

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY, FEBRUARY 3, 2016
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, Melissa Hartman, Mike Hayden (8:06 a.m.),
David Kaczor, David Millar, David Rood, Karl Simmeth,
Don Witkowski

MEMBERS ABSENT: None

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joseph Fiegl, Terri Gier,
Kevin Kaminski, Rick Rehac, Emery Wittmeyer (Village of Orchard
Park) and Steuben Foods Representatives (Kevin Moyer, Ken Stanley,
Rick Swist, and Glenn Wright)

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:00 a.m.

a. Nominations for Board Officers

On a motion by Mr. Millar, seconded by Mr. Kaczor, the Board voted to appoint Mr. Mills as Chairman of the Erie County Sewer District No. 3 (ECSD No. 3) Board of Managers for the term expiring December 31, 2017. The motion carried 7 - 0.

On a motion by Mr. Millar, seconded by Mr. Simmeth, the Board voted to appoint Mr. Kaczor as Vice Chairman of the ECSD No. 3 Board of Managers for the term expiring December 31, 2017. The motion carried 7 - 0.

On a motion by Chairman Mills, seconded by Mr. Rood, the Board voted to appoint Mr. Millar as Secretary of the ECSD No. 3 Board of Managers for the term expiring December 31, 2017. The motion carried 7 - 0.

b. Welcome New Members

The Board welcomed new members Ms. Melissa Hartman (Supervisor from the Town of Eden) and Mr. Michael Hayden (Town of Holland). Emery Wittmeyer (Village of Orchard Park) was also present at the meeting.

c. Resignation of Mr. Glenn Nellis (Handout)

The Board reviewed a letter of resignation from Mr. Glenn Nellis.

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to accept, with regret, Mr. Nellis's letter of resignation. The motion carried 7 - 0.

Item 2

ITEM NO. 2 – APPROVAL OF DECEMBER 9, 2015 MEETING MINUTES

On a motion by Mr. Millar, seconded by Mr. Witkowski, the Board voted to approve the minutes from the December 9, 2015 meeting. The motion carried 7 - 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

a. Steuben Foods Presentation

Mr. Fiegl introduced representatives from Steuben Foods, Inc. (Steuben) present at the meeting. At the Board's request, Steuben was invited to the meeting to discuss odor complaints from residents downstream of the discharge of the Elma Pumping Station force main. Odor complaints have been an ongoing concern at this location, and a regular topic of discussion, at Board meetings.

A packet of informational slides detailing Steuben's waste water system was distributed to everyone in attendance. Mr. Glenn Wright, Sr. Vice President of Engineering and Maintenance for Steuben presented the information in the packet. Mr. Wright concluded his comments by stating that Steuben will continue to work proactively with the Erie County Dept. of Environment and Planning, Division of Sewerage Management (DSM) to resolve any issues that may arise in the future. Steuben has retained the services of an odor control expert and will share all reports and findings from its consultant in an attempt to develop a long term solution to the odor issue. Furthermore, Steuben will continue to feed chlorine dioxide (ClO₂) and sodium hypochlorite (bleach) to its waste stream until a new odor control solution is agreed to by both the DSM and Steuben.

Mr. Kaczor thanked Steuben Foods for attending the meeting to address the odor related problem. As a longtime Councilmember for the Town of Orchard Park, Mr. Kaczor stated there have been numerous odor issues brought to the Town Board's attention over the years. He added the Milestrip Road area has seen significant growth in recent history which has resulted in an increasing number of complaints when odor issues arise. Mr. Kaczor noted it will be important to work with the DSM to control odor now, more than ever, due to the increasing number of people affected by this problem.

Mr. Simmeth asked Mr. Absolom and Mr. Kaminski for their thoughts concerning the presentation. Mr. Absolom and Mr. Kaminski stated the presentation was informative.

Chairman Mills credited Steuben for the employment opportunities it offers to Western New York, noting Steuben's continued expansion. With this expansion, it is important for Steuben to partner with DSM to address problems as they arise. Chairman Mills suggested a tour of the Steuben facility, for the benefit of new Board members, in order to get a better understanding of the operation as detailed in the informational slides.

Mr. Fiegl suggested that the April 13, 2016 meeting of the Board could be held at the Elma Town Hall, to be followed by a tour of Steuben's facility. The DSM will investigate the logistics of the meeting location change, and tour of Steuben's facility, and inform the Board if such change occurs in a timely manner.

The Steuben representatives departed the meeting at 8:28 a.m.

ITEM NO. 4 – OLD BUSINESS

a. Village of Hamburg Debt Service

As discussed at the previous meeting of the Board, the Village of Hamburg (Village) borrowed \$3.2-million, several years ago, to fund capital projects as a requirement of the merger agreement for sanitary sewer services between the County and the Village. A number of environmentally beneficial projects were completed over the years with those funds. At that time, the Village also received a \$385,000 grant from the United States Environmental Protection Agency (USEPA) for the same purpose. Presently, the Village has \$305,000 in unused funds. During the previous meeting of the Board, two options were discussed concerning the use of the unused funds: 1) Apply the funds to the Village's annual debt service of \$116,000 for the next 2 ½ years, or 2.) Apply the funds to a capital sewer project in the Village. Since the previous Board meeting, the DSM has consulted with the Village and recommends applying the unused funds to the Village's annual debt service. Mr. Fiegl noted the Village of Hamburg brought this issue to the Board's attention as a courtesy.

On a motion by Mr. Kaczor, seconded by Mr. Rood, the Board voted to recommend that the Village of Hamburg apply its unused funds to annual debt service. The motion carried 7 - 0. Mr. Witkowski abstained from the vote.

ITEM NO. 5 – NEW BUSINESS

a. Payments (Handout)

The Board reviewed the payments handout for the month of February. On a motion by Mr. Simmeth, seconded by Ms. Hartman, the Board voted to approve the February 2016 payments. The motion carried 8 - 0.

b. Water Resource Recovery Facility – Proposed Name Change (Handout)

The Board reviewed a copy of a Resolution recommending that the Blasdell Sewage Treatment Plant, Holland Sewage Treatment Plant, and Southtowns Advanced Wastewater Treatment Facility be renamed "Water Resource Recovery Facilities" to better capture their true function. Mr. Fiegl informed the Board there is currently a popular initiative in the wastewater industry to re-brand utilities in an attempt to portray a more positive image. By doing so, the intent is the public will better value related services provided and support necessary investments in the infrastructure. He stated most people are unaware of the DSM's function and therefore may not see a value in its mission. Mr. Fiegl added the philosophy for the name change to "Water Resource Recovery Facilities" is that our treatment plants recover water, a valuable resource, from a major societal waste stream.

Mr. Fiegl also informed the Board of the possibility of changing the title of the Division from the Division of Sewerage Management to something that would portray a more positive image. He noted that the term 'Sewerage' was unfamiliar to most and suggested the new title might use the words 'Pure', 'Water, and/or 'Utility'.

Mr. Fiegl opened the floor to questions or comments.

Mr. Simmeth questioned how the name change would be rolled out, specifically if the tax bills would reflect the name change. Mr. Fiegl stated the name change may be included in other County Charter modifications this spring. He stated the roll out process would be slow.

Mr. Kaczor cautioned the Board to keep the name change short and simple and offered his support for the change.

Chairman Mills stated that the DSM does a great job and thought a name change would create a more positive image and moved the Division into the 21st Century.

On a motion by Mr. Kaczor, seconded by Mr. Millar, the Board voted to approve the Resolution recommending that the Blasdell Sewage Treatment Plant, Holland Sewage Treatment Plant, and Southtowns Advanced Wastewater Treatment Facility be renamed "Water Resource Recovery Facilities". The motion carried 8 - 0.

c. STAWTF SSI Upgrades Agreement with GHD – Change Order No. 1 (Handout)

The Board reviewed a change order to the A/E Agreement with GHD Consulting Services (GHD) related to the Southtowns Sewage Sludge Incinerator (SSI) Emission Control Upgrades Project. The change order will compensate GHD for completion of additional work, outside the scope of the original agreement, for services related to the design and construction of the SSI improvements to the plant's incineration system. The additional work included in this change order involves services necessary to complete stack emissions testing for both incinerators to validate the effectiveness of the new improvements. The net change order amount is \$12,999.89. The DSM has reviewed the proposed budget and concurs it is commensurate with the level of effort detailed in the change order.

On a motion by Mr. Millar, seconded by Mr. Rood, the Board voted to approve Change Order No. 1 for the Southtowns SSI Emission Control Upgrades Project. The motion carried 8 - 0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

1. Mr. Canestrari stated January 2016 was a very busy month. There was a force main break at the Boston Valley Pump Station requiring collections staff, along with Kandey Co., to excavate and repair the break. Mobilization was quick and the issue was resolved within 24-hours. Mr. Canestrari also informed the Board that excessive debris found in the gravity line tributary to the Boston Valley Pump Station, found prior to the previous meeting, was isolated to a very small segment. The debris has been removed.

2. Mr. Canestrari stated he met with the owner of Mangia Ristorante & Caffè in Orchard Park regarding odor issues. While this appeared at first to be an issue within the restaurant's facilities, no internal plumbing issues were identified upon review. To assist the restaurant, carbon inserts were placed in the dead end manhole and the first downstream

manhole in an effort to provide additional venting. Sewers were televised in the vicinity of the restaurant and vented covers were also installed at Princeton. Mr. Canestrari stated he will follow up to verify the effectiveness of the actions taken.

Mr. Kaczor stated there is a possibility odor complaints may become more prevalent this summer as several restaurant businesses, in the vicinity of Mangia, will be offering outdoor seating.

3. Mr. Canestrari stated a manhole located behind Royal Crest in the Town of Orchard Park was eliminated. An adjacent creek had shifted around this manhole, over the years, and likely contributing significant inflows to the collections system.

Chairman Mills requested that Mr. Canestrari investigate recent odor complaints in the vicinity of the Byrd House in Orchard Park.

b. Pretreatment Report

i. FOG Prevention Resident Letter (Handout)

The Board reviewed a copy of an informational letter sent to residents of Torry Drive and McKinley Parkway in the Village of Hamburg. The letter was sent in response to a grease blockage that occurred in a sewer line to which these streets are tributary. The letter points out that grease blockages are preventable and may cause damage to personal property via basement backups.

ii. Steuben Foods – Odor Concerns (Handout)

The Board reviewed a letter requesting Steuben Foods attend the February 3, 2016 Board of Manager's Meeting to discuss compliance with their Industrial Waste Discharge Permit and the increasing number of odor complaints.

c. Construction Report

Mr. Millar stated work for Contract 37A (General) is 97.3% complete, Contract 37B (HVAC) is approximately 72% complete, and Contract 37D (Electrical) is approximately 56% complete. Mr. Millar stated work for Contract 17A (General) is 23.8% complete. Contracts 37 and 17 constitute the Rusk Creek Interceptor Project with a combined cost of \$16,281,624.00. Total work completed to date is \$10,013,276.00, or approximately 61.5%.

Mr. Millar stated construction is complete for the SSI Project with punch list items outstanding. Testing of both X and Y incinerators will be completed this week.

d. Planning Grant #51720 – ECSD 3 Engineering Study (Handout)

The Board reviewed a letter from the NYSDEC informing the County Executive that Erie County Sewer District No. 3 had been awarded \$100,000 for an Engineering Planning Grant through

the New York Clean Water State Revolving Fund Program. The funds will be used for a flow monitoring study to be conducted in the District. An RFP has already been issued for this study.

Chairman Mills inquired about potential funding opportunities from the Federal level. Mr. Fiegl stated that wastewater funding is currently more likely to come from the State level.

Mr. Kaczor inquired about monthly NACWA articles previously included in the meeting materials provided to the Board. He requested that the Board continue to receive this information. Mr. Millar stated this information is still available and will be provided to the Board in electronic format going forward.

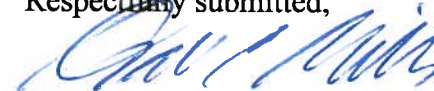
On a motion by Mr. Rood, seconded by Mr. Kaczor, the Board voted to receive and file above items 6.a. through 6.d. The motion carried 8 - 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the meeting was adjourned at 9:11 a.m. The motion carried 8 - 0.

The next meeting is scheduled for April 13, 2016 with a potential location change.

Respectfully submitted,



Secretary
ECSD No. 3 – Board of Managers

DM:tg


Motion to Approve the February 3, 2016 Meeting Minutes

Moved by: DAVE ROOD

Seconded by: KARL SIMMETH

App/Disapp: APPROVED 7-0

Date: 4/13/2016



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

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY, APRIL 13, 2016
ELMA TOWN HALL

MEMBERS PRESENT: Chairman John Mills, Melissa Hartman, Mike Hayden, David Millar, David Rood, Karl Simmeth, Don Witkowski (8:02 a.m.), Emery Wittmeyer

MEMBERS ABSENT: David Kaczor

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joseph Fiegl, Terri Gier, Kevin Kaminski, Rick Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:00 a.m.

a. Welcome New Members

The Board welcomed new member Emery Wittmeyer (Village of Orchard Park).

ITEM NO. 2 – APPROVAL OF FEBRUARY 3, 2016 MEETING MINUTES

On a motion by Mr. Rood seconded by Mr. Simmeth, the Board voted to approve the minutes from the February 3, 2016 meeting. The motion carried 7 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – OLD BUSINESS

a. Steuben Foods Update / Elma Forcemain Agreement

Mr. Fiegl reported construction for the upgrades at the Elma Pump Station is nearing completion and noted a delay in the schedule related to procurement of the motor control center by the Electric Contractor.

Mr. Fiegl also reported that Steuben Foods retained a consultant to conduct an odor control study in the vicinity of the Milestrip Rd. Pump Station in Orchard Park. Steuben recently submitted a report of the consultant's findings to the Division of Sewerage Management (DSM). Mr. Fiegl will review the report and share his findings with the Board.

b. SEQR – Out of District Customer Extension (Handout)

Item
2

The Board reviewed a copy of the State Environmental Quality Review (SEQR) Determination for the proposed out of District Customer Extension previously approved by the Board. As the Board approved the related extensions, there were no objections received during the 30 day SEQR comment period, and there are no known negative environmental consequences associated with adoption of the extension. The Determination for this action is nonsignificance or Negative Declaration.

Mr. Simmeth inquired as to why the Town of Boston was excluded from the list of stakeholders in the Negative Declaration. Mr. Millar stated there were no extensions within the Town of Boston in this action. Mr. Simmeth added that some of the information on the stakeholder list should be updated to include newly elected officials whose municipalities were affected by this action. Mr. Millar informed the Board the DSM will update the list.

This is an informational item; no action is required by the Board.

ITEM NO. 5 – NEW BUSINESS

a. Flow Monitoring RFP – Confirmation of Email Poll (Handout)

The Board considered confirmation of the February 29, 2016 telephone/email poll approving award of an agreement to Arcadis of New York (Arcadis) to perform engineering services necessary to prepare a Flow Monitoring and Inflow/Infiltration (I/I) Quantification Report. Erie County Sewer District No. 3 received a \$100,000 engineering planning grant through the State's Consolidated Funding Application program for the work.

Mr. Millar noted the poll was conducted in February, rather than waiting to discuss the issue at this Board of Manager's meeting, to expedite award of the contract and subsequently take advantage of wet springtime conditions for flow monitoring purposes.

On a motion by Mr. Simmeth, seconded by Mr. Witkowski, the Board voted to confirm the February 29, 2016 poll approving award of an agreement for preparation of a Flow Monitoring and I/I Quantification Report to Arcadis in a not-to-exceed amount of \$180,000. The motion carried 8 – 0.

Mr. Fiegl reported that a meeting was recently held between the DSM and the New York State Department of Environmental Conservation (NYSDEC) to discuss the DSM's ongoing Inflow/Infiltration (I/I) Program and promote positive dialogue concerning I/I abatement issues. At the meeting, Mr. Fiegl discussed the successful history of work performed by the DSM in Erie County Sewer District No. 3 and presented plans to address existing Sanitary Sewer Overflows (SSOs). Mr. Fiegl added that the meeting was productive and appeared to be well received.

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

The Board reviewed copies of final violation notices from the DSM to several property owners in ECSD No. 3. Written requests were mailed to each resident on several occasions, without response, to complete a house inspection as part of the DSM's I/I inspection program. As a result, these residents have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the Rules and Regulations and recommend a follow up action.

On a motion by Ms. Hartman, seconded by Mr. Rood, the Board voted to approve the referrals for a Compliance Hearing. The motion carried, 8 – 0.

c. NYSDOT – Temporary Easement (Handout)

The Board reviewed a copy of a notification letter from the New York State Department of Transportation (NYSDOT) for the fee taking involving acquisition of a portion of the Southtowns Treatment Plant property at the corner of Hoover Rd. and Route 5. The NYSDOT has appraised the piece of property at \$23,900. The related easement will be used to construct a turn-around for the purpose of eliminating the intersection of Hoover Rd. and Route 5. A copy of the proposed easement was included at the end of the letter.

This is an informational item; no action is required by the Board.

d. Payments (Handout)

The Board reviewed the payment handout for the month of April. On a motion by Mr. Simmeth, seconded by Ms. Hartman, the Board voted to approve the April 2016 payments. The motion carried 8 – 0.

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report

Mr. Canestrari reported there have been no further odor issues near Mangia Ristorante & Caffè in the Village of Orchard Park. He added that the carbon insert will subsequently be relocated in hopes of mitigating any odors pushed downstream.

Mr. Canestrari reported that district staff investigated an odor issue near the Byrd House restaurant in the Village of Orchard Park. The District will continue to monitor this issue.

Mr. Canestrari reported the Collections Department continues to flush, repair manholes, and perform routine collection system maintenance as part of its ongoing program.

b. Pretreatment Report

None

c. Construction Report

Construction of Contract No. 47, Elma Pump Station Improvements, is approximately 70% complete. All major components, including the new pump and new motor control center, are being installed in the new building addition. Remaining major work tasks include connecting and placing in service the new exterior electrical power supply to the facility, completing all electrical work associated with placing the new motor control center and pump control system in service, and completing all piping work associated with the new pump. Substantial completion is anticipated for May 6, 2016.

The force main portion of the Rush Creek Interceptor project has been installed. Gravity pipe installation work will commence within the next two weeks with anticipated completion in the fall of 2016.

i. CIPP Lining – Notice to Proceed (Handout)

The Board reviewed a copy of the Notice to Proceed sent to Arold Construction for the Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project, Contract 56. This project involves lining larger diameter pipe, relative to the DSM's collection system, including 15-inch diameter pipe in the vicinity of the Village of Orchard Park.

d. Southtowns AWFT & Blasdell WWTP – Collection System & SSO Annual Report (Handout)

The Board reviewed a copy of the transmittal letter that accompanied the ECSD No. 3 Collection System Program and SSO Annual Report to the NYSDEC. Annual submission of this report is a SPDES permit requirement.

e. Letter to NYSDEC – Emission Test Report for Sewer Sludge Incinerators (Handout)

The Board reviewed a copy of the transmittal letter that accompanied the Emission Test Report to the NYSDEC. The test results are within new emission limits verifying that recent incinerator improvements are operating effectively.

Mr. Witkowski inquired about the cost of the project upgrades. Mr. Millar stated project costs were approximately \$1-million.

On a motion by Mr. Millar, seconded by Mr. Simmeth, the voted to receive and file Miscellaneous and Informational Items 6.a. through 6.e. The motion carried, 8 – 0.

Mr. Millar reminded all Board the deadline for submission of the 2015 Ethics Disclosure Statements is May 15, 2016.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Rood seconded by Ms. Hartman, the meeting was adjourned at 8:19 a.m. The motion carried 8 – 0.

The next meeting is scheduled for 8:00 a.m., June 15, 2016 at 8:00 a.m. at the Southtowns Treatment Plant conference room.

Respectfully submitted,



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

DM:tg

Motion to Approve the April 13, 2016 Meeting Minutes

Moved by: DAVID ROOD

Seconded by: DON WITKOWSKI

App/Disapp: APPROVED 5-0

Date: 6/15/16



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

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY, JUNE 15, 2016
SOUTHTOWNS TREATMENT PLANT OFFICE

MEMBERS PRESENT: Chairman John Mills, David Kaczor, David Millar, David Rood,
Don Witkowski, Emery Wittmeyer

MEMBERS ABSENT: Melissa Hartman, Mike Hayden, Karl Simmeth

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, James Carr, Joseph
Fiegl, Terri Gier, Kevin Kaminski, Rick Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:01 a.m.

ITEM NO. 2 – APPROVAL OF APRIL 13, 2016 MEETING MINUTES

On a motion by Mr. Rood, seconded by Mr. Witkowski, the Board voted to approve the minutes from the April 13, 2016 meeting. The motion carried 6 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – OLD BUSINESS

a. **Steuben Foods Update / Elma Forcemain Agreement**

Mr. Fiegl informed the Board that the DSM met with representatives of Steuben Foods to discuss the status of the Elma Pump Station Improvements project which is nearing completion.

Mr. Fiegl noted one recent odor complaint from a resident on Baker Road who lives in close proximity to the Milestrip Rd. Pump Station. Modifications were made at the station in an attempt to address the odors.

Mr. Fiegl discussed the status of the calcium carbonate scaling issue in the Elma forcemain. Steuben's consultant recommended the addition of EDTA to its wastewater discharge to address scale accumulation on forcemain piping, pumps, and related equipment. An initial EDTA treatment was added late last year and a second one was done to the system last month. The results are currently under evaluation.

Mr. Kaczor noted to the Board that he has not noticed any odor issues in the vicinity of the Milestrip Rd. Pump Station during his recent travels through the area.

Item 2a

ITEM NO. 5 – NEW BUSINESS

- a. Southtowns AWTF No Feasible Alternative Analysis Report – Confirmation of Email Poll (Handout)

The Board considered confirmation of the April 28, 2016 telephone/email poll approving award of an agreement to GHD Consulting Services, Inc. (GHD) to perform engineering services necessary to complete the Southtowns ATWF No Feasible Alternative Analysis Report in an amount not-to-exceed \$68,070.68. The report is a requirement of the State Pollution Discharge Elimination System (SPDES) Permit NY 0095401 for the Southtowns AWTF and will provide a technical and financial analysis to provide cost effective solutions to best serve the long term function and viability of the treatment plant.

On a motion by Mr. Kaczor, seconded by Mr. Millar, the Board voted to confirm the April 28, 2016 poll awarding an agreement to GHD for the completion of the Southtowns ATWF No Feasible Alternative Analysis Report in an amount not-to-exceed \$68,070.68. The motion carried 6 – 0.

- b. Southtowns Influent Pumping Station & ORF Upgrades – Change Order (Handout)

The Board considered a change order to the agreement with GHD Consulting Services, Inc. for additional work related to the Southtowns AWTF Influent Pumping Station and ORF Improvements project. GHD was retained to perform engineering services during the construction phase of this project. During the course of construction, there were a number of tasks that GHD documented as exceeding the original scope of services for the project. Compensation was requested for the following items: 1.) Additional inspection time to coordinate this project with the Rush Creek Interceptor construction project, 2.) Additional progress meetings to coordinate treatment plant activities, 3.) Redesign of improvements at the influent channel due to an unforeseen conflict with a load bearing column, 4.) Design work involved with replacing appurtenances in the ORF that were discovered during the course of construction, and 5.) Redesign of existing plant water loop that conflicted with proposed buried piping. The total change order amount requested by GHD for the additional effort is \$65,000. The Division of Sewerage Management agrees the additional items were necessary, not part of the original scope, and are commensurate with the additional level of effort.

Mr. Witkowski inquired about the original contract amount. Mr. Carr reported the original contract amount with GHD for this project was \$688,750. Mr. Fiegl noted the DSM negotiated to reduce GHD's original requested amount for the additional services.

On a motion by Mr. Witkowski, seconded by Mr. Kaczor, the Board voted approve a change order to the agreement with GHD Consulting Services, Inc. in an amount not-to-exceed \$65,000 for additional work related to the Southtowns AWTF Influent Pumping Station and ORF Improvements project. The motion carried 6 – 0.

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

The Board reviewed final inspection and violation notices from the Division of Sewerage Management (DSM) to several property owners in District No. 3. Written requests were mailed to each resident on several occasions, without response, to complete a house inspection or correct a deficient condition found during the DSM's Inflow/Infiltration inspection program. As a result, these property owners have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the "Rules and Regulations" and recommend a follow-up action.

Mr. Millar noted three of the property owners, included in the package, have recently complied with the program and will not be considered for referral to a hearing. They are Michael & Lynn Yannazio (4923 Morgan Pkwy), Edward Dejoy (4845 Kennison Pkwy) and Robert & Rebecca Black (5074 Clarice Dr). Mrs. Gier noted that Andrew Marts (4947 Morgan Pkwy) also recently complied.

On a motion by Mr. Kaczor, seconded by Mr. Rood, the Board voted to approve the referrals for a Compliance Hearing. The motion carried 6 – 0.

d. Payments (Handout)

The Board reviewed the payment handout for the month of June. On a motion by Mr. Millar, seconded by Mr. Witkowski, the Board voted to approve the June 2016 payments. The motion carried 6 – 0.

e. Letter to the Town of Orchard Park– Reimbursement for Sanitary Bypass Work (Handout)

The Board reviewed a letter, dated April 22, 2016, from the Town of Orchard Park to the DSM regarding sanitary sewer work at the Green Lake dam rehabilitation project. The letter is a request from the Town for reimbursement of pipe and manhole installation completed during that project. A portion of the effort, undertaken by the Town, involved abandonment of the sanitary sewer pipe under the existing dam which was facilitated by reconfiguration of buried pipe and manholes immediately upstream of the dam. In response to the letter from the Town of Orchard Park seeking reimbursement in the amount of \$23,269.00 for the sanitary sewer work involved with the dam project, the DSM requested, in a letter dated May 9, 2016, pertinent information to substantiate the reimbursement. To date, the DSM has not received any information.

Mr. Fiegl stated that before any decisions could be made on this matter, the requested information from the Town would need to be evaluated. He also stated that the DSM typically assumes costs of utility relocations when performing its own betterment projects.

Mr. Kaczor suggested that the DSM contact the Town of Orchard Park again to request the necessary information.

This item was tabled by the Board.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported the annual preventative maintenance on the UNOX reactors and clarifiers at the Southtowns AWTF was completed.

Mr. Absolom reported that major repairs were made to the influent screw pumps at the treatment plant and added that the scrolls on those pumps may require complete replacement. Mr. Absolom noted significant issues with the incinerators and blowers that are presently under investigation, all with the potential for substantial repair costs.

b. Pretreatment Report

None

c. Construction Report

i. Contract No. 56, CIPP Lining – Expansions of Time (Handout)

The Board reviewed a copy of a letter to Arold Construction Co., Inc. concerning a request for an extension of time to complete pipe lining work under Contract No 56. Mr. Millar reported the extension was granted to Arold by the DSM for 15” CIPP Lining due to coordination issues with a similar project concurrently taking place in Erie County Sewer District No. 1.

All work for Contract No. 37STP, Southtowns Influent Pump Station & ORF Improvements, is essentially complete. Some minor punch list items remain outstanding including testing of the new pump station and ORF dechlorination system, both of which are weather dependent. The Board was informed the electrical contractor for this project, South Buffalo Electric, has filed for bankruptcy and Mechanic’s Liens has been received against them. Mr. Carr reported the DSM has been in contact with South Buffalo’s attorney to facilitate completion of the work during this time. Mr. Fiegl added the project was 99% complete and he indicated that the workmanship of the project was good.

The Elma Pump Station Improvements project, Contract No. 47, is complete less restoration, cleanup, and demobilization. Final close out of both the General and Electrical Contracts will take place after restoration is finished. South Buffalo Electric is a contractor on this project as well and hence, the DSM has been in contact with South Buffalo’s attorney concerning payments.

- c. Letter to Mr. Lafferty, 275 Canada Street – Deck built over grinder tank (Handout)

The Board reviewed a letter from the DSM concerning the property at 275 Canada St. in Holland, N.Y. The letter addresses a matter involving the construction of a deck above a low pressure sewer grinder tank serving that property. The deck infringes on the easement for the grinder tank and impedes access for maintenance by DSM personnel. Mr. Millar noted that, since sending the letter, the DSM was informed the property owner is deceased. The DSM will attempt to make arrangements with the property owner's Estate to resolve this issue.

On a motion by Mr. Millar, seconded Mr. Rood, the Board moved to receive and file Miscellaneous/Informational Items 6.a through 6.d. The motion carried 6 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Millar, seconded by Mr. Rood, the meeting was adjourned at 8:23 a.m. The motion carried 6 – 0.

The next meeting is scheduled for June 22, 2016 at 8:00 a.m. at the Southtowns Treatment Plant conference room to consider the proposed 2017 Erie County Sewer District No. 3 budget.

Respectfully submitted,



David C. Millar P.E., Secretary
ECSD No. 3 Board of Managers

DM:tg


Motion to approve minutes of June 15, 2016

Moved By: D. Rood

Seconded By: D. Kaczor

Approved/Disapproved: 8-0

Date: 10/5/16



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

BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 3 & 8
WEDNESDAY, JUNE 22, 2016
SOUTHTOWNS TREATMENT PLANT OFFICE
BUDGET MEETING

MEMBERS PRESENT: Chairman John Mills, David Kaczor, David Millar, David Rood, Karl Simmeth, Don Witkowski and Emery Wittmeyer

MEMBERS ABSENT: Melissa Hartman, Mike Hayden

OTHERS PRESENT: Joe Fiegl, Terri Gier, Kevin Kaminski, Garry Pecak (District 8), Rick Rehac

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

Chairman Mills called the meeting to order at 8:10 a.m.

ITEM NO. 2 – ITEMS FROM THE PUBLIC

None

ITEM NO. 3 – OLD BUSINESS

None

ITEM NO. 4 – NEW BUSINESS

Presentation and Approval of 2017 Budget

i. **Proposed 2017 Budget (Handout)**

Mr. Fiegl presented the proposed ECSD No. 3 Budget to the Board.

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 June 17, 2008. The Memorandum of Understanding essentially 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 areas.
- Debt service, revenues, fund balance, and capital reserve allocations are exclusive to each sewer district.

Item 2b

For this year, Central Region shares in approximately 39% of the Division-wide expenses and 61% of Laboratory expenses. Overall, within Central Region ECSD No. 3 is responsible for approximately 91% of ECSD Nos. 3 and 8 costs, except for Professional Services, debt service, capital reserves, and personnel.

Mr. Fiegl informed the Board that Mr. Pecak was in attendance representing the ECSD No. 8 Board of Managers. The ECSD No. 8 Board unanimously approved their portion of the Central Region budget at their June 21, 2016 meeting.

Mr. Fiegl noted the laboratory expenses are broken out differently across the entire Division this year compared with previous years. Laboratory costs are now shared based on the volume of laboratory work necessary.

Reviewing the overall summary for ECSD No. 3, total appropriations are projected to increase over \$622,000 when compared to 2016. The major components of this increase are an additional \$450,000 allocated to capital reserves, additional maintenance and repair supplies, an additional \$350,000 in I&I Repair / Sewer Relining, and debt service. Offsetting the appropriation increase are decreases in various budget lines, additional revenue from Steuben Foods of \$114,000, and approximately \$160,000 in additional fund balance allocation when compared to the 2016 budget. The overall summary also reflects the classification of the District's flat charge in 2017 as a usage or user revenue. The change properly accounts for this charge as a fee assessed on users for the purposes of the tax cap. There is no net effect on the ratepayer.

The typical ratepayer (single family home) in ECSD No. 3 will see an increase on average of 1.7% when compared to 2016.

Mr. Kaczor inquired about the comparison of ECSD No. 3 rates with other Erie County Districts and other similar regions. Mr. Fiegl stated ECSD No. 3 generally compares well with other Districts. Mr. Fiegl stated he would be willing to research and present rate comparison data between ECSD No. 3 and other sewer services providers nationally. Mr. Fiegl added the increases in this budget are directly associated with proposed improvements throughout ECSD No. 3.

Chairman Mills inquired about how properties within the district where sewer service is not available are assessed. Mr. Fiegl stated all properties fronting sewers are subject to a footage charge and all properties connected to the sewer are subject to a unit/user charge. If sewer service is not available, increases in footage and unit charges effectively do not apply in those cases. All properties in the sewer district, even vacant properties, pay assessed valuation charges.

The Central Region position listing is slightly different than the previous year. Additional positions are now accounted for in the Division's central services (Fund 180) and, hence, those costs are allocated in accordance with the appropriate percentages.

Chairman Mills inquired about the individual who is the Sewer District Manager and asked where Chief Treatment Plant Supervisor's salary was included in the budget. Mr. Fiegl stated that Mr. Canestrari is the ECSD No. 3 Sewer District Manager and informed that Board that the Chief Treatment Plant Supervisor's salary is included in the Centralized Services item along with a number of other positions. Chairman Mills inquired if the salaries for key people were sufficient. Mr. Fiegl stated the operator's salaries were an area of particular concern.

Fringe benefits for employees are being calculated at 63% in this budget – a decrease from 2016. Actual numbers are not available at this time, but this is a conservative estimate. Mr. Fiegl noted the decrease in fringe benefits is reflective of many retirements and the new staff paying more towards health care.

The 2016 equipment line items represent over \$719,000 of the Central Region budget. The major items includes various treatment plant equipment replacements throughout the Region, shared equipment purchases to be used across all Erie County Sewer Districts, replacement of two (2) vehicles, energy efficiency projects, and Central Region's standard unanticipated replacement item.

Before going into specific details of the budget line codes, Mr. Fiegl explained that the budgets are developed conservatively, with the understanding that monies left over at year end are transferred to fund balance and utilized as revenue to offset future rate impacts. Items listed in the budget as "DSM" are expenses for the Downtown office. Again, Central Region contributes approximately 39% of these Downtown office expenses.

Mr. Kaczor inquired as to whether the charges for other Departments had increased. Mr. Fiegl stated they were budgeted the same as in 2016 because those numbers are not available at this time. He noted the biggest fees are for the DISS Department. This includes costs for the internet, phones, as well as other information support services.

A review of the individual budget codes was provided. Specific items highlighted included the budgeting on fuel, central laboratory supplies, various changes in Maintenance and Repair supply codes, adjustments in chemicals, the \$350,000 increase in I&I repair, increases in capital reserves, utility costs, and personnel costs.

Mr. Witkowski inquired about an item on the 2017 project list for replacement of 100' of main. Mr. Fiegl explained that this item applies to spot repairs, not pipe lining.

Fund balance usage as an offsetting revenue is budgeted at 48%. The available district fund balance at 12/31/15 represents approximately 4.2 months of 2017 budgeted appropriations. Observing recent trends on amount available / amount used and considering the regulatory issues facing the sewer district, it is believed that this allocation of fund balance is prudent.

Chairman Mills inquired about the percentage of the fund balance to the total budget to which Mr. Fiegl stated 1/3.

Mr. Fiegl's final comments related to the 2% Tax Cap. As the sewer district levies are part of the County's overall tax cap calculation, there is additional coordination required prior to finalization. If any changes are necessary, the Board of Managers will be informed.

On a motion by Mr. Kaczor, seconded by Mr. Millar, the Board voted to approve the budget presented for both ECSD Nos. 3 and 8. The motion carried 7 – 0.

ii. 271 Resolution (Handout)

It was resolved that approximately 76% and 24% of the total sanitary sewer tax levy of \$6,962,207 shall be raised from the assessed value and footage charges, respectively, for ECSD No. 3.

On a motion by Mr. Simmeth, seconded by Mr. Rood, the Board voted to approve the 271 Resolution. The motion carried 7 – 0.

ITEM NO. 5 – ADJOURNMENT & NEXT MEETING

The Board discussed the need to hold the next regularly scheduled meeting on July 13, 2016. On a motion by Mr. Kaczor, seconded by Mr. Millar the Board voted to cancel the July 13, 2016 meeting. The motion carried 7 – 0.

On a motion by Mr. Rood, seconded by Mr. Witkowski, the meeting was adjourned at 9:01 a.m. The motion carried 7 – 0.

**The next Board of Managers Meeting is
Wednesday, October 5, 2016 at 8:00 am
Southtowns Treatment Plant**

Respectfully submitted,



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


Motion to approve minutes of June 22, 2016

Moved By: D. Rood

Seconded By: D. Kaczor

Approved/Disapproved: 8-0

Date: 10/5/16


David C. Muller, Secretary
ECSD No. 3 Board of Managers

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY OCTOBER 5, 2016
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, Melissa Hartman, Mike Hayden,
David Kaczor, David Millar, David Rood, Karl Simmeth,
Don Witkowski, Emery Wittmeyer (8:03)

MEMBERS ABSENT: None

OTHERS PRESENT: Glenn Absolom, Jim Carr, Joe Fiegl, Kevin Kaminski, Beth
Pfalzer, Rick Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:00 a.m.

ITEM NO. 2 – APPROVAL OF MEETING MINUTES

- a. June 15, 2016
- b. June 22, 2016

On a motion by Mr. Rood, seconded by Mr. Kaczor, the Board voted to approve the minutes from the June 15 and June 22 meetings. The motion carried 8 – 0.

Mr. Fiegl noted that at the Board's last meeting in June, Mr. Kaczor inquired about the DSM's wastewater service rates relative to other similar service providers. Mr. Fiegl provided the Board with cost information compiled by the National Association of Clean Water Agencies (NACWA) demonstrating that, on average, the District's rates are generally lower than nation rates. The average annual rate for sewer service in our region is \$496 annually and the District's budgeting rates for next year were on average \$430-\$440 per residence for the typical ratepayer.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – OLD BUSINESS

None

ITEM NO. 5 – NEW BUSINESS

- a. 2017 User Charge
 - i. Public Hearing Notice (Handout)

The Board reviewed the Notice for the Public Hearing held in the Erie County Legislative Chambers on September 20, 2016 regarding proposed 2017 User Charge Rates. This hearing is a requirement of County Law.

Item 2

ii. Meeting Minutes (Handout)

The Board reviewed the Minutes from the Public Hearing held on September 20, 2016 in the Erie County Legislative Chambers regarding proposed 2016 User Charge Rates. No comments were received from the public at that meeting.

iii. Approval of Resolution (Handout)

The Board considered a resolution to approve the proposed 2017 User Charge Rates. User charges apply to non-residential customers and businesses that contribute high strength or high volume wastewater to the ECSD No. 3 treatment system.

On a motion by Mr. Kaczor, seconded by Ms. Hartman, the Board voted to approve the resolution. The motion carried 9 – 0.

b. 2017 Meeting Schedule (Handout)

The Board considered the proposed 2017 Meeting schedule for approval. On a motion by Mr. Witkowski, seconded by Mr. Millar, the Board voted to approve the proposed 2017 Meeting schedule. The motion carried 9 – 0.

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

The Board reviewed copies of final violation notices from the Division of Sewerage Management (DSM) to several property owners in ECSD No. 3. Written requests were mailed to each property owner on several occasions, without response, to complete a house inspection or correct a deficient condition found during the DSM's Inflow/Infiltration inspection program. As a result, these property owners have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the "Rules and Regulations" and recommend a follow-up action.

On a motion by Mr. Millar, seconded by Mr. Rood, the Board voted to approve the referrals to a Compliance Hearing. The motion carried 9 – 0.

d. Request for Out-of-District Service – 5459 S Abbott (Handout)

The Board considered an out-of-district service request from the resident at 5459 S. Abbott Rd., Orchard Park. The resident's property is adjacent to, and immediately across the street from the District boundary on Abbott Road. The DSM does not object to this request and the resident will be responsible for inspection and equity fees and obtaining an Erie County Highway permit to install the necessary far side lateral to the existing sanitary sewer.

On a motion by Mr. Kaczor, seconded by Mr. Simmeth, the Board voted to approve the Out-of-District service request to the resident at 5459 S. Abbott Rd., Orchard Park. The motion carried 9 – 0.

e. Contract Close Out – Southtowns Influent PS – 37 STP-B (Handout)

The Board considered a resolution to approve the close out of Contract 37 STP-B with Quakenbush Company, Inc. (Quakenbush) for HVAC work completed on the Influent Pumping Station Project at the Southtowns Treatment Plant. Quakenbush performed heating and ventilation work on the project, as well as fuel, radiator, and exhaust piping for the new generator. All work has been satisfactorily completed.

On a motion by Ms. Hartman, seconded by Mr. Millar the Board voted to approve the resolution to close out Contract 37 STP-B with Quakenbush. The motion carried 9 – 0.

f. Confirmation of Email Poll – CIPP Lining Contract 58 Award (Handout)

The Board considered confirmation of the July 18, 2016 email poll approving award of the Ontario & Park Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project, Contract No. 58, to the low bidder, Kenyon Pipeline Inspection, LLC (Kenyon) in the amount of \$615,510.00. Six bids were received. Kenyon is experienced in the type of CIPP lining specified for this project having completed similar work throughout New York State. The DSM recommends award of this contract.

On a motion by Mr. Rood, seconded by Mr. Kaczor, the Board voted to confirm the July 18, 2016 poll approving award of the Ontario & Park Sanitary Sewer Cured-in-Place Pipe (CIPP) Lining Project, Contract No. 58, to Kenyon Pipeline Inspection, LLC in the amount of \$615,510.00. The motion carried, 9 – 0.

g. Confirmation of Email Poll – CIPP Lining Contract 76 Award (Handout)

The Board considered confirmation of the September 28, 2016 email poll approving award of the Erie County Sewer District No. 3 (ECSD No. 3) Cured-in-Place Pipe (CIPP) Lining Project, Contract No. 76, to the low bidder, Kenyon Pipeline Inspection, LLC (Kenyon) in the amount of \$633,314.00. Five bids were received. Kenyon is experienced in the type of CIPP lining specified for this project having completed similar work throughout New York State. The DSM recommends award of this contract.

On a motion by Mr. Witkowski, seconded by Ms. Hartman, the Board voted to confirm the September 28, 2016 poll approving award of the ECSD No. 3 Cured-in-Place Pipe (CIPP) Lining Project, Contract No. 76, to Kenyon Pipeline Inspection, LLC in the amount of \$633,314.00. The motion carried, 9 – 0.

h. Trucker Discharge Permits Approval (Handout)

Waste Hauler's Discharge permits are 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. Simmeth, seconded by Mr. Rood, the Board voted to approve Waste Hauler's Discharge permits to Delo Drain & Septic, JB Enterprises, Modern Portable Toilets, and Crescent Moon pending application and insurance approvals. The motion carried 9 – 0.

i. Payments (Handout)

The Board reviewed the payment handout for the month of October. On a motion by Ms. Hartman, seconded by Mr. Kaczor, the Board voted to approve the October 2016 payments. The motion carried 9 – 0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported trouble with scale build up in the Southtowns AWTF incinerators that appear to be caused by recent process upgrades installed to address mercury and hydrogen chloride removal from stack emissions. More investigatory work will need to be completed to identify and correct this issue.

b. Pretreatment Report

i. Milestrip Road Odor Complaints Ltr. to Residents (Handout)

The Board reviewed a copy of an informational letter from the DSM to residents in the vicinity of Milestrip Road in Orchard Park concerning odors from the sanitary sewer system. Mr. Fiegl noted the odors through coordination with Steuben Foods that odor issues on Milestrip Road are currently under control. The letter was issued to the residents who had complained about odors in the past to advise them of the DSM and Steuben's efforts to address their concerns.

ii. Steuben Foods Wastewater Treatment System Cleaning/Bypass Notice (Handout)

The Board reviewed a copy of a letter from the DSM to Steuben Foods related to procedures necessary to maintain pretreatment tanks at their facility. The letter informs Steuben that it will be subject to enforcement procedures should bypassing occur violating pretreatment standards.

c. Construction Report

Mr. Millar reported the following:

Contract 47G – General Contract for the Elma Pump Station: Close out of the project with STC has started. Contract 47E with South Buffalo Electric (SBI), close out will involve direction from the County Attorney's Office at SBI has filed for bankruptcy under Chapter 11.

Contract 17 – The Rush Creek Interceptor: The project is approximately 70% complete. The force main is installed and tested and the gravity bores under ECIDA, Norfolk Southern, CSX and S. Buffalo Railroads are installed and tested. The contractor is open cutting Old Milestrip Road and will remobilize to Jeffrey Blvd. for construction of the final sections of the gravity sewer pipe. The wet weather relief pump station is 70% complete. The scheduled completion date for this project is January 14, 2017. Mr. Fiegl added that pipe installation under Old Milestrip was originally design with a bore but was changed to open cut. The change created a cost savings of approximately \$150,000 and reduced the construction schedule by four weeks.

Contract 37STP – Southtowns Influent Pump Station: Most of the work under the contract was completed in April. Wet weather is necessary to test the new influent pumping station. Due to the extremely dry summer, there has not been enough flow into the plant to accomplish the testing. The project team is on notice for any potential rain events that may allow enough flow for the testing to take place. Additionally, the disinfection system improvements at the new chlorine contact chamber in the Overflow Retention Facility (ORF) have not been tested, also due to the extremely dry summer. Once the pumping station and disinfection systems have been tested and are on line, the de-chlorination system will be tested. The electrical contractor for this project is South Buffalo Electric. As previously noted, SBI has filed for bankruptcy. SBI still needs to complete some outstanding work items.

Contract 54STP – Southtowns Sludge Incinerator Emissions Upgrade: All work under this contract has been completed. Required testing and reports have been completed and sent to the NYSDEC for approval. During the operation of the new facilities, it was determined that installation of additional pH meters is necessary. A Change Order will be processed to both the general and electrical contractors for meter installation. There is an issue of the caustic fed into the incinerators causing a scale like material to deposit on functional components inside the incinerator creating an operational concern. More investigatory work will need to be completed to identify and correct this issue.

i. Contract 58 – Notice to Proceed (Handout)

The Board reviewed a copy of a Notice to Proceed (NTP) letter to Kenyon Pipeline Inspection LLC for the Ontario & Park Sanitary Sewer CIPP Lining Project. The contract requires all work to be completed within 90 calendar days from the date of the NTP, which is December 19, 2016.

d. AECOM – Work Order URS-7 (Handout)

The Board reviewed a copy of a Work Order issued to AECOM, formerly known as URS Corp., to provide structural engineering services to assist the DSM with the repair of damaged concrete in the existing Southtowns Treatment Plant ORF.

e. NYSDEC Permit Schedule of Compliance – 9 Month Progress Report (Handout)

The Board reviewed copies of the 9 Month Progress reports submitted to the New York State Dept. of Environmental Conservation (NYSDEC) as a requirement of the Southtowns and Blasdell Treatment Plants SPDES Permit Compliance Schedules.

f. Letter to Mr. Lafferty, 275 Canada – Deck built over grinder tank (Handout)

The Board reviewed a copy of a letter from the DSM to the property owner at 275 Canada Street, Holland, NY concerning the placement of a deck constructed directly above the grinder pump unit at that residence.

On a motion by Mr. Rood, seconded by Mr. Simmeth the Board voted to receive and file the above items 6.a. through 6.f. The motion carried 9 – 0.

Mr. Kaczor inquired about the status of the Green Lake Damn Project in the Village of Orchard Park involving sanitary sewer reconfiguration work. Mr. Fiegl responded the DSM had not received any

information from the Town of Orchard Park regarding this issue. He will follow up and report back to the Board.

Mr. Fiegl advised the Board that Proposals for both Engineering and Construction Inspection Services Three Year Term Agreements are presently being evaluated by the DSM. A phone/email poll may be necessary for Board approval prior to the next regularly scheduled meeting on December 7, 2016.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Witkowski, seconded by Mr. Simmeth, the meeting was adjourned at 8:45 a.m. The motion carried 9 – 0.

Next meeting is scheduled for Wednesday December 7, 2016 at 8:00 a.m.

Respectfully submitted,



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

DM:bp

Motion to Approve the October 5, 2016 Meeting Minutes

Moved by: DAVID KACZOR

Seconded by: DAVID ROOD

App/Disapp: APPROVED 7-0

Date: DEC. 7, 2016



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

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY DECEMBER 7, 2016
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, Melissa Hartman, David Kaczor, David Millar, David Rood, Karl Simmeth, Don Witkowski

MEMBERS ABSENT: Mike Hayden, Emery Wittmeyer

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joe Fiegl, Kevin Kaminski, Jill Krafft, Rick Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:00 a.m.

ITEM NO. 2 – APPROVAL OF OCTOBER 5, 2016 MEETING MINUTES

On a motion by Mr. Kaczor, seconded by Mr. Rood, the Board voted to approve the minutes from the October 5, 2016 meeting. The motion carried 7 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – OLD BUSINESS

None

ITEM NO. 5 – NEW BUSINESS

a. Payments (Handout)

The Board reviewed the payments handout for the month of December. On a motion by Ms. Hartman, seconded by Mr. Simmeth, the Board voted to approve the December 2016 payments. The motion carried 7 – 0.

b. VI Enforcement Hearing – Approval for Fine Stages (Handout)

The Board reviewed a package of hearing summaries from the Compliance Hearing held on November 16, 2016. At that hearing, a Compliance Officer evaluated and recommended premium assessments to 3 property owners in the District for violating the “Rules and Regulations of Erie County Sewer Districts.” Property owners who do not correct violations within 30 days of notification will receive a recommended premium assessment in the amount of \$100.00 per month (up to \$10,000.00). Mr. Millar noted that the goal is to obtain compliance, not fine homeowners, and the Division goes to great lengths to avoid getting to this stage in the process. There have been few instances in the past when non-compliance continues for an extended period of time after notification of the fine states has been issued, but generally that is not the case.

Item 2

On a motion by Mr. Kaczor, seconded by Mr. Witkowski, the Board voted to approve the recommended fines for the listed properties. The motion carried 7 – 0.

c. Confirmation of Email Poll – Construction Insp. Term Agreement & Professional Eng. Services Agreement (Handout)

The Board considered confirmation of the November 10, 2016 email poll approving two resolutions to enter into three year term agreements; one for construction inspection services and the other for engineering services. Term contracts are utilized across all sewer districts; therefore, the dollar amounts listed are not exclusively for ECSD No. 3. Individual work orders will be issued at amounts not to exceed \$50,000 for construction inspection term assignments and \$75,000 for engineering term assignments. A major funding source for the construction inspection term assignments are the permit fees collected from new developments. Operational funding or capital accounts are typically used for engineering term assignments. The email poll was forwarded to the Board in November, prior to this meeting, so that the corresponding agreements would be in place and fully executed before the start of the New Year. All DSM term contracts will expire at the end of 2016.

On a motion by Mr. Rood, seconded by Ms. Hartman, the Board voted to confirm the November 10, 2016 poll approving resolutions to enter into three year construction inspection services and engineering services term agreements. The motion carried, 7 – 0.

d. Discussion on Sewer Taxes/Fees (Handout)

Mr. Fiegl addressed the Erie County Comptroller's press release, report, and associated communications regarding Erie County's tax cap and the reclassification of sewer charges to user fees. As the Board will remember, the 2017 budget was developed with this change in the interest of tax cap concerns.

In the Comptroller's office report, an opinion was presented that the County "may have exceeded the New York State real property tax cap in 2016, and that its proposed 2017 budget may also exceed the property tax limit." The report is 14 pages long, but at essence it suggests that the revenues raised should have been classified as part of the tax levy, not user charges, and that the tax bills issued to residents reflect that.

As noted in Mr. Fiegl's e-mail, the nuances of the tax cap are handled by others in the County. The County's Budget Office and Department of Real Property Services had investigated this reclassification, including conferring with outside legal counsel, and had consulted published guidance from the State Comptroller's office prior to proceeding.

At a hearing held on November 3, 2016, Mr. Fiegl had the opportunity to present the Legislature the steps the Sewer Districts went through to reclassify the charges as user fees. The discussions included how previously the charges of interest were raised through Sections 270 and 271 of County Law (Article 5-A), after the reclassification the revenues were raised per Section 266 of County Law (Article 5-A), and all of the procedures followed to formally reclassify the charge as a user fee.

The Director of Real Property Services was also present at the November 3rd hearing. At that meeting he addressed the concerns presented in the Comptroller's office report regarding the

presentation of the charges/fees on the tax bills. The Director of Real Property Services stated that the label for those charges would be clearer on the 2017 tax bills.

After release of the Comptroller's office report, the County once again consulted with outside counsel on this matter. Outside counsel confirmed that case law states charges under Section 266 of County Law are not part of the tax levy. Further, outside counsel stated that the labeling on the tax bills – even if there was a mislabeling – does not impact the tax cap calculation.

Based on everything to date, it appears that this change was done properly. That said, the law is fairly new and hence there is some uncertainty. The Division of Sewerage Management will keep the Board informed should anything change. Chairman Mills questioned whether state approval was necessary for the change. Mr. Fiegl stated that he was unaware of that requirement and noted that per outside counsel, appropriate measures were taken. A number of Board members stated that their local municipalities were considering implementing fees due to tax cap constraints.

Finally - in October 2016 Mr. Kaczor contacted the Division of Sewerage Management regarding the usage charges/fees and Federal income tax filings. While being very clear that the Division of Sewerage Management does not provide tax advice, Mr. Fiegl referred Mr. Kaczor to IRS Publication 17 for guidance. Interpreting the information in that document would suggest that the re-classification should have no impact on income tax filings. However, residents are encouraged to consult with tax preparation professionals should they have questions.

This is an informational item; no action is required by the Board.

e. Pump Station Capital Improvement Plan (Handout)

The Board reviewed a copy of the 2016 ECSD No. 3 Pump Station Capital Improvement Plan. This plan relates only to pump stations and does not involve treatment plant or collection system projects. Pump station projects are ranked by need for capital improvement based on probability of failure and consequence of failure. Mr. Simmeth questioned how station specific costs are recovered to which Mr. Fiegl informed the Board that pump station capital expenses are spread across the entire District.

This is an informational item; no action is required by the Board.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported that process modifications were made to recent upgrades installed to address incinerator stack emissions at the Southtowns WRRF.. Scale buildup is still occurring in the incinerators, but due to a change of the location of caustic feed into the system the buildup is occurring less frequently. Additionally, Mr. Kaminski reported that staff are in the process of shutting down the Blasdell WWTP.

Mr. Canestrari reported that District staff completed spot repairs on sanitary sewer mains on Dartmouth St. and Woodland Dr. in the Town of Hamburg. Additional work will be covered in Item 6.c.

b. Pretreatment Report

None

c. Construction Report

Mr. Millar reported the following:

Contract 47G – General Contract for the Elma Pump Station: The project with STC Construction has been closed out. Close out of Contract 47E with South Buffalo Electric (SBI) will involve direction from the County Attorney’s Office at SBI has filed for bankruptcy under Chapter 11.

Contract 17 – The Rush Creek Interceptor: Project is approximately 85% complete. Main pipe work is completed, tested, and in service. Last of the Blasdell flow (Electric Ave. PS) was redirected to the new interceptor on Nov. 30, 2016. The Blasdell WWTP is officially disconnected from all flow. The District will maintain the facility for another week to exhaust BOD remaining in the plant and then proceed with shutting down, draining tanks, and cleaning. Work remaining includes pumping station structure salvage and demolition, redirecting one lateral, paving, general cleanup and site restoration. Work should be complete before Christmas other than restoration, which is scheduled for May.

Contract 37STP – Southtowns Influent Pump Station: The influent pumping station has been tested and is operational. The new station is active and has been used to handle flows to the treatment plant during wet weather events. The disinfection system to the ORF chlorine contact chamber is complete. The system will be used during the next wet weather event that causes discharge from the ORF. As disinfection is very critical to permit limits, making sure the system is operating properly is paramount. Once the disinfection system has been tested and accepted, the de-chlorination system will be tested. The electrical contractor has been on site completing remaining contract items.

Contract 54STP – Southtowns Sludge Incinerator Emissions Upgrade: All work under this contract has been completed. Required testing and reports have been completed and sent to the NYSDEC for approval. During the operation of the new facilities, it was determined that installation of additional pH meters is necessary. A Change Order is being processed to both the general and electrical contractors for meter installation (see below). As reported earlier, there is an issue of a scale like material to deposit on functional components inside the incinerator. Efforts to minimize the scaling have been advanced.

Contract 58 – Ontario & Park Sanitary Sewer CIPP Lining Project: The project has commenced and should be complete in the next few weeks.

- i. Contract 54 STP – A Chg. Order 2 – Hohl (Handout)
Contract 54 STP – D Chg. Order 1 – CIR Electrical (Handout)

The board reviewed copies of change orders to the general and electrical contractors for Contract 54 STP, Southtowns Sludge Incinerator Emissions Upgrade Project. The change orders involve installation of 2 additional pH probes on the sludge incinerator drain lines required by NYSDEC Emission guidelines for incinerator testing and monitoring. Pressure gauges are also being installed to provide additional information for caustic system operation.

d. Leg. Ltr. – Authorization to Accept Ferrous Chloride (Handout)

The Board reviewed a copy of a resolution from the DSM for Legislative approval to accept ferrous chloride from a local industry, Frontier Hot Dip Galvanizing, Inc., for use at the Southtowns WRRF. Ferrous chloride is valuable for the treatment of wastewater and is used for the removal of phosphorus. Legislative authorization will allow ECSD No. 3 to accept ferrous chloride, free of charge, should the quality of the material be deemed acceptable by DSM staff. Presently, ECSD No. 3 pays for this chemical as a standard operating cost.


On a motion by Mr. Kaczor, seconded by Mr. Rood, the Board voted to receive and file the above listed items. The motion carried 7 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Kaczor, seconded by Mr. Rood, the meeting was adjourned at 8:50 a.m. The motion carried 7 – 0.

The next meeting is scheduled for Wednesday, February 1, 2017 at 8:00 a.m.

Respectfully submitted,


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

DM:jk

Motion to Approve the December 7, 2016 Meeting Minutes

Moved by: DAVID ROOD

Seconded by: MELISSA HARTMAN

App/Disapp: APPROVED 9-0

Date: 1/5/2017



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