

AGENDA *MINUTES*

Lake City Municipal Sewer Authority Meeting of January 11th, 2022

This meeting was held at the Lake City Borough Council Chambers and starting at 7:00 p.m.

Member Roll Call: David Jackson Chairman; Joseph Legnasky; Eric Bach; Darwin Michielsen ; Gerald T. Balczon; Engineer Steve Halmi; Attorney Gary Bax

Visitors

Councilman Ray Fisher; Councilman Alan Watkins; Councilman Tom Eberle

Additions, Changes, Deletion to the Agenda:

Motion to accept the current agenda

Motion Gerald Balczon Second; Darwin Michielsen

Reorganization of the Authority Members Leadership

Chair _David Jackson

Vice-Chair _Darwin Michielsen

Sect'y/Treasurer _Joseph Legnasky

Right to Know Officer _Gerald T. Balczon

Public Comment:

None at this time

Approval of the Professional Services for Attorney Bax for 2022 as the Solicitor of the Lake City Municipal Sewer Authority – notation this fee rates have remained unchanged since 2015.

Motion to accept _Gerald Balczon___ Second __Darwin Michielsen

Approval of the Professional Services of Engineer Steve Halmi with Deiss & Halmi Engineering for 2022 which is slightly increased for the first time in two years see the attached.

Motion to accept _Gerald Balczon Second __Darwin Michielsen

Received an emailed on January 5th, 2022 from Rick York on his resignation from the authority of 15 years of service. Lake City Borough Council has appointed Eric Bach for a replacement. David Jackson will look into a possible luncheon or dinner for Rick York in the future

Bills for Approval:

Deiss & Halmi Engineering – Invoice # 10-21-25- \$378.72. check # 1158
General

Deiss & Halmi Engineering – Invoice # 11-21-21 - \$464.77 check # 1159
General

Gary D. Bax Attorney at Law Invoice #339 - \$819.60 check # 1160
General Municipal Representation

Gary D. Bax Attorney at Law Invoice #340 - \$480.00 check # 1160
Scheduled Meeting Representation

Total bills for approval \$ 2143.09

Action Item:

Motion for approval Darwin Michielsens second: Gerald Blazon

Approval of Minutes from the meeting of November 9th, 2021

Action Item:

Motion for approval Darwin Michielsens second: Gerald Blazon

Review and Approval of the LCMSA Meeting Policy of 11-09-2021

Action Item:

Motion for approval: Gerald Blazon second: Darwin Michielsens

Lake City Borough Council Liaison Report and comments:

A. New Lake City Borough Ordinance on “Persons desiring or required to reserve sewer system capacity pay a sewage capacity reservation fee calculated to amortize the cost of that portion of the system allocated to and reserved by them.”

B. New Lake City Borough Ordinance amending Section 52.2 Sewer Connections, of the Borough’s Codified Ordinances to allow property owners directed to connect to public sewer up to one year to connect if their only viable connection is via grinder pump.

These two items have been tabled until the next meeting; Engineer Halmi and Attorney Bax will work with the Borough Solicitor and Councilman Ray Fisher.

Engineering Report:

1. Update on the Walnut Grove Sewer Extension Project – DEP approval was granted in late November on this project, which should be going out for bids thru Erie County Planning Department late March with construction in early summer 2022. The Engineering cost for this project is paid by Lake City Borough.

Attorney Report:

Engineer Halmi requested guidance on the ability of LCB/LCMSA to construct sewer mains on the Walnut Grove Condominium/Julia Drive property, to confirm that the legal right exists to construct the sanitary sewer extension project. After review of the Walnut Grove Condominium documents, I determined that the condominium declaration reserves a utility easement to “governmental agency or authorities” as follows (my emphasis added):

4.1.2 Utility Easements. **The units and Common Elements shall be**, and we hereby, made **subject to easements in favor of** the Declarant, appropriate utility and service companies and **governmental agencies or authorities** for such utility and service lines and equipment as may be necessary or desirable to serve any portion of the property. The easements created in this Section 4.1.2 shall include, without limitation, rights of Declarant, or the providing utility or service company or **governmental agency or authority to install, lay, maintain, repair, relocate and replace** gas lines, pipes and conduits, water mains and pipes **sewer and drain lines**, telephone wires and equipment, television equipment and facilities (cable or otherwise), electric wires, conduits and equipment **over, under, through, along and on the units and Common Elements**. Accordingly, the condominium documents establish a utility easement for this project. It is recommended that the engineer and contractor communicate and coordinate the details of the project to the Walnut Grove Condominium Association in advance of construction.

Attorney Bax will explore the courthouse maps for the structures on walnut grove and forward that information to Engineer Halmi.

This Meeting concluded at 8:15 p.m.

Next Scheduled meeting will be on **March 8th, 2022** at 7:00 p.m.

Motion for adjournment by Gerald Blazon and second by Darwin Michielsen.

Sectry/Treas - JLL