



## COUNTY OF ERIE

DANIEL CASTLE, AICP  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING  
DIVISION OF SEWERAGE MANAGEMENT

JOSEPH FIEGL, P.E., BCEE  
DEPUTY COMMISSIONER

January 13, 2026

Matthew Mercado  
Senior Project Manager  
Kanaka Construction Management  
2150 Wehrle Drive – Suite 400  
Buffalo, New York 14221

Re: Erie County Sewer District (ECSD) No. 5 – Creekwood Meadows Pumping Station  
Notice of Violations / Notice of Hearing

Dear Mr. Mercado,

This letter serves as a notice for alleged violations of the Rules and Regulations for Erie County Sewer Districts (hereinafter referred to as the Rules and Regulations). The alleged violations relate to unauthorized activities completed by Kanaka Construction Management on the ECSD No. 5 owned Creekwood Meadows Pumping Station property, located at 8350 Roll Road, Clarence, New York. Specifically, it has been discovered by ECSD staff that the perimeter fence at the pumping station has been dismantled, and a concrete footer has been poured at the site. Pursuant to Article III, Section 301 of the Rules and Regulations “*No Person shall uncover, make any connection to, opening into, use, Tamper, or disturb any District Sanitary Sewer or appurtenance thereof without a permit.*”

Kanaka Construction Management has been advised in the past by the Erie County Division of Sewerage Management (ECDSM) that the work they have been contracted to complete by the developer of the Legacy Woods subdivision must meet certain requirements. Specifically:

- The proposed alterations at the Creekwood Meadows Pumping Station property must be completed pursuant to an approved and unexpired building permit from the Erie County Department of Public Works (ECDPW). To date, a new building permit has not been issued by the ECDPW after the previous permit expired.
- Kanaka Construction Management has been directed in writing by the ECDSM that a preconstruction meeting must be held prior to breaking ground on the proposed work at the site. No preconstruction meeting has been held to date, yet alterations, excavation, concrete placement, and other activities have occurred without the presence of an ECSD observer/inspector.
- Shop drawings for the proposed work must be reviewed and accepted by the ECDSM prior to certain work commencing.
- The proposed work must be observed/inspected by a representative of ECSD No. 5. The dismantlement of the perimeter fence at the pumping station was done without ECSD knowledge and has left the site unsecured. A concrete footer has been poured at the site without confirmation

*(Handwritten signature)*

that the size, layout, materials of construction, and methods of installation are to ECSD standards and/or as approved by the ECDPW.

In response to this notice of violations:

- Pursuant to Article XI, Section 1101 of the Rules and Regulations Kanaka Construction Management *“shall correct or eliminate the violation as soon as possible upon receipt of the Notice of Violation”*.
- By February 2, 2026, Kanaka Construction Management shall submit a written response to these alleged violations, and if said violations are not corrected or eliminated, a plan and schedule for the correction and prevention thereof.
- This letter serves as an official “Notice of Hearing.” Should this matter not be addressed to the satisfaction of the ECDSM, an enforcement hearing will be held during the next meeting of the ECSD No. 5 Board of Managers. The next ECSD No. 5 Board of Managers meeting is scheduled for February 9, 2026 at 1:30pm at Clarence Town Hall (1 Town Place, Clarence, New York, 14031). The purpose of the enforcement hearing would be to discuss the aforementioned violations of Section 301 of the Rules and Regulations. As the alleged violator, Kanaka Construction Management may present evidence and would have an opportunity to be heard if it so chooses. Kanaka Construction Management may be represented by legal counsel, although there will be no attorneys present for the Board of Managers.

This is a serious matter that must be addressed immediately. Article XI, Section 1104 of the Rules and Regulations notes that Kanaka Construction Management may be subject to penalties in the form of a *“premium assessment not to exceed a maximum of ten thousand dollars (\$10,000) for each violation.”* Article XI, Section 1104 of the Rules and Regulations further notes *“Each day a violation exists constitutes a separate violation.”*

Please be advised, Kanaka Construction Management’s presence at the Creekwood Meadows Pumping Station property will be considered trespassing until this matter is resolved, unless Kanaka Construction Management receives authorization to be on the site by an ECSD No. 5 representative.

If you would like to discuss any technical details regarding these alleged violations, please contact Matt Salah, Senior Coordinator of Sewer Construction Projects, at (716) 858-6990. You may contact me at (716) 684-1234 with other questions.

Sincerely,



William D. Strzeszynski II  
Sewer District Manager

cc: ECSD No. 5 Board of Managers  
K. Straus – ECDPW  
C. Horne/K. Kaminski  
J. Gollegly  
J. Fiegl/C. Fiume/W. Lardo/D. Millar/M. Salah/5.2.5.Subdivisions