

MINUTES
BOARD OF MANAGERS DISTRICT NO. 4
February 3, 2016 3:30 PM
NORTHERN REGION CONFERENCE ROOM

MEMBERS PRESENT: Mr. Gary Ambrose, Mr. Thomas Batt, Mr. Robert Harris, Ms. Kristin McCracken, and Mr. Jesse C. Nikonowicz, Sr.

OTHERS PRESENT Mr. Glenn Absolom, Mr. Joseph Fiegl, Ms. Brenda Rehac, Mr. Richard Rehac, and Mr. William Strzeszynski

ITEM NO.1 - CALL MEETING TO ORDER

Ms. McCracken called the meeting to order at 3:30 pm.

a. Nominations for Board Officers

Mr. Harris moved, seconded by Mr. Nikonowicz, Sr. to nominate Ms. McCracken as Chairperson, Mr. Ambrose as Vice Chairperson and Mr. Batt as Secretary. The motion carried 5-0.

ITEM NO.2 - APPROVAL OF OCTOBER 7, 2015 MEETING MINUTES

On a motion by Mr. Batt, seconded by Mr. Nikonowicz, Sr., the October 7, 2015 minutes were approved. The motion carried 5-0.

ITEM NO.3 - ITEMS FROM THE PUBLIC

There were no items from the public.

ITEM NO.4 - OLD BUSINESS

a. Contract 40 RB-Aurora North PS Elimination

Mr. Batt briefed the members with the ongoing Aurora North PS elimination project. Catco has installed and tested 2,800 feet of sewer on Losson Road along with 8 manholes. Progress has been slow due to the amount of rock encountered. Due to mild weather conditions, Catco has been able to work through the winter and has been able to pave the trench to restore the road to a drivable condition. Blasting has been ongoing and has shifted from alongside Flix to behind Michael Anthony. Ms. McCracken questioned if there has been any feedback from the public. Mr. Batt stated there have been very few issues on Losson Road. There have been concerns from some nearby residents regarding the blasting. No damage claims but questions on the vibration and noise. In addition, Mr. Fiegl stated there was an issue with some vehicle tire damage due to road conditions related to the project. Claims were submitted to the County Attorney's office and forwarded to Catco who promptly paid them. Mr. Fiegl also met with the Town of Lancaster Supervisor Coleman, to discuss the Aurora North project and potential changes in the vicinity of Transit Road and William Street.

Mr. Batt informed the members of a proposal Catco has submitted to open cut across Transit Road and up William Street in lieu of the design of boring under Transit and under William.

Item 2

Catco has offered a \$125,000 credit to the contract, as well as, connection of an existing sanitary sewer on Transit to the new sewer. The connection of this sewer was deleted from the present contract bid in an effort to reduce project costs. Catco has submitted a request to DOT for permission to open cut Transit and have not been given a decision as of this date. DSM feels there is value to the ratepayers of the District between the credit and the connection of the existing sewer to warrant consideration. That said, details regarding maintenance and protection of traffic, hours of work, schedule, etc. still need to be provided and analyzed before a decision can be made.

i. Construction Activity Notice to Residents (Handout)

The Board received a copy of the letter sent to the residents in the Losson Road area notifying them of the construction work regarding the Aurora North PS Elimination project.

ITEM NO.5 - NEW BUSINESS

a. Proposed Name Change (Handout)

Mr. Fiegl discussed the DSM's proposed name change to its wastewater treatment plant facilities to "water resource recovery facilities". Mr. Fiegl stated by doing so, this will help educate the public and recognize the health benefits which keep us safe. Erie County is presently reviewing its Charter and this might be the appropriate time to look into the Division of Sewerage Management's name and whether a name change that identifies with what the Division does would be better. Mr. Fiegl will keep the Board informed.

ITEM NO. 6 - MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operation Reports-(September-December 2015)(Handout)

Mr. Fiegl introduced Mr. William Strzeszynski, who has taken over the role as Sewer District Manager at Northern Region. Mr. Strzeszynski previously held that position in Angola. Mr. Rehac is now the Senior Sewer District Manager and will remain at Northern Region during the transition.

Mr. Rehac briefed the Board with the operation reports for September through December. Upgrades to the Broadway pump station are underway. The old VFD is presently still controlling the #1 pump. A new VFD has been installed for the #2 pump. Currently, staff are waiting for a couple of option cards for the new PLC. At the present time, should the #1 pump fail for any reason, the #2 pump is wired and can be run with some manual manipulation. The project to upgrade the PLC's at Depew pump station has been awarded to Zeller Electric and should begin soon.

On the collection side, there were two instances of a plugged sewer on Impala in old Lancaster Town District #2. Central Maintenance camera crew found two sections with root masses which were mechanically cut out and verified with the camera.

b. Pretreatment Report (Handout)

None

c. Construction Status Report

i. Contract 70, CIPP Work Order 19 (Handout)

The Board received a copy of the letter to United Survey, Inc., regarding Contract 70, Work Order 19, outlining the term agreement for Cured-in-Place Pipe Lining. The work will begin when the temperature is acceptable for the lining process. The streets in District No. 4 that will be lined are Columbia and Summit.

ii. Contract 74, Sanitary Sewer Manhole Rehabilitation & Replacement Project

a. Notice to Proceed (Handout)

The Notice to Proceed letter submitted to Kandey Company for Sewer Manhole Rehabilitation and Replacement Project, Contract 74, was available for the Board's review. Contract work is mostly complete and the remaining work will be completed once the temperature is acceptable for the manhole lining.

b. Resident Letter (Handout)

The Board received a copy of the construction activity notice mailed to the homeowners regarding sanitary sewer manhole rehabilitation in their area, along with contact information.

d. Payments (Handout)

Two (2) payments were made to CATCO in February for \$580,332.49 and \$804,019.04.

e. Buffalo Sewer Authority Cost Allocation (Handout)

Mr. Fiegl met with the Buffalo Sewer Authority regarding cost allocation estimates. Mr. Fiegl explained the impact a large increase in BSA cash funded capital projects may have on the District #4 budget.

Ms. McCracken moved, seconded by Mr. Batt to receive and file the miscellaneous and informational items. The motion was approved 5-0.

ITEM NO. 7 ADJOURNMENT & NEXT MEETING

Mr. Harris moved, seconded by Ms. McCracken to adjourn the meeting at 3:55 pm. The motion carried 5-0.

NEXT MEETING
Wednesday, April 13, 2016 @ 3:30 p.m.
Northern Region Admin Bldg.

Respectfully submitted,

Thomas Batt

Thomas Batt, P.E.
Board of Managers Secretary

Motion to approve minutes of 2/3/16

Moved By: NIKONOWICZ

Seconded By: BATT

Approved/Disapproved 3-0

Date: 4/13/16

Signature: Thomas Batt

MINUTES
BOARD OF MANAGERS DISTRICT NO. 4
April 13, 2016 3:30 PM
NORTHERN REGION CONFERENCE ROOM

MEMBERS PRESENT: Mr. Thomas Batt, Mr. Robert Harris, Mr. Jesse C. Nikonowicz, Sr.

MEMBERS ABSENT: Mr. Gary Ambrose and Ms. Kristin McCracken

OTHERS PRESENT Mr. Glenn Absolom, Mr. Joseph Fiegl, Ms. Brenda Rehac
Mr. Richard Rehac, and Mr. William Strzeszynski

ITEM NO.1 - CALL MEETING TO ORDER

Mr. Harris called the meeting to order at 3:30 pm.

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

On a motion by Mr. Nikonowicz, Sr., seconded by Mr. Batt, the February 3, 2016 minutes were approved. The motion carried 3-0.

ITEM NO.3 - ITEMS FROM THE PUBLIC

There were no items from the public.

ITEM NO.4 - OLD BUSINESS

a. **Contract 40 RB-Aurora North PS Elimination**

Mr. Batt briefed the members with the ongoing Aurora North PS elimination project. The contractor, Catco, has started back on site after a winter shut down. They have begun to install the sewer pipe and are getting close to Transit Road. DOT has given permission to install the sewer pipe across Transit Road by an open cut method. Catco is in the process of obtaining the actual DOT permit and have submitted their traffic control plan for Transit Road and William Street to the DOT. Once a DOT permit is obtained and the County has received the traffic control plan for William Street and a plan for the connection of the existing 15" sanitary sewer on Transit Road, the County at that time can make a determination on the proposal submitted by Catco for open cutting Transit Road.

b. **SEQR-Out of District Customers Extension (Handout)**

The Board had previously approved the Out of District Customer Extensions for Erie County Sewer District #4. The District boundaries will be modified to include these out of district customer areas. An extension of the district requires that a SEQR be performed as part of the procedure to modifying the district boundaries. A copy of the negative declaration was provided for the Board's information.

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ITEM NO.5 - NEW BUSINESS

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

The Board received a copy of the ten (10) homeowners who have not completed their house inspection or corrected their violation. The Division of Sewerage Management is recommending a Compliance Hearing. Mr. Harris moved, seconded by Mr. Nikonowicz, Sr., to move forward with a Compliance Hearing. The motion carried 3-0.

b. Sewer Agency Report-Increase & Improvement of Facilities (Handout)

The Board received a copy of eight (8) anticipated projects which would require new bonding authorization to complete upgrades and or replacement to existing infrastructure, along with any new or unexpected expenditures that may be needed. The project costs are estimated at \$6.0 million. Mr. Harris requested more information related to the maturing debt schedule, additional details on each project, along with some anticipated "soft cost" on each project. Mr. Harris would also like to discuss this topic further when the Board Members are all present. Mr. Fiegl stated if a resolution is required prior to the scheduled June Board meeting, a phone poll may be conducted. The Board tabled item 5b.

ITEM NO. 6 - MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operation Reports-(January-February)

Mr. Strzeszynski briefed the Board with the operation reports. On the collection side, the district continued the televising sanitary sewers in the Impala Drive area which is in the Old Lancaster Town District #2 as a follow-up to plugged sewer complaints. Four (4) additional lines were identified that had multiple root intrusions. They were mechanically root cut while being observed with the central maintenance camera. All of these lines will be scheduled for chemical root treatment this summer.

A forcemain repair was completed at 172 Seneca Place. This was the result of a drilling contractor boring an 8" hole in the 14" diameter forcemain from the Iroquois Pump Station. The forcemain was exposed and secured with a stainless steel repair clamp and put back into service. The blacktop plants are just beginning to produce asphalt, so the road restoration will be completed in the next week or so.

In addition, Mr. Rezac discussed the meeting Northern Region had with the EPA and DEC on April 4th and 5th regarding the Districts operation and maintenance procedures. The District supplied them with several reports and also toured several pumping stations. The District anticipates a report from the agencies in the near future.

b. Pretreatment Report (Handout)

None

c. Construction Status Report

Mr. Batt stated CIPP contract has not started back up yet. The Aurora North PS Elimination project was discussed in item 4a.

d. Payments (Handout)

A payment of \$532,044.56 was made to CATCO in April for invoice #2052016.

Mr. Batt moved, seconded by Mr. Harris to receive and file the miscellaneous and informational items on the agenda. The motion was approved 3-0.

ITEM NO. 7 - ADJOURNMENT & NEXT MEETING

Mr. Batt moved, seconded by Mr. Nikonowicz, Sr., to adjourn the meeting at 4:03 pm. The motion carried 3-0.

*****NEXT MEETING***
Wednesday, June 22, 2016 @ 3:00 p.m.
Combined Budget & Regular Meeting
Northern Region Admin Bldg.**

Respectfully submitted,

Thomas Batt

Thomas Batt, P.E.

Board of Managers Secretary

Motion to approve minutes of 4/13/16

Moved By: HARRIS

Seconded By: BATT

Approved/Disapproved 3-0

Date: 6/22/16

Signature: Thomas Batt

TB:br

MINUTES
BOARD OF MANAGERS DISTRICT NO. 4
JUNE 22, 2016 @ 3:00 P.M.
NORTHERN REGION CONFERENCE ROOM

MEMBERS PRESENT: Mr. Gary Ambrose (3:30), Mr. Thomas Batt, Mr. Robert Harris, Ms. Kristin McCracken and Jesse C. Nikonowicz, Sr. (3:27)

OTHERS PRESENT Mr. James Carr, Mr. Joseph Fiegl, Mr. Richard Rehac, Ms. Brenda Rehac and Mr. William Strzeszynski II

ITEM NO.1-CALL MEETING TO ORDER

Ms. McCracken called the meeting to order at 3:10 pm.

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

Mr. Harris moved, seconded by Mr. Batt to approve the April 13, 2016 meeting minutes. The motion carried 3-0.

ITEM NO.3-ITEMS FROM THE PUBLIC

Mr. Strzeszynski met with the homeowner of 30 Zurbrick Rd., in the Village of Depew. The DEC cleaned the creek bank and removed most of the vegetation including several sumac trees, which left the ORF visible from her residence. The homeowner had requested the Division of Sewerage Management to install a 7' stockade fence to help obstruct the view of the ORF. The DSM will look into various options and provide a response to the homeowner.

ITEM NO.4-OLD BUSINESS

a. **Contract 40 RB-Aurora North PS Elimination**

Mr. Batt updated the Board with the Aurora North PS Elimination project. Since the last Board meeting, the contractor, CATCO, has successfully installed the new sewer across Transit Road and is working their way up William Street. The existing 15" diameter sanitary sewer on Transit was connected into the new sewer during the pipe installation across Transit Road. The sewer installation is approaching the manhole where at that point the sewer will turn and head south into the Flix Theatre property and off the roadway. In order to install the manhole and the section of sewer to the curblin, Catco has submitted a request to close William Street. William Street would be shut down between Flix Theatre's entrance driveway and Eastwood Parkway. Traffic to the businesses from William Street will still be available from Transit Road. The residents east of the closure would have to use Penora Street to gain access to their properties. The Board discussed CATCO's request to work around the clock for 48 hours starting the week of June 27th. There were concerns from the Board regarding the construction noise at nighttime and the effects on the quality of life for the residents nearby. Mr. Batt stated that the road would be closed longer if no night work is performed. The Board preferred a longer road closure over working at night. As DSM was just presented with the request, a decision has not been made but the Board's preference will be considered in the final decision.

Mr. Batt continued by stating that the bore under 36 Michael Anthony was successful.

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- i. Contract No. 40, Aurora North PS Elimination-Construction Notice(Handout)

The Board received a copy of Mr. Batt's letter sent to the homeowners regarding the construction activity associated with the Aurora North Elimination project.

- ii. Letter to Mrs. Wos, 42 Michael Anthony Lane-Concerns with construction of the Aurora North Pumping Station Elimination Project (Handout)

For the Board's review, a copy of Mr. Carr's response to Mrs. Wos's concerns with the Aurora North Pumping Station Elimination Project. Mrs. Wos concerns stemmed from the work involved with the bore under 36 Michael Anthony. Mr. Carr explained in the response the project history, the long term benefits of the project, along with clarifying some misinformation she may have received.

- iii. Transfer of Funds-Losson Road Resolution (Handout)

On a motion by Mr. Harris, seconded by Mr. Ambrose to recommend the Erie County Legislature approve the transfer of \$54,000 from Erie County Sewer District No. 4 Capital Reserve Account C.00034 for ECDEP/DSM's share of the work in Losson Road to the Erie County Department of Public Works SAP Project Preservation of Roads. The motion carried 5-0.

ITEM NO. 5- NEW BUSINESS

On a motion by Ms. McCracken, seconded by Mr. Harris, the Board moved to interrupt the regular District No. 4 meeting at 3:40 for the Combined Budget meeting. The motion carried 5-0. The regular District No. 4 Board meeting reconvened at 4:14.

- a. Presentation and Approval of 2017 Budget

- i. Proposed 2017 Budget (Handout)

The 2017 Budget was presented by Mr. Fiegl to the Board during the Combined Budget Meeting. Mr. Harris moved, seconded by Mr. Ambrose to approve the 2017 budget as proposed. The motion carried 5-0.

- ii. 271 Resolution (Handout)

After the Combined Budget Meeting, Mr. Fiegl presented the 271 resolution to the Board for review and approval. Approximately 75% and 25% of the total sanitary sewer tax levy of \$2,125,264 shall be raised from the assessed value and the footage charges, respectively. Mr. Harris moved, seconded by Mr. Nikonowicz, Sr., to approve the Resolution 271 with a flat charge of \$190.00 and footage charge of \$.70. The motion carried 5-0.

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

The property owners at 64 Argus, 297 Argus and 9 Christophel have not corrected a violation found during their house inspection. Ms. McCracken moved, seconded by Mr. Batt to move forward and recommend an Enforcement Hearing. The motion carried 5-0.

c. Sewer Agency Report-Increase & Improvement of Facilities (Handout)

The Board received a copy of the Erie County Sewer Agency Report for District No. 4 increase and improvement of facilities for 2016. The Sewer District has evaluated its facilities and has forecasted that additional capital funding is necessary. A list of the anticipated projects is listed, along with the potential costs. The report was prepared with the assumption that no grants will be forthcoming. Additional data pertaining to the annual debt service payments was included in the handout. The project costs are estimated at \$6.0 million to maintain the Sewer District's infrastructure. The average home in the Sewer District would see an increase of approximately \$10.32 after the total bond authorization of \$6.0 million is borrowed. Ms. McCracken moved, seconded by Mr. Harris to accept and adopt the Sewer Agency Report and to request the County Legislature approve a Bond authorization for the project in the amount of \$6.0 million pursuant to Article 5A, County Law. The motion carried 5-0.

ITEM NO. 6-MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Reports (March-May)

The contractor that was awarded the Depew Pumping Station upgrades for replacing and reprogramming the PLCs is still waiting on parts that were ordered to complete the planned upgrades. In the meantime, staff replaced all of the lighting on the motor level with new LED fixtures. District staff is in the process of installing a new bypass line at the Broadway East Pump Station for emergency use and as a backup during any pump refurbishments and/or maintenance. Currently ordering parts for the pump around.

The restoration from the forcemain repair on Iroquois is complete. Staff began cleaning the District 4 trunkline siphon chamber at Clinton Street and Harlem Road. Removed roughly two (2) to three (3) yards of rags and debris and plan to perform another entry to remove the remainder. This should help with an odor issue in the area. Began some preliminary site inspection of the Erie County Home and Infirmary property. The intention is to identify and eliminate any sources of I&I that may be affecting the sewer. It is believed we will find something significant, which will have a positive effect on the Zoeller Pump Station, Walden Avenue trunkline and subsequently the Depew Pump Station and ORF. This project will most likely continue through the middle of summer as staff will work on it as our schedule permits.

b. Pretreatment Report

There was nothing new to report.

c. Construction Status Report

Mr. Batt discussed the Aurora North Pumping Station Elimination Project in Item 4a.

d. Payments (Handout)

A payment was made to CATCO for the Aurora North PS Elimination project for \$295,341.03. Mr. Batt stated the project is 34% complete.

Mr. Batt moved, seconded by Mr. Ambrose to receive and file the miscellaneous & informational items. The motion carried 5-0.

ITEM NO. 7-ADJOURNEMENT & NEXT MEETING

The ECSD Nos. 1 and 5 Boards had approved 271 resolutions for their respective sewer districts. Typically a July meeting is scheduled in the event the budget does not pass. Mr. Ambrose moved, seconded by Mr. Harris to cancel the July 13th meeting. The motion carried 5-0.

On a motion by Ms. McCracken, seconded by Mr. Harris to adjourn the meeting at 4:32 pm. The motion carried 5-0.

*****NEXT MEETING*****

**Wednesday, October 5, 2016 @ 3:30 pm
Northern Region Admin Bldg.**

Respectfully submitted,

Thomas Batt

Thomas Batt, P.E.
Board of Managers
Secretary District 4

Motion to approve minutes of JUNE 22, 2016

Moved By: BATT

Seconded By: NIKONOWICZ

Approved/Disapproved: 4-0

Date: OCTOBER 5, 2016

Signature Thomas Batt

TB:br

**MINUTES
BOARD OF MANAGERS DISTRICT NO. 4
OCTOBER 5, 2016
NORTHERN REGION CONFERENCE ROOM**

MEMBERS PRESENT: Mr. Thomas Batt, Mr. Robert Harris, Ms. Kristin McCracken and Mr. Jesse C. Nikonowicz, Sr.

MEMBERS ABSENT: Mr. Gary Ambrose

OTHERS PRESENT Mr. Glenn Absolom, Mr. James Carr, Mr. Joseph Fiegl, Ms. Brenda Rehac, Mr. Richard Rehac, and Mr. William Strzeszynski

ITEM NO.1-CALL MEETING TO ORDER

Ms. McCracken called the meeting to order at 3:30 pm.

ITEM NO.2-APPROVAL OF JUNE 22, 2016 MEETING MINUTES

Mr. Batt moved, seconded by Mr. Jesse Nikonowicz, Sr., to approve the June 22, 2016 meeting minutes. The motion carried 4-0.

ITEM NO.3-ITEMS FROM THE PUBLIC

Mr. Fiegl discussed the possible dissolution of the Village of Depew recently mentioned in the Buffalo News. Several weeks back, Mr. Fiegl spoke with Mayor Nikonowicz, Sr. regarding the topic. If there were a formal dissolution of the Village of Depew, the Towns of Cheektowaga and Lancaster would take over the sanitary sewer system, unless a formal plan was adopted for other means to handle the system. A public vote on the matter is scheduled for mid-January.

ITEM NO.4-OLD BUSINESS

None

ITEM NO.5-NEW BUSINESS

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

A copy of the Public Hearing Notice which was published on August 24, 2016 was provided for the Board's review. The BOD, TSS, and phosphorus rates are established by the Buffalo Sewer Authority. Mr. Batt stated the flow rate charges have remained the same from last years.

- ii. Meeting Minutes (Handout)

The Board of Managers received a copy of the minutes from the public hearing user charge for Erie County Sewer Districts 1-6 & 8, which were held on September 20, 2016. Now

Item 2

that the public hearing was held, the next step is for the individual Board of Managers to adopt the rates. A Notice of Adoption will be published in the Buffalo News and the County's official papers.

iii. Approval of Resolution (Handout)

The Board reviewed a copy of the User Charge Resolution. Mr. Batt moved, seconded by Ms. McCracken to approve the resolution. The motion carried 4-0.

b. 2017 Meeting Schedule (Handout)

The Board reviewed the 2017 proposed meeting schedule. Mr. Harris moved, seconded by Ms. McCracken to approve the 2017 schedule. The motion carried 4-0.

c. Ltr. To Iberdrola USA Management Corp.-Reimbursement Request (Handout)

The Board received a copy of Mr. Strzeszynski's certified letter to Iberdrola USA, including a copy of an invoice for \$4,038.39. A sewer blockage was reported on William Street. District personnel investigated the line and determined that a utility pole had gone through the sewer. A representative from Iberdrola contacted Mr. Strzeszynski on October 5, 2016 stating they never received the letter. A copy of the letter, along with the signed certified receipt was forwarded via fax.

d. I/I Approval for Enforcement Hearing (Hearing)

The Board received copies of the letter to the homeowners who are scheduled for an Enforcement Hearing that have not completed a house inspection or corrected a violation found during their house inspection. Mr. Fiegl explained the steps taken prior to sending the homeowners to the Enforcement Hearing. Once the hearing is held, the Hearing Officer will make a recommendation for the Board's approval. Mr. Batt moved, seconded by Mr. Harris to approve an enforcement hearing for the non-compliant homeowners. The motion carried 4-0.

ITEM NO. 6-MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operation Reports-(June-August)

Mr. Strzeszynski updated the Board with the operation reports. The Depew Pumping Station upgrade is underway and the contractor has been on site since October 3rd. The vendor for the remote control ORF valve will be on site October 7th. The bypass has been installed at the Broadway Pumping Station. Testing of the bypass is scheduled to take place in the next couple of days. After successful testing, the PLC upgrades, bubbler cabinet upgrades, and pump refurbishment will take place. The wet well sump pump at the Vanderbilt Pumping Station was repaired and replaced. 2700 feet of cured in place pipe lining was completed on Columbia and Summit. DSM staff complete (3) pipe patches on Columbia and (1) on Summit prior to lining. The lining contractor is currently working on an additional 8300 feet on Broezel, Iroquois, Seneca, Biscayne, and Walden. Staff also completed a 6 foot repair on William due to a NYSEG pole installed through the sewer. The DSM provided (3) sets of frame and covers, along with riser rings

and cement to Zoladz for the DOT project at Walden and Central. Finally, sewer district staff took an in-depth tour of the interior and exterior of the Erie County Home on Walden Ave.

b. Pretreatment Report

None

c. Construction Status Report

i. Aurora North Construction Activity Notice-Resident Ltr (Handout)

The Board received copies of two (2) letters sent to the homeowners in the Aurora North Project neighborhoods. The letter notified them of the road closure which went into effect on June 28th and the anticipated road paving to begin in August and or September.

Mr. Batt updated the Board with the status report for the Aurora North Pumping Station Elimination Project. There is approximately 4500' more feet to go before completion and progress should be at the location of the proposed Hidden Meadows Subdivision within the next couple of weeks. Blasting will continue for six (6) more days. Production has been going well with an average of 90 feet per day. Restoration and remedial work is ongoing with grading and seeding completed at Flix and topsoil placed up to Michael Anthony Way. The new sewer has been tested to almost Michael Anthony Way and has live flow from connections with Wegmans, the existing 15" diameter sanitary sewer on Transit Road, Eastwood Village, Flix and a Doctor's office. Paving has been postponed until the spring. Mr. Harris spoke with the Town and is comfortable waiting till spring to allow better compaction and for warmer temperatures. Temporary striping where the striping was removed for construction will be completed before winter. A follow up letter to the homeowner's regarding the change in the paving schedule will be sent out. It is anticipated that the sewer installation portion of the project will be completed by the end of December.

d. Payments (Handout)

For the Board's review, three (3) payments were made to CATCO for the Aurora North PS Elimination Project totaling \$1,599,231.48. The project is now 65% financially complete.

Mr. Harris moved, seconded by Ms. McCracken to receive and file the miscellaneous and informational items. The motion carried 4-0.

Mr. Fiegl noted the term agreements and inspection services contracts are up at the end of the year. Proposals are currently being reviewed. A phone poll may be conducted for the Boards consideration before the end of the month.

ITEM NO. 7 ADJOURNMENT & NEXT MEETING

Ms. McCracken moved, seconded by Mr. Harris to adjourn the meeting at 3:59 pm. The motion carried 4-0.

*****NEXT MEETING*****
Wednesday, December 7, 2016 @ 3:30pm
Northern Region Administration Building

Respectfully submitted,



Thomas Batt, P.E.
Board of Managers Secretary

Motion to approve minutes of 10/5/16

Moved By: NIKONOWICZ

Seconded By: HARRIS

Approved/Disapproved: 4-0

Signature: Thomas Batt

Date: 12/7/16

MINUTES
BOARD OF MANAGERS DISTRICT NO. 4
DECEMBER 7, 2016
NORTHERN REGION CONFERENCE ROOM

MEMBERS PRESENT: Mr. Thomas Batt, Mr. Robert Harris, Ms. Kristin McCracken and Mr. Jesse C. Nikonowicz, Sr.

MEMBERS ABSENT: Mr. Gary Ambrose (Resigned)

OTHERS PRESENT Mr. Glenn Absolom, Mr. Joseph Fiegl, Ms. Brenda Rehac, Mr. Richard Rehac and Mr. William Strzeszynski

ITEM NO.1-CALL MEETING TO ORDER

Ms. McCracken called the meeting to order at 3:30 pm.

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

Mr. Nikonowicz, Sr., moved, seconded by Mr. Harris to approve the October 5, 2016 meeting minutes. The motion carried 4-0.

ITEM NO.3-ITEMS FROM THE PUBLIC

None

ITEM NO.4-OLD BUSINESS

None

ITEM NO. 5-NEW BUSINESS

a. **Resignation of Board Member Gary Ambrose**

Effective November 1, 2016, Mr. Ambrose has resigned as a Board Member for District #4. Mr. Fiegl stated that he will reach out to the County Executive to inquire with the Mayor of the Village of Lancaster if the Village has a representative that would fill Mr. Ambrose's position. The Board thanked Mr. Ambrose for his service.

b. **I/I Enforcement Hearing-Approval for Fine Stages (Handout)**

An enforcement hearing was held on November 16, 2016. The Hearing Officer has recommended a "premium assessment" of \$100 be levied per month for non-compliance. Mr. Fiegl explained several attempts were made to contact the homeowners to schedule a house inspection or confirm the violation was corrected before the hearing. On a motion by Mr. Harris, seconded by Ms. McCracken to approve a premium assessment for non-compliance to property owners at 22 Arlington Place, 75 Stutzman Rd., and 2798 George Urban Blvd. The motion carried 4-0.

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c. Confirmation of Email Poll-Construction Inspection Term Agreement & Professional Engineering Services Agreement (Handout)

Three year term agreements for construction inspection and engineering services were presented to the board and approved by Email vote. Ms. McCracken moved, seconded by Mr. Batt to confirm the approval of the Construction Inspection and Engineering Services Agreements. Mr. Harris abstained from voting. The motion carried 3-0.

d. Discussion Sewer Tax/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 2016 budget was revised to effectuate 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 ECSD Nos. 1, 4, and 5 user 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.

e. Pump Station Capital Improvement Plan (Handout)

Mr. Fiegl presented for the Board's information, a table which represents the capital improvement plan summary for the pumping stations in District 4. Numerous data were collected to determine each pumping stations probability of failure and consequences of failure, along with an estimated replacement cost if the pumping station were to be replaced.

Four of the pumping stations had a high Business Risk Exposure: Broadway, Iroquois, Vanderbilt, Zoeller. Broadway Pumping Station is presently being upgraded by County staff. Iroquois Pumping Station rehabilitation has been designed and put on hold until the financial impact of the Aurora North project is realized and a new bond account established. Vanderbilt Pumping Station has recently been upgraded but the force main has a restriction in the pipe that needs to be corrected to bring the station up to its rated capacity and due to this, the station was given a poor rating. Zoeller pumping station is owned by the County DPW and operated by District 4.

ITEM NO. 6-MISCELLANEOUS & INFORMATION ITEMS

a. Operation Reports-(September & October)

Mr. Strzeszynski presented the Board with the operation reports for September and October. CIPP lining of the 8,300 lf of sewers on Broezel, Iroquois, Seneca, Biscayne, Walden and Central has been completed. Also staff completed pipe patching on Central to bridge a gap the liners would not have been able to line through. Chemical root treatment was applied to sewers on Impala, Charlton and Ronald. Smoke testing was done at the Erie County Home and Infirmary and field inspection of the manholes upstream of the property was completed as well. Staff will now televise and dye test certain areas on the property as well as televise a portion of the gravity system upstream of the facility. A handful of manhole repairs on the upstream side of the facility will be completed.

The Depew Pump Station upgrade is essentially complete (replacing and reprogramming the PLC's). The new PLC's have been installed and are operational in the bubbler cabinet as well as the flow control unit. The recently installed Broadway bypass has been successfully tested. The first pump has been removed and shipped to the vendor to be refurbished. The replacement of the Bowmansville Pumping Station VFD #1 is in process and nearing completion. As always, routine scheduled preventative maintenance tasks were completed at all the pump stations.

b. Pretreatment Report

None

c. Construction Status Report

i. Aurora North Construction Activity Notice-Resident Ltr (Handout)

A letter updating the residents of the construction activity for the Aurora North Pumping Station was available for the Board's review. Mr. Batt stated that the installation of the sanitary sewer pipe and the final manhole installation will be completed by the end of the week. Completion of the manhole frames and benches and pipe testing will take a couple of more weeks before the station can be taken off line and flow diverted to the new sewer. Restoration will be completed in the spring.

d. Payments (Handout)

For the Board's review, two (2) payments were made to CATCO for the Aurora North PS Elimination Project totaling \$1,531,189.37. The project is now 92% financially complete.

e. Village of Depew Support Letter Sewer/Manhole Remediation (Handout)

The Board received a copy of Mr. Fiegl's letter regarding the Village of Depew's request for Community Development Block Grant funding for sewer and manhole remediation work on named Village Streets. The DSM supports the improvements the Village has proposed.

Mr. Harris moved, seconded by Mr. Batt to receive and file the miscellaneous and informational items. The motion carried 4-0.

ITEM NO. 7 ADJOURNMENT & NEXT MEETING

Ms. McCracken moved, seconded by Mr. Batt to adjourn the meeting at 4:02pm. The motion carried 4-0.

*****NEXT MEETING***
Wednesday, February 1, 2017 @ 3:30
Northern Region Admin Bldg.**

Respectfully submitted,



Thomas Batt, P.E.
Board of Managers Secretary

Motion to approve minutes of 12/7/16

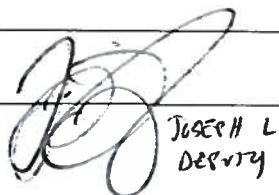
Moved By: J. Nikonowicz

Seconded By: R. Harris

Approved/Disapproved: 4-0

Date: 4/5/17

Signature: _____



JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

TB:br