEMS

a. **District Payments (Handout)**

Ms. Horton conveyed to the Board the payments made for the month of October including \$5,701.26 and \$81,393.30 to URS for PS Rehab; \$2,526.80, \$3,665.73, and \$561.90 to Hiscock and Barclay for Zoladz Litigation; and \$1,335.48, \$741.47, and \$890.19 to Wendel Duscherer for Energy Performance.

b. **Operational Report**

Mr. Breier informed the Board that as part of the I&I program we have completed smoke testing in Minisystem (MS) 5 in the Village of Angola and MS 14 in Derby. He stated that they had found some storm connections and leaking manholes as well as damaged sections of pipe requiring a pipe patch.

Mr. Breier stated that there was an odor complaint on Main St., Maple, and Forest Ave. in the Village of Angola. The homeowners were advised that deodorizer drippers were in place and filled every other day and that inflow protectors are in all the manholes.

Mr. Breier noted that the North Creek Pump Station had a chain link fence installed around the building over the summer to stop vandalism; so far it has worked.

Mr. Breier stated that an odor complaint was received for Bay Point Ave., Angola; the homeowners were advised that the Treatment Plant odor control systems are in operation.

Mr. Breier made reference to future project due to sewer mainline failure in Eden. Mr. Breier stated that sewer pipe is old Truss pipe that is starting to crack along the top of many section. He stated that James Carr was reviewing methods of repair, including a possible coordination with Charles Sickler from Erie County Highway, who is scheduled to do pavement work in the same area. Coordinating a pavement project would result in a cost reduction to the Sewer District.

Mr. Fiegl informed the Board of radioactive sludge at the Treatment Plant. The District recently learned when taking the sludge to the landfill that it contained radiation and would not be accepted. It was later investigated and found to be Iodine 131. DSM staff coordinated with the Department of Health and NYSDEC to confirm that the levels were not harmful. They further discovered that the Iodine 131 has a short half-life (approx. 8 days). The District staff therefore has to hold the sludge in a drying bed for several days until the radiation is reduced enough to be accepted by

the landfill. The source of the Iodine 131 is likely discharged from human beings due to medical treatments. For example: those who have taken iodine tracers and cancer drugs, specifically treatment of thyroid cancer. The District 2 offices has purchased a meter to detect radiation, however, it can only be tested in dry form. Mr. Krug added that this increase is more likely due to the prevalence of outpatient treatment.

c. Pretreatment Report

Ms. Horton advised the Board that all nine (9) dental offices have been inspected and are in compliance with having a dental amalgam separator installed.

d. Construction Report

Mr. Fiegl advised the Board the Contract 79B Lake Street and Point Breeze Pumping Station Project was in the close out phase and that only a few punch list items remain.

Mr. Fiegl also advised the Board that the 2013 Cured in Place Piping (CIPP) lining project was bid through Purchasing. The Purchasing department received competitive prices, almost 40% lower than the previous two year contract. This would allow for more lining. Mr. Krug added that this may help with some of the problems on West Church.

e. Ltr. To NYSDEC – Status of Renewal SPDES #NY0022543 (Handout)

Mr. Fiegl informed the Board this was just an informational item to document the fact that we sent our application for renewal in on time.

f. Legislature Ltr. 1013 Assessment Rolls – Notice of Public Hearing (Handout)

Mr. Fiegl informed the Board that this was an informational item.

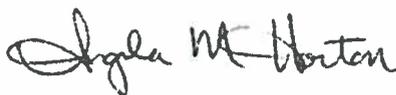
On a motion by Ms. Knack, seconded by Ms. Horton, the Miscellaneous/Informational Items were received and filed. The motion carried 5-0.

ITEM NO. 7 ADJOURNMENT & NEXT MEETING

On a motion by Ms. Knack, seconded by Mr. Swyers, the meeting was adjourned at 9:30 a.m. The motion carried 5 - 0.

The next Board meeting is scheduled for Thursday, December 6, 2012 at 9:00 a.m.

Respectfully submitted,



Angela M. Horton, P.E.
Secretary – Erie County Sewer District No.2
Board of Managers

Motion: Mayor Frawley
2nd: Mayor George
Approve/Disapprove: 5/0 Approved
Signed: Angela M. Horton
Date: 12/6/12

**ERIE COUNTY SEWER DISTRICT (ECSD) NO. 2
BOARD OF MANAGERS MEETING MINUTES
DECEMBER 6, 2012 @ 9:00 AM
DISTRICT ADMINISTRATION BUILDING**

MEMBERS PRESENT: Mayor Howard Frawley, Mayor Vincent George,
Angela Horton, Anna Knack, Gifford Swyers

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

ITEM NO. 1 – CALL MEETING TO ORDER

Chairperson Knack opened the meeting at 9:06 a.m.

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

On a motion by Mayor Frawley, seconded by Mayor George, the Board voted to approve the minutes from the October 11, 2012 meeting. The motion carried 5 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

Mayor Frawley wanted to inform the Board that his office has been receiving calls from Dean Case, who now resides in the Lake Bay area, regarding the proposed placement of the dumpster for “the Grove” residents. Mr. Fiegl explained they are still working to finalize the agreement terms with the Town of Evans. Councilman Paul Cooper intends to talk to residents about their concerns before an agreement is finalized.

ITEM NO. 4 – NEW BUSINESS

a. **Eminent Domain Claim Settlement (Handout)**

Prior to this meeting, Mr. Fiegl had phoned the Board informing them of the circumstances surrounding this issue. Based on the details as outlined in the handout, The Division of Sewerage Management on the advice of counsel recommends issuance of a payment in the amount of \$125,000 to the owner of parcel 193.00-1-2.111 as a means to settle this long-standing claim.

On a motion by Ms. Horton, seconded by Mayor Frawley, the Board approved payment to the owner of parcel 193.00-1-2.111 in the amount of \$125,000. The motion carried 5 – 0.

b. **Rebate – Septic Disposal (Handout)**

Based on the District’s 2012 User Charge Notice of Adoption, a rebate was requested equal to one-third of the disposal costs for three properties. On a motion by Ms. Horton, seconded by Ms. Knack, the Board voted to approve the DSM recommendation for the septic waste disposal rebate payments to the three property owners in the amount of \$74.31 each. The motion carried 5 – 0.

Item 2

c. I&I Compliance Hearing (Handout)

The Board reviewed the list of homeowners the DSM is recommending be sent to a compliance hearing. This list is comprised of homeowners who have failed to have a house inspection in accordance with the "Rules and Regulations for Erie County Sewer Districts".

On a motion by Mr. Swyers, seconded by Ms. Knack, the Board voted to approve the properties for a compliance hearing. The motion carried 5 – 0.

Mayor Frawley noted that he is still experiencing issues with the property at 24 Glenwood (Mr. Stockman). The home is still owned by Mr. Stockman, but the Bank of America has paid the taxes on the property. The property will be placed on hold until it gets sold or demolished.

Mr. Swyers noted that the homeowner of property at 9154 Erie Road, Mr. Mumford, is deceased. This property will also be placed on hold until further notice.

ITEM NO. 5 – OLD BUSINESS

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

Ms. Horton polled the Board by phone on October 16, 2012, but not all of the members were able to be reached. On a motion by Ms. Horton, seconded by Mayor George, the resolution to approve the five Engineering firms for three year Engineering Term Agreements was approved. The motion carried 4 – 0.

As a confirmation to the phone poll, Mr. Swyers motioned, seconded by Mayor Frawley, the resolution to approve the Engineering Term Agreement for engineering term contracts for the years of 2013, 2014, and 2015 as outlined in the handout was approved. The motion carried 5 – 0.

b. Mayor Frawley advised the Board that he recently stopped by the District office to meet with Mr. Breier and deliver some information on a means for odor control. After investigating the information provided, Mr. Breier determined that it would not be suitable for our system because it could only be used at steep grades.

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. District Payments (Handout)

Ms. Horton conveyed to the Board the payments made in November and December 2012 to Hiscock & Barclay for Zoladz Litigation in the amounts of \$1,602.30 and \$8,145.00.

b. Operational Report

Mr. Breier advised the Board that during October and November 2012, there were 17 sewer complaints of which 13 were homeowner issues. There was one odor complaint in Derby on Nettlecreek Drive near McDonalds. After investigation by ECSD 2 staff, it was determined that a cleanout cap was missing. The manager at McDonalds was notified and agreed to replace it with a new cap.

Regarding the I&I Program, Mr. Breier noted that during smoke testing in Minisystem 5, Village of Angola, some possible storm connections were found on Grove St. and Lerczak Dr. which the District will further investigate by dye testing while televising.

Also, four sewerlines have been chosen to be placed on the ECSD 2 cured in place pipe (CIPP) lining project for 2013 from results of the I&I Program (3 are in Derby and 1 is in Eden).

Mr. Breier updated the Board on the Church Street sewer project in Eden. One section has been placed on the CIPP contract for 2013 and we are awaiting design decisions for the other two sections.

Mr. Swyers asked for an update about the low lying manholes in the Angola area. He was advised that the District has installed inflow protectors to help alleviate issues.

Mr. Breier noted that there were no issues with radioactive sludge recently at the plant.

Mayor Frawley stated that a project with storm sewers along Main Street in Angola will be starting soon.

Construction Report

Ms. Horton advised the Board that the DSM is in the close out process for the Lake Street and Point Breeze pumping station Contract 79 - A (General) LP Ciminelli and D (Electrical) O'Connell Electric and details are being addressed and finalized. There has been some disagreement on final closeout dollar amounts.

Ms. Horton advised the Board that the 2013 CIPP contract has been awarded to United Survey Inc. in the amount of \$50,000 for ECSD 2.

Ms. Horton advised the Board that the Energy Performance Contract was awarded to Wendel for design and build and that the County Attorney's Office and Wendel were finalizing the agreement.

c. Pretreatment Report

Nothing to report.

d. Legislature Letter (2013-2015) Engineering Term Agreements (Handout)

Refers back to the Resolution and is informational to the Board.

e. Minutes from the Public Hearing – 2012 Assessment Rolls (Handout)

This is presented for the Board's information.

f. Mayor Frawley asked about updates regarding the water hot box installation. Mr. Fiegl stated that we would need to get an update from the DSM design and construction engineer and asked that Ms. Horton provide him with an update.

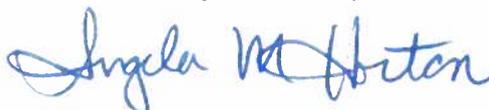
On a motion by Ms. Knack, seconded by Mr. Swyers, the Miscellaneous/Informational Items listed above were all received and filed. The motion carried 5 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Ms. Knack, seconded by Mr. Swyers the meeting was adjourned at 9:40 a.m. The motion carried 5 – 0.

Next meeting is scheduled for Thursday, February 7, 2013 @ 9:00 a.m.

Respectfully submitted,



Angela M. Horton, P.E.
Secretary - ECSD No. 2 - Board of Managers

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Motioned by: Mayor George
2nd by: Mr. Swyers
Approve / Disapprove: 4/0
Date: 2/7/13
Signed: Angela M. Horton