

Table of Contents Feb. 2019 NFWB Meeting

1 February 2019 Meeting Agenda	2
2 Draft January 2019 Meeting Minutes	6
3 NFWB WWTP SCADA Implementation Plan Summary 2-19-19	14
4 February Personnel Actions	15
5 NFWB Capital Payment Cover Sheet	16
6 NFWB 5 YEAR CIP- Abbreviations	17
7 2019-02-001 - 5380 Frontier Settlement	19
8 2019-02-002 - Rate Consultant and Consulting Engineer	21
9 2019-02-003 - Use of Personal Vehicles for NFWB Business	22
10 Draft Revised NFWB Motor Vehicle Use Policy	23
11 2019-02-004 - Approving Zero Cost Change Order	26
12 City Engineering Memo RE IDIQ Change Order	28
13 2019-02-005 - Lift Station Hoists and Trolleys	29
14 Konecranes Quote dated Feb. 10, 2019	30
15 2019-02-006 - Easement Agreement for 3622 Hyde Park Blvd	33
16 BTS Retail-NFWB Easement	35
17 Exhibit A	37
18 Exhibit B	39
19 2019-02-007 - Approving GHD Proposal for LaSalle Flow Monitoring	40
20 Engineering Proposal - Evaluation of Flow Monitoring in the LaSalle Sewe... ..	41
21 LaSalle 12 Year Progress Evaluation - Flow Monitoring Plan	48
22 2019-02-008 - AECOM Effluent Disinfection	49
23 AECOM Consent Order Item 9 Eff Disinfection Proposal Feb. 1, 2019	51
24 DEC Jan. 9, 2019 Conditional Approval Letter RE Effluent Disinfection	58



**Regular Session of the
Niagara Falls Water Board
February 25, 2019 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters

- a. Forster ___ Kimble ___ Larkin ___ Leffler ___ O’Callaghan ___
- b. Letters and Communications
- 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)
- d. Approval of Minutes from January 14, 2019

2. Executive Director

- a. Online O&M Manual Status Update
- b. Update on Kickoff Meeting – Seven WWTP Engineering Projects
- c. Update on Revisions to Capital Improvement Plan
- d. Generators at Lift Stations – Authorization for Bids
- e. Other Ongoing Project Updates

3. Director of Operations

- a. Caulking Project – Authorization for Bids
- b. Chlorine Tank Removal Update

4. Superintendent

- a. Bollier Avenue Project Update
- b. Valves at 2nd and Walnut, Whirlpool and Ashland

5. Engineering

- a. Discussion of WWTP Project SCADA Implementation Plan**
- b. LaSalle Flow Monitoring Discussion**

6. Personnel Items/Director of Administrative Services

- a. Personnel Actions and Reports**
- b. Executive Director position description/recruitment**

7. Information Technology (IT) Dept.

8. Financial Reports – Director of Financial Services

- a. CIP & feasibility study**
- b. Bank Account Balances**
- c. Treasury Investments**
- d. 2018 Audit & PARIS filings**
- e. Budget**
- f. Capital invoice/requisition tracking**

9. Reports

- a. Questions Regarding O&M Report for January (if any)**
- b. Safety**

10. General Counsel and Secretary

- a. Update on proposals received Water and Sewer Service Line Protection Program Provider**
- b. 56th Street Water Tank – T-Mobile Request to expand lease space for generator.**

11. From the Chairman

- a. Lobbying for State/Federal Funds**

12. Resolutions

2019-02-001 – RESOLUTION OF LIEN FOR UNPAID CHARGES AT 5380 FRONTIER AVENUE

2019-02-002 – AUTHORIZING RATE CONSULTANT AND CONSULTING ENGINEER AGREEMENT

2019-02-003 -- REVISING MOTOR VEHICLE USE POLICY TO ADDRESS USE OF PERSONAL VEHICLES ON WATER BOARD BUSINESS

- a. Proposed Revised Motor Vehicle Use Policy**

2019-02-004 – APPROVING ZERO COST CHANGE ORDER FOR EMERGENCY REPAIR CONTRACT

- a. City Engineering Memorandum Regarding Change Order**

2019-02-005 -- LIFT STATION HOISTS AND TROLLEYS

- a. Konecranes Proposal dated February 10, 2019**

2019-02-006 -- APPROVING EASEMENT AGREEMENT FOR PROPERTY COMMONLY KNOWN AS 3622 HYDE PARK BOULEVARD, NIAGARA FALLS, NEW YORK BETWEEN NIAGARA FALLS BTS RETAIL, LLC, AND THE NIAGARA FALLS WATER BOARD

- a. Draft Easement**
 - a. Deed for Description of Grantor's Property**
 - b. Legal Description of Easement**

2019-02-007 -- ACCEPTING ENGINEERING PROPOSAL BY GHD FOR SEWER FLOW MONITORING AND ANALYSIS WITHIN LASALLE SEWER SYSTEM

- a. GHD Proposal dated February 11, 2019**
- b. Flow Monitoring Plan Map**

2019-02-008 -- ACCEPTING PROPOSAL BY AECOM TO PERFORM EFFLUENT DISINFECTION SYSTEM DESIGN REQUIRED BY CONSENT ORDER

- a. AECOM February 1, 2019 Proposal**
- b. NYSDEC Conditional Approval Letter dated January 9, 2019**

13. Unfinished Business

14. New Business & Additional Items for Discussion

15. Executive Session (if needed)

16. Adjournment of Meeting



**Regular Session of the
Niagara Falls Water Board
January 14, 2019 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters

Chairman O’Callaghan called the meeting to order at 5:00 p.m.

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

b. Letters and Communications

**i. Letter from Executive Director – Declining to Renew
Employment Agreement**

**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)**

*i. Kevin Fritzsch spoke in front of the board on behalf of his two
rental properties in Niagara Falls, NY.*

*3613 Ely Ave. - The water at this property had been turned off,
but the water meter was never removed despite his request and he
received another bill.*

*902 Walnut Ave. – The water meter had been removed from this
property, but he was charged a full quarter’s bill for the few days
the meter was in place.*

*Ms. Walker states she spoke with her staff regarding this matter,
along with the Supervisor of Meters, Robert Reid.*

*Chairman O’Callaghan states he would like the staff to review
relevant dates and water bills during the time frame in question.*

*ii. Ed Williams spoke on behalf of Kevin Fritzsch’s petition for an
adjustment of his water bills at both 3613 Ely Ave. and 902*

Walnut Ave. Mr. Williams states that he manages Mr. Fritsch's properties when he is out of town.

- iii. *Robert Cossar spoke in front of the board regarding his outstanding water bill accumulated from his rental property located at 313 Spruce Ave. Niagara Falls, NY. Mr. Cossar states his niece is currently residing at his rental property. Mr. Cossar states he called a plumber to evaluate his property because he thought the reason for such a high water bill was in relation to a faulty toilet. The plumber explained to Mr. Cossar that it did not appear there were any water leaks on the property. Ms. Cossar explained when this issue first arose, the NFWB reduced an \$800.00 water bill to \$400.00; now he has recently received a \$1,713.66 water bill that he is seeking an adjustment on.*

d. Approval of Minutes from December 10, 2018

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

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

e. Approval of Minutes from December 17, 2018

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

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

The Board entered into Executive Session at 5:16 p.m. to discuss matters in relation to the resignation of Executive Director Rolfe Porter at the end of his contract term; to wit, matters related to the appointment of a particular person.

Motion by Ms. Larkin and seconded by Ms. Leffler to enter into Executive Session at 5:16 p.m.

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

Motion by Ms. Kimble and seconded by Ms. Larkin to enter back into the public meeting at 6:03 p.m.

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

Motion by Ms. Kimble and seconded by Ms. Larkin to consider a walk-on resolution to appoint Patrick Fama as Acting Executive Director.

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

Motion was passed 4-0

Motion by Ms. Kimble and seconded by Ms. Larkin to approve the resolution to appoint Patrick Fama as Acting Executive Director.

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

Motion was passed 4-0

2. Executive Director

3. Director of Operations

a. Permission to Advertise for Bids – WWTP Lab Renovation

Mr. Drury discusses the plan for the WWTP laboratory renovation and asks if the Board agrees to advertise for bids.

Ms. Larkin suggests tabling this matter until the February 2019 board meeting in order to allow the new acting Executive Director, Patrick Fama, time to evaluate the current state of the WWTP's laboratory.

Motion by Ms. Larkin and seconded by Ms. Leffler to table

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

Motion was passed 4-0

4. Superintendent

a. Bollier Avenue Project Update

5. Engineering

6. Personnel Items/Director of Administrative Services

a. Personnel Actions and Reports

Motion by Ms. Larkin and seconded by Ms. Leffler to approve the Personnel Actions and Reports dated January 7, 2019.

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

Motion was passed 4-0

7. Information Technology (IT) Dept.

8. Financial Reports – Director of Financial Services

Ms. Walker states the annual audit will be completed before the end of February 2019, with the assistance from EFPR Group.

Mr. O'Callaghan states he would like the division of capital funds to be re-evaluated

9. Reports

- a. Questions Regarding O&M Report for December (if any)**
- b. Safety**

10. General Counsel and Secretary

a. RFP for Water and Sewer Service Line Protection Program

Mr. Costello states that proposals will be due on February 22.

11. From the Chairman

12. Resolutions

2019-01-001 – ADOPTING NYS RECORDS RETENTION AND DISPOSITION SCHEDULE MI-1

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

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

2019-01-002 – APPOINTING RECORDS MANAGEMENT OFFICER

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

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

2019-01-003 – APPOINTING CPL AS RATE CONSULTANT AND CONSULTING ENGINEER

a. CPL Proposal dated December 27, 2018

Motion by Ms. Larkin and seconded by Ms. Leffler to table:

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion to table was passed 4-0

2019-01-004 – APPROVING DEDUCT METER – RELIANCE FLUID TECHNOLOGIES LLC

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

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

**2019-01-005 – CONTRACT EXTENSION FOR THE PURCHASE OF
REPLACEMENT POWER FROM THE POWER AUTHORITY OF THE
STATE OF NEW YORK**

- a. Agreement for the Sale of Replacement Power

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

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

Motion was passed 4-0

**2019-01-006 – REPAIR OF 16-INCH PIPING AT GORGE PUMPING
STATION**

- a. Mollenberg-Betz, Inc., quote dated December 14, 2018

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

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

Motion was passed 4-0

**2019-01-007 – SYNCHRONOUS ELECTRIC MOTOR FOR
INTERMEDIATE PUMP**

- a. Volland Electric Equipment Co., quote dated December 19, 2018

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

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

Motion was passed 4-0

**2019-01-008 – EXEMPT AND HOURLY EMPLOYEES NOT COVERED
BY A COLLECTIVE BARGAINING AGREEMENT TO USE
TIME MANAGEMENT SYSTEM EFFECTIVE IMMEDIATELY**

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

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

Motion was passed 4-0

**2019-01-009 – WATER TREATMENT PLANT TRANSFER
SWITCH SERVICE**

a. GE Zenith Controls, Inc., quote dated December 10, 2018

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

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

Motion was passed 4-0

13. Unfinished Business

Mr. O'Callaghan questions the transfer switches at the Gorge Pumping Station. Mr. Drury states he is trying to pinpoint the cause of the issue; he is unsure if the problem lies with the NFWB or National Grid. Ferguson Electric will be on site to further evaluate.

Mr. O'Callaghan questions the status of the GPS on all NFWB fleet. Mr. Drury states he is waiting on Verizon Wireless to finalize a few additional vehicles; the NFWB's contract with Verizon Wireless expires in March 2019; will seek additional options.

Ms. Leffler questions the status of the vehicle decals. Mr. Drury states 3 trucks still need to be stripped.

Ms. Kimble states that the Water Board needs to exercise caution with respect any changes to the LaSalle consent order requested by NYSDEC as the Water Board does not have funds to pay for all of the work that it would like.

14. New Business & Additional Items for Discussion

There was no new business to discuss at this time. Mike Eagler noted that R. Moses Parkway removal work has uncovered a valve that appears to be in poor

15. Executive Session

The Board entered into Executive Session at the beginning of the meeting to discuss matters in relation to the resignation of the Executive Director, Rolfe Porter. No further Executive Session was held.

16. Adjournment of Meeting

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

Forster _absent_ Kimble _Y_ Larkin _Y_ Leffler _Y_ O'Callaghan _Y_

Motion was passed 4-0

DRAFT



Items being completed under the current GHD SCADA Study

1. Development of the PLC Panel / SCADA buildout plan to handle all the new equipment from upcoming capital projects. Plan will be finalized during the design phase of each project.
2. NFWB is standardized on Rockwell/Allen Bradley PLCs, but uses GE software for the SCADA screens. GHD recommends consolidating to Rockwell/Allen Bradley for both the PLC and SCADA systems.
3. Development of costs to convert the SCADA system to Rockwell/Allen Bradley. This includes new software and labor hours to convert each graphic.
4. Development of costs to implement a Rockwell automatic backup file saving system and Rockwell Historian data logging for the SCADA system.

Items to be completed prior to construction of the upcoming Capital Projects

1. Convert SCADA system to Rockwell via a NFWB retained SCADA Engineer [GHD]
2. Convert existing SCADA screens to follow the current ISA industry standard graphics
3. Install Rockwell backup file saving software
4. Install Rockwell Historian software
5. Provide operator training on new Rockwell SCADA system

Items to be completed under the design phase of each Capital Project

1. Each design engineer will generate final design requirements of the new PLC Panels.
 - a. Disinfection System Project 6 (AECOM)
 - b. Sed Basin Project 1 (AECOM)
 - c. Gorge Pump Station Project 2 (GHD)
 - d. Dewatering, Polymer, Screen/Grit Conveyor Project 3 (Arcadis)
 - e. Electrical Upgrades Project 5 (EI Team)
2. NFWB SCADA Engineer [GHD] will provide a PLC panel design specification to each design engineer so each panel is supplied the same way.
3. Each design engineer will develop a control system narrative to define the PLC programming requirements for each process and the associated SCADA graphic.
4. NFWB SCADA Engineer [GHD] will review each project PLC panel final design to ensure that it meets the requirements of the SCADA buildout plan.

Items to be completed under the construction phase of each Capital Project

1. Each individual project Electrical Contractor (EC) will supply and install the new PLC panels associated with that project. This minimizes risk for the NFWB. It is not recommended for the NFWB retain a separate Control System Integrator (CSI) to directly supply the panels.
2. The EC will subcontract with a CSI to generate the detailed panel drawings during the submittal phase, then build, test, and checkout the panels. The EC's CSI will also supply field instruments.
3. The EC's CSI will integrate and test the field instruments with the new panels after installation.

Items to be performed by the NFWB SCADA Engineer [GHD] for each project during construction

1. Review the Contractor's PLC Panel submittals for each project in parallel with the design engineer to ensure that each panel meets the requirements of the SCADA buildout plan.
2. Provide PLC/SCADA/HMI programing based on control narratives provided by the design engineers. Screens will be reviewed with the design engineer and NFWB during construction.
 - a. Use of a NFWB retained SCADA Engineer will ensure consistency of the graphics from all projects and throughout the final SCADA system.
3. Provide operator training for use the new SCADA screens.

**Niagara Falls Water Board
Personnel Actions and Report
Monday, February 25, 2019**

Recommended Moves by the Director of Administrative Services

I. PERSONNEL ACTIONS RECOMMEND TO HIRE

Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION
1.1	Sr. Instrument Technician	Tech/Maint	\$23.07/Hr. Starting USW Local - 00	This is currently a USW position. High rate is \$28.40 after 25 years. \$27 is the rate of pay in this area. Trades would get \$28.80(See V.1. below)
1.2	Maintenance Mechanic (CMM)	Maintenance / WTP	\$21.72	The need is for a mechanic at the WTP, as that position is filled, we may need to backfill from the water plant

II. RECOMMENDED PROMOTION / MOVE / APPOINTMENT

Line Item Number	Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION
2.1	Water Operator Trainee from WTP Operator	Promotion	Grade 1 to Grade 4B (Inc. approx. \$ 3)	Obligations of the Operator Trainee position fulfilled with receipt of IIA certification/ Promotion to Operator.
2.2	Control Maintenance Technician (CMT)	Promotion/Bid process	\$22.13	Need one for each plant - total of two (2) people
2.3	Water Plant Operators (2) to Sr. Plant Operators	Promotion	increase approx. \$ 1.55	Requirements for promotion met
2.4	Jr. HR Specialist	NA	Requesting to reflect increases in CBA for January and for 2019	Void of any labor contract
2.5	Sr. Lab Tech	Promotion	Grade 18B to 20B (Approx. \$3.00)	Requirements met for upgrade

IV. BOARD NOTIFICATION OF OTHER MOVEMENT (CBA BID, MCSB APPOINTMENT, LEGAL STATUS CHANGE)

Name	Position & type of labor move	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION / AUTHORITY
Renee LaMonaco	Title Change only	MCSC	No Change /Reflecting Exempt Status	Position to Deputy Director of Administrative Services /Unofficially reported in 10/18
P. Fama	LOA/ Government Service within local	NFWB	Nonexempt to Exempt	NFWB Appointee to acting Executive Director

V. OTHER ACTIVITY OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION

V.1	Sr. Instrument Technician	Resigning for other Employment	Last Day; March 1-8	Reason: Location of employment - closer to home/ although we were not permitted to act on this due to resolution 2018-06-002 I personally took responsibility to initiate a search for a replacement.

Additional items to be discussed in Executive Session



INVOICE/REQUISITION COVER SHEET

Please submit completed sheet & documentation to: **billing@nfwb.org**

SUBMITTED ON BEHALF OF: Contractor: _____ Subcontractor: _____ Vendor: _____ INVOICE NO: _____ PROJECT NO: _____ PROGRESS PAYMENT No: _____ AMOUNT: _____ IDIQ? Yes _____ No _____ NFWB CAPITAL IMPROVEMENT PLAN: Item: _____ No: _____ Project Name: _____ _____ _____	FOR FINANCE DEPARTMENT USE ONLY CPO No. _____ BLANKET _____ PARTIAL _____ STANDARD _____ NFWB Resolution No: _____ NOTES: _____ _____ _____ _____ _____ _____ _____
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COMMENTS: _____

AUTHORIZED SIGNATURE: _____

PRINTED NAME: _____

DATE: _____ **PHONE NO.** _____

NFWB 5 YEAR CAPITAL IMPROVEMENT PLAN (2013-2023)

C - COMBINED PROJECTS: WATER & WASTEWATER			
ITEM	NO.	PROJECT NAME	PROJECT DESCRIPTION
C	1	IT Plan Implementation	Efficiencies and cost savings
C	2	Meter Replacement & Upgrades	Replace inaccurate & old meters
C	3	Rate Restructuring 60/40	Evaluate rates & cost allocation
C	4	Fleet Replacement	Replenish fleet
C	5	Water/Sewer GIS/GPS Mapping	Document system assets
WWTP – WASTEWATER TREATMENT PLANT INFRASTRUCTURE PROJECTS			
ITEM	NO.	PROJECT NAME	PROJECT DESCRIPTION
WWTP	1	WWTP Rehab Phase 4A – Sed. Basins & Scum	Project No. 1 of NYSDEC Order on Consent
WWTP	2	WWTP Rehab Phase 4B – GPS Rehabilitation	Project No. 2 of NYSDEC Order on Consent
WWTP	3	WWTP Rehab Phase 4C- Polymer & Dewatering Controls	Project No. 3 of NYSDEC Order on Consent
WWTP	4	WWTP Rehab Phase 4D- Carbon & Support Gravel	Project No. 4 of NYSDEC Order on Consent
WWTP	5	WWTP Rehab Phase 4E – Electrical Improvements	Project No. 5 of NYSDEC Order on Consent
WWTP	6	WWTP Rehab Phase 4F- Chemical Improvements	Project No. 6 of NYSDEC Order on Consent
WWTP	7	WWTP Rehab Phase 4G- HVAC Improvements	Project No. 7 of NYSDEC Order on Consent
WWTP	8	WWTP Rehab Phase 4H-Backwash Blower & Piping	Project No. 8 of NYSDEC Order on Consent
WWTP	9	WWTP Rehab Phase 4I- Piping Improvements	Project No. 9 of NYSDEC Order on Consent
WWTP	10	Outfalls	
WWTP	11	2017 Discharge Incident/Order Expenses	
WWTP	12	WWTP Roof Repairs	Replace & repair large sections of WWTP roofs
WWTP	13	WWTP/GPS Miscellaneous	Repairs/replacements not associated with Phased Projects
WWTP	14	WWTP Chemical Tank Demolition	
WWTP	15	WWTP Sedimentation Basins	Replace mechanical components, concrete repairs
WWTP	16	WWTP Flood Damage Recovery	Repair/replace flood damaged equipment
WWTP	17	WWTP Structural/Masonry Repairs	Repair aging and failing structural components
WWTP	18	Flood Hazard Mitigation Grant Projects	Harden utility infrastructure against extreme weather
WWTP	19	WWTP Lab Improvements	Treatment plant improvements
WWTP	20	WWTP UV Disinfection Study	Evaluate changing disinfection process
WWTP	21	WWTP Standby Generator	Replace and upgrade WWTP power generator
S – SEWER INFRASTRUCTURE PROJECTS			
ITEM	NO.	PROJECT NAME	PROJECT DESCRIPTION
S	1	GPS elevator	Replace and upgrade GPS elevator
S	2	Sanitary Lift Station Electrical Upgrades	Provide standby power generation and SCADA to lift stations
S	3	LaSalle Area Sewer Improvements (SSO)	Sewer repairs to mitigate SSO's
S	4	Combined Sewer Overflow Long Term Control Plan (CSO LTCP) Implementation	Implement sewer improvements to mitigate CSO's
S	5	CSO Outfall Structural Repairs	Repairs to CSO outfalls on lower river
S	6	Tunnel Inspection	Inspect large diameter conveyance systems
S	7	Gorge Pumping Station Headworks	Repair and protect GPS equipment

NFWB 5 YEAR CAPITAL IMPROVEMENT PLAN (2013-2023)

WTP – WATER TREATMENT PLANT INFRASTRUCTURE PROJECTS			
ITEM	NO.	PROJECT NAME	PROJECT DESCRIPTION
WTP	1	Automation & Security Upgrades at WTP	Automate WTP operations and perform necessary VA Identified upgrades
WTP	2	WTP Vent Line Replacement	Replace corroding process vent piping
WTP	3	WTP Laboratory Instrumentation	New Instruments for sample analysis
WTP	4	WTP Caulking	Repair aging & failing structural components
WTP	5	WTP Office Expansion	WTP Renovations for new offices
W – WATER INFRASTRUCTURE PROJECTS			
ITEM	NO.	PROJECT NAME	PROJECT DESCRIPTION
W	1	Ontario Avenue – 13 th to 18 th Street	Replace water mains & install new services
W	2	Military Road Main, between Jacob and Cayuga	
W	3	97 th Street – 98 th to NF Blvd	
W	4	Bollier Avenue Main, between 82 nd and Military	Replace water mains & install new services
W	5	Buffalo Avenue Water Valves	
W	6	Hennepin Avenue Main- S. 86 th to S. 89 th Street	
W	7	Rivershore Drive Main- S.86 th to 91 st Street	
W	8	10 th St., Lockport to North	
W	9	Witkop Avenue and 85 th St. Loop all 8"	
W	10	Laughlin Drive Main- 82 nd to Bollier Avenue	
W	11	Willow Avenue Main, 11 th to 17 th St.- 8"	
W	12	Whitney Avenue, 18 th St. to Hyde Park Blvd	
W	13	LaSalle Avenue, Hyde Park Blvd to 11 th Street	
W	14	Ontario Avenue- 13 th to Main Street	
W	15	Military Road Main- Jacob to Bollier Avenue	
W	16	Pierce Avenue Main- 18 th to Hyde Park with 8"	
W	17	Buffalo Avenue Point to City Docks	
W	18	Pierce Avenue Main- 11 th to 18 th Street 8"	
W	19	Loop Niagara Avenue Main – to Parkview Drive	Install & loop with new main
W	20	Whitney Avenue- 11 th to 18 th Street	Replace water mains and install new devices
W	21	Loop "D" St. Main- Falls Street to Gill Creek	Install & loop with new main
W	22	81 st Street, Frontier Avenue to Pine Avenue	Replace water mains & install new services
W	23	McKoon Ave. Main- DeVeaux to James Ave.	
W	24	Welch Avenue Main- 19 th to 24 th Street 16"	Replace valves >12"
W	25	Large Valve Replacement	
W	26	Leak Detection/Distribution Modeling	Identify and control system losses
W	27	Hydrant Replacement	Replace old and inoperable
W	28	Water Miscellaneous Improvements	Water system repairs
W	29	Abandon 20" Victory Pipe WM	Abandon unnecessary & failing watermain
W	30	Beech Avenue Tank Replacement	Replace existing water storage tank
W	31	77 th Street from LaSalle Pkwy to NF Blvd	Replace water mains & install new services
W	32	Michigan Avenue from Lockport St. to 10 th St.	Replace water mains & install new services

RESOLUTION OF LIEN FOR UNPAID CHARGES AT 5380 FRONTIER AVENUE

WHEREAS, pursuant to Public Authorities Law § 1230-j(6) and 21 NYCRR § 1950.8(e), unpaid Niagara Falls Water Board (“Water Board”) service bills constitute a lien upon the real property upon which or in connection with which the water is used; and

WHEREAS, pursuant to Public Authorities Law § 1230-j(6) and (9), and 21 NYCRR § 1950.8(k), any water account of any nature remaining unpaid on September 30 of any year shall be placed upon the first general City of Niagara Falls tax roll made up after such date, becoming part of that tax roll and subject to the same penalties and interest as unpaid taxes imposed or levied by the City; and

WHEREAS, with respect to the real property located at 5380 Frontier Avenue, Water Board charges for water and sewer service totaling \$388,446.20, plus late penalties of \$103,972.93, for a total sum of \$435,735.19, were transferred to the 2016 City of Niagara Falls tax roll; and

WHEREAS, to date, the Water Board’s lien and claim for the sum that was subject to this transfer to taxes has not been satisfied, and with interest the sum now due is approximately \$613,000; and

WHEREAS, the owner of 5380 Frontier Avenue has asserted that there are defenses to the lien and claim, including an equitable defense that the charges were incurred by a predecessor in interest to the current owner and were not known at the time the current owner foreclosed and took ownership of the property; and

WHEREAS, the cost and complexity of the Water Board seeking legal enforcement of its lien, and the practical difficulties and potential liability associated with foreclosing on an industrial site, have left the Water Board without practical means to collect on the sums due for 5380 Frontier Avenue; and

WHEREAS, the NFWB under its general authority to compromise and settle claims arising from contracts may waive the imposition of penalties arising from a claimant’s nonpayment of water or sewer charges when compromising a claim asserted by the claimant; and

WHEREAS, Section 1230 of Title 10-B, Article 5 of the Public Authorities Law authorizes the NFWB to negotiate, compromise and settle claims in favor of or against the Water Board when there is sufficient consideration; and

WHEREAS, the owner of 5380 Frontier Avenue has agreed to pay the sum of \$505,000 to resolve the lien and Water Board charges reflected on the 2016 City tax bill for that property; and

WHEREAS, resolving the Water Board’s lien ultimately may help facilitate development of greater production, employment, and attendant use of Water Board services at 5380 Frontier Avenue;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby agrees to accept the sum of \$505,000 to resolve its lien and claim for sums reflected on the 2016 City of Niagara Falls tax bill for 5380 Frontier Avenue, provided that this sum is tendered within 30 days of the date of this Resolution; and

IT IS FURTHER RESOLVED, that upon receipt of the \$505,000 payment, its Acting Executive Director is authorized to execute any documents which may be required to remove and discharge the Water Board's lien on 5380 Frontier Avenue for its charges transferred to the 2016 City of Niagara Falls tax roll, and to execute any documents required to remove these charges from the 2016 tax roll; and

IT IS FURTHER RESOLVED, that this Resolution pertains only to charges transferred to the 2016 City of Niagara Falls tax roll, all other or current outstanding charges shall remain payable when due.

Water Board Personnel Responsible for Implementation of this Resolution:

Acting Executive Director
General Counsel

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to the Board

NIAGARA FALLS WATER BOARD RESOLUTION # 2019-02-002

**AUTHORIZING RATE CONSULTANT AND
CONSULTING ENGINEER AGREEMENT**

WHEREAS, the Niagara Falls Water Board is required pursuant to Section 6.2 of its Financing Agreement to procure the professional services of an independent Rate Consultant and independent Consulting Engineer; and

WHEREAS, working for the Water Board and the Niagara Falls Public Water Authority, the Rate Consultant and Consulting Engineer assist with the operating budget and rate setting, financial service monitoring, capital improvement plan development, technical advice and opinions relating to projects or strategies of the Water Board, preparation of a feasibility report for the issuance of bonds, if needed, and an updated continuing disclosure report; and

WHEREAS, the Water Board has reviewed proposals for 2019 Consulting Engineer/Rate Consultant services;

NOW THEREFORE BE IT

RESOLVED, that the Water Board's hereby accepts the _____ proposal by _____ and Drescher & Malecki for 2019 Consulting Engineer/Rate Consultant services.

Water Board Personnel Responsible for Implementation of this Resolution:
Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
FGB Budget Line- Consultants

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to the Board

NIAGARA FALLS WATER BOARD RESOLUTION # 2019-02-003

**REVISING MOTOR VEHICLE USE POLICY
TO ADDRESS USE OF PERSONAL VEHICLES ON WATER BOARD BUSINESS**

WHEREAS, in November 2018, the Niagara Falls Water Board adopted a Motor Vehicle Use Policy; and

WHEREAS, the adopted Motor Vehicle Use Policy did not contain provisions regarding employee use of personal vehicles for Water Board business; and

WHEREAS, the Water Board desires to supplement the Motor Vehicle Use Policy to address employee use of personal vehicles for Water Board business;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby adopts the revisions indicated on the attached Motor Vehicle Use Policy; and

IT IS FURTHER RESOLVED, that the Director of Administrative Services shall distribute this policy to Water Board employees.

Water Board Personnel Responsible for Implementation of this Resolution:

Acting Executive Director

Director of Administrative Services

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to the Board

NIAGARA FALLS WATER BOARD MOTOR VEHICLE USE POLICY

Purpose of Water Board Policy:

This policy is adopted pursuant to Niagara Falls Water Board Resolution No. 2018-11-017. Subsequent amendments are noted below. The purpose of this policy is to set forth the rules governing the use of motor vehicles owned, leased or rented by or in the possession of the Niagara Falls Water Board (“Board”). Certain provisions related to use of personal vehicles on Board business are included below.

Scope of Application:

This policy applies to all employees of the Board operating any motor vehicle owned, leased or rented by or in the possession of the Board (“Board vehicle”). Exceptions to this policy must be authorized by the Executive Director or the Board. Provisions of this policy relate to the use of personal vehicles on Board business.

Management, including the Executive Director, Director of Operations, and Director of Administrative services, are required by Board resolution to enforce this policy through the disciplinary process.

Rules Governing Use of Board Vehicles:

1. Only employees of the Board who possess a valid New York State driver’s license may operate a Board vehicle and employees may be required periodically to provide proof of the same. Non-employees are not authorized to operate Board vehicles and employees may not permit such use. Board vehicles may not be taken out of state without advance written approval of the Executive Director or his or her designee.
2. Board vehicles may not be used to transport non-employees of the Board, including family members, unless such transportation is directly related to Board business. Transport of any non-employee that involves travel out of the Western New York area or an overnight stay must be must authorized by the Executive Director or his or her designee in writing.
3. Unless specifically authorized by a Water Board contract or resolution, no Water Board employee shall be permitted to take home a Water Board vehicle overnight.
4. Drivers must observe and obey all motor vehicle and traffic laws, rules, and regulations, including complying with the New York State law prohibiting cell phone use while operating a motor vehicle, unless a hands-free device is used.
5. The driver and all passengers must wear seatbelts.
6. Smoking is not permitted in Board vehicles.

7. Employee may not operate Board vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications that may interfere with effective and safe motor vehicle operation.
8. Employees are responsible for operating Board vehicles in a safe and proper manner.
9. An employee involved in an accident must immediately notify the appropriate police authority. An employee must also notify his or her supervisor as soon as possible if involved in an accident or if issued a parking or traffic ticket while operating a Board vehicle, but in no case later than 24 hours after the incident.
10. Board vehicles may not be used for personal purposes.
11. Employees must report any damage to or any malfunction of a Board vehicle immediately to their supervisor.
12. Any Board employee who operates a Board vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the employee's driver license must notify his or her supervisor immediately when practicable, but in no case late than 24 hours. If any other employee is asked to operate a Board vehicle and has been so arrested or charged the employee shall so inform his or her supervisor at such time.
13. Any employee with the following convictions and/or violations within the last three years may be barred from operating a Board vehicle: (a) driving while intoxicated; (b) driving under the influence; (c) negligent homicide; (d) operating with a suspended or revoked license; (e) assault with a motor vehicle; (f) operating a motor vehicle without the owners consent; (g) permitting an unlicensed driver to drive; (h) reckless driving; (j) hit and run and/or leaving the scene of an accident; and (k) operating an unregistered motor vehicle. Employees operating Board vehicles must notify their supervisor of any such convictions and/or violations.

Use of Private/Personal Vehicles for Board Business

1. It is the policy of the Board that when a Board vehicle is available to an employee, the employee should use the Board vehicle to conduct Board business. Employees who do not have access to a Board vehicle but regularly must use a vehicle for Board business should ask their departmental supervisor for access to a Board vehicle. Mileage reimbursement will not be available to employees who use personal vehicles for Board business unless the use of personal vehicles is pre-approved by a Director-level employee, with such permission available if a Board vehicle is not available, is not cost effective, is not appropriate, or when there are extenuating circumstances which preclude the use of a Board vehicle. When seeking reimbursement for personal vehicle use, the pre-approval for that use must be included with the reimbursement request.
2. For employees who use their personal vehicle to conduct Board business, all accidents or claims will be the responsibility of the employee's personal automobile liability insurance policy.

3. Effective January 1, 2019, employees using their personal vehicles to conduct Board business whose vehicles are damaged by a collision with another moving vehicle, where the damage is not the result of negligence by the employee and the employee has not been issued a traffic citation in connection with the incident, may be reimbursed the cost of repairs up to a maximum of \$500, or the employee's private insurance deductible, whichever is less. In order to obtain this reimbursement, a copy of a police report (or if the accident occurred on Water Board property, a copy of the investigation report with findings regarding negligence), an invoice for completed repairs, and evidence of the employee's vehicle insurance deductible shall accompany any request for reimbursement. These provisions do not apply to any damage to parked vehicles or to collisions with stationary objects, or to any collision occurring while the employee is commuting between home and a Water Board facility or work site.

Violations of this policy may result in disciplinary action, up to and including discharge.

ADOPTED: November 26, 2018, Niagara Falls Water Board Resolution No. 2018-11-017.
Proposed revisions are underlined.

**APPROVING ZERO COST CHANGE ORDER
FOR EMERGENCY REPAIR CONTRACT**

WHEREAS, the Niagara Falls Water Board (“Water Board”) awarded an emergency repair contract in January 2018, and that award was based on bid prices for estimated quantities of various materials and services; and

WHEREAS, the actual need for certain bid items has exceeded the estimated quantities upon which the contract award was based, but other bid items have not been used in the estimated quantities; and

WHEREAS, the result of this is that by adjusting the bid item quantities through a change order, the funds appropriated for the emergency repair contract are sufficient to pay for the work performed under the emergency repair contract without requiring an additional appropriation of funds; and

WHEREAS, City Engineering recommends the approval of \$0.00 change order as described above;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby approves a \$0.00 change order to the 2018-2020 indefinite delivery/indefinite quantity emergency repair contract in order to adjust the estimated bid item quantities to match actual contract usage.

Water Board Personnel Responsible for Implementation of this Resolution:
Acting Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to Board



January 14, 2019

TO: Niagara Falls Water Board

FROM: Robert Drury, Superintendent
John Gerlach, P.E. City Engineer

SUBJECT: **2018-2020 I.D.I.Q. Emergency Repair Contract**
Highland Avenue Sewer Repair - \$0.00 Change Order

The Niagara Falls Water Board awarded an "Emergency Repair Contract" in January 2018, intended to cover both water and sewer main repairs deemed to be beyond the scope of normal maintenance functions.

Subsequent to that award, a decision was made during the Water Board's October 2018 regular monthly proceedings to go forward with the above-referenced repair project using the tenets of the original emergency repair contract.

Now, as a result of multiple I.D.I.Q. contracts through calendar year 2018, several bid item quantities have been exceeded. However, exiting underruns elsewhere in the contract will allow for payment on any/all overruns without the allotment of additional funds (\$0.00 change order on contract)

It is the recommendation of the undersigned that you allow payment for the additional tasks noted above for a no-change (\$0) order on the contract.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Drury", written over a horizontal line.

Robert Drury
Superintendent

A handwritten signature in blue ink, appearing to read "John Gerlach", written over a horizontal line.

John Gerlach, P.E.
City Engineer

Forster _____ Kimble _____ Larkin _____ Leffler _____ O'Callaghan _____

NIAGARA FALLS WATER BOARD RESOLUTION # 2019-02-005

LIFT STATION HOISTS AND TROLLEYS

WHEREAS, the Niagara Falls Water Board recently has been evaluating the condition of its lift stations and making needed repairs; and

WHEREAS, the hoists and trolleys at several of the lift stations require load testing, repair, or replacement; and

WHEREAS, Konecranes, Inc., has presented a quote dated February 10, 2019 in the amount of \$12,031 to furnish the required labor and materials;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board be and is hereby authorized to pay to Konecranes, Inc., up to \$12,031 for the required load testing, repair, or replacement of hoists and trolleys at Water Board lift stations.

Water Board Personnel Responsible for Implementation of this Resolution:
Superintendent

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to the Board

10FEBRUARY19KBM01-22

February 10, 2019

KONECRANES®
Lifting Businesses™

Mr. Mike Eagler
Niagara Falls Water Board
1200 Buffalo Ave.
Niagara Falls NY 14304

Please Report
this to can give IT
THE OK to move FORWARD
M.E.

Reference: Lifting station hoists and trolleys.

Dear Mike,

Thank you for your continued interest in Konecranes, a customer-focused service organization with more than 50 branches to serve you throughout the United States and Canada – available 24 hours a day, 7 days a week. We specialize in overhead crane and hoist service, sales, parts, engineering, testing, inspection, modification and modernization of all makes of overhead crane and hoists.

Scope of Work: Furnish and install the following hoists and trolleys in various lifting stations.

Mike,

I did the tour of the lifting stations yesterday and discussed what you folks need and where. This is what I have:

56th St LS 3

- Add manual trolley to existing hoist and beam. Konecranes manual trolley p/n 52291759
- Trolley (and hoist) rated for ½ ton.
- Perform certified load test of complete unit on the new beam.
- Label ½ ton capacity on the beam.

Trolley only \$124.00

Install/load test/label capacity \$370.00

Total price \$494.00

81st and Stevenson LS 1

- Add new electric chain hoist with manual trolley on new beam.
- Konecranes electric chain hoist model CLX05-02-2-100-5
- 1 ton capacity.
- 35 feet of lift.
- 110-1-60 VAC primary voltage.
- 8' power cord.
- Chain container
- 31' pendant.
- Manual trolley.
- 8 fpm hoist speed.
- Perform certified load test of complete unit on the new beam.
- Label 1 ton capacity on the beam.

Hoist and trolley only \$3,184.00

Install/load test/label capacity \$499.00

Total price \$3,683.00

1/8

Konecranes, Inc. 1020 Lehigh Station Rd Henrietta, NY 14467 Office: 585-359-4450 Web: www.konecranesUSA.com

2/25/2019 NFWB Meeting -- Packet Page 30

10FEBRUARY19KBM01-22

February 10, 2019



Cayuga Island LS 2

- Add manual trolley to ½ ton Konecranes hoist CLX05-04-1-050-5 trolley p/n 52291759
- Install hoist and trolley on beam.
- Perform certified load test of complete unit on new beam.
- Label beam ½ ton capacity.

Trolley only \$124.00

Install/load test/label capacity \$370.00

Total price is \$494.00

81st and Frontier LS 6

- Add new electric chain hoist with manual trolley on new beam.
- Konecranes electric chain hoist model CLX05-02-2-100-5
- 1 ton capacity.
- 35 feet of lift.
- 110-1-60 VAC primary voltage.
- 15' power cord.
- Chain container
- 31' pendant.
- Manual trolley.
- 8 fpm hoist speed.
- Perform certified load test of complete unit on the new beam.
- Label 1 ton capacity on the beam.

Hoist and trolley only \$3,204.00

Install/load test/label capacity \$499.00

Total price \$3,703.00

Bollier Ave LS 7

- Add new electric chain hoist with manual trolley on new beam.
- Konecranes electric chain hoist model CLX05-04-1-050-5
- 1/2 ton capacity.
- 25 feet of lift.
- 110-1-60 VAC primary voltage.
- 10' power cord.
- Chain container
- 21' pendant.
- Manual trolley.
- 16 fpm hoist speed.
- Perform certified load test of complete unit on the new beam.
- Label 1/2 ton capacity on the beam.

Hoist and trolley only \$2,681.00

Install/load test/label capacity \$499.00

Total price \$3,180.00

91st and Luick LS 4

- Install Coffing manual trolley on existing 1 ton Coffing hoist. P/N CBTP0100
- Manual trolley rated for 1 ton.

10FEBRUARY19KBM01-22

February 10, 2019



- Top hook mount.
- Add bumpers.

Trolley only \$237.00

Install bumpers and trolley \$240.00

Total price \$477.00

Delivery is 10-14 days by ground.

Freight is FOB Springfield, OH

Freight: Prepaid & Added to invoice
Taxes: If applicable, not included in the price above
Terms: Net 30 days

This proposal is subject to standard credit approval.

Thank you for the opportunity to quote on your overhead crane and hoist needs. Konecranes values your business and look forward to the opportunity of being your crane and hoist sales, service and inspection partner. We will be available to discuss this proposal and any modifications you may desire at your convenience.

Regards,

Knud Muentner
Service Sales
Cell 716-525-4640
Knud.Muentner@Konecranes.com

Above pricing is based strictly on the parameters as outlined. Any modifications to these parameters may result in revisions to the indicated price.

Above proposal is based on the assumption that all existing crane components are in first class condition. Our price does not include any correction of other discrepancies that are not addressed in this proposal. After inspection has been performed, discrepancies, if any, will be brought to your attention for repairs.

Price quoted is Ex-Works Konecranes factory as per INCOTERMS 2010.

Above Price is based upon:

- Field services will be performed by Konecranes non-union technicians in conjunction with our chosen sub-contractors at our standard wage rates on a straight time, first shift, normal workday basis. If any restrictions on chosen sub-contractors, union labor or prevailing wages are to apply the proposal must be reviewed and modified accordingly.
- Free and clear access provided to the crane(s) and the required work area beneath and around the crane(s) without interference from other contractors or trades.
- The equipment being available to the service technician(s) at the expected time of arrival through completion of the required work.
- Adequate clear space is provided to stage components and set up equipment.
- Local permits or licenses are provided by others.
- Unless otherwise stated all field equipment (mobile cranes, man lifts, welding equipment, etc.) to be supplied by the customer. If requested by customer Konecranes will provide the necessary equipment at cost plus 20%
- Additional labor and per diem charges will be applicable due to any delays caused by customer or other contractors/trades, etc.

3/8

NIAGARA FALLS WATER BOARD RESOLUTION # 2019-02-006

APPROVING EASEMENT AGREEMENT FOR PROPERTY COMMONLY KNOWN AS 3622 HYDE PARK BOULEVARD, NIAGARA FALLS, NEW YORK BETWEEN NIAGARA FALLS BTS RETAIL, LLC, AND THE NIAGARA FALLS WATER BOARD

WHEREAS, the Niagara Falls Water Board (“Water Board”) has a responsibility for the maintenance and repair of certain water and sewer mains in the City of Niagara Falls; and

WHEREAS, Niagara Falls BTS Retail, LLC (“BTS”) is purchasing undeveloped property located at 3622 Hyde Park Boulevard (“the property”) in the City of Niagara Falls for the purpose of commercial development; and

WHEREAS, Water Board water and sewer mains are located on the property, but no recorded easement for these mains has been located; and

WHEREAS, both BTS and the Water Board would benefit from a clear written agreement establishing the nature, location, and extent of the Water Board’s water and sewer line easements; and

WHEREAS, the Water Board and BTS, contemporaneously with the purchase of the aforesaid property by BTS, therefore desire to enter into an easement agreement for the purpose of providing the Water Board with a means of ingress and egress at the aforesaid property in order for the Water Board to conduct maintenance and other activities, as necessary, at the aforesaid property; and

WHEREAS, the easement agreement will be recorded and become a permanent easement in favor of the Water Board for the location;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, its Acting Executive Director hereby is authorized to enter into the Easement Agreement with Niagara Falls BTS Retail, LLC, for property at 3622 Hyde Park Boulevard, Niagara Falls, New York and that same, once fully executed, be recorded in the office of the County Clerk for Niagara County so that the agreement becomes a permanent easement for the Niagara Falls Water Board at the location covered in the Agreement.

Water Board Personnel Responsible for Implementation of this Resolution:
General Counsel

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to Board

Easement

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other and valuable considerations the undersigned, NIAGARA FALLS BTS RETAIL, LLC, the Grantor, does hereby sell, convey and warrant to the NIAGARA FALLS WATER BOARD, Grantee, a permanent easement and right of way, as more particularly described at Exhibit B, with the right to erect, connect, install, lay, and thereafter use, operate, inspect, repair, maintain, replace and rework water lines, water pipes, sewer lines, sewer pipes, water facilities, sewer facilities, manholes, hydrants, connections or other necessary appurtenances thereto required over, across and/or under a certain parcel of real property lying and being situated in Niagara Falls, Niagara County, a more accurate description of Grantor's property being attached hereto and made a part hereof at Exhibit A.

It is understood that this easement and right of way shall give and convey to the Grantee herein the right to ingress and egress from the lands described at Exhibit A for the purpose of maintaining and repairing the water and sewer utility system improvements in the easement area described at Exhibit B, attached hereto and made a part hereof this easement agreement.

The Grantor agrees that Grantee shall not be responsible for repairing the area in event of a maintenance or repair event, other than to leave the area at grade level, approximate, said surface shall be repaired and/or repaved by Grantor. It is further understood that this instrument constitutes the entire agreement between Grantor and Grantee, there being no oral agreements or representations of any kind made between the Grantor and the Grantee.

The grant and other provisions herein described shall constitute a covenant running with the land for the benefit of Grantee, its successors and assigns.

WITNESS THE SIGNATURE(S) of the Grantor this ____ day of _____, 2019

Signature

Signature

Print Name and Title

Print Name and Title

State of _____)
County of _____) ss.:

On the ____ day of _____, 20 ____, before me appeared _____ to me personally known, who, being by me duly sworn, did say that _____ is/are the member/manager of _____, a Limited Liability Company of the State of _____, and the said instrument was

signed on behalf of said Limited Liability Company by authority of its Articles of Organization and/or its Operating Agreement; and said _____ acknowledged said instrument to be the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

My term expires: _____

Notary Public (AFFIX NOTARY SEAL)

State of New York)
County of Niagara)

On the ____ day of _____, 20 ____, before me appeared _____ to me personally known, who, being by me duly sworn, did say that _____ is the _____ of Niagara Falls Water Board, a public corporation, on behalf of the corporation. He/she is personally known to me and/or has produced as identification.

Notary Public

This Indenture,

Made the 1st day of October, Two Thousand and Ten

Between

^A
Michael Cerrone and Barbara Costello as Co-Executors of the Last Will and Testament of Armand Cerrone, (Surrogate's File No. ~~2007~~ 81516), late of Youngstown, New York, deceased,
party of the first part, and

SEVEN GRAND PROPERTIES, LLC, a New York limited liability company with an office at 615 Lake Road, Youngstown, New York 14174

party of the second part:

Witnesseth, That the party of the first part, by virtue of the power and authority to given in and by the said last Will and Testament, and on consideration of One and No More Dollars, (\$1.00) lawful money of the United States, paid by the party of the second part, do hereby grant and release unto the part of the second part its heirs and assigns forever,

All that tract or parcel of land, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lots 32 and 33 of the New York State Mile Reserve and part of Lots 24 and 23, Township 13, Range 9 of the Holland Land Company's Survey and described as follows:

BEGINNING at the point of intersection of the westerly line of Hyde Park Boulevard and the south line of Subdivision Lot 12, Block B, as shown on Map Cover 206 and in Book 7 of Microfilmed Maps, page 538 (filed in the Niagara County Clerk's Office), running thence N 88° 57' 46" W and along the south line of said Subdivision Lot 12, 120 feet and continuing along the center line of an abandoned alley shown on said map for a total distance of 478.45 feet to a point on the westerly line of Lot 23; running thence N 41° 56' 24" E along said westerly line of Lot 23, a distance of 10.39 feet to a point, (said point being 0.39 feet south of the north line of said abandoned alley); running thence north 01° 02' 14" E a distance of 192.15 feet to a point; running thence S 88° 57' 46" E a distance of 407.75 feet to a point on the westerly line of Hyde Park Boulevard, said point being 209.96 feet northwesterly as measured along the westerly line of Hyde Park Boulevard from the point of beginning; running thence southerly along the westerly line of Hyde Park Boulevard a distance of 209.96 feet to the point or place of beginning.

Subject to easements and reservations contained in a deed from Niagara Falls Power Company to General Abrasive Company Inc. recorded in the Niagara County Clerk's Office in Liber 760 of Deeds at page 120 on October 24, 1944.

The deed is being recorded to carry out the terms of the Last Will and Testament of Armand Cerrone.

Being property commonly known as 3622 Hyde Park Boulevard, Niagara Falls, New York.

201061823

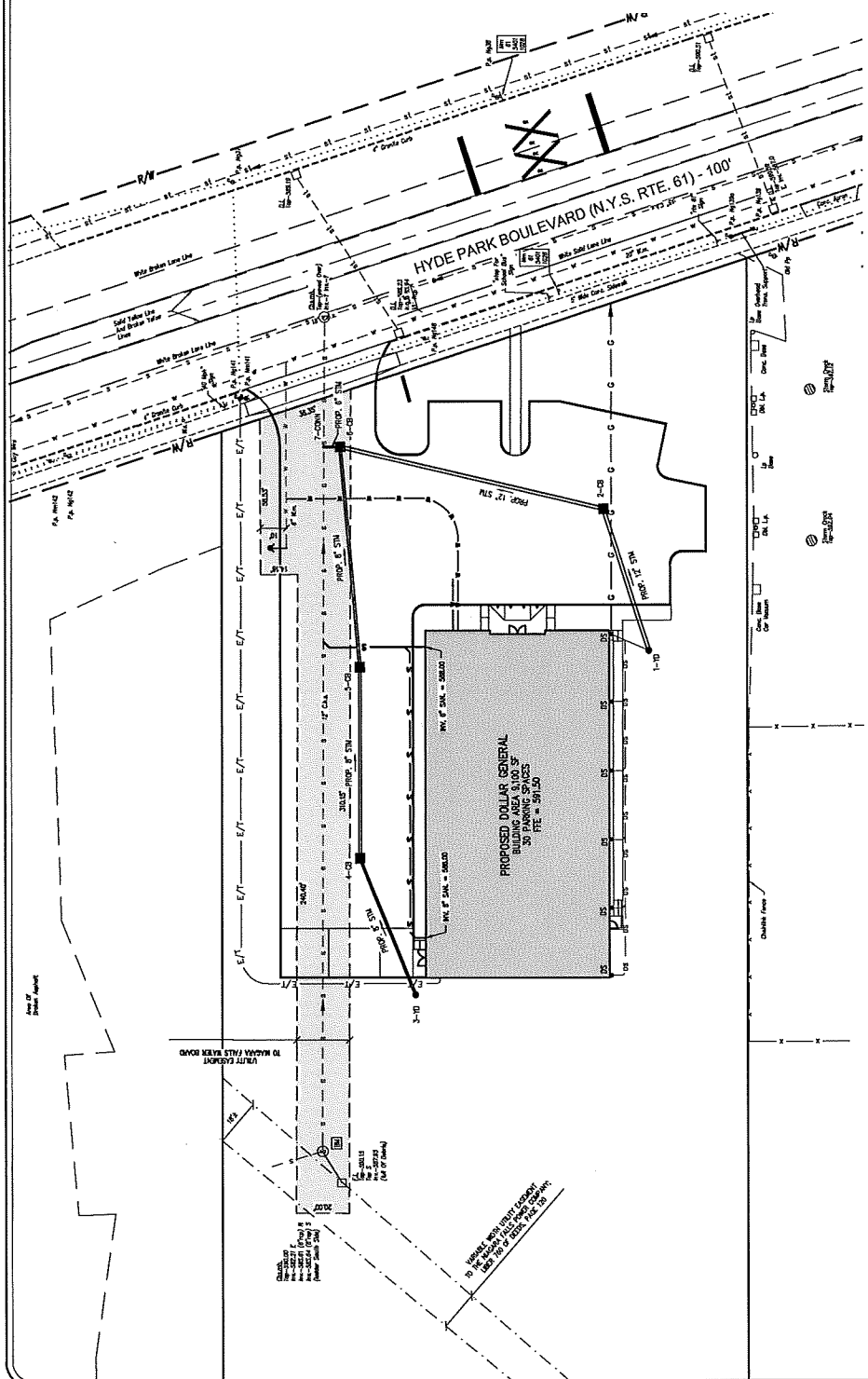
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3 Pages
DEED

Wayne F. Jagow, Niagara County Clerk

Clerk: TH



REVISIONS
NO. DESCRIPTION
DATE



2 WORKING DAYS
BEFORE YOU DIG
CALL 811
1-800-4-A-DAWG
1-800-472-6229

WATER AND SANITARY SEWER EASEMENT EXHIBIT
PROPOSED DOLLAR GENERAL
3822 HYDE PARK BOULEVARD
CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK

Date	Revisions
10-19-2018	
Drawn By	JUF
Checked By	MJW

JOB NO.
20180038
CITY OF NIAGARA FALLS
CITY ENGINEER
CITY OF NIAGARA FALLS
CITY ENGINEER

SHEET: C-3

DEVELOPER:

ZAREMBO GROUP
14600 DETROIT AVE.
LAKESIDE, OH 44107
(330) 221-0000

November 13, 2018

**DESCRIPTION OF A SANITARY SEWER AND WATER MAIN EASEMENT
3622 HYDE PARK BOULEVARD
DOLLAR GENERAL – NIAGARA FALLS
CITY OF NIAGARA FALLS**

All that tract or parcel of land situate in the City of Niagara Falls, County of
Niagara, State of New York, which is more particularly described as follows;

Beginning at a point in the west right-of-way line of Hyde Park Boulevard, said point being N 17°-00'-07" W, a distance of 294.00 feet northerly from the intersection formed by the west right-of-way line of Hyde Park Boulevard with the north right-of-way line of New Jersey Avenue,

- Thence, 1 - N 88°-57'-46" W a distance of 310.00 feet to a point,
- Thence, 2 - N 01°-02'-14" E a distance of 20.00 feet to a point,
- Thence, 3 - S 88°-57'-46" E a distance of 240.00 feet to a point,
- Thence, 4 - N 01°-02'-14" E a distance of 14.00 feet to a point,
- Thence, 5 - S 88°-57'-46" E a distance of 58.93 feet to a point in the west right-of-way line of Hyde Park Boulevard,
- Thence, 6 - S 17°-00'-07" E along the aforesaid west right-of-way line a distance of 35.76 feet to the point and place of beginning.

Intending to describe a sanitary sewer and water main easement, City of Niagara Falls.

NIAGARA FALLS WATER BOARD RESOLUTION # 2019-02-007

**ACCEPTING ENGINEERING PROPOSAL BY GHD FOR SEWER FLOW
MONITORING AND ANALYSIS WITHIN LASALLE SEWER SYSTEM**

WHEREAS, the Niagara Falls Water Board (“Water Board”) pursuant to Order on Consent R9-20080528-32 requires evaluations of the effectiveness of required sewer rehabilitation every five years; and

WHEREAS, the NYSDEC has made certain recommendations to improve the required data collection and analysis; and

WHEREAS, GHD has prepared a proposal dated February 11, 2019 to perform the flow data collection, engineering, evaluation, and reporting for the required flow metering that meets the NYSDEC’s approval, for a total cost not to exceed \$187,500;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby accepts GHD’s February 11, 2019 proposal to perform data collection, engineering, evaluation, and reporting of LaSalle area sewer flows in order to meet its obligations under the consent order.

Water Board Personnel Responsible for Implementation of this Resolution:
Acting Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Capital Plan Line Item WW-17

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O’Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O’Callaghan, Chairperson

Sean W. Costello, Secretary to Board



February 11, 2019

Reference No.11145878

Mr. Patrick Fama
Acting Executive Director
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, New York 14304

Dear Mr. Fama

Re: Engineering Proposal
Evaluation of Flow Monitoring in the LaSalle Sewer System

Thank you for the opportunity to provide an engineering proposal for sewer flow monitoring and analysis within the LaSalle sewer system as required by Order on Consent R9-20080528-32.

1. Project Understanding

The LaSalle Service Area (Service Area) in Niagara Falls has been undergoing repairs in accordance with a report entitled "Niagara Falls Water Board Sanitary Sewer System Management Plan" (Plan), prepared by Parsons Corporation in 2007. This report was incorporated into an order on consent (consent order) that was executed with NYSDEC with the goal of eliminating sanitary sewer overflows in the Service Area. It outlined an 18-year work plan that phased sewer rehabilitation in the LaSalle sewer system with opportunities to evaluate the effectiveness of the plan every 5 years. The first evaluation took place in 2012 in a report entitled "LaSalle 5 Year Report" (Report), prepared by GHD. The Report concluded that it was difficult to make a general conclusion about decreasing the amount of rainfall derived infiltration and inflow (RDII) as a result of implementing the Plan.

The second (Year 11) evaluation was scheduled to be completed in 2018 but the work was suspended by the NFWB to allow focus on corrective actions at the wastewater treatment plant required by a separate order on consent issued by NYSDEC following the events of July 2017. The suspension of LaSalle consent order activities was discussed with NYSDEC at multiple meetings in 2017 and was received favorably. The NFWB's team repeatedly requested written acceptance of the suspension of LaSalle consent order activities from NYSDEC, but was unsuccessful until NYSDEC's January 24, 2019 letter (attached) was received. The Year 11 evaluation in the Plan also included a requirement that the Love Canal area be re-evaluated to determine if additional work in the area is needed to remove additional flow from the sub-basin. Meetings were held with NYSDEC; NFWB Executive Director, technical and legal staff; Rupp Baase (outside council); and GHD on August 9, 2018 and January 4, 2019 to discuss the temporary suspension of the LaSalle consent order activities and to discuss NYSDEC's concerns with the Plan's effectiveness on Sanitary Sewer Overflows (SSO). As indicated by NYSDEC during the January 4, 2019 meeting, they would be amenable to a suspension of the Plan; however, NYSDEC insisted on modifications to the evaluation method to be used going forward.



Following the NYSDEC meeting, GHD met with NFWB engineering and collection systems staff to discuss NYSDEC's request for a revised flowmetering program. The goal of the meeting was to determine optimal flowmetering locations based on their experience in the system. GHD used this information to develop a revised flowmetering plan to present to NYSDEC.

The revised flowmetering plan and NYSDEC's proposed modifications to the Plan were discussed with you, NFWB's engineering and legal staff, Rupp Baase, and GHD at a meeting on January 16, 2019. Later that day, NFWB personnel and GHD met with NYSDEC to present the revised plan and again request formal correspondence that the Year 11 flowmetering be postponed to 2019. As a result of these meetings, NYSDEC issued a letter dated January 24, 2019 stating that suspending Year 11 flowmetering was acceptable on the condition that a revised flowmetering plan and I/I assessment be conducted in spring 2019, which is when comparable flowmetering data to the 2007 evaluation and 2012 evaluation can be obtained.

The NYSDEC required that the I/I assessment include provisions for future flowmetering evaluations to use the methodology outlined in the Water Environment Federation Manual of Practice FD-6. This has become the industry standard method of determining the effectiveness of work on RDII reduction. Their letter also indicated that they intend to enter into discussions about modifying the consent order after the results of the 2019 assessment are reviewed.

2. Project Approach

GHD has assisted numerous clients with sewer flow studies. The current standard method used for this type of evaluation was developed by the Water Environment Federation (WEF) and is discussed in their publication WEF Manual of Practice FD-6 (MOP FD-6), Existing Sewer Evaluation and Rehabilitation. This method treats the sewer system like a natural waterbody and determines the magnitude of RDII in a sewer system by separating dry weather flow from the wet weather component and comparing the response to a control basin using flow data that was collected in the same season of the original evaluation. The proposed project will evaluate the sewer system using a modified version of the methodology and collecting flow data from a control basin for future use.

The proposed project will begin with flowmetering the service area. GHD recommends that flowmetering occur for a minimum of 3 months over a similar period that was used for the Plan and Report, which was from March through May, to attempt to capture the sewer under both wet and dry weather conditions. GHD requests the discretion to extend flowmetering for a fourth month in case appropriate dry-weather flow patterns or inadequate wet-weather data cannot be collected. Flow data will be collected on a weekly basis by GHD's subconsultant and reviewed for repeatability, accuracy, and the existence of problems in the sewer that could affect data collection. Problems with the sewer or flow data that are identified will be referred to the NFWB or GHD's subconsultant.

Proposed flowmetering locations include a combination of manholes that were used in previous evaluations and new locations that were the outcome of discussions with the NYSDEC. These



flowmetering locations monitor areas that require additional isolation to either minimize flowmeter subtraction or identify flow contributions of known problem areas. The proposed new flowmetering locations are listed below and a full flowmetering map is shown on the attached figure:

FM 09 – Buffalo Avenue and 81st Street – Monitors the Cayuga Island contribution to the LS-1 service area

FM 10 – Colvin Boulevard and 93rd Street – Monitors the Love Canal area contribution to the LS-4 area

FM 11 – 81st Street, North of Lindbergh – Monitors flow from Bollier Avenue and Krull Parkway that contributes to the 81st and Lindbergh SSO.

FM 12 – 101st Street Lift Station area – Monitors flow to LS-8. Not previously examined but contributes to SSO's.

The remaining flow meters will be installed in similar locations to where they were located in the original study.

FM 01 – 93rd Street South of Bergholtz Creek – Isolates the subsystem north of Bergholtz Creek.

FM 02 – 91st Street and Luick Avenue – Isolates the subarea between Bergholtz Creek and Love Canal. Isolation flows requires subtraction.

FM 03 – Mang Avenue and 88th Street – Relocated to isolate the subarea East of Cayuga Creek

FM 04 – 80th Street and Lindbergh Avenue – Isolates flow from the west that contributing to the SSO at 81st Street and Lindbergh.

FM 05 – 73rd Street and Girard Avenue – Isolates flow between 73rd Street and 75th Street.

FM 06 – 66th Street and Frontier Avenue – Isolates flow between Stephenson Avenue and Edison Avenue. Includes some flow from an equalizer between the LS-1 and LS-6 subareas.

FM 07 – 81st Street and Frontier – Monitors flow southward in 81st Street.

FM 70 – 81st Street and Frontier – Monitors flow westward in Frontier Avenue.

FM 08 – 81st Street and Stephenson Avenue – Monitors flow to LS-1 between 70th Street and 89th Street.

FM 80 – 81st Street and Stephenson – Monitors flow in the equalization pipe between LS-6 and LS-1.

In addition to monitoring the identified areas for RDII removal, data from a control basin will also be collected to isolate differences in antecedent conditions during re-evaluation periods in accordance with the MOP FD-6 methodology that NYSDEC requires for post-construction evaluations. Lift Station 3 subarea was selected as the control basin. This area is approximately the same size as the subareas that are being considered for rehabilitation, is expected to have similar runoff characteristics because it has similar land use and impervious area to the rest of LaSalle, and is not a contributor to SSOs so no major capital improvements are expected over the short term. The flowmeter will be installed at Buffalo Avenue and 56th Street.



Collected data will be evaluated and compared to previous evaluations using a modified version of MOP FD-6 that does not include a control basin. GHD will re-evaluate dry weather flow to determine if there is any observable reduction in dry weather flow and use the new diurnal curves and wet-weather flows to quantify RDII in the sewer. Additional key performance indicators to be evaluated include velocity-depth curves, groundwater infiltration estimates, and peak flows. The results of the data analysis will be used to review the effectiveness of previous work, rank sub-basins based on the severity of RDII, and discuss whether additional RDII removal work in Love Canal is indicated by the data. GHD will produce a report that summarizes the flowmetering, comments on effectiveness of efforts to date related to the Plan, and provide recommendations for next steps.

3. Scope of Services

3.1 Task 1 – Project Kick-off and Management

1. Attend one project kick-off meeting to review:
 - a. Project scope, budget and schedule
 - b. Data requirements
 - c. Monitoring locations and timeframes
 - d. Methodology for evaluating RDII reductions

3.2 Task 2 – Flowmetering

1. Install and maintain 15 flow meters for 3 months.
2. Nature can be unpredictable and it is possible that an acceptable number of rainfall events will not be obtained in the 3-month metering period. If sufficient data are not collected in the base 3-month period an additional month of flowmetering will be required.
3. Install and maintain two tipping bucket rain gauges while flowmeters are active.
4. Perform weekly site visits to download data and perform maintenance on installed meters.
5. Analyse flow data for accuracy and repeatability after each data submission.

3.3 Task 3 – Perform data evaluation on collected flow metering and rain gauge data

1. Identify dry weather flow periods and develop a representative weekly dry-weather diurnal curve to compare to the 2003 and 2012 results.
2. Estimate groundwater contributions to flow using water use data.
3. Identify and evaluate wet weather flow data for wet weather events.
4. Determine RDII volumes for each of the 15 flow metering locations for each rain event.



5. Determine the relationship between RDII and rainfall.
6. Determine the relationship between peak flows and rainfall.
7. Compare key performance indicators to the 2003 and 2012 results.

3.4 Task 4 - Evaluate the success of rehabilitation activities

1. Review work completed from 2012 through 2018 and compare it to changes in RDII volume, groundwater infiltration, peak flows, and sewer performance.
2. Prioritize sub-basins based on the severity of RDII.
3. Make a recommendation on the need for additional RDII removal from the Love Canal area.
4. Attend one meeting with NFWB to review results of the analysis.

3.5 Task 5- Draft and Final Report

1. Prepare a summary report that describes the work performed.
2. Provide recommendations for prioritizing future work phases.
3. Issue a draft report for review and comment by NFWB and incorporate comments.
4. Submit report to NYSDEC for approval.
5. Attend one meeting with NFWB and NYSDEC to review results of the analysis and potential revisions to the work plan.

4. Proposed Professional Engineering Services Fee

GHD proposes to complete the above work for a lump sum fee of \$187,500 as broken down below:

Table 2.1 Fee Summary

Task Description	Fee	
Engineering, Evaluation and Reporting	\$105,500	Lump Sum
Base Flowmetering by GHD's subconsultant	\$ 61,500	Lump Sum
<i>Total Base Contract</i>	<i>\$167,000</i>	<i>Lump Sum</i>
Additional Month of Flowmetering (if required)	\$ 20,500	Lump Sum
Total Contract Authorization	\$187,500	Lump Sum



GHD appreciates the opportunity to provide this proposal to the Niagara Falls Water Board and to continue to assist the Water Board complying with the LaSalle consent order. If you have any questions, please do not hesitate to contact me at 716.242.6931.

Sincerely,

Paul McGarvey

GHD

A handwritten signature in blue ink that reads "Paul J. McGarvey". The signature is written in a cursive style with a large, stylized "M" and "G".

Associate

PJM/las/1

Encls.

cc: Mr. Robert Drury – NFWB (w/enc.)
Richard Roll, P.E. – GHD (w/enc.)
Edward Bradfuhrer, P.E. – GHD (w/enc.)
Robert P. Lannon Jr., P.E. – GHD (w/enc.)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7190 | F: (716) 851-7296
www.dec.ny.gov

January 24, 2019

John T. Kolaga, Esq.
Rupp Baase Pfalzgraf Cunningham, LLC
1600 Liberty Building
Buffalo, New York 14202

Re: Order on Consent R9-20080528-32

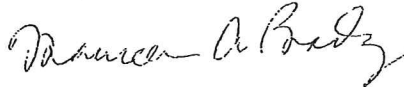
Dear Mr. Kolaga:

This letter follows several meetings held in the past several months between DEC and NFVB which included discussions on the above referenced SSO abatement Order. Your previous letter from May 7, 2018 on behalf of the NFVB had requested a one year pause from SSO abatement work scheduled for 2018. The Department believes that revisions to NFVB's existing SSO abatement program are warranted to ensure that the program is effective, and that measurable progress is being made. Therefore, a pause in the program is warranted to allow the parties to have additional discussions about potential program revisions. Accordingly, the Department will exercise its enforcement discretion and will not pursue enforcement for any missed deadlines contained in the SSO abatement Order in 2018.

Meetings were held on August 9, 2018 and January 4, 2019 to discuss potential revisions to the SSO abatement program. It was tentatively agreed that as a next step, NFVB will implement a flow study and I/I assessment in the spring of 2019. NFVB presented the proposed flow monitoring locations at the most recent meeting, and DEC hereby concurs with those locations. Further meetings will be held to determine needed changes to NFVB's SSO abatement program and those changes will ultimately be incorporated into a revised Consent Order.

Please contact me if you have any questions.

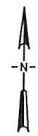
Very truly yours,



Maureen A. Brady
Regional Attorney

ec: Mr. Jeffrey Konsella
Mr. Robert Locey



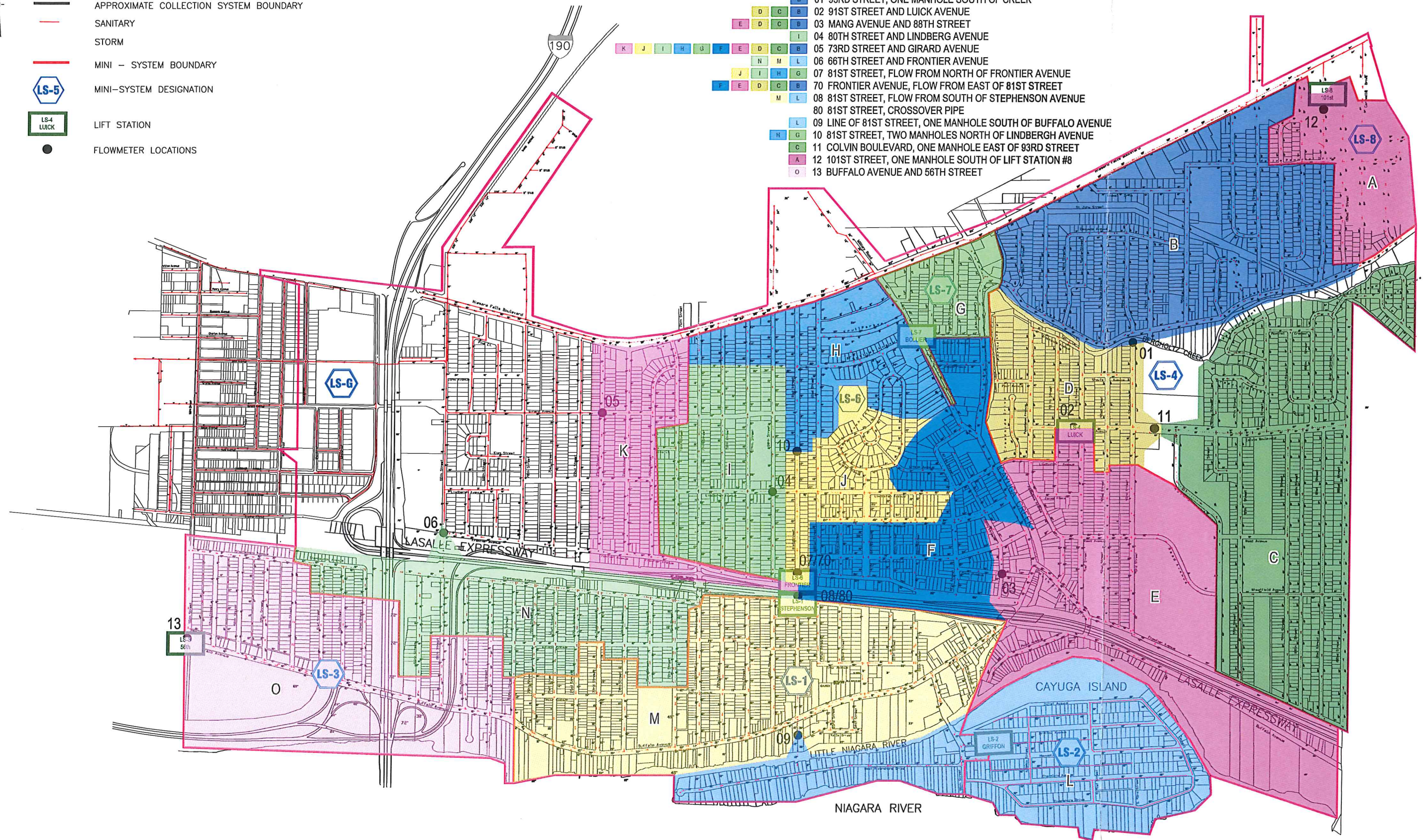


LEGEND

- APPROXIMATE COLLECTION SYSTEM BOUNDARY
- SANITARY
- STORM
- MINI - SYSTEM BOUNDARY
- MINI-SYSTEM DESIGNATION
- LIFT STATION
- FLOWMETER LOCATIONS

FLOWMETER LEGEND

- 01 93RD STREET, ONE MANHOLE SOUTH OF CREEK
- 02 91ST STREET AND LUICK AVENUE
- 03 MANG AVENUE AND 88TH STREET
- 04 80TH STREET AND LINDBERGH AVENUE
- 05 73RD STREET AND GIRARD AVENUE
- 06 66TH STREET AND FRONTIER AVENUE
- 07 81ST STREET, FLOW FROM NORTH OF FRONTIER AVENUE
- 70 FRONTIER AVENUE, FLOW FROM EAST OF 81ST STREET
- 08 81ST STREET, FLOW FROM SOUTH OF STEPHENSON AVENUE
- 80 81ST STREET, CROSSOVER PIPE
- 09 LINE OF 81ST STREET, ONE MANHOLE SOUTH OF BUFFALO AVENUE
- 10 81ST STREET, TWO MANHOLES NORTH OF LINDBERGH AVENUE
- 11 COLVIN BOULEVARD, ONE MANHOLE EAST OF 93RD STREET
- 12 101ST STREET, ONE MANHOLE SOUTH OF LIFT STATION #8
- 13 BUFFALO AVENUE AND 56TH STREET



DRAFT

					<p>Notes</p> <p>Underground facilities, structures, and utilities have been plotted from available surveys and records, and therefore their locations must be considered approximate only. There may be others, the existence of which is presently not known.</p> <p>It is violation of New York State education law for any person, unless acting under the direction of a licensed professional engineer, to alter an item on this drawing in anyway. If an item is altered, the altering engineer shall affix to the item his/her seal and the notation "altered by" followed by his/her signature and date of such alteration and a specific description of the alteration.</p>	<p>Bar is one inch on original size sheet</p> <p>0 1"</p>	<p>Reuse of Documents</p> <p>This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of GHD and shall not be reused in whole or in part for any other project without GHD's written authorization.</p>	<p>GHD</p>	Drawn	RDC	Designer	BAB	Client	NIAGARA FALLS WATER BOARD		
No.	Issue	Drawn	Approved	Date					Drafting	Check	Design	Check	Project	SANITARY SEWER SYSTEM MANAGEMENT PROGRAM		
									Project	Director	Date	JAN 19	Title	LASALLE YEAR 12 PROGRESS EVALUATION		
									This document shall not be used for construction unless signed and sealed for construction.				Project No.	Original Size	Arch D	Sheet No.
									Scale	AS SHOWN					Sheet No.	FLOW MONITORING PLAN
															Sheet 1 of 1	

Plot Date: 15 January 2019 - 10:08 AM

Plotted By: Bob Cavalier

Filename: Q:\6148\NYCAD\Drawings\YEAR 12 - FLOW MONITORING PLAN - COLORED.dwg

**ACCEPTING PROPOSAL BY AECOM
TO PERFORM EFFLUENT DISINFECTION SYSTEM DESIGN
REQUIRED BY CONSENT ORDER**

WHEREAS, the Niagara Falls Water Board (“Water Board”) entered into a Consent Order with the New York State Department of Environmental Conservation dated December 19, 2017 to address water quality concerns related to discharges from the Niagara Falls Wastewater Treatment Plant (the “WWTP”); and

WHEREAS, the Consent Order requires the Water Board design and implement improvements to the WWTP effluent disinfection system; and

WHEREAS, AECOM has developed a proposal dated February 1, 2019 whereby AECOM will design the improvements and coordinate the work with in-house NFWB forces and, where needed, labor from pre-bid indefinite delivery/indefinite quantity contracts; and

WHEREAS, AECOM’s proposal is anticipated to save time and expense and will permit completion of the required work by the Consent Order deadline;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, the Acting Executive Director is hereby authorized to enter into an agreement with AECOM to perform the work outlined in AECOM's February 1, 2019 proposal for effluent disinfection system design.

Water Board Personnel Responsible for Implementation of this Resolution:
Acting Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On February 25, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Daniel T. O'Callaghan, Chairperson

Sean W. Costello, Secretary to Board



February 1, 2019

Mr. Patrick Fama, Acting Director
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

Re: Proposal for Effluent Disinfection System Design

Dear Mr. Fama:

AECOM USA, Inc. (AECOM) is pleased to submit this proposal to the Niagara Falls Water Board (NFWB) for design and construction phase services for upgrades to the wastewater treatment plant (WWTP) effluent disinfection system. The design is consistent with Alternative 3 presented in the Consent Order Item 9 Engineering Report submitted to the NYSDEC on September 19, 2018. Per the direction of the NFWB, AECOM assumes that the project construction will be executed jointly in a fast-track effort by the following three entities:

- In-house WWTP maintenance staff,
- Mollenberg Betz under the IDIQ contract, and
- Ferguson Electric under the IDIQ contract.

The division of the construction work is as shown in the attached Table 1. Our proposal includes the following items:

- Understanding of Work Scope and Responsibilities
- Fees and Expenses
- Work Schedule

Understanding of Work Scope and Responsibilities

The NYSDEC conditional approval letter dated January 9, 2019 specified a 50 week schedule for implementation. AECOM will therefore provide a rapid design phase that will allow construction to be completed by December 26, 2019, or sooner. To meet this schedule, AECOM will perform the design in a fast track manner that will allow for mechanical equipment procurement and initiation of construction while completing the electrical and instrumentation design work. Then lagging the mechanical installation, the electrical and controls construction will take place. Consistent with the September 2018 engineering request for proposals issued by the NFWB, the following tasks are proposed:

- Task 1 – Design Phase Services
- Task 2 – EFC Reporting
- Task 3 – Contractor Bid Phase Assistance
- Task 4 – Construction Phase Services

Each task is described further in the following paragraphs.



Mr. Patrick Fama
January 29, 2019

Page 2

Task 1 – Design Phase Services

As a first step in this project AECOM must satisfy the two conditional approval items as identified in the NYSDEC approval letter dated January 9, 2019. The two items include: use of baffles rather than a mechanical mixer at the chlorine contact tank, and a description of the project phasing. To do this AECOM will assemble a brief design memo for submission to the NYSDEC. At this time AECOM assumes that a mechanical mixer will continue to be required as part of the recommended solution as it is our assessment that there is insufficient space, volume, and contact time in the inlet end of the chlorine contact tank to facilitate adequate mixing of the two streams utilizing baffles alone. Further, extended shutdown of the chlorine contact tank to install complicated mixing baffles is not consistent with the need to operate the WWTP throughout construction. While it will be necessary to receive timely approval of the design memo before the design can be completed, AECOM will simultaneously begin work on the project design documents.

AECOM will prepare design documents suitable for the fast track nature of the project construction. The design will include AutoCAD drawings showing plans, sections, schematics, and details along with equipment and piping schedules. Process flow diagrams and piping and instrumentation diagrams will be prepared. Equipment cut sheets and/or bills of materials for all major equipment will be generated to facilitate equipment procurement by NFWB maintenance staff and the mechanical and electrical contractors. Equipment to be specified in the design documents includes:

- Sodium hypochlorite feed pumps and spare parts,
- Sodium hypochlorite piping and appurtenances such as valves, pressure relief valves, automatic and/or manual air relief valves, flush valves, calibration columns, etc.,
- Chlorine contact tank mixing equipment, baffles, and structural support members,
- Double walled piping, fittings, and appurtenances for underground chemical feed piping.
- Field instrumentation including:
 - Total residual chlorine (TRC) monitoring equipment,
 - Pumps for sample delivery to TRC monitoring equipment,
 - Piping containment leak monitoring equipment,
 - Chemical feed flow monitoring equipment, (The need for and the value of providing chemical flow monitoring equipment will be considered during design. In lieu of flow monitoring instantaneous pump speed is directly proportional and linear to pump output. Further, shift readings taken for sodium hypochlorite tank levels provide accurate daily chemical consumption data.)
 - Level sensors in the carbon filter effluent wet wells.
- Control systems including:
 - Remote I/O cabinets, PLCs, HMIs, VFDs, and related components at the Odor Control Building and Chlorine Contact Tank.
 - Ethernet and fiber optic cable connections, and
 - Specifications for critical system construction including a sequence of operations will be developed for implementation by the system integrator utilized by Ferguson Electric.



Mr. Patrick Fama
January 29, 2019

Page 3

The design package will also include a project sequencing document that describes the order of performing the work as it relates to maintaining continuous operation of the WWTP throughout construction.

Task 2 – NYS EFC Reporting

AECOM will assist the NFWB with complying with the various New York State Environmental Facilities Corporation (NYSEFC) reporting requirements that are associated with construction projects funded by the NYSEFC through grants or loans. AECOM will do this for the design and engineering portion of the work, only (not to include monitoring Contractor compliance). AECOM will perform the following as a Contractor under contract to the NFWB:

- Carefully read and review the terms and conditions of the grant/funding contract signed and agreed to by the NFWB/NYSEFC for the projects undertaken.
- Obtain the latest NYSEFC forms for use in reporting.
- Prepare an M/W/SDVOB Utilization Plan.
- Prepare Waiver Plans (if necessary).
- Prepare Monthly M/W/SDVOB Contractor Compliance Reports.
- Submit relevant forms to the NFWB for submission to the NYSDEC and NYSEFC as appropriate.

Task 3 – Contractor Bid Phase Assistance

AECOM assumes that Mollenberg Betz and Ferguson Electric will be provided design documents and be asked to provide time and material cost quotes to perform the construction. The work will be awarded under the NFWB's IDIQ contracts. We assume as has occurred in other recent projects that Clark Patterson Lee (CPL) will take the lead in obtaining and reviewing contractor cost quotes. AECOM has included time in this task to answer contractor questions, provide interpretations, and/or provide additional information to the Contractors and/or to CPL. In addition AECOM will work with the WWTP maintenance staff to assist them with any issues that arise during equipment procurement.

Task 4 – Construction Phase Services

During construction AECOM will provide the following services to make sure that construction proceeds smoothly:

- Design interpretation,
- Response to contractor requests for information,
- Issuance of additional directives, design details, sketches, etc. as needed and/or requested by Contractors or in-house maintenance staff,
- Submittal review,
- Assistance with resolving any questions/disputes,



Mr. Patrick Fama
January 29, 2019

Page 4

- Part time construction inspection as needed to monitor the work, materials, or to assist in resolving issues that may arise during construction. AECOM has included 240 total hours of on-site inspection, amounting to part time inspection.
- Attend routine progress meetings,
- Assist CPL with payment application processing,
- Assist with project commissioning, start-up, and testing.

AECOM assumes that CPL will manage the following aspects of the IDIQ contractor management:

- Monitor compliance with non-technical contract requirements such as insurance, bonds, etc.,
- Monitor M/W/SDVBE compliance, etc., including:
 - Obtain all necessary NYSEFC forms to be included in the contract documents.
 - Review contractor prepared M/W/SDVOB Utilization Plan.
 - Review contractor prepared Waiver Plans (if any).
 - Review contractor prepared Monthly M/W/SDVOB Contractor Compliance Report
 - Submit relevant forms to the NFWB for submission to the NYSDEC and NYSEFC as appropriate.
- Provide resident inspection services beyond those included by AECOM,
- Payment application review and processing, and
- Conducting price and/or material negotiations.

Fees and Expenses

The time and materials not-to-exceed project budget is presented in the attached Table 2. A task by task breakdown of the project budget is provided. As always, with a time and materials not-to-exceed budget, if the hours are not used they will not be charged to the Water Board.

Assumptions

The following assumptions were made when constructing the project budget:

1. AECOM has included mileage costs in our other direct costs. Mileage will be billed at the current IRS rate plus 5%.
2. Subcontractors will be billed at cost plus 5%.
3. AECOM has included M/W/SDVBE services during the design, EFC reporting, and construction related tasks. Although not fully in compliance with the goals identified by the NFWB, we have done our best to include participation where it makes sense to do so. AECOM anticipates having to submit a request for a partial waiver for the M/W/SDVBE requirements.



Mr. Patrick Fama
January 29, 2019

Page 5

Work Schedule

The project will occur throughout 2019 and will generally meet the following milestones:

Mechanical Design Completion (AECOM)	March 30, 2019
Electrical Instrumentation and Control Design Completion (AECOM)	April 30, 2019
Mechanical Construction	
NFWB Maintenance	April 1, 2019 – August 31, 2019
Mollenberg Betz	April 1, 2019 – October 31, 2019
Electrical, Instrumentation and Control Construction (Ferguson Electric)	June 1, 2019 – October 31, 2019
System Startup (All)	November 1, 2019 – December 24, 2019

Thank you for the opportunity to submit this proposal. If you have any questions as you review this proposal please feel free to contact AECOM.

Sincerely,

AECOM USA, Inc.

John G. Goeddertz, Ph.D.
Project Manager

Thomas M. McPherson, P.E., VP
Project Principal

Attachments: Table 1 – Division of Work
Table 2 - Project Budget

Table 1
Effluent Disinfection Project - Division of Work

Item Number	Item Description	Mollenberg Betz	NFWB Maintenance	Ferguson Electric
1	Procure 2 pumps (with VFDs), PVC piping, piping appurtenances, and valves for all AG piping		X	
2	Pump, piping, appurtenance install work in Odor Control Bldg.		X	
3	Piping and appurtenance install through filter gallery, spent carbon storage, and pump gallery or influent channel.		X	
4	Core drilling for pipe penetrations	X		
5	Piping from pump gallery or influent channel into Sludge Bldg. to east wall of Sludge Bldg.		X	
6	Procure double walled pipe, manholes, etc.	X		
7	Install buried double walled pipe from Sludge Bldg. to CCT	X		
8	Procure and install buried double walled TRC sample lines in vicinity of CCT to CCT Bldg.	X		
9	Procure and install sample pumps to deliver sample from CCT to TRC analyzers in CCT Bldg. including structural supports. Connect to buried sample lines.	X		
10	Procure and mechanical install of CCT inlet end mixer	X		
11	Procure and perform mechanical installation of all field instruments	X		
12	Work in inlet end of CCT including pipe isolation, bypass pumping, concrete saw cutting, FRP structural work, mixer support, mixer install.	X		
13	Procure and install electrical power for pumps, mixer, I&C (MCC rework, disconnects, wire & conduit for 480V 3 phase, 208 3 phase, and 120 V power.)			X
14	Perform electrical installation of all field instruments			X
15	Procure, install, and perform system integration for all project I&C (cabinets, PLCs, I/O racks, power supplies, modems, fiber, programming, etc.)			X
16	System Startup	X	X	X

TABLE 2
Niagara Falls Water Board WWTP Upgrades
AECOM - Cost Proposal Summary Form
Project Number 6 (partial): Effluent Disinfection

Item	AECOM Labor Hours								AECOM Other Direct Costs (Vehicle Mileage, Printing, and Supplies)	Sub Contractors (M / W / SDVBE)	TOTAL (AECOM Labor + AECOM ODCs + Subcontractors)
	Project Principle/ Structural Engineer	Project Manager	Senior Project Engineer	Project Engineer	Jr. Project Engineer	CAD	Resident Inspector / Field Technician	Total			
Cost per Hour->	\$200	\$187	\$143	\$110	\$78	\$78	\$80				
Task 1 – Design Phase Services											
Project Kick Off Meeting	0	4	4	0	0	0	0	8	\$25	\$0	\$1,345
Design Report	0	20	24	0	24	40	0	108	\$25	\$0	\$12,189
Prepare Draft Plans and Equipment Lists	0	24	24	24	100	200	0	372	\$25	\$10,000	\$43,985
Prepare Cost Estimates	0	8	16	0	24	0	0	48	\$0	\$0	\$5,656
Prepare Final (100%) Plans and Equipment Lists	8	24	24	8	24	40	0	128	\$0	\$15,000	\$30,392
NFWB Review Meetings	0	8	8	0	0	0	0	16	\$0	\$0	\$2,640
NYSDEC Meeting	0	4	4	0	0	0	0	8	\$0	\$0	\$1,320
Subtotal Hours	8	92	104	32	172	280	0	688			
Subtotal Cost	\$1,600	\$17,204	\$14,872	\$3,520	\$13,416	\$21,840	\$0	\$72,452	\$75	\$25,000	\$97,527
Task 2 – EFC Reporting											
EFC Reporting	0	8	0	0	24	0	0	32	\$0	\$5,000	\$8,368
Subtotal Hours	0	8	0	0	24	0	0	32			
Subtotal Cost	\$0	\$1,496	\$0	\$0	\$1,872	\$0	\$0	\$3,368	\$0	\$5,000	\$8,368
Task 3 – Contractor Bid Phase Assistance											
Conduct Site Walk through with Contractors	0	6	6	0	0	0	0	12	\$25	\$0	\$2,005
Prepare and Issue Additional Information	0	8	24	0	0	0	0	32	\$25	\$2,000	\$6,953
Assist CPL with Cost Proposal Review	0	8	0	0	0	0	0	8	\$25	\$0	\$1,521
Subtotal Hours	0	22	30	0	0	0	0	52			
Subtotal Cost	\$0	\$4,114	\$4,290	\$0	\$0	\$0	\$0	\$8,404	\$75	\$2,000	\$10,479
Task 4 – Construction Phase Services											
Submittals	0	16	40	0	16	0	0	72	\$0	\$0	\$9,960
Progress Meetings	0	80	0	0	0	0	0	80	\$100	\$0	\$15,060
Engineering	0	24	40	40	0	40	0	144	\$0	\$0	\$17,728
Inspection	0	0	0	0	0	0	240	240	\$500	\$5,000	\$24,700
Provide Record Drawings (Paper and Electronic)	0	8	0	16	0	40	0	64	\$25	\$0	\$6,401
Subtotal Hours	0	128	80	56	16	80	240	600			
Subtotal Cost	\$0	\$23,936	\$11,440	\$6,160	\$1,248	\$6,240	\$19,200	\$68,224	\$625	\$5,000	\$73,849
TOTAL HOURS	8	250	214	88	212	360	240	1,372		290	1,662
TOTAL COST	\$1,600	\$46,750	\$30,602	\$9,680	\$16,536	\$28,080	\$19,200	\$152,448	\$775	\$37,000	\$190,223

KEY:	Category	Amount	%	Role
	SDVOB	\$5,000	3%	Construction Inspection
	WBE	\$5,000	3%	EFC Reporting
	MBE	\$27,000	14%	E&I Design
	TOTAL		19%	

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 9

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January 9, 2019

John T. Kolaga, Esq.
Rupp Baase Pfalzgraf
Cunningham, LLC
1600 Liberty Building
Buffalo, New York 14202

Dear Mr. Kolaga:

Niagara Falls Water Board Order on Consent R9-20170906-129 Schedule Items #6, 7, 9, and 10

This letter constitutes conditional approval by this Department of the Niagara Falls Water Board's submissions dated September 19, 2018 in response to Items 6, 7, 9, and 10 of Schedule A (revised November 20, 2018) to the December 19, 2017 Order on Consent (R9-20170906-129) between the Department and the NFWB. Items 6, 7, and 10 are addressed in the submission titled Work Plan: Wastewater Treatment Plant Chemical Feed Optimization Studies "Chemical Optimization Studies". Item 9 is addressed in the submission titled Evaluation of Improvements to the NFWB WWTP Effluent Disinfection Process "Disinfection Improvements". Both documents were prepared by AECOM. The conditions of approval for each document are summarized below.

Conditions of Approval for the Chemical Optimization Studies

1. The study shall evaluate chlorine dioxide as an oxidizer for addition to the carbon filter influent to reduce or prevent the formation of sulfides.
2. As required by the November 20, 2018 revision to schedule item 10, the study shall evaluate the effect of oxidizer on effluent disinfection and determine the most effective feed point for the oxidizer. The pertinent sections of the work plan are Sections 1.4 and 1.4.1.
3. The study shall include a qualitative evaluation of potential odor issues that may be associated with a switch from ferric chloride to an alternative coagulant. The pertinent sections of the workplan are 1.4.2 and 2.0.
4. The study shall include bacteria sampling of the carbon filter effluent (prior to the feed of sodium hypochlorite at this location). The pertinent table in the work plan is Table 3B. Six samples for bacteria shall be included for test 1 and six for test 2.



Department of
Environmental
Conservation

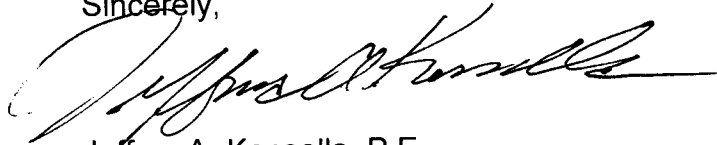
5. The "intermittent data review" specified in work plan Section 2.7 shall be conducted at least weekly (testing duration is 4 weeks).
6. The Chemical Optimization Studies shall be implemented in accordance with the 48-week schedule included in the work plan.

Conditions of Approval for the Disinfection Improvements

7. The project shall evaluate the use of baffles or a diffuser pipe from the bypass channel as an alternative to the proposed mechanical mixer to mix flow from the carbon filter effluent with flow from the bypass channel.
8. The Disinfection Improvements shall be implemented within the 50-week timeframe specified in the report. The report indicates implementation in two phases, however, subsequent to the report submission, AECOM has stated that the project may be completed in a single phase. Either approach is acceptable to the Department. However phased implementation may be advantageous in that it would allow the NFWB to consider the results of pre-chlorination and/or chlorine dioxide testing on the carbon filter influent before committing to a final design of the proposed disinfection facilities. Initial results from that testing should be available in May 2019. With a phased approach, phase 1 of the project would include new instrumentation and process control architecture integrated into the SCADA system to allow chemical feed based on flow and TRC analyzer output. Phase 2 would include final selection of new chemical feed locations and installation of the necessary pumps and pipelines.

If you have any questions regarding this approval, please contact Rob Locey at 851-7070.

Sincerely,



Jeffrey A. Konsella, P.E.
Regional Water Engineer

cc: Maureen Brady, Regional Attorney, NYSDEC
Chris LaLone, Regional Engineer, NYSDEC
Rob Locey, NYSDEC, Region 9
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Sean Costello, Esq., NFWB
John Goeddertz, Ph.D., AECOM