



**Regular Session of the
Niagara Falls Water Board
April 30, 2018 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Call to Order & Pledge of Allegiance

1. Roll Call: *Meeting was called to order at 5:06 p.m.*

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

2. Letters, Communications & Public Speakers

Hosny Ghobrial requested an adjustment on his water bill. Mr. Ghobrial is also requesting an appointment to have his water meter evaluated. Mr. Ghobrial received a \$1,060.00 credit to his bill but states he then received a penalty of \$725.00. Ms. Walker states an adjustment to remove the penalty can potentially be made for this commercial property once the bill has been paid. Mr. O’Callaghan states a NFWB employee will schedule an appointment to come to his property and show him how to properly read his water meter. No further questions were asked.

Reid Harvey of TAM Ceramics spoke about water filter media of granulated ceramics. Information was given to the board members as well as microbiologist Patrick Fama.

Anthony Fasciano spoke on behalf of Abdulsalam Ahmed regarding Mr. Ahmed’s rental property located at 437Portage Rd. Niagara Falls, NY. Mr. Ahmed contacted the NFWB on January 12, 2018 due to low water pressure. He states he was instructed by a NFWB employee to repair the water pipe outside of his home. Mr. Ahmed repaired the pipe for \$2,000 and states the water pressure remained the same. The problem turned out to be internal, on a line connecting two apartments in the house. He acuminated a \$4,603.84

water bill, plus as additional estimated \$2,000.00 in late fees. Mr. Ahmed is requesting an adjustment to his water bill. Chairman O'Callaghan states further research is needed prior to any bill adjustments. No further questions were asked.

1. 102nd St. Engineer Report

Mr. Forster mentions his concerns to Steve Tanner from CPL regarding the sharing of duties on this project between the NFWB and Niagara County Water District. Mr. Forster states that after hearing from the Niagara County Water District last week, he is unsure what the sharing costs consist of during the design stages of this project. Mr. Forster would like to turn to CPL and their expertise in regards to this project. Mr. Forster shows concerns regarding infrastructure. Also, once construction begins, Mr. Forster would like to know how long we anticipate being out of service. Mr. Forster explains his concerns regarding back up is supply if a water main break occurs, Mr. Forster is in fear of losing the water tower. Mr. Forster would also like to ensure the work on this project is continuous.

Mr. Tanner states that based on his review, he recommends the Board set up an inter-municipal agreement between the NFWB and the Niagara County Water District, giving the NFWB the approval authority of the drawings for this project. This agreement will also give the NFWB the authority to pay for those improvements as well as the opportunity to approve the drawings before the construction phase begins. To alleviate some concerns, Mr. Tanner recommends requesting the installation of a by-pass to be installed during this phase.

Mr. Forster receives confirmation from Mr. Porter that three dimensional drawings have been completed in that area; stating these drawings will be very helpful during this process.

No further questions were asked.

3. Approval of Minutes from March 26, 2018

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

1. Approval of Special Meeting Minutes from March 26, 2018

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

2. Approval of Amended Minutes from February 26, 2018

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

Forster_ Y_ Kimble_ Y_ Larkin_ Y_ Leffler_ Y_ O'Callaghan_ Y_

Motion was carried 5-0

4. From the Executive Director

1. Consent Order

1. Environmental Facilities Corporation

2. Engineering Projects

1. Discuss 9 Current Projects – WWTP

2. 5 Year Capital Projects

3. Barron & Associates

4. Quarterly Report – AECOM - draft

Mr. O'Callaghan states that since CPL will be overseeing work completed by AECOM and GHD, he would like to see the cost break down for each project task. Mr. Porter

states the analysis is still in the works. Mr. Porter will continue to work with Mr. Tanner, and hope to provide a completed analysis by the next board meeting.

5. Director of Operations

- 1. 1st St. Sewer Repair**
- 2. Enterprise**
- 3. Radio Study**
- 4. 47th St. CATCO Repair**
 - 1. Change Order**
 - 5. Hydrant Update**
 - 6. Flushing Program**
 - 7. Buffalo Ave.**

A discussion regarding the emergency generator contract ensued. Some delays resulted from unanticipated circumstances, but the Chairman stressed that contractors must keep jobs fully manned and that the NFWB will enforce penalty clauses for late completion of contracts.

6. Engineering

- 1. Lift Stations**
- 2. Seneca Project**
- 3. Generator Project**

7. Personnel Items

1. Review of Org Chart

2. Personnel Actions and Reports

Discussion of personnel changes, hiring needs, including the hiring of summer help for hydrant painting.

3. Letter of Agreement with USW

Mr. O'Callaghan asks if the proposal regarding the time management system and cameras is the last, best and final offer. Mr. Perry confirms and states this will need endorsement from the board prior to moving forward with the process. Further discussion of this matter related to collective bargaining will be had in executive session.

8. Information Technology (IT) Dept.

Mr. Perry states we have a resolution to purchase Microsoft Office 365 licenses.

Mr. Perry also spoke with Verizon Wireless to explore some more cost effective options, to potentially eliminate some of the phones we currently have at the NFWB.

Mr. Perry and the IT department are also looking forward to the improvements with the fiber optics between both the WTP and the WWTP to improve efficiency.

9. Financial Reports

1. Budget Summary

2. Credit Card/Purchase Card Report

3. Shut Off Program Analysis

4. Bank Statements and Payment Listing

Ms. Walker states the PARIS report is nearly complete; the procurement portion is the final section to be completed.

Ms. Walker states now that the 2017 financials have been completed, prepping for the submission for the annual continuing disclosure report which is required every year for our bond holders. This report is due by June 30, 2018.

Ms. Walker would like to further discuss the shut off program; there is a resolution that suspended this program. Ms. Walker is requesting that the board members reinstate the

shut off program. Ms. Walker also states that this program is going to transition into a new employee's hand; requiring some training. Ms. Walker is requesting the allowance of up to 10 hours per week of overtime for training as needed.

To reduce overtime and communicate better with ratepayers, a door tag notice was distributed to the Board with revised verbiage stating that payment must be received by noon the day before the shutoff date. This will eliminate needing to have personnel standing by to make updates to the shutoff list for payments made in the afternoon.

Mr. Costello confirms that if the board would like lift the temporary suspension of the shut off program, the motion would be phrased, motion to lift temporary suspension of work on the shut off program pursuant to resolution 2018-03-008.

Mr. Forster, on the question, to include the added verbiage to the resolution to coincide with the shut off notice.

Mr. Costello, resolution as amended to include verbiage on the new draft shut off notice.

Mr. Kimble states she would like the verbiage to be added to the resolution to authorize up to 10 hours of overtime per week for training, due to the PERB charge.

Motion by Ms. Larkin and seconded by Ms. Leffler to approve the motion as follows:

Motion to lift the temporary suspension of work on the shut-off program pursuant to Resolution 2018-03-008, with the re-instated program to include the verbiage on the revised door-tag notice presented to the Board, which states that payment must be received by noon the day before the stated shut-off date, and including Board authorization for up to 10 hours of training for a new person to assume the duties of this program, as work is being transitioned within the Finance Department in response to a PERB charge.

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

Motion was carried 5-0

Mr. O'Callaghan requested a map outing sections 1, 2 and 3. Ms. Walker states her and Mr. Williamson will work together to provide this.

10. Reports

- 1. O&M Report**
- 2. Safety**

There were no injuries or safety concerns to report at this time.

11. Attorney/Legal

There was nothing new from general counsel to discuss at this time.

12. From the Chairman

There was nothing new from the Chairman to discuss at this time.

13. Resolutions

RESOLUTION 2018-04-001 – Retention of Legal Counsel with National Grid for Defense of Vicki Personal Injury Lawsuit *Withdrawn*

RESOLUTION 2018-04-002 – Authorizing Settlement of National Fuel Claim for Damage to Natural Gas Line

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

RESOLUTION 2018-04-003 – Award of Bid for Water and Sewer Construction and Repair Materials

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

RESOLUTION 2018-04-004 – Continuation of Professional Services Agreement with Barron & Associates

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

RESOLUTION 2018-04-005 – Authorizing Transition of Accounts to Bank on Buffalo

Ms. Larkin questions if other banks aside from Bank on Buffalo were explored.

Ms. Walker states that Key Bank met with the NFWB, but it seemed to be too little too late at that point. Ms. Walker states that Key Bank had ample time to come back with some proposals regarding moving non-interest bearing account funds into interest-bearing accounts. Ms. Walker states that Bank on Buffalo is very excited to work with the NFWB, and she is very excited to work with them as well.

Mr. Forster states this is a resolution that he believes the rate payers would have been asking for back in 2003. Mr. Forster states it is less than shameful, almost criminal, that the finances were not properly reviewed. The NFWB has 33 million dollars in 5 different accounts, and 25 million dollars was in non-interest-bearing accounts. Mr. Forster explains that a potential \$427,000.00 in interest payments would have been made to the NFWB if monies were placed in accounts paying interest over the last 15 years.

Mr. Forster noted that the issue was connected to other finance department problems, including hiring a contractor when the previous director of financial services left at a rate of \$50,000 per month, which then resulted in a PERB charge that contractors were doing bargaining unit work.

Mr. Forster states that with Bank on Buffalo, the rate payers will now have a lockbox with a Niagara Falls P.O. box address. The rate payers will also be allowed to walk into a local branch to make bill payments. Mr. Forster states that there are all kinds of great things happening with changing financial institutions. Most importantly, the fiduciary responsibility that we have as board members is to be the keeper of the people's money.

Motion by Mr. Forster and seconded by Mr. O'Callaghan to approve

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O'Callaghan_ Y _

Motion was carried 5-0

RESOLUTION 2018-04-006 – Approving and Accepting Independent Audit Report

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

RESOLUTION 2018-04-007 – Terminating Agreement with Brown & Company, LLP

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

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

RESOLUTION 2018-04-008 – Jim Perry Compensation

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

RESOLUTION 2018-04-009 – SEQRA Determination for Waterline and Lead Service Replacement and WWTP Improvement Projects

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

RESOLUTION 2018-04-010 – Authorizing Transition to Microsoft 365

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

RESOLUTION 2018-04-011 – Authorizing Municipal Cooperation and Cost Sharing Agreement with Niagara County Water District for 102nd St. Meter Pit Design and Bidding Services.

Motion by Mr. Forster and seconded by Ms. Kimble to amend to resolution to include “the NFWB and its outside engineering firm, Clark Patterson Lee, have reviewed the

March 7, 2018 proposal from Wendel Engineering to perform this design and bidding work, for a total of \$27,500.00” into the RESOLVED.

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

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

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

WALK ON RESOLUTIONS

RESOLUTION 2018-04-012 – Approving Financial Assistance Agreement

Motion by Mr. Forster and seconded by Ms. Larkin to walk-on resolution

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

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

RESOLUTION 2018-04-013 – Authorizing Payment for Concrete Transmission Line Repair Change Order

Motion by Mr. Forster and seconded by Ms. Kimble to walk-on resolution

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

Motion by Mr. Forster and seconded by Ms. Larkin to approve the walk-on resolution

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

14. Unfinished Business

15. New Business & Additional Items for Discussion

No new business was discussed at this time.

16. Executive Session

Entered into Executive Session to discuss collective bargaining issues and matters related to the employment of particular individuals at 6:55 p.m. (with an approximately 15-minute break before the session began, at about 7:10 p.m.)

Exited Executive Session at 7:45 p.m.

17. Adjournment of Meeting

Meeting was adjourned at 7:50 p.m.