

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
FEBRUARY 2, 2016
LACKAWANNA CITY HALL

MEMBERS PRESENT: James Balcarczyk, James Carr, Anthony Collareno

MEMBERS ABSENT: None

OTHERS PRESENT: Patrick Breier, Joseph Fiegl, Richard Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:15 p.m.

a. Nominations for Board Members

Mr. Carr nominated James Balcarczyk for Chairman and Mr. Collareno for Vice Chairman and Mr. Carr was nominated for Secretary. Nominations were closed and by a vote of 3 – 0, Mr. Balcarczyk was elected Chairman, Mr. Collareno Vice Chairman and Mr. Carr Secretary.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno to approve the minutes from the December 8, 2015 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

No items from the public.

Mr. Fiegl reported he was contacted by Mayor Szymanski to discuss sinkholes and whose responsibility it is for the repair. The District has taken responsibility and has repaired sinkholes that are caused by our sewer mains and report via a letter to homeowners of private laterals that are the cause. In one instance, additional follow-up investigations were needed and a letter was subsequently sent to the resident after dye testing and televising indicated the private lateral was the cause.

ITEM NO. 4 – OLD BUSINESS

a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl notified the Board that an appeal of the lower court's decision was filed Arcelor Mittal with the Appellate Division; Fourth Department of the State of New York and at this time there is no update to report to the Board on the status of the appeal.

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ITEM NO. 5 – NEW BUSINESS

a. Proposed Name Change (Handout)

The Board heard from Mr. Fiegl regarding the Division of Sewerage Management's (DSM) memorandum and Resolution proposing to change the name of the Erie County Sewer District's wastewater treatment plants. The DSM proposition is based upon the collective efforts of the wastewater industry to focus on the core mission of the industry and that is to treat society's pollution, protect public health and recover and return clean water from the waste stream to the nation's waterways for the public's use. By renaming the wastewater treatment plants to "Water Resource Recovery Facilities" the industry feels the public will more easily identify and value the services provided.

Mr. Balcarczyk moved, seconded by Mr. Carr to approve the Resolution recommending the name change of the Lackawanna Wastewater Treatment Plant to the "Lackawanna Water Resource Recovery Facility". The motion carried 3 – 0.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

a. Mr. Breier reported the following work completed by the District:

- i. Repaired 8 sanitary manholes,
- ii. replaced a catch basin on North Drive, replaced storm frame and cover on Orchard Avenue,
- iii. completed 214 linear feet of mechanical root cutting,
- iv. investigated a sink hole in front of 1430 Electric Avenue and determined the cause was a faulty private lateral and informed the homeowner, by letter, that they would be responsible for the repair (see Item No. 3),
- v. Responded and cleaned a grease blockage at 86 Wasson.
- vi. Construction review of plans for Bajer Victory Mainline sewer connection.

b. Mr. Balcarczyk inquired if the "in-fill" housing laterals were addressed and corrected by the contractors. Mr. Breier stated the lateral grade issues have been resolved and have been accepted by the City and the District.

b. Pretreatment Report

Followed up the grease blockage at 86 Wasson by delivering residential FOG brochures to the Lackawanna Municipal Housing Authority who will distribute to the residents of 86 Wasson.

c. Construction Report

a. The Division has issued the Notice to Proceed for the Manhole Rehabilitation contract. The sanitary manholes in the Bethlehem Park Subdivision listed for rehabilitation are

now 90% completed, with additional attention/work to bench and channel repairs before acceptance.

b. The work issued to United Survey for the 2015 CIPP lining is on-going. The contractor is currently on a winter shutdown.

d. Payments (Handout)

a. Mr. Carr reported the following payments have been issued:

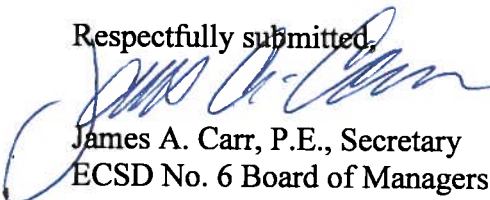
- i. Two payments to CRA/GHD Lackawanna WWTP for the No Feasible Alternatives Analysis of \$6,031.55 and \$23,546.70.
- ii. A payment to CHA for the Pretreatment Local Limits study of \$1,100.78 and,
- iii. A payment to Kandey Company for the Sewer Manhole Rehabilitation work of \$19,110.80.

Mr. Balcarczyk moved, seconded by Mr. Collareno, to receive and file the informational items on the agenda. The motion carried 3 - 0

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno to adjourn the meeting. The motion carried 3-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of February 2, 2016

Moved By: J Balcarczyk

Seconded By: T Collareno

Approved/Disapproved: 3-0

Date: 4/12/2016

Signed: J. Carr

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
April 12, 2016
LACKAWANNA CITY HALL

MEMBERS PRESENT: James Balcarczyk, James Carr, Anthony Collareno

MEMBERS ABSENT: None

OTHERS PRESENT: Patrick Breier, Joseph Fiegl, Richard Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:20 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno to approve the minutes from the April 12, 2016 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

No items from the public.

ITEM NO. 4 – OLD BUSINESS

Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl notified the Board that an appeal of the lower court's decision was filed Arcelor Mittal with the Appellate Division; Fourth Department of the State of New York and at this time there is no update to report to the Board on the status of the appeal.

ITEM NO. 5 – NEW BUSINESS

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

The Board reviewed the Division of Sewerage Management's recommendation to send the following properties, 250 Colton Avenue and 185 Kirby Avenue to a Hearing Officer. The recommendation is due to their failure to correct I/I violations as outlined in the Rules and Regulations for the Erie County Sewer Districts.

Mr. Balcarczyk moved, seconded by Mr. Collareno to send the above properties to a Hearing Officer. The motion carried 3-0.

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

The Board reviewed the Erie County Sewer Agency Report for Erie County Sewer District No. 6, Increase & Improvements of Facilities (2016). Mr. Fiegl spoke to the needs of the District due to, aging infrastructure, with approximately 71 miles of sanitary sewers, 48 miles of storm sewers, 7 pumping stations and the Wastewater Treatment Plant. This coupled with improvements that will be driven by a new State Pollution Discharge Elimination System (SPDES) Permit will require capital investments by the District. Therefore the Division is recommending a new Bond Authorization be pursued in the amount of \$3.5 million pursuant to Article 5A of County Law.

Mr. Carr moved, seconded by Mr. Balcarczyk to approve the Resolution to accept and adopt the Sewer Agency Report in the amount of \$3.5 Million. The motion carried 3-0.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Breier reported the following work completed by the District:

- i. American Pipe performed mechanical cleaning at all the creek crossings with Preventive Maintenance (PM) task created in SAP for future maintenance planning.
- ii. Staff completed twelve (12) catch basin repairs for paving projects on both
 1. Electric Avenue and Center Avenue
- iii. Three additional catch basins repairs are planned for the next period
- iv. Staff completed flushing and conducted a video inspection of an abandoned storm pipe on Center Avenue.
 1. The Board discussed the ownership of this abandoned storm sewer and who is the responsibility agency to complete the work. The Division reported the storm pipe was not shown on the 1984 transfer of asset ownership maps from the City to the County. Additionally, drawings from circa 1970's cross town interceptor did not show the storm pipe on those drawings, leading to Division to state the ownership is not ECSD No. 6's. It was noted the City has planned on paving Center Avenue this construction season and has moved the Center Avenue paving to later in their schedule. The City will then have additional time to consider corrective action. It was noted the District has in the past repaired catch basins next to that storm pipe.
- v. Construction Project – Baker Victory mainline – District reported no activity.

b. Pretreatment Report

No report.

c. Construction Report

- a. The Division reported the Manhole Rehabilitation contract is approximately 95% complete. Additional attention/work to bench and channel repairs are required to be completed before acceptance can be issued.
- b. The work issued to United Survey for the 2015 CIPP lining is on-going.

d. Payments (Handout)

Mr. Carr reported the following payments have been issued:

- i. Two payments to CRA/GHD Lackawanna WWTP for the No Feasible Alternatives Analysis of \$18,665.50 and \$23,478.98.
- ii. A payment to CHA for the Pretreatment Local Limits study of \$1,404.35 and \$3,098.62.
- iii. A payment to Arcadis for the Business Case Study for \$4,676.35.

e. Lackawanna WWTP & Collection System & SSO Annual Report (Handout)

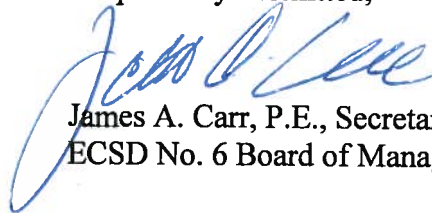
The Board received Mr. Fiegl's February 29, 2016 letter to the NYSDEC. The Division reported to the NYSDEC, as required by the State Permit Discharge Elimination System (SPDES), the Collection System program (CSP) and Sanitary Sewer Overflow (SSO) Annual Reports. The Board noted that the reports were timely submitted.

Mr. Balcarczyk moved, seconded by Mr. Collareno, to receive and file the informational items on the agenda. The motion carried 3 - 0

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno to adjourn the meeting. The motion carried 3-0.

Respectfully submitted,


James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of June 21, 2016

Moved By: MR. BALCARCZYK

Seconded By: MR. COLLARENO

Approved/Disapproved: 3-0

Date: JUNE 21, 2016

Signed: 

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
June 21, 2016
LACKAWANNA CITY HALL

MEMBERS PRESENT: James Balcarczyk, James Carr, Anthony Collareno

MEMBERS ABSENT: None

OTHERS PRESENT: Patrick Breier, Steven Canestrari, Joseph Fiegl, Kevin Kaminski,
Richard Rehac, Courtney Scordato

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:15 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno to approve the minutes from the April 12, 2016 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

No items from the public.

ITEM NO. 4 – OLD BUSINESS

- a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl informed the Board that there has not been any updates on the court action but did note the above company filed an Article 78 action against the 2016 Levy. An appeal is expected from Arcelor Mittal later this year

ITEM NO. 5 – NEW BUSINESS

- a. Presentation and Approval of 2017 Budget
i. Proposed 2017 Budget (Handout)

Mr. Fiegl presented the Proposed 2017 ECSD No. 6 Budget to the Board with the following comments:

Overall, the ECSD No. 6 appropriations or expenses are budgeted in 2017 to increase approximately \$201,000. However, the impact to the typical ratepayer is offset by an increased allocation from fund balance of approximately \$112,000. As a result, the impact to the typical ratepayer in ECSD No. 6 will be an increase of 2.2%, which equates to approximately \$10 annually when compared to 2016.

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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.

As ECSD No. 6 is part of the Division of Sewerage Management, there are a number of “shared” items including equipment, vehicles, and personnel. For most shared items, ECSD No. 6 contributes 4.2%. For laboratory expenses, ECSD No. 6 contributes 18%. The laboratory percentage is based on the volume of laboratory work.

The 2017 equipment line items represent \$256,680 of the ECSD No. 6 budget. The major items include the purchase of one vehicle, new/replacement pumping station equipment, shared items with the other Erie County Sewer Districts, and the ECSD No. 6 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, ECSD No. 6 contributes approximately 4.2% of these Downtown office expenses.

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, a \$50,000 increase in “I&I repair”, a \$100,000 increase in the District’s capital reserve allocation, utility costs, and personnel costs.

Fund balance usage as an offsetting revenue is budgeted at 55% of available balance. The available district fund balance at 12/31/15 represents approximately 4.0 months of 2017 budgeted appropriations. It is believed that this level of fund balance is sufficient to protect the ratepayers of the district, particularly considering uncertainty related to legal challenges and regulatory requirements. This will be an item to monitor.

It is recommended for the 2017 Budget that the parcel charge remain at \$90.00 per parcel and the water use charge in ECSD No. 6 be increased to approximately \$3.77 / 1,000 gallons.

Mr. Fiegl asked if the Board has any other questions or comments on the Proposed Budget, Mr. Balcarczyk if there is a target capital reserve amount that the Division is targeting Mr. Fiegl stated that the impacts of the regulatory requirements for the Wastewater Treatment Plant could be in the tens of millions of dollars, so the potential plan is to gradually increase this over time to minimize the impact to the rate payers by an increase in a single year. Mr. Balcarczyk asked if the Division will continue to apply “pipe patches” as spot repairs. Mr. Fiegl responded that pipe patches are included in the Budget.

Mr. Balcarczyk moved, seconded by Mr. Carr for approval of the 2017 Budget. The motion carried 3-0.

ii. 271 Resolution (Handout)

Mr. Fiegl presented the 271 resolution to the board for review and approval. Approximately 86% and 14% of sanitary sewer levy will be raised from the parcel and assessed value respectively with the parcel change at \$90.00 per parcel.

Mr. Balcarczyk moved, seconded by Mr. Collareno, to approve Resolution 271. The motion carried 3-0.

b. I&I Approval for Compliance Hearing (Handout)

The Board reviewed the Division of Sewerage Management's recommendation to send the following properties, 18 Kirby Avenue and 57 Martin Road to a Hearing Officer. The recommendation is their failure to correct I/I violations as outlined in the Rules and Regulations (R & R) for the Erie County Sewer Districts. A list of Homeowners who have failed to allow or schedule a house inspection in conformance with the R & R of Erie County Sewer Districts was also reviewed by the Board.

Mr. Carr moved, seconded by Mr. Collareno to refer all of the above properties to a Hearing Officer. The motion carried 3-0.

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

The Board reviewed the Erie County Sewer Agency Report for Erie County Sewer District No. 6, Increase & Improvements of Facilities (2016). Mr. Fiegl explained that in discussions with our Bond Council changes in the form of additional clarification of the proposed work was added to Sewer Agency Report that was presented in April. The changes memorialized the discussions held during the April 2016 Board meeting.

Mr. Balcarczyk moved, seconded by Mr. Carr to approve the Resolution to accept and adopt the Sewer Agency Report in the amount of \$3.5 Million. The motion carried 3-0.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Breier reported the following work completed by the District:

- i. Seventeen (17) sanitary and eight (8) storm manhole frames and covers were replaced on Electric Avenue during the City paving project.
- ii. Fifteen (15) sanitary and eight (5) storm manhole frames and covers were replaced on Ridge Road and two (2) storm manholes were repaired during the City paving project
- iii. There was a sinkhole on 73 Nason Parkway which was a City issue (there was no sewer involved) and a sinkhole on 168 Milnor Avenue which was repaired by the District.

- iv. Staff will be double checking storm grates on the bike route for an upcoming Slow Roll Bike Ride for bike travel safety.
- v. Construction Project – Baker Victory mainline – District reported no activity.

b. Pretreatment Report

No report.

c. Construction Report

No report.

d. Payments (Handout)

Mr. Carr reported that there were four payments to CRA/GHD Lackawanna STP for the No Feasible Alternatives Analysis of \$40,970.34, \$6,448.84, \$8,347.70 and \$3,547.20.

e. No Feasible Alternative Analysis and Permit Compliance Evaluation (Handout)

The Board reviewed Mr. Fiegl's letter to the New York State Department of Environmental Compliance regarding the SPDES permit for the Lackawanna Wastewater Treatment Plant, schedule of compliance, No Feasible Alternative Analysis & Permit Compliance Report. The Report detailed the Division's plans to address compliance actions for a No Feasible Alternative Analysis, Percent Removal Requirements for TSS and BOD₅, an Ammonia Nitrogen Study and a total Chlorine Residual Study. The Reports for compliance have been submitted in a timely fashion and in accordance with the NYSDEC's approved modification schedule.

Mr. Fiegl noted the No Feasible Alternative has to be affordable to the City of Lackawanna along with providing a responsible plan to protect water quality. Mr. Balcarczyk asked if the NYSDEC considered the costs to maintain the current assets for perpetuity. Mr. Fiegl responds yes – but states a pivot point in the analysis will allow a reconsideration of direction.

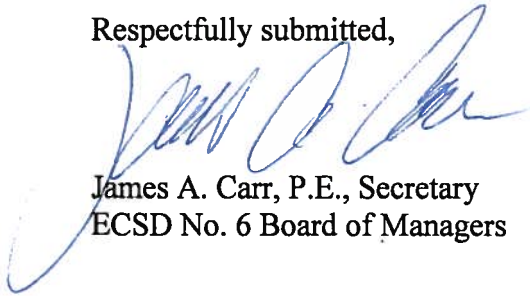
Mr. Carr moved, seconded by Mr. Collareno, to receive and file the informational items on the agenda. The motion carried 3 - 0

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Carr moved to cancel the July 12th board meeting, seconded by Mr. Balcarczyk. The motion carried 3-0.

Mr. Balcarczyk moved, seconded by Mr. Collareno to adjourn the meeting. The motion carried 3-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of June 21, 2016

Moved By: J. Balcarczyk

Seconded By: J. Carr

Approved/Disapproved: 2-0

Date: 10/4/2016

Signed: J. Carr

**ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
OCTOBER 4, 2016
LACKAWANNA CITY HALL**

MEMBERS PRESENT: James Balcarczyk and James Carr

MEMBERS ABSENT: Anthony Collareno

OTHERS PRESENT: Joseph Fiegl, Beth Pfalzer and Richard Rehac

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:15 pm.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Carr to approve the minutes from the June 21, 2016 meeting. The motion carried 2-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

No items from the public.

ITEM NO. 4 – OLD BUSINESS

- a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78 (Handout)

Mr. Fiegl reported that the Arcelormittal submitted an appeal to the Appellate Division in August. The County's outside counsel has submitted our response to the court and Arcelormittal now has the option to reply regarding our comments to the court prior to the Appellate Court's hearing. Mr. Fiegl will apprise the Board of any further correspondence.

ITEM NO. 5 – NEW BUSINESS

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

The Board of Managers received a copy of the public hearing notice for the User Charges for 2017.

- ii. Minutes from Public Hearing (Handout)

The Board of Managers received a copy of the minutes from the public hearing held on September 20, 2016, for User Charges for Erie County Sewer Districts 1-6 & 8. Mr. Fiegl noted that two individuals from Phillips Lytle attended the public hearing to speak against the Parcel/Benefit Charge. Mr. Salah informed them that this was not the appropriate place and that they would have the opportunity to speak at the public hearing for the Assessment Rolls in November. The next step for the

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Adoption of the User Charges will be for the individual Boards of Managers to adopt the rates. Once approved by all of the Boards a Notice of Adoption will be published in the Buffalo News and County's official papers.

iii. Approval of Resolution (Handout)

Mr. Balcarczyk moved seconded by Mr. Carr to approve the resolution adopting the User Charge Rates for 2017. The motion carried 2-0.

b. 2017 Meeting Schedule (Handout)

The Board considered the proposed 2017 Meeting schedule. On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to approve the proposed 2017 Meeting schedule. The motion carried 2 – 0.

c. I&I Approval for Compliance Hearing (Handout)

The Board reviewed a list of homeowners the Division is recommending be sent to a compliance hearing. The list is comprised of homeowners who have failed to complete a house inspection or correct a violation found during their inspection in accordance with the "Rules and Regulations for Erie County Sewer Districts.

Mr. Carr moved, seconded by Mr. Balcarczyk to refer all the list of homeowners to a Hearing Officer. The motion carried 2-0.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Rehac reported that a sanitary sewer connection permit was issued for connection to an address on Stony Street. It was later discovered the sanitary map incorrectly showed an existing sanitary sewer for the house connection. The District subsequently installed approximately 100 linear feet of 8-inch diameter sanitary sewer pipe and clean-out in Stony Road for the permitted connection.

Mr. Rehac reported that staff installed a pipe patch in the Smith Street sanitary sewer as well as spot repairs on Sharon and Grape.

Mr. Rehac also reported a sinkhole was discovered on Wilmuth. The initial investigation of the sinkhole indicated the cause may be an offset joint on a storm sewer. District personnel will be onsite October 5th to dig and address the issue.

Mr. Fiegl advised the Board of a failure of the dewatering press on Friday August 19th. The Division recommended enactment of an emergency declaration to the County Executive for immediate repair. The press was up and running by Wednesday August 24th. Mr. Fiegl reported the NYSDEC was contacted and informed that sludge was being transferred to the Big Sister Creek WWTP drying beds. The staff from various sewer districts hauled nearly 80 truckloads of sludge to the Big Sister Creek Treatment Plant without incident and should be commended for their work.

b. Pretreatment Report

No report.

c. Construction Report

Mr. Carr reported that the County's Purchasing Department has reviewed a repair contract issued by Monroe County to Villager Construction and has approved "piggy-backing" on that contract. Villager will be in the District performing a series of spot repairs in Roland and Rosary.

Mr. Carr also reported a new heat exchanger was purchased by District staff and a contract for installation would be bid in the near future.

d. Payments (Handout)

Mr. Carr reported that there were two payments made to GHD and CHA in the amount of \$11,616.45 and \$5,317.37 respectively.

e. NYSDEC Ltr – 9 Month Progress Report (Handout)

The Board reviewed a copies of the 9 Month Progress reports submitted to the New York State Dept. of Environmental Conservation (NYSDEC) as a requirement of the Lackawanna Wastewater Treatment Plant's SPDES Permit Compliance Schedule.

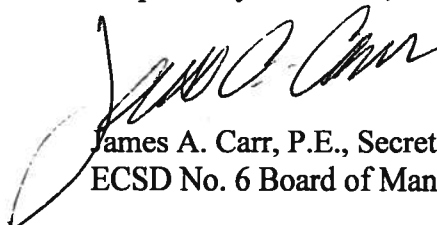
On a motion by Mr. Carr, seconded by Mr. Balcarczyk the Board voted to receive and file the above items 6.a. through 6.e. The motion carried 2 – 0.

Mr. Fiegl advised the Board that Requests for Proposal (RFP) for the Engineering and the Construction Inspection Services Three Year Term Agreements were currently being reviewed by DSM staff. The Division will ask that the Board be phone polled for approval of the recommended firms for both RFP Agreements. This will facilitate Legislature Approval before the end of the year so the firms can be under contract in January of 2017.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Balcarczyk moved, seconded by Mr. Carr to adjourn the meeting at 3:40pm. The motion carried 2-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of October 4, 2016

Moved By: J. B.

Seconded By: A. C.

Approved/Disapproved: 3-0

Date: 12/6/2016

Signed: [Signature]

**ERIE COUNTY SEWER DISTRICT (ECSD) NO. 6
BOARD OF MANAGERS MEETING
DECEMBER 6, 2016
LACKAWANNA CITY HALL**

MEMBERS PRESENT: James Balcarczyk, James Carr, and Anthony Collareno

OTHERS PRESENT: Patrick Breier, Joseph Fiegl, Matt Kostek, Beth Pfalzer and Richard Rezac

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk called the meeting to order at 3:15 pm.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Balcarczyk moved, seconded by Mr. Collareno to approve the minutes from the October 4, 2016 meeting. The motion carried 3-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

No items from the public.

ITEM NO. 4 – OLD BUSINESS

- a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl stated that as discussed at the last Board of Managers meeting, Arcelormittal had the opportunity to respond to the County's reply. Arcelormittal did indeed submit additional documentation. The Appellate Court Hearing will take place sometime in February/March.

ITEM NO. 5 – NEW BUSINESS

- a. Resignation of Board Member Anthony Collareno

Mr. Collareno submitted his resignation from the ECSD No. 6 Board of Managers. Mr. Collareno was thanked for his 24 years of service to both the residents of Erie County Sewer District No. 6 and the Board of Managers.

Mr. Carr moved, seconded by Mr. Collareno to accept Mr. Collareno's resignation for the ECSD No. 6 Board of Managers. The motion carried 3-0.

- b. 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. Changes were made in some of the Erie County Sewer Districts in the 2016 and 2017 budgets to address tax cap concerns. Note that these changes were not applied in the ECSD No. 6 budgets.

In the Comptroller's office report, an opinion was presented that the County "may have

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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.

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.

Mr. Balcarczyk questioned why District 6 is different than the other districts. Mr. Fiegl responded that because of the manner of the way the charges are assessed with ECSD No. 6 having parcel and flow charges and other ECSDs having “unit” charges. Mr. Balcarczyk asked if this action will raise the tax cap. After clarification, Mr. Fiegl responded that the tax cap will remain the same as determined by the State.

c. I/I Enforcement Hearing – Approval for Fine Stages (Handout)

The Board received copies of the Hearing Officer’s recommendations to approve a premium assessment of \$100 per month for non-compliance to the Rules and Regulations of the Erie County Sewer Districts for the following properties: 14 Adrian St, 1534 Electric Ave, 43 Hamilton Ave, 64 Shamokin Dr, 6 W Elmview, & 19-21 Elkhart Ave, Lackawanna, NY. The Division of Sewerage Management is recommending approval of the premium assessment in accordance with the Hearing Officer’s recommendation.

Mr. Balcarczyk question if anyone from the district offices had approached the house at 6 W Elmview, noting that the landscaping was severely overgrown.

Ms. Pfalzer noted that all of the properties on the hearing list were field checked by ECSD staff members on several occasions and that staff member knocked on the door in attempt to make contact but received no response. Mr. Balcarczyk asked the District to make another attempt to contact 6 W Elmview prior to sending out the premium assessment letter.

Mr. Carr moved, seconded by Mr. Balcarczyk to approve the premium assessments. The motion carried 3-0.

(Postscript: The Division of Sewerage Management researched the property and its past taxes finding that Erie County Senior Services is handling the estate for 6 W Elmview. The Division has arranged for the home inspection to be completed through the offices of Senior Services.)

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

The Board received a copy of a Resolution and Memorandum for the Division of Sewerage Management's construction inspection term agreement and professional engineering services agreement.

Award of contracts to DiDonato Associates, Greenman-Pedersen, Inc., Nussbaumer & Clarke and Wm. Schutt Associates were recommended for the construction inspection term agreement not to exceed \$200,000 for each firm. Award of contracts to Arcadis of NY, GHD Consulting Services, AECOM Inc., Wendel, Erdman Anthony, Greenman-Pedersen, Inc., and DiDonato Associates were recommended for the professional engineering services agreement not to exceed \$225,000 for each firm.

The Board, on a motion by Mr. Carr, seconded by Mr. Balcarczyk voted to confirm the phone poll of November 16, 2016. The motion carried 3-0.

e. Pump Station Capital Improvement Plan (Handout)

Mr. Carr reported on the Pump Station Capital Improvement plan put together by Kevin Zynda and David Millar of the Division of Sewerage Management's Offices. Each pump station in Erie County Sewer District No. 6 was assessed on the probability and consequence of failure, projected through a 20 year plan based on rehabilitation, not replacement of the pump stations. The Well Street and Wilmuth Pump Stations would be the first for repair work needed to their electrical systems which is estimated to cost \$1.2 million. Mr. Fiegl stated that each pump station was analyzed and rated on its condition and a business-risk exposure, with limited funding the work needs to be prioritized. Mr. Balcarczyk questioned if projected capital costs for the Water Resource Recovery Facility (WRRF) were developed. Mr. Fiegl responded that some repairs have been identified in the "No Feasible Alternatives Analysis" report but additional planning was needed to determine the best course of action for long term decisions on the WRRF. Mr. Fiegl further noted that the bond account for District 6 does include some capacity for upgrades to the WRRF.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Breier reported the following:

- Wilmuth St. / Well St. – a storm line syphon was found approx. 16 feet in length and is an inline syphon (no MH'S). The storm line is crossing under a forcemain or the storm line for Well St. This info was added to GIS mapping by Steve Russell.

- Meadow Lane / Nason Pkwy - During a previous sanitary sewer pipeline repair a 6'' diameter sanitary sewer line was found servicing house laterals on one side of the street and in bad condition. The end section had no laterals connected and was abandoned by District staff with a cleanout added at the end of line for flushing. The remaining 6'' diameter section was left in service.
- During televising our crews found ECWA water services pushed through our mainline sewers. We informed the ECWA of these locations 238 Warsaw Ave., 17 Holland Ave, and across from 22 Rosary Ave. To date the Warsaw Ave sanitary sewer was repaired prior to the sewer being lined under the cured in place pipe lining project.
- Construction Project: Baker Victory Mainline – sewer work completed. The Ridge Rd. Independent Living site clearing has started.

Lackwanna Water Resource Recovery Facility

- The main breaker and MCC buckets had infrared testing performed for inspection purposes by outside contractors.

Wilmuth St PS

- No. 1 Pump VFD was replaced.

b. Pretreatment Report

No report.

c. Construction Report

Mr. Carr reported at the last meeting that the County's Purchasing Department has reviewed a repair contract issued by Monroe County to Villager Construction. Villager Construction has done work for DSM in the past. This contract was approved allowing the Division to "piggy-back" on that contract. Villager Construction has been completing needed repair work throughout the district. Mr. Carr stated going forward this will provide an important service to DSM when we have an emergency repair that is too big for DSM staff to complete.

Mr. Carr further reported that United Survey has completed all of the contracted lining in District 6.

Mr. Carr reported that the digester heat exchanger project has been bid and awarded.

d. Payments (Handout)

Mr. Carr reported that there was a release of retention for the manhole rehabilitation project to Kandey in the amount of \$14,161.85. There were as two additional payments: one to Villager for the two spot repairs and replacement of 295LF of 10-inch sanitary sewer pipe on Roland Ave in the amount of \$135,708.03 and one to United Survey for lining three sections of sanitary sewers on Della in the amount of 40,096.20.

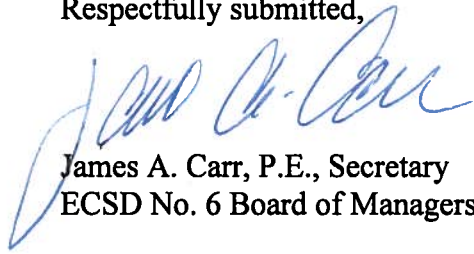
On a motion by Mr. Collareno seconded by Mr. Balcarczyk, the Miscellaneous & Informational Items listed above were all received and filed. The motion carried 3 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Collareno moved, seconded by Mr. Balcarczyk to adjourn the meeting at 4:08 pm. The motion carried 3-0.

Next meeting is scheduled for Tuesday, January 31, 2017 at 3:15 pm.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of December 6, 2016

Moved By: J BALCARCZYK

Seconded By: J CARR

Approved/Disapproved: 2-0

Date: APRIL 4, 2017

Signed: J Carr