

**ERIE COUNTY SEWER BOARD OF MANAGERS MEETING  
APRIL 11, 2012**

**MEMBERS PRESENT:** John Mills, Michael Kasprzyk, David Kaczor, Gerry Kapsiak, Glenn Nellis, Karl Simmeth, John Wilson, Don Witkowski, Dave Millar

**OTHERS PRESENT:** Joseph Fiegl, Glenn Absolom, Larry Krug, James Carr, Courtney Kurtz

**ITEM NO. 1 – CALL MEETING TO ORDER**

Chairman Mills called the Meeting to order at 8:01 A.M.

a. **Welcome New Member**

Chairman Mills welcomed new member Mr. Karl Simmeth to the Board. It was noted that Mr. Damion Wiktor was not reappointed to the Board.

b. **Election of Officers**

On a motion by Mr. Nellis, seconded by Mr. Kaczor, the Board voted to elect Mr. Millar as Secretary of the Board. The motion carried 9-0.

On a motion by Mr. Kasprzyk, seconded by Mr. Wilson, the Board voted to elect Mr. Kaczor as Vice Chairman of the Board. The motion carried 9-0.

On a motion by Mr. Kaczor, seconded by Mr. Wilson, the Board voted to elect Mr. Mills as Chairman of the Board. The motion carried 9-0.

**ITEM NO. 2 – APPROVAL OF DECEMBER 14, 2011 MEETING MINUTES**

On a motion by Mr. Nellis, seconded by Mr. Millar, the Board voted to approve the minutes taken at the December 14, 2011, meeting. The motion carried 9-0.

**ITEM NO. 3 – ITEMS FROM THE PUBLIC**

Mr. Fiegl noted that representatives from Steuben Foods were not able to attend today's meeting. He asked the Board if it wished to schedule a special meeting prior to the next scheduled meeting in June to discuss the issue with Steuben Foods. Mr. Kasprzyk stated that with issues concerning Steuben Foods, we should error on the side of caution. Mr. Kasprzyk asked that an agenda be provided if the meeting takes place. Mr. Fiegl stated that he would like to see Steuben provide background information

regarding the recent expansion, future expansions plans, and the company's planned five-year plan. Mr. Kaczor stated that he would like to see the Board stay proactive with issues of Steuben. The Board agreed to allow scheduling of my special meeting with Steuben to be at Mr. Fiegl's discretion.

Chairman Mills stated that Steuben is a magnificent facility, suggesting that the Board take a tour to get a better understanding of the operation. He suggested holding the next meeting at Steuben, inviting the County Executive, and leaving the meeting open to the public. Mr. Fiegl stated that he would check with the County Attorney to see if that would be possible and that he will be meeting with Steuben before the next Board Meeting regarding possible NYS grant opportunities.

The Board members discussed the Town of Elma's position with regards to providing sewer service in this area. Mr. Fiegl noted that he has not as yet been able to arrange a meeting with the new Town Supervisor, but would try to do so in the very near future.

#### **ITEM NO. 4 – NEW BUSINESS**

a. **Payments**

Mr. Millar presented the April 2012 payments for approval. Mr. Kaczor questioned the business case study. Mr. Fiegl explained that the plan is to develop a business case study for the SPDES report, which will provide an understanding of what is needed to expand the Southtowns treatment plant. It will also provide available options to make the best investment. The study will consider and evaluate costs for several possible improvement scenarios including a new central treatment plant.

Mr. Fiegl pointed out that the Board needs to be aware of the payments that go out, but the approval of the payments is not the responsibility of the Board. Mr. Fiegl stated that he takes these payments very seriously, but suggested that the payments be an informational item. Mr. Kaczor stated that he would feel more comfortable voting on the payments. The Board agreed to keep the payment procedure for this item, with Board approval, as is.

On a motion by Mr. Kaczor, seconded by Mr. Wilson, the Board voted to approve the April 2012 payments. The motion carried 9-0.

b. **Sewer Permit Refund – 4999 Rogers Road, Hamburg (Handout)**

Mr. Millar presented a letter from Marrano/Marc Equity Corporation requesting a refund of a sewer permit for the property at 4999 Rogers Road, Hamburg, New York that was never constructed in the amount of \$502. A permit was issued to Marrano/Marc Equity Corporation. At a later date the homeowner/builder canceled the

construction at that site. If a refund is granted by the Board, it will be issued less administrative fees.

On a motion by Mr. Kasprzyk, seconded by Mr. Simmeth, the Board voted to approve the refund of the above permit fee less administration cost. The motion carried 9-0.

c. Close-Out of Contract No. 65 – Mineral Springs Old Metering Bldg. Demolition & Magnetic Meter Bldg. Replacement (Handout)

This is a resolution for close-out of Contract No. 65, the Mineral Springs Old Meter Building and Magnetic Metering Building Replacement. This contract dates back to June 2, 2011, in the amount of \$83,977.45, which is \$13,000 under bid.

On a motion by Mr. Kasprzyk, seconded by Mr. Wilson, the Board voted to approve the resolution. The motion carried 9-0.

d. Close-Out of Contract No. 11ST – Repairs to Southtowns Incinerators (Handout)

This is a resolution for close-out of the Southtowns Sludge Incinerator Heat Exchange X and Y Repair Project. The contract is dated March 24, 2011, in the amount of \$345,673.16, which is \$1.84 under bid.

A discussion followed. Mr. Kasprzyk asked if there is any chance incineration will not be used in the future. Mr. Fiegl stated that he needed to look into the new EPA mandated regulations which will likely add substantial cost to the incineration process. A concern under the new regulations is mercury being a controlled substance. He would also like to see what other options there are to handle the sludge. Mr. Fiegl stated that the EPA has new rules and limitations at Southtowns and that mercury and hydrogen chloride are apparently in non-compliance and could be large factors in determining the best way to proceed. Mr. Kasprzyk stated that Europe has abolished incineration and now wants to go back to it.

On a motion by Chairman Mills, seconded by Mr. Kasprzyk, the Board voted to approve the above resolution. The motion carried 9-0.

e. Village of Hamburg – Intermunicipal Agreement (Handout)

This is an agreement for Erie County Sewer District No. 3 to administer the construction contract for the elimination of Charlotte, Sherburn, McKinley pumping stations, along with the demolition of the Brookwood Pump station. The Village of Hamburg has agreed to reimburse the County for this construction. This agreement is similar to the construction of the Crescent Avenue Pump Station Project.

On a motion by Mr. Nellis, seconded by Mr. Kapsiak, the Board voted to approve the agreement. The motion carried 9-0.

f. Authorization of Easement Acquisition – McKinley Pump Station Elimination (Handout)

This is a resolution to acquire said easements adjacent to the McKinley Pumping Station.

Mr. Millar stated that the amount of \$50,000 will be paid to the property owner. The property is appraised around \$60,000. Mr. Fiegl stated that the easement bisects a commercial property limiting the owner's ability for future development. Mr. Fiegl also stated that the Division looked into re-routing the associated sewer, but that alternative was more expensive than the cost of this easement.

On a motion by Mr. Kaczor, seconded by Mr. Kapsiak, the Board voted to approve the resolution. The motion carried 9-0.

ITEM NO. 5 – OLD BUSINESS

a. Moog Request – Elma Force Main (Handout)

This letter and the following memo present the information in reference to Moog tapping the following facilities located at 721 Conley and 6860 Seneca into the Elma Forcemain. The DSM's recommendation which is based on the Division's Policy and Procedures is to grant Moog the approval to connect as an Out-of-District Customer. The Board discussed this item at the meeting in December. At that meeting, the Board requested additional information to support any decisions being made and tabled the item.

Mr. Millar stated that the proposed additional flow rates are virtually negligible. Mr. Millar asked the Board if they would be willing to allow Moog to tap into the forcemain. Mr. Kasprzyk asked Mr. Millar for his recommendation. Mr. Millar stated that Moog does meet the current criteria of the Elma Forcemain policy as a non-residential customer-having over 25 employees adjacent to the forcemain not located in an agricultural zoned area, and able to provide alternate sewage disposal methods or storage for a minimum of two consecutive days.

On a motion by Mr. Kasprzyk, seconded by Mr. Simmeth, the Board voted to approve the resolution. The motion carried 9-0.

With some reservation Chairman Mills made a motion to approve the tapping of Moog into the Elma forcemain. The reservations expressed by Chairman Mills's pertained to Elma failing to plan capacity affecting downstream (Orchard Park and other communities). Chairman Mills stated that an Express Mart requested to tap in,

but was denied. Mr. Fiegl stated that the Express Mart did not meet the minimum employee requirement to connect at the time of application. Mr. Kasprzyk stated that he would be interested in looking at the master plan for the Town of Elma. Mr. Wilson asked if Elma had any future economic/commercial plans. Mr. Fiegl stated that there are not any plans that he is aware of. Mr. Kasprzyk asked Mr. Fiegl if he could reach out to Elma regarding this matter. He also stated that the Board needs to be concerned about the big picture. Mr. Kaczor mentioned that this issue is brought up at every meeting and needs to be resolved. Mr. Fiegl stated that he would check with Elma and report back to the Board. Mr. Kaczor stated that he would like to see the Board stop additional taps in Elma until a plan is received from Elma. Mr. Fiegl stated that he would look into it. Mr. Kaczor stated that he would like to request more information from the Elma Board and express the Board's concerns. Chairman Mills suggested meeting with the Elma Board. Mr. Kaczor suggested sending a letter to the Town of Elma, on behalf of the Board requesting information regarding any future economic development plans. He asked for a progress report of this at the June meeting.

On a motion by Mr. Kasprzyk, seconded by Mr. Mills, the Board voted to approve addressing the Elma Board with a memorandum expressing their concerns. The motion carried 9-0.

#### **ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS**

a. **Operational Report**

Mr. Absolom stated that because it was very quiet winter weather wise, there are no major items to report at this time.

b. **Pretreatment Report (Handout)**

i. **FOG Program**

Mr. Wilson commented on the former Cinco de Mayo restaurant in Orchard Park and how it has re-opened as Don Tequila. Mr. Absolom stated that staff has already inspected the facility and the manager was pleased to be informed of our FOG Program regulations.

ii. **Steuben Foods Flows & Odor Control (Handout)**

This is a letter in response to a report prepared to address wastewater capacity, monitoring and pretreatment. Mr. Millar stated that Steuben has requested to use chlorine dioxide for odor control, but the idea was dropped. Mr. Fiegl stated that he has not heard back from Steuben regarding this letter summarizing the meeting.

c. Construction Report

Mr. Millar updated the Board on the success of the Wanakah Heights sewer lining construction. He stated that the lines are flowing and working well again. As for the sludge pump replacement project and the X and Y incinerator hoppers, the demolition process started in May and are scheduled for completion in August.

d. SPDES Permit – Holland Wastewater Treatment Facility (Handout)

This is a letter from the DEC providing the results of the annual inspection of the Town of Holland Wastewater Treatment Facility for compliance with the rules and regulations of the facility's State Pollutant Discharge Elimination System (SPDES) permit. The plant is considered well-operated and maintaining compliance with the State Pollutant Discharge Elimination System (SPDES) permit.

e. Workers Safety Program

This handout was presented as an informational item outlining an article written in The Buffalo News explaining the cost of infrastructure improvements needed in New York State. The article briefly described continuing upgrades of sewer and water systems.

i. Clear Water Article (Handout)

This article was presented to the Board written by two of our employees- James Lavelle and Christopher Baldwin. Both James and Christopher wrote an article to Clear Waters Magazine explaining the value we put on our safety and operation.

Mr. Fiegl stated that the yearly number of injuries has decreased and each and every employee should be recognized for this. Chairman Mills stated that very few times has DSM had problems and would like to congratulate the management team and employees for doing a remarkable job.

f. House Inspection (Handout)

This handout was presented as an informational item listing the forty-six properties in Orchard Park that were inspected by DSM for compliance at the time of sale in 2011.

g. SSI, Reference Reg. 40 CFR 60 (Handout)

This is a response letter from Mr. Fiegl to the DEC regarding proposed adoption of new Sewer Sludge Incinerator Regulations. The letter states that pending NACWA legal challenges, this would be extremely expensive to local rate payers.

h. Clean Water Advocate – December 2011/January 2012 (Handout)

This handout was presented as an informational handout to the Board members regarding NACWA discussion on integrated planning with EPA. This explains the bigger picture approach to integrate local municipalities. Mr. Millar stated that the legal contest is going through litigation.

i. Rush Creek Negative Declaration (Handout)

This handout was presented as an informational item to the Board. It is a copy of the Negative Declaration for the Rush Creek Project as revised.

j. Blasdell WWTP – SPDES Compliance Inspection Comments (Handout)

This is a response letter from Mr. Absolom to the DEC addressing comments from SPDES permit compliance inspection at the Blasdell WWTP.

k. Basement Service Information Letter (Handout)

This handout was presented as an informational item to the Board. It is an informative letter sent out for those cases where basement bathrooms and basement drains were found. These homeowners were not in violation of our rules and regulations, but susceptible to backups. This letter states that DSM will not be responsible for backups if they occur.

On a motion by Mr. Millar, seconded by Chairman Mills, the above Miscellaneous & Informational Items (Items a-k) were received and filed. The motion carried 9-0.

Mr. Fiegl reminded the Board members that Erie County requests each Board member to fill out a financial statement disclosure. These statements can be sealed in an envelope and addressed to Mr. Fiegl, who will forward them to Personnel but it is better to send them there directly.

**ITEM NO. 7 – ADJOURNMENT & NEXT MEETING**

On a motion by Mr. Kazcor, seconded by Mr. Simmeth, the meeting was adjourned at 9:10 am. The motion carried 9-0.

The next meeting is scheduled for June 20, 2012, at 8:00 am, and will be held at the Southtowns Treatment Plant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Millar". The signature is written in a cursive style with a large initial "D".

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

DM:cdk

**ERIE COUNTY SEWER DISTRICT NO. 3  
BOARD OF MANAGERS MEETING  
JUNE 20, 2012  
ELMA TOWN HALL**

**MEMBERS PRESENT:** John Mills, David Kaczor, Glenn Nellis, Karl Simmeth, John Wilson, Don Witkowski, David Millar

**OTHERS PRESENT:** Joseph Fiegl, Glenn Absolom, Larry Krug, Courtney Kurtz, Rick Swist, Kevin Moyer, Frank Balon, Doug Jantzi

**MEMBERS ABSENT:** Michael Kasprzyk, Gerry Kapsiak

**ITEM NO. 1 – CALL MEETING TO ORDER**

Chairman Mills called the Meeting to order at 8:00 A.M.

**ITEM NO. 2 – APPROVAL OF APRIL 11, 2012 MEETING MINUTES**

On a motion by Mr. Nellis, seconded by Mr. Kaczor, the Board voted to approve minutes taken at the previous meeting held on April 11, 2012. The motion carried 7-0.

**ITEM NO. 3 – ITEMS FROM THE PUBLIC**

None.

**ITEM NO. 4 – NEW BUSINESS**

a. **Payments**

The Board reviewed the Tabulation of Payments dated June 20, 2012. Chairman Mills questioned payments associated with the Dewatered Sludge Pump Project under construction at the Southtowns Advanced Wastewater Treatment Plant (AWTP). Mr. Fiegl explained that new dewatering pumps were purchased by the contractor for the project and are extremely expensive. Therefore, a large portion of the overall project cost was on a single invoice.

On a motion by Mr. Wilson, seconded by Mr. Millar, the Board voted to approve the June 20, 2012 Tabulation of Payments. The motion carried 7-0.

b. **I/I Compliance Hearing**

*Item  
2(a)*

The Board reviewed a list of property owners to be considered for referral to a Compliance Hearing, consistent with the Rules and Regulations for Erie County Sewer Districts, for either not completing a house inspection or not having corrected a violation found during DSM's I/I inspection program. The Board was informed that the Division's notification procedure in these cases involves certified/return receipt requested correspondence and that the respective property owners did receive all notification letters.

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to refer the property owners of 40 Long Ave. and 188 Long Ave. in the Village of Hamburg, 5572 Rogers Rd. in the Town of Hamburg, and 3608 Blair Ct., 5012 Roseview Ave., 4940 Lynwood Ave., and 5071 Richmond in the Village of Blasdell to a compliance hearing. The motion carried 7-0.

c. Request for Refund – Sewer Tap Fee

The Board considered a request for a refund of a sewer tap fee associated with the property at 3761 Lynn Dr., Hamburg in the amount of \$500.00 from Traba Homes. Refunds can be initiated by a property owner in cases where the fee was paid, but a home was not built. In this instance, the fee was paid, the home was built, but the builder requested a refund.

On a motion by Chairman Mills, seconded by Mr. Kaczor, the Board voted to deny the request for refund of the \$500 sewer tap fee associated with the property at 3761 Lynn Dr., Hamburg, NY. The motion carried 7-0.

d. Asset Transfer – Town of Hamburg Sewer Districts. O&M Agreement – Mount Vernon Sewer District

The Board considered two resolutions involving sewer districts in the Town of Hamburg. The first resolution effectuates transfer of sanitary sewer assets from the Town of Hamburg Sewer District Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, and 30 to Erie County Sewer District No. 3 (ECSD No. 3). Presently, ECSD No. 3 leases, operates and maintains related assets from the Town of Hamburg. The Division of Sewerage Management (DSM) recommends the asset transfer agreement with the Town in lieu of the existing lease arrangement.

On a motion by Mr. Kaczor, seconded by Mr. Nellis, the Board voted to approve a resolution to recommend an asset transfer of the presently leased Town of Hamburg Sewer Districts to ECSD No. 3. The motion carried 7-0.

The second resolution the Board considered recommends completion of an agreement between the Town of Hamburg and ECSD No. 3. The Commissioners of the Mount Vernon Sewer District have indicated their intentions to dissolve effective January 1, 2013. If that were to occur, it is the Division of Sewerage Management's (DSM's) understanding that the Town of Hamburg would automatically be responsible for the

sewer district. The Town of Hamburg no longer operates and maintains any sanitary sewer assets. The agreement would permit ECSD No. 3 to supply operation and maintenance services to the Mt. Vernon Sewer District provided that expenses for those services are adequately covered by additional revenues. Mr. Fiegl stated that providing operation and maintenance services under this agreement would allow the DSM to make an informed decision about proceeding with any transfer of those assets to the County. Mr. Fiegl added that the next steps would be approval of the agreement by the Hamburg Town Board and then the Erie County Legislature. Mr. Absolom stated that the Southtowns AWTP receives flows from this area and, therefore, operation of the collection system is in the best interest of District 3.

On a motion by Mr. Wilson, seconded by Mr. Kaczor, the Board voted to approve a resolution recommending an agreement between the Town of Hamburg and ECSD No. 3 to supply operation and maintenance services for the Mt. Vernon Sewer District service area provided that projected expenses are covered by projected revenues. The motion carried 7-0.

e. Out of District Customer Request – Sharma Development

The Board reviewed a request for an Out of District Customer Agreement from Sharma Development, LLC for a proposed multiphase medical office complex located at the intersection of Pleasant Avenue and Southwestern Blvd. in the Town of Hamburg. In all County Districts, sewer service may be requested from properties immediately adjacent to the District boundary contingent upon available excess capacity, Board approval, written approval of the municipality where the property to be serviced is located, payment of all fees required by similar properties in the District, and payment of all costs to service property by the Out of District Customer.

Mr. Millar stated there is sufficient capacity to accommodate the request and that the related sanitary sewer assets will be privately owned and maintained by Sharma Development. Mr. Kaczor requested a stipulation be added to the approval requiring consent for the medical complex by the Hamburg Town Board.

On a motion by Mr. Kaczor, seconded by Mr. Millar, the Board voted to approve the Out of District Customer Agreement with Sharma Development, LLC to service the proposed medical office complex located at the intersection of Pleasant Avenue and Southwestern Blvd. in the Town of Hamburg (parcel nos. 181.00-3-11, 181.00-3-12, 181.00-3-13) with the added stipulation that the medical complex be approved by the Town of Hamburg. The motion carried 7-0.

**ITEM NO. 5 – OLD BUSINESS**

None.

**ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS**

a. **Operational Report**

Mr. Kaminski reported that the new solids handling pump recently installed at the Southtowns treatment plant is currently running in manual mode and is operating more efficiently than the old pump. The treatment plant is presently catching up with processing the sludge inventory that accumulated during installation of the new pump.

Mr. Kaminski also reported on an issue at the Elma Pump Station involving repair of a forcemain pipe that corroded to failure, likely due to the addition sodium hypochlorite in Steuben Food's effluent for odor control purposes. A new concreted lined steel or polyvinyl chloride (PVC) pipe will be installed to replace the damaged pipe.

Mr. Fiegl reported that a carnival was held at Woodlawn Beach over the past weekend to celebrate the Town of Hamburg's bicentennial. No odor control complaints, or otherwise, were received in regards to the event.

b. **Pretreatment Report**

i. **Dental Anagram Program**

Mr. Millar reported that the District inspected 26 of the 45 dental offices within ECSD No. 3. Of those inspected, 100% were in compliance with having an amalgam separator installed. The remaining 19 offices were sent a 2<sup>nd</sup> notification letter on 6/7/2012, to request scheduling of an inspection appointment.

c. **Construction Report**

Mr. Millar updated the Board on construction projects. The Cured In Place Pipe (CIPP) term lining project with Lash Contracting is nearly complete. Some minor problems occurred over the course of the Contract, but the project was successful. Mr. Millar briefly described the CIPP lining process that involves installing a "sock" soaked with resin in a defective pipe and then curing that resin with steam or hot water. The DSM will be issuing a new CIPP lining term contract in the near future. Mr. Kaczor inquired about the longevity of this method to which Mr. Millar replied that it is

reasonable to expect at least 50 years of service. Mr. Absolom added that DSM also has the ability to install pipe patches and has had great success with this rehabilitation method over the last year.

d. Charlotte, Sherburn, McKinley Pumping Station Elimination Project

i. Bid Schedule (Handout)

The Board reviewed the bid schedule for the Charlotte, Sherburn, McKinley Pumping Station Elimination Project, Contract No. 40, in the Village of Hamburg. The project involves elimination of three pump stations and the demolition of an abandoned station at the north end of Brookwood Dr. that has become a potential health and safety risk. Pumping Stations will be eliminated by installation of gravity sanitary sewer lines. Bid opening for this project is June 27, 2012.

ii. Approval of Plans (Handout)

The Board reviewed a transmittal letter to the New York State DEC that accompanied the plans and specifications for the Charlotte, Sherburn, McKinley project.

e. Town of Elma/ECDEP Meeting Minutes (Handout)

Mr. Fiegl has met with Town of Elma Supervisor, Dennis Powers and Town officials to discuss economic development intentions/plans. Mr. Fiegl stated that Supervisor Powers is currently out of town but intended to attend today's meeting. Mr. Fiegl added that he is communicating with the Town regarding plans for developing the corridor on Transit Road from Seneca to Clinton. His discussions also involved the existing wastewater infrastructure servicing the Steuben Foods site and related capacity limitations.

Chairman Mills stated that he is interested in meeting with the Town of Elma Supervisor and would like to invite him to the next Board Meeting.

f. SPDES Permit Update

Mr. Fiegl reported that SPDES permit negotiations with the New York State DEC are continuing and that issuance of a permit in the near future is becoming likely. Mr. Fiegl stated that there will be substantial obligations and studies related to the issued SPDES permit and wants the Board to be aware of this. Mr. Kaczor noted that the importance of quantifying the dollar value of changes that will result from the SPDES permit.

g. NYS Sewage Right to Know Act

Mr. Fiegl discussed the NYS Sewage Right to Know bill which was recently passed by the NYS Assembly and will be voted on in the next week by the NYS Senate. If the law takes effect, the DEC will promulgate rules and regulations. Mr. Fiegl provided additional history of how the proposed law came to be and what the law may require of wastewater service providers such as the DSM.

**h. Steuben Foods (Handout and Presentation)**

Representatives of Steuben Foods gave presentation about the history of Steuben Foods and discussed the expansion, economic impact, and the future growth plans for the company.

On a motion by Mr. Millar, seconded by Mr. Wilson, the above handouts under Miscellaneous & Informational Items (Items a-h) were received and filed. The motion carried 7-0.

**ITEM NO. 7 – ADJOURNMENT & NEXT MEETING**

On a motion by Mr. Kaczor, seconded by Chairman Mills, the meeting was adjourned at 9:20 am. The motion carried 7-0.

The Budget Meeting is scheduled for June 27, 2012, at 8:00 am, and will be held at the Southtowns Sewage Treatment Plant.

Respectfully submitted,



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

DM:cdk

**ERIE COUNTY SEWER DISTRICT NO. 3  
BOARD OF MANAGERS MEETING  
SOUTHTOWNS SEWAGE TREATMENT PLANT  
JUNE 27, 2012  
BUDGET MEETING**

**MEMBERS PRESENT:** David Kaczor, Gerry Kapsiak, David Millar, John Mills, Glenn Nellis, Karl Simmeth, Donald Witkowski

**MEMBERS ABSENT:** Michael Kasprzyk, John Wilson

**OTHERS PRESENT:** Glenn Absolom, Joseph Fiegl, Kevin Kaminski, Robert Keating, Larry Krug, Edward Paolini, Beth Salatka, and Maria Whyte

**ITEM NO. 1 – OPEN MEETING**

Chairman Mills called the meeting to order at 8:05 a.m.

**ITEM NO. 2 – ITEMS FROM THE PUBLIC**

None.

**ITEM NO. 3 – OLD BUSINESS**

None.

**ITEM NO. 4 – NEW BUSINESS**

**a. 2013 Budget (Handout)**

Mr. Fiegl opened the proposed budget discussion by noting that the County Sewer Districts are subject to the constraints of the recently enacted New York State Property Tax Cap (Tax Cap). He then introduced Commissioner Whyte and Budget Director Keating, who were present to discuss further the ramifications of the Tax Cap on the sewer district budgeting process.

Commissioner Whyte thanked the entire Erie County Sewer District No. 3 (ECSD No. 3) Board of Managers (Board) for its service on behalf of Erie County Executive, Mark Poloncarz, and the community. Commissioner Whyte explained that she was in attendance at today's meeting to put the proposed 2013 budget into a larger context. She noted that the Tax Cap presents challenges across the entire spectrum of Erie County's general fund, specifically with regard to the Erie County Holding Center and the Erie County Medical Center. She added that Erie County Sewer District budgets are passed early relative to other budgets within Erie County.

Erie County Director of Budget and Management, Robert Keating, stated that this year's County sales tax growth rate is flat and has come in under budget early in the year. He also stated that he anticipates that the 2013 budget will be difficult, but the 2014 budget is not expected to be as challenging.

*Item  
2(b)*

Mr. Mills questioned the applicability of the Tax Cap on the County Sewer Districts, given that the funding is separate and unique from the County's general fund. Mr. Fiegl explained that New York State did not create any exemptions for environmental and regulatory agencies when drafting the Tax Cap law. The aggregate of the general fund, library fund, and sewer fund are used in the Tax Cap calculation for Erie County. Due to the manner in which the law was drafted, there is now interconnectedness between the various funds that was not previously there. Mr. Fiegl added that, while the Division of Sewerage Management (DSM) will investigate all options to address the needs of the District, the County must comply with the law as written. Mr. Mills noted that sanitary sewer service is a mandated part of County government and the DSM does not have choices in significant spending decisions involving infrastructure maintenance and State Pollutant Discharge Elimination System (SPDES) permit requirements.

Mr. Kaczor stated that should the District move forward by making sacrifices in the 2013 budget, while assuming that the 2014 budget will be more favorable, it will be doing so on blind faith. He added that it was his opinion that sewer services are more important than many other services offered by the County. Mr. Kaczor also expressed concern about the current Southtowns AWTF operating capacity and that without sufficient budgets, development within ECSD No. 3 boundaries may likely be hindered in the future. Chairman Mills noted that companies like Steuben Foods benefit from the ECSD No. 3 treatment system and falling behind on projects may have a significant negative economic impact on Erie County. Commissioner Whyte stated that she and Mr. Fiegl had met with the County's Office of Budget and Management several times and that the challenges facing the DSM are not lost on that office or the Poloncarz administration.

Mr. Fiegl spoke on behalf of Board Member Kasprzyk as he was not able to attend the meeting. Mr. Kasprzyk's sentiment to the Board, via Mr. Fiegl, was that the Tax Cap is not prudent and that now is the time to add more to the ECSD No. 3 budget to address sewerage facility deficiencies, not less. Mr. Kasprzyk would prefer that the Board take a stand against the Tax Cap as this law is not sustainable.

Mr. Fiegl went on to speak about the proposed 2013 budget. As per Mr. Fiegl's discussions with each Board Member in anticipation of this meeting, the Board has been advised that due to the Tax Cap law, there is less flexibility in this year's budget than in the past. However, Mr. Fiegl commented that he believes this draft budget is a responsible plan to protect the assets and ratepayers of ECSD No. 3.

Overall, the ECSD No. 3 appropriations or expenses are budgeted in 2013 to increase approximately \$201,000. Due to an increase in anticipated revenues, the actual ECSD No. 3 tax levy is projected to increase only by 0.3% when compared to fiscal year 2012. This will result in most ratepayers seeing 2013 charges at or near their 2012 levy.

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

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

For this year, ECSD Nos. 3 and 8 share in approximately 39.6% of the Division-wide expenses. Within this region, ECSD No. 3 is responsible for 91% of the costs.

Reviewing the detailed summary for ECSD No. 3, the appropriations increase in 2013 is due to additional expenses for debt service (\$120,000) and operation and maintenance (\$81,000). On the revenue side, total revenues are budgeted to increase approximately \$166,500 with the vast majority coming from additional fund balance usage. The use of fund balance has increased approximately \$272,000 when compared to 2012. Observing recent trends on amount available and amount used, it is believed that this additional allocation of fund balance is prudent. The largest decrease of anticipated revenue is the "Intradistrict Adjustment" of \$56,100 for ECSD No. 8 which expires in the 2012 budget year.

Looking at the 2012 and 2013 budget comparison for ECSD Nos. 3 and 8 ("pie charts"), most items remained relatively constant, with the percentage of debt service increasing the most.

Mr. Kapsiak inquired about the positions detailed on page A5(a) of the proposed budget questioning whether or not all those positions were filled. Mr. Fiegl responded that not all of the positions were presently filled, but all are funded and the DSM intends to fill every one.

Fringe benefits for employees are not anticipated to increase sharply this year. There are expected increases in pension and medical insurance, but items such as workers compensation and unemployment are expected to decrease slightly. Several Board Members commented that although the fringes may not have increased sharply from 2012 budget, the rate is high in their opinion. Mr. Kaczor specifically spoke to the employee medical insurance rate of 23.26%, as detailed on page A6. Director Keating responded that insurance rates are based on quotes from insurance carriers and affect the entire County. Mr. Fiegl added that insurance requirements are a function of collective bargaining agreements, for which the DSM does not have control over.

Chairman Mills inquired about insurance premiums listed on page A19 questioning whether or not Board members were covered under this item. Mr. Absolom responded that, prior to Southtown's Sewer Agency (Agency) dissolution, Agency members were covered by this item through a standing agreement. ECSD No. 3 Board Members are covered through Erie County under the New York State Public Officers Law.

Mr. Fiegl continued summarizing the proposed budget. Equipment line items were budgeted at \$962,500 for ECSD Nos. 3 and 8. Major items include replacement of grinder pump units, replacement of two 30-year-old portable pumps, three vehicle replacements, various wastewater treatment plant solids handling improvements, laboratory equipment replacements, and ECSD Nos. 3 and 8's standard unanticipated replacement item.

Mr. Fiegl presented additional details from the various accounts. Fuel was conservatively budgeted at \$4.50/gallon to account for any unforeseeable crisis that might cause an increase. An adjustment was made to the chemicals supplies item due to rising costs. Mr. Fiegl noted that a replacement flusher truck was not added to the proposed budget due to the high cost (\$250,000). Instead, money was set aside should a repair be needed to the existing truck. Chairman Mills responded that the cost budgeted for flusher repairs was high. Mr. Fiegl stated that they hope not use the money put aside and that there are other flusher trucks within the DSM should the need arise to borrow one.

Overall, the ECSD Nos. 3 and 8 budgeted appropriations have increased approximately 1.6%. It is proposed that ECSD No. 3 contribute a total of \$650,000 to its capital reserve fund. This fund will be utilized for future capital work.

Fund balance usage as an offsetting revenue is budgeted at 60% of available balance. The available district fund balance at 12/31/11 represents approximately 3.2 months of 2013 budgeted appropriations. It is believed that this fund is at a healthy level.

The proposed 2013 budget recommends that the flat charge remain unchanged at \$210.00 per unit and the footage charges in ECSD No. 3 remain at \$0.50 / foot.

On a motion by Mr. Nellis, seconded by Mr. Millar, the Board voted to approve the proposed 2013 budget with some reservations and the stipulation that Erie County and Department of Environment and Planning aggressively challenge, through all available means, the manner in which the State's Tax Cap calculations include environmental and regulatory costs related to County-wide sewer management as mandated at both State and Federal levels. The motion carried, 7-0.

**i. 271 Resolution (Handout)**

It was resolved that approximately 34%, 10% and 56% of the total sanitary sewer tax levy of \$13,014,364 shall be raised from the assessed value, footage and flat charges, respectively.

On a motion by Mr. Millar, seconded by Mr. Mills, the Board voted to approve the 271 Resolution. The motion carried 7-0.

**ITEM NO. 5 – OLD BUSINESS**

None.

**ITEM NO. 6 – ADJOURNMENT & NEXT MEETING**

The Board discussed the need to hold the next regularly scheduled meeting on July 11, 2012. On a motion by Mr. Millar, seconded by Mr. Kaczor, the Board voted to cancel the meeting scheduled for Wednesday, July 11, 2012. The motion carried, 7-0.

On a motion by Mr. Nellis, seconded by Mr. Simmeth, the Board voted to adjourn the meeting at 9:25 a.m. The motion carried 7-0.

The next meeting is scheduled for Wednesday, October 3, 2012 at 8:00 a.m., and will be held at the Southtowns Sewage Treatment Plant.

Respectfully Submitted,



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

**ERIE COUNTY SEWER DISTRICT NO. 3  
BOARD OF MANAGERS MEETING  
WEDNESDAY OCTOBER 3, 2012, 8:00 A.M.  
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM**

**MEMBERS PRESENT:** David Kaczor, Gerry Kapsiak, David Millar, John Mills, Glenn Nellis, Karl Simmeth, John Wilson, Don Witkowski,

**MEMBERS ABSENT:** Michael Kasprzyk

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

**Item No. 1 – Call Meeting To Order**

Chairman Mills called the meeting to order at 8:05 a.m.

**Item No. 2 – Approval Of Meeting Minutes**

On a motion by Mr. Nellis, seconded by Mr. Wilson, the Board voted to approve the minutes taken at the June 20, 2012 and June 27, 2012 meetings. The motion carried, 8-0.

**Item No. 3 – Items From The Public**

None.

**Item No. 4 – New Business**

**a. Payments (Handout)**

Mr. Millar presented the payments on the handout for the month of October for approval. On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to approve the October 2012 payments. The motion carried, 8-0.

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

Mr. Millar presented a proposed 2013 Board meeting schedule for approval. On a motion by Mr. Kaczor, seconded by Mr. Witkowski, the Board voted to approve the proposed schedule. The motion carried, 8-0.

**c. User Charges**

Item 2

- i. Notice of Public Hearing (Handout)**
- ii. Minutes from Public Hearing (Handout)**
- iii. Approval of Resolution (Handout)**

A meeting was held on August 16, 2012 by the Division of Sewerage Management (DSM) to address proposed 2013 user charge rates and to hear any comments from the public. User charges apply to non-resident customers and businesses in Erie County Sewer District No. 3 (District) that exceed the surcharge-able limits. No comments were received from the public at the hearing. On a motion by Mr. Nellis, seconded by Mr. Millar, the Board voted to approve the proposed 2013 User Charge Rates. The motion carried, 8-0.

**d. Request for refund – Sewer Tap Fee**

**i. 175 Chancellor Drive (Handout)**

The Board considered a request from Marrano/Marc Equity Corporation for refund of a duplicate sewer permit fee for the property at 175 Chancellor Lane, West Seneca. In this instance, the related property is a corner lot fronting two streets, Chancellor Lane and Lockhart Road. Marrano erroneously obtained two permits for the same property and is now requesting refund of one of those permits. The requested refund applies to the permit issued for 11 Lockhart Road, as written. Mr. Simmeth questioned purpose of the permit fee. Mr. Fiegl responded by informing the Board the fee covers costs associated with installation inspection and permit administration.

On a motion by Mr. Millar, seconded by Mr. Kaczor, the Board voted to refund the fee of \$502.00, less a \$50.00 administrative fee (net \$452.00) per DSM policy, for the permit issued to 11 Lockhart Road, West Seneca to Marrano/Marc Equity. The motion carried, 8-0.

**ii. 16 Faahs Drive (Handout)**

The Board considered a request from Mr. Bart Adams for refund of a sewer permit fee issued to the property at 16 Faahs Drive, Orchard Park. Mr. Adams discovered the related lot was located in a flood plain, and therefore not buildable, after obtaining the permit.

On a motion by Mr. Millar, seconded by Mr. Kaczor, the Board voted to refund the fee of \$502.00, less a \$50.00 administrative fee (net \$452.00) per DSM policy, for the permit issued to 16 Faahs Drive, Orchard Park to Mr. Bart Adams. The motion carried, 8-0.

**e. I/I Compliance Hearing (Handout)**

The Board reviewed copies of final violation notices from the DSM to numerous residents within District No. 3. Written requests were mailed to each resident on several occasions to correct deficient conditions found during the DSM's Inflow/Infiltration (I/I) inspection program, but no corrections were completed. As a result, these residents have been referred to the Board to be considered for a hearing with the Division's hearing officer who will evaluate violations of the Rules and Regulations and recommend a follow-up action.

On a motion by Mr. Wilson, seconded by Mr. Nellis, the Board voted to refer the related residents to a compliance hearing. The motion carried 8-0.

**f. Truckers Discharge Permit (Handout)**

The Waste Hauler's Discharge permit is a requirement of Article VIII of the Erie County Rules & Regulations and are approved by the Board on an annual basis. Permits are valid for one year and can be amended or revoked for non-compliance with the permit's terms.

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to approve Waste Hauler's Discharge permits to Delo Drain & Septic, JB Enterprises, and Modern Portable Toilets, pending the application and insurance approvals. The motion carried, 8-0.

**g. Confirmation of Phone Poll – Award of Contract 40**

The Board considered confirmation of the July 10, 2012 phone poll awarding the Charlotte/Sherburn/McKinley Pumping Station and Brookwood Pumping Station Demolition project, Contract 40, to Milherst Construction Inc., in the amount of \$958,548.60.

On a motion by Mr. Millar, seconded by Mr. Wilson, the Board voted to approve the phone poll confirmation. The motion carried, 8-0.

**Item No. 5 – Old Business**

None.

**Item No. 6 – Miscellaneous & Informational Items**

**a. Operational Report**

Mr. Kaminski reported that the first of two new pumps installed as part of the new sludge pump project is operating above and beyond expectations. He added that a new air compressor, recently installed, went on line this week. The air compressor costs were offset with energy efficiency incentives from National Grid.

**b. Pretreatment Report**

**i. Residential FOG Letter (Handout)**

A general information letter regarding prevention of sewer blockages through proper management of Fats, Oils, and Greases (FOG) was sent to residents within the vicinity of Big Tree Road and Robin Lane in response to FOG blockage issues and a sanitary sewer overflow at that location.

**ii. Dental Amalgam Program**

There are 48 dental offices in the District, 36 of those have been inspected and found in compliance including installed amalgam separators. The remaining 12 offices have been sent a 3<sup>rd</sup>/final notice letter on 9/25/2012, requesting the scheduling of an inspection.

**c. Construction Report**

**i. Contract – 40 Notice of Award (Handout)**

**ii. Contract – 40 Notice to Proceed (Handout)**

**iii. Contract – 40 Village of Hamburg- Inter-municipal Agreement**

In addition to the informational handouts provided, Mr. Millar informed the Board that a new project (Contract 71) will soon commence. This is an open cut sewer rehabilitation project involving numerous spot repairs as a multi-district project to take advantage of economy of scale savings. In District No. 3, work will take place on West Quaker and Davis Road in the Village of Orchard Park. Mr. Millar also informed the Board the Crescent Ave. Pump Station project, Contract 43, is almost complete with just some restoration items remaining. Lastly, a preconstruction meeting was held for the Charlotte, Sherburn and McKinley Pump Station Elimination project, Contract 40, to discuss work to be completed this fall and next spring.

**d. Completion of Contract 66 – 2010-2011 CIPP Lining Project**

Mr. Millar discussed a memorandum regarding the completion of the first Cured-in-Place-Pipe Lining (CIPP) term contract undertaken by the DSM. The project was very successful and the DSM will continue this program in the future.

**e. NYSDEC – SSI Response Letter (Handout)**

The Board reviewed a copy of DSM's response to the New York State Department of Environmental Conservation's (DEC's) request for a compliance schedule to address recent changes in incinerator regulations. DSM had recently performed stack testing in anticipation of the new regulations (EPA 40CFR Part 60, Subpart M) and to determine if

existing incinerator units would continue to be a viable sludge disposal option. The effort concluded that under parameters of the new regulations, additional hydrogen chloride control may be necessary. Further stack testing will be completed for verification of other parameters. Should levels of other parameters (mercury) be shown to be too high upon re-testing, DSM will have to seriously evaluate other sludge disposal options, as modifying incinerators to address these parameters will be extremely expensive.

**f. Legislature Ltr. 2013 Assessment Rolls – Notice of Public Hearing (Handout)**

The Board reviewed a copy of a Notice of Public Hearing for the 2013 Assessment Rolls (2013 Levy). The hearing is a requirement of New York State County Law and allows the public an opportunity to comment on the method by which properties are assessed..

**g. Sewer Tap Refund – 3761 Lynn Dr. (Handout)**

This correspondence documents the Board's vote from the June 20, 2012 meeting where the request for a sewer tap fee refund by the resident at 3761 Lynn Drive was unanimously denied as there are no grounds for refund of the fee.

**h. Lateral Ltr. Sent to Town of Orchard Park Residents (Handout)**

The Board reviewed a copy of an informational letter sent to generate interest in the Division's Lateral Replacement Program. Laterals are replaced on a first-come, first-serve basis with the only cost to the homeowner being restoration work. Letters are typically sent to residents in known problem areas within the District to address I/I issues.

**i. Revised SPDES Permits (Handout)**

Mr. Fiegl informed the Board that after years of negotiations, there is finally agreement with the DEC over SPDES permit conditions for both the Southtowns Advanced Wastewater Treatment Facility and the Blasdell Wastewater Treatment Plant. Mr. Fiegl noted the following:

The Division originally requested an administrative renewal of the Blasdell permit but the DEC would not allow the renewal. An approval letter was received from the DEC for the Rush Creek Interceptor (RCI) project on September 25, 2012. The RCI should address the needs of the Blasdell permit as it will eliminate the facility.

The last major updates to the Southtowns permits were in the 1980's. The original permit conditions proposed by the DEC were daunting, but through negotiations those conditions are now more reasonable. The permit will involve numerous studies. Consequently, there will be a need to employ the services of engineering consultants to evaluate and recommend solutions that will allow the treatment facility to meet the permit requirements. The

permit will also require significant additional effort from operations staff involving sampling, lab work, and reporting. November 1, 2012 will be the effective date of new permits.

Mr. Mills inquired about projected costs for the next five-years. Mr. Fiegl indicated that costs will be dependent upon results from the required studies that have been built into the permits. That being said, the DSM anticipates that there will be substantial costs associated with meeting certain permit parameters in the next ten years. Mr. Mills then inquired about staffing needs for the next five-years. Mr. Fiegl replied by noting that succession planning is being investigated by the DSM. New positions may be considered due to the increased requirements of the SPDES permits, succession planning, and to better to improve organization.

On a motion by Mr. Millar, seconded by Mr. Kaczor, the Miscellaneous/Informational handouts for Items 6.A. through 6.I. were received and filed. The motion carried, 8-0.

**Item No. 7 – Adjournment & Next Meeting**

On a motion by Mr. Millar seconded by Mr. Nellis, the meeting was adjourned at 8:56 a.m. The motion carried, 8-0.

Next meeting is scheduled for Wednesday December 12, 2012 at 8:00 a.m.

Respectfully submitted



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

ERIE COUNTY SEWER DISTRICT NO. 3  
BOARD OF MANAGERS MEETING  
WEDNESDAY DECEMBER 12, 2012, 8:00 A.M.  
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: David Millar, John Mills, Gerry Kapsiak, Michael Kasprzyk,  
Glenn Nellis, Karl Simmeth, John Wilson, Don Witkowski

MEMBERS ABSENT: David Kaczor

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

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:03 a.m.

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

On a motion by Mr. Nellis, seconded by Mr. Wilson, the Board voted to approve the minutes from the October 3, 2012 meeting. The motion carried, 8 - 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None.

ITEM NO. 4 – NEW BUSINESS

a. Payments (Handout)

Mr. Millar presented the Payments on the handout for the month of December. On a motion by Mr. Kasprzyk, seconded by Mr. Simmeth, the Board voted to approve the December 2012 payments. The motion carried 8 – 0.

b. Confirmation of Phone Poll

i. Contract No. 71 – Award of Contract (Handout)

The Board considered confirmation of the November 27, 2012 phone poll awarding the Roseview, W. Quaker, South Davis, Iroquois and Broezel Sewer Rehabilitation Project, Contract No. 71, to Hydrolawn of Buffalo, Inc., in the amount of \$170,590.56.

*Item 2*

On a motion by Mr. Kasprzyk, seconded by Mr. Millar, the Board voted to confirm the phone poll approval. The motion carried, 8 – 0.

ii. Engineering Term Agreements (Handout)

The Board considered confirmation of the October 17, 2012 phone poll awarding engineering term agreements to Arcadis/Malcolm Pirnie, Conestoga-Rovers & Associates, DiDonato Engineering and Design Professionals, URS Corporation, and Wendel Companies. The duration of each agreement is three years at a limit not-to-exceed \$300,000.00. Mr. Millar stated term agreements are a means for the Division of Sewerage Management (DSM) to procure professional services without going through the formal request for proposal process for each individual small task. This is advantageous during situations involving emergencies requiring immediate attention, when the DSM does not have available staff or in-house expertise, and for certain assignments that are relatively small. This arrangement also broadens expertise available to address conditions built into the new SPDES permits.

Mr. Wilson noted that not all the engineering firms are not based locally and questioned whether or not there would be any attempt to retain local firms in the future under the term contract services acquisition process. Mr. Fiegl responded by stating that two (2) of the five (5) firms are based in Erie County, the three (3) others are national/international firms but have offices in Erie County that employ local residents, and that team location is part of the evaluation criteria used in the proposal scoring process. Mr. Fiegl also cited an example of engineering work recently completed for the DSM through a term contract assignment with a national firm providing expertise in subject matter not currently available locally.

On a motion by Mr. Nellis, seconded by Mr. Millar, the Board voted to confirm the phone poll approving the Engineering Term Agreements. The motion carried, 8 – 0.

c. I/I Compliance Hearing (Handout)

The Board reviewed copies of final violation notices from DSM to three residents in District No. 3. Written notices were mailed to each on several occasions requesting access for a property inspection as part of the DSM's Inflow/Infiltration (I/I) inspection program, but access was not granted. As a result, these residents have been referred to the Board to be considered for a hearing with the Division's hearing officer who will evaluate violations of the Rules and Regulations and recommend a follow-up action.

On a motion by Mr. Kasprzyk, seconded by Mr. Witkowski, the Board voted to approve the I/I Compliance Hearings. The motion carried, 8 – 0.

d. 2013 Budget Amendment – Mt. Vernon Sewer District (Handout)

Mr. Millar presented a proposed resolution amending the 2013 Budget to include provisions to pay for operation and maintenance services in the Mt. Vernon Sewer District,

Town of Hamburg. The Board had previously approved an agreement allowing District No. 3 to provide related operation and maintenance services, however, projected expenses and a charge formula to pay for said services was not available at that time. Estimated revenues to be received will equal calculated personnel and repair expenses associated with providing those services.

On a motion by Mr. Wilson, seconded by Mr. Kasprzyk, the Board voted to approve the Budget Amendment. The motion carried, 8 – 0.

#### ITEM NO. 5 – OLD BUSINESS

a. Rush Creek Interceptor: Southtowns Upgrades

Mr. Millar briefed the Board about the status of the Rush Creek Interceptor project. Mr. Fiegl added that the 5-million dollar grant for this work has a target construction deadline of December 2015.

Mr. Fiegl also discussed related SPDES permit requirements and associated studies, noting that some of the work would be completed by in-house staff with review by term consultants. Mr. Fiegl informed the Board he was looking into the possibility of using an Advanced Planning Bond to fund necessary engineering study efforts. Mr. Fiegl will research the logistics involved and report back to the Board at the next scheduled meeting.

b. Steuben Update

Mr. Absolom, Mr. Fiegl and Mr. Matt Salah met with officials of Steuben Foods in November 2012 to discuss capacity issues related to the Elma Pump Station. At that meeting, Steuben requested an evaluation of station upgrade alternatives to provide 1-million gallons per day (MGD) pumping capacity with redundancy, or spare pumps. The peak pumping capacity of the station is presently 1 MGD, but that is without any redundancy. A failure of any of the existing pumps under the current arrangement would have a significant effect on Steuben's productivity as it expands its process and its peak wastewater discharges continue to exceed the 0.5 MGD rate for which redundancy is available. Steuben acknowledged that it would be responsible for a majority of upgrade costs.

The County committed to detailing a scope of work to evaluate pump station options. The scope was forwarded to a consultant for a cost proposal to be delivered by the end of December 2012. As both the County and Steuben both have a working relationship with Arcadis/Malcolm Pirnie, that firm was selected for the proposal. The Board discussed the option of contributing towards the cost of the initial study considering that this was an ECSD No. 3 pumping station that allows for the District to receive substantial revenues (3 – 4% of the annual ECSD No. 3 revenues). Upgrades to the Elma Pumping Station would allow ECSD No. 3 to potentially receive additional revenues and importantly support an area business.

Mr. Kasprzyk stated that Steuben is a success story and proposed splitting the cost of the Elma Pump Station evaluation alternatives 50/50 with Steuben. Mr. Mills added his support for Steuben but requested that Mr. Fiegl also investigate the availability of economic development funds to cover the costs. On a motion by Mr. Nellis, seconded by Mr. Wilson, the Board voted to pay for half of the evaluation costs in an amount not-to-exceed \$25,000. The motion carried, 8 – 0.

#### ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

##### a. Operational Report

Mr. Kaminski reported the new Schwing sludge pumps are now operational and running better than anticipated. He also noted that a significant effort is under way to remove grit from the reactor tanks at the Southtowns facility. Mr. Kaminski added that new sampling procedures have been implemented to address SPDES permit requirements.

Mr. Absolom informed the Board that there was an issue with a construction project near Mill Street in the Town of Boston. The project involved County assets including removal of low pressure grinder pump equipment and installation of a new grinder pump. No permit was obtained and, as a result, the DSM was unaware of the work being done. DSM cannot assume responsibility for the new pump as the work was not witnessed by or done to our specifications.

##### b. Pretreatment Report

###### i. Industrial

Steuben Foods - The project to upgrade the wastewater pretreatment system is underway. Equalization tanks were installed and the building that will house the electrical gear has been erected. Over the next several weeks, Steuben Foods will be installing new equipment and starting up and debugging the new system. The new system is expected to be operational by January 18, 2013.

###### ii. Dental Amalgam Program

There are 48 dental offices in the District, 46 of them have been inspected. Of those inspected, 100% are in compliance having an amalgam separator installed. Several letters were sent requesting an inspection of the remaining two offices. Pretreatment staff will make unannounced visits to these facilities. If inspections are not granted, the matter will be referred to the Board for enforcement.

##### c. Construction Report

###### i. Contract No. 40 – Resident Letter – Start of Construction (Handout)

The Board review an informational letter sent to residents affected by the Charlotte/Sherburn/ McKinley Pumping Station Elimination Project. The letter provides general information and contact numbers for this project.

d. USEPA Ltr. – Legal Authority Village of Blasdell Treatment Plant (Handout)

Mr. Millar presented the letter from the County Attorney's Office to the United States Environmental Protection Agency requesting transfer of the Village of Blasdell's Pretreatment Program to Erie County Sewer District No. 3. While Blasdell's wastewater treatment assets have been formally transferred to the County, the Pretreatment program still has not.

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

The Board reviewed minutes from the 2012 Assessment Rolls hearing held on November 2, 2012. This hearing is required by County Law and is part of the County Budget process. There was no one from the public that commented on District No. 3's portion of the rolls.

On a motion by Mr. Nellis, seconded by Mr. Wilson, the Board voted to Receive and File Miscellaneous & Informational Items 6.a. through 6.e. The motion carried 8 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Kapsiak, seconded by Mr. Wilson, the meeting was adjourned at 8:54 a.m. The motion carried 8 – 0.

Mr. Fiegl requested a date change for the next meeting from Wednesday February 6, 2013 to Wednesday February 13, 2013. The Board concurred with the change.

Next meeting is scheduled for Wednesday February 13, 2013 at 8:00 a.m.

Respectfully submitted



Secretary  
ECSD No. 3- Board of Managers

Moved By: MIKE KAPREYK  
Seconded By: KARL SIMASTH  
Approved / Disapproved: APPROVED, 9-0  
Date: FEB. 13, 2013

DM: jk