



**Regular Session of the
Niagara Falls Water Board
January 29, 2018 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Call to Order & Pledge of Allegiance

Meeting was called to order at 5:04 p.m.

1. Roll Call:

Larkin P Leffler P Kimble P Forster P O’Callaghan P

2. Public Speakers

i. Freddie Mansour, 7254 Edgewater Cr., North Tonawanda, New York. Complaint regarding high bill at 2246 Pine Avenue. He fixed a leak behind tub after \$3,000+ water bill. Next bill was \$500+. Had a plumber inspect premises, and one small leak located. Requests Board help, but high-bill adjustment policy is limited to once every two years, and he already had an adjustment in April 2016. NFWB has reviewed matter on multiple occasions, checked meter, and noted leak on customer’s side.

ii. Sally Zjalek, 2915 Cleveland Avenue. Has had problem with sewer backups for several years. After main was flushed, no problems for a month, but problems have begun again. Plumber repeatedly has told her there is no problem with her sewer line. NFWB directed staff to deploy newly purchased camera truck to investigate and inspect the sewer near her location.

iii. Hosny Ghobrial, 9237 Niemal Drive. Requests bill adjustment for 8-unit apartment building at 1615 Whirlpool Drive. Usual bill is \$400-\$700. In September, had a \$1,900 bill, and more recent bill is \$5,100. Hard-of-hearing tenant did not hear toilet was running, and problem has been fixed. He completed adjustment request form, but may not be eligible because of commercial nature of property. Director of Finance will review.

3. Letters and Communications

The following were noted as received and filed:

- 1. January 18, 2018 notice from Director of Administrative Services to Union representatives that Water Board is implementing electronic payroll/timekeeping system.*
- 2. City Council Resolution No. 2018-8, “Relative to Compensation for Residents and Rate Payers Adversely Affected by Water Line Breaks.”*

- 3. Letter from General Counsel to the Niagara Falls City Council regarding Resolution No. 2018-8.*
- 4. NFWB Official Statement regarding 47th St. water transmission line repairs.*

3. Approval of Minutes from December 18, 2017

Motion by Mr. Forster and seconded by Ms. Kimble to approve

Forster _ Y _ Kimble _ Y _ Larkin _ Y _ Leffler _ Y _ O'Callaghan _ Y _

Motion was carried 5-0

4. From the Executive Director

- 1. Water Board will be issuing Request for Proposals for annual audit services.*
- 2. WIN Program is launching this week, designed to draw attention to need for investment in Great Lakes clean-water infrastructure.*
- 3. Wastewater Treatment Plant repairs - walk-on resolution for urgent repairs to Gorge Pumping Station pump will provide a needed backup if one pump fails. There may be about \$200,000 in needed short-term repairs at the Gorge Pumping Station over the next two years. During that period, an engineering study is underway to identify long-term upgrades, possibly about \$4 Million in cost.*
- 4. Work to repair heaters at Wastewater Treatment Plant will be performed under new contract for HVAC services to be awarded tonight.*

5. Personnel Items

Director of Administrative Services was not present; Executive Director was available to answer any questions. An updated organization chart will be provided at the next meeting.

6. Financial Reports

Director of Financial Services provided a report on recent activity, including accounts payable listing. Board asked for this to be distributed electronically, twice a month.

PARIS personnel report is due February 1.

Other significant activity over next week is \$700,000 transfer to City for PILOT, large annual transfer to NYS Retirement System, and receipt this week of \$436,895.56 from City for bad debt transferred to taxes. This payment is received without any list of the properties/amounts being satisfied by the payment. Director of Financial Services will request more details from City.

M/WBE reporting is lagging behind; all Directors are working to improve reporting, information tracking, and enforcement of contractor reporting requirements.

New format for overtime report, presented by Department and pay period, was presented to the Board. Board approved the new format.

Board was presented with update on NFWB account balances.

7. Reports

- 1. O&M Report – Board received report.*
- 2. Safety – Activity includes respiratory protection program advancement. An industrial hygienist from PERMA is coming to perform at no cost to NFWB a gas study to help identify locations for four additional fixed gas monitors, which are included in safety budget.*

In addition, a consultant is coming to review fall-protection system at Wastewater Treatment Plant sedimentation basins.

8. Attorney/Legal

Attorney-client privileged communication/update on personal-injury claims and litigation was provided during executive session.

9. From the Chairman

10. Resolutions

Chairman O’Callaghan noted that indefinite quantity contracts all received competitive bids, and that awards were being made to reputable contractors with Union workers.

Discussion that dollar figure in those resolutions was for comparison of quotes only.

Board Member Forster noted that the contracts will help improve response times, and that he, too, was pleased with Union workers.

The Executive Director noted that these contracts are to be used only when the work or equipment is beyond the Water Board’s manpower or resources. “Our guys first.”

2018-01-001 – WWTP Air Scour System Repairs

Motion by Mr. Forster and seconded by Ms. Leffler to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O’Callaghan_Y_

Motion was carried 5-0

2018-01-002 – Award of the Masonry and Bricklayers Labor Services Contract to Morriss Mansory Restoration

Motion by Ms. Larkin and seconded by Mr. Forster to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O’Callaghan_Y_

Motion was carried 5-0

2018-01-003 – Award of the HVAC Services Contract to Quackenbush Company

Motion by Ms. Kimble and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O’Callaghan_Y_

Motion was carried 5-0

2018-01-004 – Award of the Emergency Repair Contract to Mark Cerrone, Inc.

Motion by Mr. Forster and seconded by Ms. Kimble to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-005 – Award Construction Contract Change Order to Hohl Industrial

The Board discussed this resolution during the Executive Director's report. The change order is necessary because as repairs to Sedimentation Basin 4 progressed, various new issues requiring repairs were discovered. Some work began in October 2017. NFWB personnel now are checking the status of the work that is nearing completion.

Motion by Mr. Forster and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-006 – Adopting Procurement Policy

General Counsel noted that the last major revision of this policy was in 2007. New policy brings together almost all applicable laws/rules, adds clarity and process for emergency procurements. Several other improvements, including increasing Executive Director's purchasing authority and guidelines on new "piggybacking" rules to use contracts let by other government entities.

Motion by Ms. Kimble and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-007 – Retention of Legal Counsel for an Employment Matter and Easement Enforcement

Motion by Mr. Forster and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Abstain_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 4-0

2018-01-008 – Stratus Server *withdrawn by management*****

2018-01-009 – Vehicle Policy for Executive Director

Motion by Mr. Forster and seconded by Ms. Leffler to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-010 – Goodyear Change Order

Motion to table by Mr. Forster and seconded by Ms. Larkin.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion to table was carried 5-0

2018-01-011 – Authorizing Employment Contract with Richard Beutel

Mr. Forster complimented security work performed by Mr. Beutel to date. Board discussed that this position would help the safety officer as well.

Motion by Ms. Kimble and seconded by Ms. Leffler to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-012 – Authorizing Employment Contract with Robert K. Drury

Board members made various statements commending Mr. Drury's work and responsiveness as Superintendent of Operations.

Motion by Ms. Kimble and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-013 – Authorizing Employment Contract with Bill Wright

Mr. Forster and Chairman O'Callaghan complimented Mr. Wright on his long and distinguished service to the Water Board thus far.

Motion by Ms. Kimble and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-014 – Authorizing Employment Contract with Jim Perry

General Counsel advised that Mr. Perry, who is not present, requested that this resolution be tabled pending further discussion of the terms of his employment contract.

Motion to table the resolution by Mr. Forster and seconded by Ms. Kimble.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion to table the resolution was carried 5-0

2018-01-015 – Establishing an Apprenticeship Training Program Requirement for Certain Construction Contracts

Ms. Larkin asked and received responses to a number of questions regarding the resolution, and the underlying statute. General Counsel explained provisions of Labor Law 816-b Apprenticeship Program Resolution.

Motion by Mr. Forster and seconded by Ms. Kimble to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2018-01-016 – Gorge Pumping Station – Pump Rebuild

Motion by Mr. Forster and seconded by Ms. Kimble to waive resolution deadline policy and to consider this “walk on” resolution.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O’Callaghan_Y_

Motion to waive the resolution deadline policy in order to consider the resolution was carried 5-0

Motion by Mr. Forster and seconded by Ms. Larkin to approve

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O’Callaghan_Y_

Motion was carried 5-0

11. Unfinished Business

1. DOH

Pat Fama advised that all testing after the 47th Street has been within acceptable limits.

2. Discuss 47th Street Progress

Repair is complete.

3. NFMCC letters

No further correspondence on this issue.

4. Drip Program

Active. Staff are trained to respond to telephone calls about the program.

5. IDIQ Contract for Emergency Projects

In addition to the contracts approved tonight, there are three other categories of work going out to bid.

6. Sludge Removal

This now is included in the O&M report.

7. Basin #4

Repairs to Basin #4 were discussed in connection with the Hohl change order resolution.

12. New Business & Additional Items for Discussion

- 1. The Board discussed transitioning from paper binders to iPads for Board business, and getting Water Board email addresses.*
- 2. Discussion of policy on employees storing personal property on Water Board premises.*
- 3. Chairman requested in-person meeting be conducted with entities awarded contracts, to identify point person and start off on the right foot.*

13. Executive Session

Motion to enter into executive session for the purpose of receiving attorney-client privileged communications regarding personal injury claims and lawsuits was unanimously approved at 6:35 p.m.

Prior to closing the doors and beginning executive session, there was a 15 minute break.

The Board voted to exit executive session at 7:22 p.m.

14. Adjournment of Meeting

No member of the public was found waiting after executive session, and by unanimous vote, the Board adjourned the meeting at 7:23 p.m.