

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 5
BOARD OF MANAGERS MEETING MINUTES
MONDAY, FEBRUARY 9, 2026
CLARENCE TOWN HALL

MEMBERS PRESENT: Mr. Jonathan Bleuer, Mr. Jeffrey Burroughs, Mr. William Lardo,
and Ms. Vaishali Reberholt

MEMBERS ABSENT: Mr. Timothy Lavocat

OTHERS PRESENT: Mr. Joseph Fiegl, Ms. Sally Mertz, and Mr. William Strzeszynski

ITEM NO. 1 – CALL THE MEETING TO ORDER

Mr. Fiegl called the meeting to order at 1:30pm.

a. Nomination of Board Officers

On a motion by Mr. Bleuer, seconded by Ms. Reberholt, the Board voted to nominate Mr. Lavocat as Chair, Mr. Burroughs as Vice Chair, and Mr. Lardo as Secretary. The motion carried 4-0.

ITEM NO. 2 – APPROVAL OF OCTOBER 6, 2025 MEETING MINUTES

On a motion by Ms. Reberholt, seconded by Mr. Bleuer the Board voted to approve the minutes from the October 6, 2025 meeting. The motion carried 4-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – OLD BUSINESS

a. Eastern Hill Mall Redevelopment

Mr. Fiegl commented that JMDavdison Engineering has commenced with the engineering work associated with the Transit Road Sanitary Sewer Upgrades project, with the focus on gathering field data, such as topographic survey, in the recent weeks.

ITEM NO. 5 – NEW BUSINESS

- a. Creekwood Meadow Pumping Station Notice of Violation/Hearing (Handout)
 - i. Enforcement Hearing: Kanaka Construction Management

On a motion by Mr. Burroughs, seconded by Ms. Reberhold, the Board voted to open an enforcement hearing at 1:35pm regarding Kanaka Construction Management's (Kanaka) alleged violations of the Rules and Regulation of Erie County Sewer District. The motion carried 4-0.

The enforcement hearing follows Article XI, Section 1103 of the Rules and Regulation of Erie County Sewer Districts (Rules and Regulations):

- Kanaka was served a Notice of Hearing via a letter dated January 13, 2026.
- The Notice of Hearing stated the time and place designated for the hearing was February 9, 2026 at 1:30pm in Clarence Town Hall. The Notice of hearing also noted details regarding the charges.
- ECSD No. 5 Board of Managers conducted the hearing.

Mr. Fiegl presented evidence from the Division of Sewerage Management. Kanaka has been contracted by the developer of the Legacy Woods subdivision to complete upgrades to the Creekwood Meadows pumping station. The Board was briefed on the history surrounding the phased approach for construction related to this facility. Mr. Fiegl explained ECSD No. 5 discovered that Kanaka dismantled the perimeter fence at the Creekwood Meadows pumping station and poured a concrete footer at the site. This work was done without ECSD No. 5's knowledge, without inspection, and without an approved building permit from the Erie County Department of Public Works (ECDPW). Kanaka was previously advised that a building permit was required. Kanaka was also previously advised that a preconstruction meeting must be held prior to breaking ground on the proposed work at the site, and that shop drawings for the proposed work must be reviewed and accepted by the Division of Sewerage Management.

The Division of Sewerage Management noted Kanaka violated the Rules and Regulations, Article III, Section 301: *"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 was told verbally and via e-mail that their activities violated the Rules and Regulations and was officially notified via letter on January 13, 2026.

After receipt of the Notice of Violation/Notice of Hearing letter Kanaka coordinated with the ECDPW. A few hours before this enforcement hearing, the ECDPW notified the Division of Sewerage Management that a building permit for upgrades to the pumping station has been issued. While this is a positive step, Mr. Fiegl noted that the January 13, 2026 Notice of Violations/Notice of Hearing letter required Kanaka to issue a written response to the alleged violations, as required per Article XI, Section 1101 of the Rules and Regulations. Kanaka has not issued a written response.

No representatives of Kanaka were present at the hearing to provide any additional information. The Board asked several questions about the specific upgrades to be implemented by Kanaka, various communications between Division of Sewerage Management staff and Kanaka, the verbal explanations Kanaka has provided for why the work was advanced without a permit, and more. After the discussion period for the board members to deliberate and ask questions, the floor was turned back to Mr. Fiegl on behalf of ECSD No. 5 to present enforcement recommendations.

It is the Division of Sewer Management's view that Kanaka indeed violated Article III, Section 301 of the Rules and Regulations by tampering and disturbing the Creekwood Meadows pumping station without a building permit. After receipt of the Notice of Violations/Notice of Hearing letter, Kanaka obtained an ECDPW permit; however, a written response to the alleged violations has not yet been received by the Division of Sewerage Management. Because Kanaka has not yet addressed its responsibility to provide a written response to the January 13, 2026 Notice of Violations/Notice of Hearing letter, as is required per Article XL, Section 1101 of the Rules and Regulations, it is the Division of Sewerage Management's recommendation that premium assessments be levied. Article XI, Section 1104 of the Rules and Regulations notes that violations of Article III will be subject to a premium assessment not to exceed a maximum of ten thousand dollars (\$10,000) for each violation, while violations of Article XI will be subject to a premium assessment not to exceed a maximum of five hundred dollars (\$500) for each violation. Each day a violation exists constitutes a separate violation.

Considering the nature of the violation and the fact that Kanaka has taken some steps to address this issue, the Board of Managers recommend that Kanaka be issued premium assessments starting at \$500.00 per month, with said premium assessment increasing \$250.00 each subsequent month. Premium assessment would start March 1, 2026 and on the first day of each subsequent month an additional premium assessment amount shall be levied, until an acceptable written response is issued. For example, on March 1, 2026 the premium assessment would be \$500.00; on April 1, 2026 the premium assessment would be \$750.00 (\$1,250.00 cumulative); on May 1, 2026 the premium assessment would be \$1000.00 (\$2,250.00 cumulative); and so on. No proration of a premium assessment will occur. Should Kanaka issue an acceptable written response prior to March 1, 2026, no premium assessment for these violations will be levied.

After further discussion by the Board, on motion by Mr. Burroughs, seconded by Mr. Bleuer, the Board voted to approve the premium assessment as stated above. The motion carried 4-0. The Board Secretary will send an enforcement letter to Kanaka on behalf of the Board.

On a motion by Mr. Burroughs, seconded by Mr. Lardo, the Board voted to conclude the hearing at 1:51pm. The motion carried 4-0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report (May-August)

Mr. Strzeszynski updated the Board with the operational report. A permanent ladder was installed for accessing the stations bypass valve pit and re-configured some of the bypass plumbing at Cannon Woods pump station.

Remote resets were installed for Blowers 1 & 2 at the Clarence Research Plant, which eliminates the need to have someone travel to the station to do so. These Blower Motors have a tendency to trip at times on electrical overload.

Sewer District staff completed the cleaning of all the sewers in Town District #9. Just over 25,000ft since the October meeting. There have not had any residential complaints.

All other activities have been routine in nature.

b. Construction Report

Contract 87(Multi-District) - On – Call Sewer Repair Contract (CATCO) - This contract for on-call/emergency sewer repairs expired in December 2025 and is in the process of closeout.

Contract 101(Multi-District) - On – Call Sewer Repair Contract (2026-2028) - Bids were received through Purchasing on November 14, 2025 for this two-year multi-district on-call/emergency repair contract. The project was awarded to the low bidder, Visone Construction and contracts are being executed. A pre-construction meeting is anticipated to be held in the coming weeks. Sewer repair work orders may be assigned under this contract on an as needed basis.

A kickoff meeting was held in October 2025 and Notice to Proceed was issued to JM Davidson Engineering for preliminary design phase services for the Transit Road Sanitary Sewer Upgrades project. Field survey commenced in November, and a preliminary project introduction meeting was held with NYSDOT in January. Preliminary design phase services are anticipated to take approximately 12 months.

c. Payments (Handout)

Mr. Lardo reviewed the payments made to JM Davidson, Kenyon Pipeline Inspection and William Schutt.

d. Draft NYSDEC Division of Water Technical & Operational Guidance – Multiple Discharge Variance (Handout)

Mr. Fiegl reviewed the details of a comment letter prepared by the DSM to address the draft Technical and Operational Guidance Series (TOGS) 1.3.10 document associated with Multi Variance Discharge (MVD) parameters for Mercury for consideration by NYSDEC.

e. State Environmental Quality Review (SEQR) – Updates/Amendments to the Rules and Regulations for Erie County Sewer Districts (Handout)

Mr. Fiegl commented that all seven (7) ECSD Boards of Managers previously approved updates to the “Rules and Regulations for Erie County Sewer Districts”. Those updates have completed County Attorney review and the final step before requesting approval by the County Legislature is SEQRA. The SEQRA comment period will be open until March 2, 2026.


On a motion by Ms. Reberholt, seconded by Mr. Burroughs, the Board voted to receive and file the informational items. The motion carried 4-0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Lardo, seconded by Mr. Burroughs, the meeting was adjourned at 2:01pm. The motion carried 4-0.

**Next ECSD No. 5 Board Meeting
Monday, April 13, 2026 @ 1:30 p.m.
Amherst Engineering**

Respectfully submitted,



William Lardo, Secretary
ECSD No. 5 Board of Managers

BL:sm

Motion to Approve February 9, 2026 Meeting Minutes

Moved by: J. Bieur
Seconded by: V. Reberhuit
App./Disapp.: A - 0
Date: 4/13/26
Signed: William J Lardo

ERIE COUNTY SEWER DISTRICT (ECSD) NO. 5
BOARD OF MANAGERS MEETING MINUTES (Revised)
MONDAY, APRIL 13, 2026
AMHERST ENGINEERING

MEMBERS PRESENT: Mr. Jonathan Bleuer (left at 1:55pm), Mr. Jeffrey Burroughs (arrived at 1:37pm), Mr. William Lardo, Mr. Timothy Lavocat and Ms. Vaishali Reberholt

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. Anthony Cimato, Mr. Joseph Fiegl, Mr. Jason Gollegly, Ms. Sally Mertz, and Mr. Jeffrey Palumbo

ITEM NO. 1 – CALL THE MEETING TO ORDER

Mr. Lavocat called the meeting to order at 1:32 pm.

ITEM NO. 2 – APPROVAL OF FEBRUARY 9, 2026 MEETING MINUTES

On a motion by Mr. Bleuer, seconded by Ms. Reberholt the Board voted to approve the minutes from the February 9, 2026 meeting. The motion carried 4-0 (Mr. Burroughs not present).

ITEM NO. 3 – ITEMS FROM THE PUBLIC

a. Cimato Family Business Park – Pumping Station (Handout)

Mr. Cimato and Mr. Palumbo were present on behalf of Cimato & Sons to discuss a request for ECSD No. 5 to maintain the pumping station for the Cimato Family Business Park (Park) located on James Ryan Parkway. Mr. Palumbo articulated concerns related to maintaining sanitary sewer services in the Park into the future.

Mr. Fiegl explained the Park is not in, nor tributary to, ECSD No. 5. Further, he noted that the ECSDs do not maintain private infrastructure. Several Board Members asked questions about the extent of request (pumping station, force main, gravity sewers), the setup of a potential sewer works corporation, and more.

At the close of the discussions, Mr. Palumbo stated he would look further into the documents related to the Park to see what alternatives may be available to ensure long-term maintenance.

ITEM NO. 4 – OLD BUSINESS

a. Eastern Hill Mall Redevelopment

Mr. Fiegl updated the Board on the Transit Road Sanitary Sewer Improvements Project. JMDavidson's subcontractor has completed topographic survey along the entire stretch of Transit Road where new infrastructure may be installed. Initial mapping is expected soon, which will allow for commencement of preliminary layouts. The Governor's preliminary 2026-27 New York State Budget included funding for construction of the Transit Road Sanitary Sewer Improvements, which is subject to final State Legislature approval.

b. Parallel Peanut Line Sewer Project

Ms. Reberholt presented an update to the ECSD No. 5 Board on the Parallel Peanut Line Sewer Project. The project has not yet received approval from the New York State Department of Environmental Conservation. GHD Consulting Engineers, the Town of Amherst's consultant, is addressing previous regulatory comments related to potential wetland impacts. The goal is still to bid the project in 2026, pending final approvals.

ITEM NO. 5 – NEW BUSINESS

a. Creekwood Meadow Pumping Station Notice of Violation/Hearing (Handouts)

Mr. Fiegl stated that Kanaka Construction Management (Kanaka) submitted an acceptable written response to the Notice of Violation prior to March 1, 2026, and hence avoided any premium assessments. A preconstruction meeting was held on March 4, 2026 and construction has commenced. Kanaka has remained in compliance thus far.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report (January-February)

Mr. Gollegly updated the Board with the operational report. Outside of routine activity in the district, the crew performed scheduled maintenance on two trouble spot sections on Transit Road. Both locations are slightly back pitched and accumulate a buildup of grease. Heavy flushing is required.

The Transit Valley Pump Station had several issues that were addressed including the repair of the transfer switch, replacement of motor starters to stop the pumps from kicking out and Pump No. 2 was replaced.

b. Construction Report

Contract 101(Multi-District) – On-Call Sewer Repair Contract (2026-2028) (Visone Construction) - A pre-construction meeting was held in February for this two-year multi-district

on-call/emergency repair contract. Sewer repair work orders may be assigned under this contract on an as needed basis.

Design–Transit Road Sanitary Sewer Upgrades (Engineer–JMDavidson)- Field survey continued over the winter months when weather permitted. Preliminary design phase services will continue throughout 2026.

c. Payments (Handout)

Mr. Lardo reviewed the payments made to JM Davidson and WM Schutt.

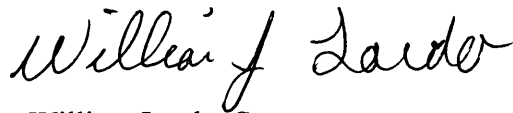
On a motion by Mr. Burroughs, seconded by Ms. Reberholt, the Board voted to receive and file the informational items. The motion carried 4-0 (Mr. Bleuer not present).

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Reberholt, seconded by Mr. Burroughs, the meeting was adjourned at 2:00pm. The motion carried 4-0 (Mr. Bleuer not present).

**Next ECSD No. 5 Board Meeting
Monday, June 8, 2026 @ 1:30 p.m.
Clarence Town Hall**

Respectfully submitted,



William Lardo, Secretary
ECSD No. 5 Board of Managers

BL:sm

Motion to Approve April 13, 2026 Meeting Minutes

Moved by: Jeff Burroughs
Seconded by: Tim Kavocak
App./Disapp.: A-0
Date: 6/8/26
Signed: William J Lardo