



**Minutes of Regular Session of the
Niagara Falls Water Board
December 17, 2018 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters

Meeting was called to order at 5:09 p.m.

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

b. Letters and Communications

There were no letters and/or communications to discuss at this time.

c. **Public Comment (All speakers must register with the Chairperson prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour)**

Jerald Gambino spoke in front of the Board regarding his water bill from his property located at 2460 Grand Ave. Niagara Falls, NY 14304, which he has owned for 12 years. Mr. Gambino states he has been having an issue with his current tenants, explaining he was unaware that there were an additional 5 tenants living there, causing a significant increase in water consumption. Mr. Gambino states this issue bled into multiple quarters. His past 4 waters bills totaled \$1,857.00, while his average quarterly bill is \$158.00, annually \$633.00. Mr. Gambino states that the NFWB’s adjustment program formula is flawed because it does not take into account problems that are divided between two quarters. Mr. Gambino is seeking a \$1,200 adjustment.

Terri Kline, Cayuga Dr., Niagara Falls, NY 14304 spoke in front of the Board regarding the current contract with the NFWB and the Town of Niagara that went into effect in 2015. Ms. Kline is interested to know if the NFWB is receiving sewer revenue from the County. Ms. Kline notes that a City resident pays a higher rate per gallon for sewer service than is charged to the Town of Niagara. Ms. Kline questioned the location of monitoring points for Town of Niagara flow, and whether high-season flows from the Fashion Outlets are captured.

Jamil Ahmed spoke regarding his water bill from his property located at 1162 North Ave. Mr. Ahmed is seeking a bill adjustment from the Board.

d. Approval of Minutes from November 26, 2018

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

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

2. Executive Director

The Executive Director had nothing new to discuss at this time.

3. Director of Operations

The Director of Operations had nothing new to discuss at this time.

4. Superintendent

The Superintendent had nothing new to discuss at this time.

5. Engineering

Engineering discussed the status of the WWTP flooding protective measures project, including revised cost projections and FEMA funding level.

6. Personnel Items/Director of Administrative Services

The Director of Administrative Services provided an update on the document scanning project and a vacant team leader position.

7. Information Technology (IT) Dept.

There was nothing new to discuss at this time.

8. Financial Reports – Director of Financial Services

The Director of Financial Services has nothing new to discuss, but would answer any questions regarding the budget resolutions when they are considered.

9. Reports

a. Questions Regarding O&M Report for November (if any)

b. Safety

There were no questions regarding the O&M Report at this time.

There were no recordable/reportable injuries to discuss at this time.

10. General Counsel and Secretary

General Counsel noted that there will be a matter for discussion in executive session (see below).

11. From the Chairman

The Chairman has nothing new to discuss at this time.

Executive Session

Motion by Mr. Forster and seconded by Ms. Kimble to enter into executive session at 5:29 p.m. to discuss matters leading to the employment or removal of a particular person.

Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__ O'Callaghan __Y__

Motion was carried 5-0

Motion by Ms. Larkin and seconded by Ms. Leffler to adjourn from executive session at 5:51 p.m.

Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__ O'Callaghan __Y__

Motion was carried 5-0

12. Resolutions

**A-1-2018-12-001 -- BUDGET MODIFICATION TO ADDRESS
CALCULATION ERROR WITH RESPECT TO PERSONNEL COSTS**

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

**A-2-2018-12-001 -- BUDGET MODIFICATION TEMPORARY
PART-TIME DOCUMENT COORDINATOR**

Ms. Larkin questioned whether this will be replaced by a full-time position in 2019. Mr. Perry stated that the plan as of now is to use the temporary position to get the document scanning project done and to get the records in order.

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

Forster __Y__ Kimble __Y__ Larkin __N__ Leffler __Y__ O'Callaghan __Y__

Motion was carried 4-1

**A-3-2018-12-001 – BUDGET MODIFICATION PART-TIME
ASSOCIATE COUNSEL**

Ms. Kimble questioned the work performed and why a part-time lawyer is needed with a full-time General Counsel. Mr. Costello provided examples of the work performed. Ms. Kimble and Ms. Larkin asked that it be made clear that the position reports to General Counsel and not to the Board.

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

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

Motion was carried 3-2

2018-12-001 -- ADOPTING 2019 BUDGET

Ms. Larkin and Ms. Leffler felt there are areas where some more reductions could be made.

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

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

Motion was carried 3-2

**2018-12-002 – ESTABLISHING RATES, FEES, AND OTHER CHARGES
EFFECTIVE JANUARY 1, 2019**

a) Schedule A – Revised Rates, Fees, and Other Charges

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

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

Motion was carried 3-2

**2018-12-003 – ESTABLISHING HAULED WASTE CHARGES
EFFECTIVE JANUARY 1, 2019**

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

**2018-12-004 – TOWN OF NIAGARA CHARGES EFFECTIVE
JANUARY 1, 2019**

a) December 3, 2014 Agreement between NFWB and Town

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

**2018-12-005 – EXERCISING SECOND YEAR OPTION FOR
EFPR GROUP LLP TO PERFORM ANNUAL EXTERNAL AUDIT FOR
YEAR ENDING DECEMBER 31, 2018**

a) February 13, 2018 Proposal

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

**2018-12-006 -- 2019 CLARK PATTERSON LEE PROFESSIONAL
SERVICES AGREEMENT**

a) November 29, 2018 Proposal

Ms. Larkin questioned the rate paid under to CPL’s subcontractor for grant writing services as higher than other entities and that CPL also charges for grant services.

Mr. Forster and Mr. O’Callaghan noted that the NFWB has obtained over \$12 Million in grants. Ms. Leffler asked that there be more detail in CPL’s bills.

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

Forster __Y__ Kimble __Y__ Larkin __N__ Leffler __N__ O’Callaghan __Y__

Motion was carried 3-2

**2018-12-007 -- AWARD BID FOR DEMOLITION OF CHEMICAL TANKS
AT WASTEWATER TREATMENT PLANT**

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

2018-12-008 -- EXPANDING BILL PAYMENT OPTIONS

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

**2018-12-009 -- AUTHORIZING SETTLEMENT AGREEMENT WITH
JAMIL AHMED**

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

Motion by Ms. Kimble and seconded by Mr. Forster to consider Resolutions 2018-12-010, 2018-12-011 and 2018-12-012, received after the resolution deadline.

Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__ O'Callaghan __Y__

2018-12-010 – AUTHORIZING THE DIRECTOR OF FINANCIAL SERVICES TO MAKE CERTAIN CHANGES TO THE BUDGET

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

2018-12-011 – BUDGET TRANSFER REPORTING

Ms. Walker suggested that this be accomplished through footnotes to the budget monitoring report, not through separate reports to the Board. Mr. Forster noted that the previous resolution does not give the Board notice before transfers, Board has a fiduciary duty to stay apprised of transfers. Ms. Kimble questioned whether the resolution would delay needed work. Mr. O'Callaghan does not want to make more work.

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

Forster __Y__ Kimble __N__ Larkin __N__ Leffler __N__ O'Callaghan __N__

Motion was not carried 1-4

2018-12-012 – AWARD BID FOR SLUDGE DEWATERING POLYMER

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

13. Unfinished Business

There was no unfinished business to discuss at this time.

14. New Business & Additional Items for Discussion

There was no new business to discuss at this time.

15. Adjournment of Meeting

Motion by Ms. Kimble and seconded by Ms. Larkin to adjourn at 6:28 p.m.

Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__ O'Callaghan __Y__

Motion was carried 5-0