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**Regular Session of the  
Niagara Falls Water Board  
June 24, 2019 5:00 PM at  
Michael C. O’Laughlin Municipal Water Plant**

**1. Attendance and Preliminary Matters**

**Forster \_\_\_ Kimble \_\_\_ Larkin \_\_\_ Leffler \_\_\_ O’Callaghan \_\_\_**

**a. Letters and Communications**

**b. 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)**

**c. Approval of Minutes from May 20, 2019**

**2. From the Executive Director**

**3. Superintendent**

**4. Engineering**

**5. Director of Administrative Services – Personnel Items**

**a. Staff Requested:**

**i. Motion to Approve Personnel Actions and Report dated June 20, 2019.**

**6. Information Technology (IT)**

**7. Director of Financial Services – Financial Reports**

**8. Other Reports**

**a. Questions Regarding Monthly O&M Report (if any)**

**b. Safety**

**9. General Counsel and Secretary**

**10. From the Chairman**

**11. Resolutions**

**2019-06-001 -- APPLICATION FOR ENGINEERING PLANNING GRANT  
FOR LASALLE SEWER FLOW ENGINEERING ANALYSIS WORK**

- a. Short Form Environmental Assessment Form (“SEAF”)  
Part One
- b. SEAF Part Two

**2019-06-002 – 2019 MUNICIPAL COOPERATION AGREEMENT FOR  
SIDEWALK REPAIR**

- a. Proposed Inter-Municipal Agreement

**2019-06-003 – DECLARING SEVERAL VEHICLES SURPLUS AND  
DIRECTING SALE OF SURPLUS VEHICLES VIA AUCTION**

- a. Perry Auctions Information

**2019-06-004 – AUTHORIZING T-MOBILE LEASE AMENDMENT**

- a. Proposed Lease Amendment

**12. Unfinished Business**

**13. New Business & Additional Items for Discussion**

**14. Executive Session (if needed)**

**15. Adjournment of Meeting**



**Regular Session of the  
Niagara Falls Water Board  
May 20, 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.*

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

**a. Letters and Communications**

- b. 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)**

*Mark Fontanella, the acting fire chief for the City of Niagara Falls, stated that the NFWB has done an outstanding job with the hydrant program. Mr. Fontanella would like to see progress with the hydrant replacement program continue. The NFWB, in recent months, has been proactive versus reactive with the fire hydrants throughout the city. He explained that the NFFD is very appreciative of the ability to have a mapping system on the way to a fire, thanks to the technology provided by the NFWB. Mr. Fontanella also explained how the reduction in frozen fire hydrants throughout the city, due to the constant “change out” from the NFWB, has made the Fire Department’s job much easier in the winter months than it has been in the past.*

*Mr. O’Callaghan asked if the fire department have come across any problem areas.*

*Mr. Fontanella explained that a recent occasion where it was reported that there was a “bad” hydrant really occurred because the hydrant was painted shut. The tablet provided by the NFWB, equipped with the mapping system with hydrant flow information, has been extremely helpful with identifying low pressure areas throughout the city of Niagara Falls, and the Fire Department is able to make appropriate adjustments to their operations using that data.*

**c. Approval of Minutes from April 22, 2019**

*Motion by Ms. Kimble and seconded by Ms. Larkin to approve the April 22, 2019 meeting minutes.*

*Forster absent Kimble Y Larkin Y Leffler abstain O’Callaghan Y*

*Motion carried 3-0, 1 abstention*

## **2. From the Executive Director**

*Mr. Fama stated a kick-off meeting regarding the caulking project at the WTP has taken place.*

*A meeting with Arcadis took place on 5/20/19 regarding the LaSalle flow study.*

*Mr. O'Callaghan stated he would like a sign-in sheet to be completed at every meeting.*

## **3. Superintendent**

*Mr. Wright provided the board members with the 2010 hydrant study.*

*Mr. Wright requested board approval for overtime for 1-2 days a week and a few Saturdays a month in order to maintain the hydrant replacement program. A crew can replace about one hydrant per day.*

*The Board expressed support for the hydrant program. Mr. O'Callaghan would like Mr. Wright to ensure productivity without exhausting the crews. He would also like to ensure proper crew sizes per job, along with review of the weather prior to approving any overtime.*

## **4. Engineering**

### **a. Status of Revised Capital Improvement Plan**

*Mr. Williamson advised the Board that there were no changes to the CIP since the working session.*

### **b. Stormwater Annual Report**

*Advertised in the Niagara Gazette on 5/17/19; allowing for public comment. Once finalized, the report will be sent to the DEC.*

## **5. Director of Administrative Services – Personnel Items**

### **a. Human Resources Staff Coordinator Draft Position Description**

*Mr. Perry provided this report to the board members for their review. Also, a chart detailing job duties for personnel in the HR department was provided.*

**b. Staff Requested:**

**i. Motion to Approve Monthly Personnel Actions and Report**

*Personnel Action Line Item No. 1.1, to hire Instrument Tech - Motion by Ms. Leffler and seconded by Ms. Leffler to approve*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

*Personnel Action Line Item No. 1.2, to hire CDT-Trainee - Motion by Ms. Kimble and seconded by Ms. Larkin to approve*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

*Personnel Action Line Item No. 1.3, to hire Administrative Staffperson - Motion by Ms. Kimble and seconded by Ms. Larkin to approve*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_N\_\_ Leffler \_\_N\_\_ O'Callaghan \_\_N\_\_*

*Motion failed 1-3*

**6. Information Technology (IT)**

*There was nothing new to discuss at this time.*

**7. Director of Financial Services – Financial Reports**

**a. Bonding**

*Ms. Walker provided the board with a copy of the rate consultant presentation from Dresher & Malecki from 2018 to show projections for 2019.*

*Scheduled meeting on 5/23/19 Bank on Buffalo to discuss e-checks.*

*Ms. Leffler states she would like to have a brief finance committee meeting prior to the June work session to discuss year-to-date expenditures.*

**8. Other Reports**

**a. Questions Regarding Monthly O&M Report (if any)**

**b. Safety**

*Ms. Senia reports a minor rear-end accident.*

## 9. General Counsel and Secretary

*Mr. Costello advised the Board that two new litigation matters have been filed against the Water Board, by Marlene Jones and Curtis Pugh, and requested to discuss details regarding pending litigation during executive session.*

*The Board was asked its position regarding use of the Water Board's logo by employees participating in a hockey team outside of work and which is not supported or endorsed by the Water Board. The Board did not want to authorize such a use of the logo out of concern that the team would be perceived to be supported by the Water Board or a work function.*

## 10. From the Chairman

*There was nothing new to discuss at this time.*

## 11. Resolutions

### **2019-05-001 – FUNDS FOR AECOM TO COMPLETE BIOLOGICAL TREATABILITY TESTING AND CHEMICAL OPTIMIZATION STUDIES**

#### **a) AECOM April 12, 2019 Proposal**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

### **2019-05-002 – DECLARING 2005 CHEVROLET BLAZER SURPLUS AND DIRECTING SALE**

#### **a) Vehicle Market Value Indicators**

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

*Forster \_\_absent\_\_ Kimble \_\_N\_\_ Larkin \_\_N\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion was not carried 2-2*

### **2019-05-003 – DECLARING TWO TRAILERS SURPLUS PROPERTY**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-004 – EMERGENCY ELECTRICAL INVESTIGATION  
AND TESTING AT WASTEWATER TREATMENT PLANT**

**a) Ferguson May 1, 2019 Proposal No. PL19991**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-005 – INSTALLATION OF TWO 15kV VACUUM  
INTERRUPTER STYLE FEEDER BREAKERS AT WASTEWATER  
TREATMENT PLANT SUBSTATION**

**a) Ferguson April 24, 2019 Proposal No. PL19974**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-006 – COMMITMENT TO FUND WATER BOARD SHARE OF  
COST FOR WASTEWATER TREATMENT PLANT PROTECTIVE  
MEASURES PROJECT**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-007 – AUTHORIZING PROFESSIONAL SERVICES  
AGREEMENT FOR SCADA DESIGN, DEVELOPMENT, AND  
PROGRAMMING AT WASTEWATER TREATMENT PLANT  
(PROJECT NO. 10)**

**a) Kaman Proposal dated May 8, 2019**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*



**2019-05-008 – AUTHORIZING INTER-MUNICIPAL AGREEMENT –  
COST SHARING FOR 102nd STREET METER PIT  
REHABILITATION PROJECT**

**a) Draft Inter-Municipal Agreement**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-009 – DECLARING 2013 FORD F150 SURPLUS AND  
DIRECTING SALE**

*Mr. Costello suggested that inasmuch as Resolution 2019-05-009 relative to the sale of the 2005 Chevrolet Blazer to City Engineering failed, that this Resolution be amended to add that vehicle so that it is declared surplus and can be sold at auction.*

*Motion by Ms. Larkin and seconded by Ms. Leffler to amend the resolution to add that it declares as surplus and directs the sale through auction of the 2005 Chevrolet Blazer.*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

*Motion by Ms. Kimble and seconded by Ms. Larkin to approve the Resolution as amended*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-010 – ADOPTING FIVE YEAR CAPITAL PLAN**

**a) CIP Plan Updated May 7, 2019**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**2019-05-011 – REQUESTING THE ISSUANCE BY THE  
NIAGARA FALLS PUBLIC WATER AUTHORITY OF BONDS TO  
FINANCE CAPITAL IMPROVEMENTS**

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion carried 4-0*

**Walk-on Resolution**

**2019-05-012 – AWARDING BID FOR LIFT STATION EMERGENCY  
GENERATORS AND APPROVING WORK AT 56<sup>TH</sup> STREET WATER TANK  
SITE CONTINGENT UPON GENERATOR INSTALLATION BY T-MOBILE**

*Motion by Ms. Kimble and seconded by Ms. Larkin to walk on Resolution 2019-05-012*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion was carried 4-0*

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

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion was carried 4-0*

**12. Unfinished Business**

*No unfinished business to discuss at this time.*

**13. New Business & Additional Items for Discussion**

*No new business and/or additional items to discuss at this time.*

**14. Executive Session (if needed)**

*Motion by Ms. Kimble and seconded by Ms. Larkin to enter into executive session to  
discuss a matter related to the collective bargaining and to discuss pending litigation  
with General Counsel at 6:17 p.m.*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion was carried 4-0*

*Motion by Ms. Larkin and seconded by Ms. Leffler exit executive session*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion was carried 4-0*

#### **15. Adjournment of Meeting**

*Motion by Ms. Kimble and seconded by Ms. Larkin to adjourn at 7:00 p.m.*

*Forster \_\_absent\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_*

*Motion was carried 4-0*

Niagara Falls Water Board

Personnel Actions and Report

Thursday, June 20, 2019

Recommended Moves by the Director of Administrative Services
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I. PERSONNEL ACTIONS RECOMMEND TO HIRE				
Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION

II. RECOMMENDED PROMOTION / MOVE / APPOINTMENT				
Line Item Number	Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION

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

V. OTHER ACTIVITY OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION				

VI. PERSONNEL ON LONG TERM LOA				
Name	Last Day Worked	Dept	Return Status	Comments
Lou Fratello	2/5/2019	Outside Water	TBD	Worker's Comp - fs
Tim Gratto	4/16/2019	Outside Water	TBD	Worker's Comp - fs
Vince Virtuoso	5/30/2019	Meter Maint	Estimated July 1, 2019	Worker's Comp - fs

*NIAGARA FALLS WATER BOARD RESOLUTION # 2019-06-001*

**APPLICATION FOR ENGINEERING PLANNING GRANT  
FOR LASALLE SEWER FLOW ENGINEERING ANALYSIS WORK**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) pursuant to NYS Department of Environmental Conservation (“NYSDEC”) Order on Consent R9-20080528-32 requires evaluations of the effectiveness of required sewer rehabilitation in the LaSalle area every five years, which involves flow metering and engineering analysis; and

**WHEREAS**, the Water Board by Resolution 2019-03-001 authorized an agreement with TECHSMITH, Inc., to perform the required flow-metering services; and

**WHEREAS**, the Water Board by Resolution 2019-03-009 authorized Arcadis of New York, Inc., to perform the engineering, evaluation, and reporting for the required flow metering that meets NYSDEC’s approval for a total cost not to exceed \$68,300; and

**WHEREAS**, State Environmental Quality Review (“SEQR”) regulations at 6 NYCRR Part 617.5(c)(24), include among the list of Type II actions which have been found categorically to not have significant adverse impacts on the environment or actions that have been statutorily exempted from SEQR review and that do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement “. . . information collection, including basic data collection and research; water quality and pollution studies, traffic counts, engineering studies; surveys; subsurface investigations; and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;” and

**WHEREAS**, the flow-meter data collection and engineering study described above therefore are a Type II action pursuant to 6 NYCRR Part 617.5(c)(24); and

**WHEREAS**, the Water Board desires to seek grant funding to offset the cost of the flow-meter data collection and engineering study described above by applying for an Engineering Planning Grant;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby classifies the flow-meter data collection and engineering study to evaluate the effectiveness of required sewer rehabilitation in the LaSalle area pursuant to Order on Consent R9-20080528-32 to be a Type II action; and

**IT IS FURTHER RESOLVED**, that the Water Board has authorized and obligated its funds to pay for the flow-meter data collection and engineering study and will pay the total amount required to complete that work; and

**IT IS FURTHER RESOLVED**, that the Water Board hereby authorizes and designates Clark Patterson Lee, engineers, as its Authorized Representative for the purpose of applying for an Engineering Planning Grant; and

\* CONTINUED ON NEXT PAGE \*

**IT IS FURTHER RESOLVED**, that the Executive Director is authorized to execute any documents necessary or convenient to apply for or to accept an Engineering Planning Grant for the flow-meter data collection and engineering study described herein.

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

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
Not applicable.

On June 24, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### **Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>
			<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>
			<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<b>NO</b>	<b>YES</b>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<b>NO</b>	<b>YES</b>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

Project:

Date:

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

### ***Short Environmental Assessment Form***

#### ***Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

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Name of Lead Agency

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Date

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Print or Type Name of Responsible Officer in Lead Agency

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Title of Responsible Officer

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Signature of Responsible Officer in Lead Agency

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Signature of Preparer (if different from Responsible Officer)

NIAGARA FALLS WATER BOARD RESOLUTION # 2019-06-002

**2019 MUNICIPAL COOPERATION AGREEMENT FOR SIDEWALK REPAIR**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) and the City of Niagara Falls (“City”) have for several years cooperated and coordinated with respect to repairs of pavement, curbing, and sidewalks that are damaged due to excavation work performed in connection with water and sewer main repairs or work on hydrants; and

**WHEREAS**, the City’s Engineering Department has produced a shared bid for the repair or replacement of such damaged pavement, curbing, and sidewalks; and

**WHEREAS**, the City and Water Board mutually desire to continue to cooperate on this issue and to enter into an inter-municipal cooperation/reimbursement agreement; and

**WHEREAS**, the Water Board is asked to increase its appropriation for sidewalk repair from \$20,000 to \$30,000 inasmuch as the Water Board has in recent years substantially increased its repair/replacement work that necessitates sidewalk repairs;

**NOW THEREFORE BE IT**

**RESOLVED**, that that on behalf of the Niagara Falls Water Board, its Executive Director shall execute the inter-municipal agreement with the City of Niagara Falls for 2019 sidewalk repair, providing that the total 2019 cost to the Water Board for work performed pursuant to the agreement shall not exceed the sum of \$30,000.

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

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
50% Water construction FA.8340.0200.0419.006  
50% Sewer construction GA.8120.4900.0419.006

On June 24, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board

**MUNICIPAL COOPERATION AGREEMENT  
SIDEWALK REPAIR - 2019**

This Agreement made this 30th day of May, 2019, is between the CITY OF NIAGARA FALLS, a municipal corporation of the State of New York, with offices at 745 Main Street, Niagara Falls, New York (hereinafter referred to as "CITY") and the NIAGARA FALLS WATER BOARD with offices at 5815 Buffalo Avenue, Niagara Falls, New York (hereinafter referred to as "NFWB").

**WHEREAS**, during the course of performing water main and sewer line repairs, pavement, curbing and sidewalks become damaged due to excavation work; and

**WHEREAS**, on an annual basis the City of Niagara Falls Engineering Department produces a shared bid for the repair and/or replacement of said pavement, curbing and sidewalks; and

**WHEREAS**, bids have been obtained and a contract awarded on May 29, 2019 by the City of Niagara Falls to Valeri Concrete Construction, Inc. for performing this repair work in 2019; and

**WHEREAS**, a copy of the approval by the Niagara Falls City Council is attached hereto; and

**WHEREAS**, funds are budgeted for this work in the 2019 Operation & Maintenance Budget; and

**WHEREAS**, the CITY desires to cooperate with the NFWB by coordinating the requests for bids for sidewalk repairs; and

**WHEREAS**, the NFWB desires to enter into an inter-municipal cooperation/reimbursement Agreement with the CITY for 2019 Sidewalk Replacements at a total cost not to exceed \$30,000.00 (the "Agreement").

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth in this Agreement, CITY and NFWB hereby agree as follows:

1. **TERM.** The term of this Agreement shall commence on May 30, 2019, and shall terminate on December 31, 2019.
2. **PAYMENT.** The NFWB shall reimburse the CITY for the total cost to the repair and/or replacement of pavement, curbing and sidewalks that are ordered/directed to be done by the contractor on behalf of the NFWB for a total cost for all work ordered by the NFWB not to exceed the sum of \$30,000.

3. **COST OVER-RUNS.** The parties agree that no additional monies shall be due from either party without mutual consent.
4. **EXECUTION.** That the CITY and NFWB agree to execute all necessary Agreements, certifications or reimbursement requests for said Agreement.
5. **AMENDMENTS.** Any amendment must be done by mutual consent of both parties.
6. **PAYMENT PROCESS.** The CITY shall issue invoices monthly accompanied by such receipts and documents verifying expenditures made to the contractor. The NFWB shall reimburse the CITY one hundred percent (100%) of each invoice within 30 days of receipt of each invoice.
7. **RECORD.** The CITY shall keep accurate and separate books and records of all receipts and disbursements of all funds attributed to this Agreement and shall produce such records for examination at such reasonable time as shall be deemed necessary by the NFWB or the State Comptroller. Records must be maintained so that they can be provided for examination at any time during the contract with the contractor and for a period of six years following its completion.
8. **INDEMNIFICATION.** To the extent permitted by law, the CITY and NFWB agree to indemnify, save and hold harmless each other, their agents and employees from any and all claims, demands, actions, or causes of action arising out of the performance or non-performance of the work and services provided for in this Agreement, and further agrees to defend at its own cost and expense any action or proceeding commenced for the purpose of asserting any claim arising out of this Agreement.
9. **NON-DISCRIMINATION.** The CITY and NFWB shall not limit access or discriminate in the operation of the facilities against any person on the basis of place of residence, race, creed, color, national origin, sex, age, disability or marital status.
10. **APPROVALS.** This Agreement shall not take effect until it is approved by the CITY COUNCIL of the CITY of Niagara Falls and the NIAGARA FALLS WATER BOARD.

**IN WITNESS WHEREOF,** the NFWB and the CITY have executed this Agreement on the day and year indicated.

Date:

**THE CITY OF NIAGARA FALLS**

By: \_\_\_\_\_

Paul A. Dyster, Mayor

**ATTEST:**



Date:

**NIAGARA FALLS WATER BOARD**

By: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Counsel for the Niagara Falls Water Board

6  
CITY OF NIAGARA FALLS  
NEW YORK

May 23, 2019

TO: City Council  
FROM: Mayor Paul A. Dyster  
SUBJECT: LETTER OF AWARD – 2019 SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS

The following is the result of bids received on May 22, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc. 6297 Wendt Drive Niagara Falls NY 14304	\$260,000.00
Henwood Construction	\$314,407.00
Mark Cerrone Inc.	\$590,000.00

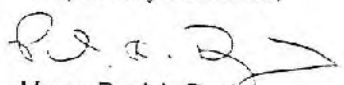
It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc.

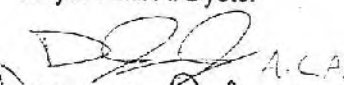
Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0319, which represents CHIPS funding to be received for 2019 projects.

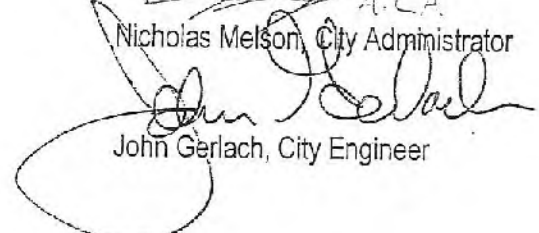
Additionally, the Contractor has agreed to extend the unit prices of his bid to both utilize the maximum CHIPS funding available for sidewalks (\$300,000.00) and complete sidewalk replacements for the Niagara Falls Water Board, in an amount not-to-exceed \$30,000.00, pending the execution of a standard Inter-Agency Agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Valeri Concrete Construction, Inc. for a total of \$330,000.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City of Niagara Falls, in a form acceptable to the Corporation Counsel?

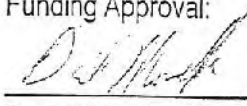
Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas Melson, City Administrator

  
John Gerlach, City Engineer

Funding Approval:

  
Daniel Morello, City Controller  
Council Meeting: May 29, 2019



*NIAGARA FALLS WATER BOARD RESOLUTION # 2019-06-003*

**DECLARING SEVERAL VEHICLES SURPLUS AND  
DIRECTING SALE OF SURPLUS VEHICLES VIA AUCTION**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) has the following vehicles that are no longer necessary or economical to maintain as part of the Water Board fleet due to their age and repair costs:

1. 2007 Chevrolet Flatbed Truck VIN 1GBC4C1G87F416744;
2. 2002 Ford F250 VIN 1FTNF21L52EC96387;
3. 2006 Chevrolet Van VIN 1GCGG25V96109055;
4. 2006 Chevrolet Van VIN 1GCGG25V861208947; and

**WHEREAS**, the Water Board pursuant to Resolution 2019-05-009, as amended, previously authorized the disposal of a 2013 Ford F150, VIN 1FTPF1EF8DKE83926 and a 2005 Chevrolet Blazer, VIN 1GNDDT13X35K106601;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby declares the following to be surplus property to be disposed of through sale:

1. 2007 Chevrolet Flatbed Truck VIN 1GBC4C1G87F416744;
2. 2002 Ford F250 VIN 1FTNF21L52EC96387;
3. 2006 Chevrolet Van VIN 1GCGG25V96109055;
4. 2006 Chevrolet Van VIN 1GCGG25V861208947; and

\* CONTINUED ON NEXT PAGE \*

**AND IT IS FURTHER RESOLVED**, that the Superintendent shall arrange to sell these vehicles and the vehicles that were the subject of Resolution 2019-05-009, as amended, via auction, with all funds received to be turned over to the Director of Financial Services for deposit as revenues into the Local Water Fund.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Superintendent

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
Not applicable.

On June 24, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



June 10, 2019

Bill Wright, Superintendent  
Michael C. O'Laughlin  
Municipal Water Place  
5815 Buffalo Ave  
Niagara Falls, NY 14304

Dear Bill Wright

Perry Auctions / Buffalo Auto Auction, welcomes the opportunity for being considered as the auction company for Niagara Falls Water Board.

Upon choosing Perry Auctions / Buffalo Auto Auction, you can be assured that our experience, familiarity with our clients' needs, and our long term working relationship with both buyers and sellers will have the greatest benefit to you that no other auction and appraisal firm can provide.

Our firm stands ready to offer the highest level of professionalism, an experienced, full-time staff, latest state of the art technology and all the necessary equipment needed to perform at the highest level.

Perry Auctions / Buffalo Auto Auction is confident that given the opportunity to serve, we can continue to fulfill your goals, and provide professional, efficient and reliable auction and appraisal services. We look forward to working with you, Perry Auctions / Buffalo Auto Auction is ready and eager to provide our services for the Niagara Falls Water Board.

Sincerely,

Scott B. Perry, President

5300 Lockport Road  
Lockport, NY 14094  
716-283-7653

[www.PerryAuctions.com](http://www.PerryAuctions.com) / [www.BuffaloAutoAuction.com](http://www.BuffaloAutoAuction.com)



To maximum the greatest revenue for Niagara Falls Water Board, Perry Auctions / Buffalo Auto Auction proposes Niagara Falls Water Board's items should be placed in our National Fuel Gas Auction. Our next National Fuel Gas Auction will be held on July 11<sup>th</sup>, 2019. This auction will be held at our facility, located at 5300 Lockport Road, Lockport, NY 14094.

The cost to have vehicles sold at this particular auction, is a flat \$175.00 sell fee. This price includes, local pickup transportation, a light interior cleaning as well as a light exterior cleaning of each unit being sold. If a unit needs to be de-identified it will be an additional \$100 fee for each unit. To sell the vehicles at auction, they must come with all necessary paperwork for the customer to register the appropriate unit. These units being sold, will ideally arrive at our facility 2 weeks in advance, to begin the marketing process, to receive the greatest revenue for Niagara Falls Water Board. Please note when selling units as our auction, all items are sold as is, where is.

Once all paperwork is received, settlement will be available immediately.

5300 Lockport Road  
Lockport, NY 14094  
716-283-7653

[www.PerryAuctions.com](http://www.PerryAuctions.com) / [www.BuffaloAutoAuction.com](http://www.BuffaloAutoAuction.com)

*NIAGARA FALLS WATER BOARD RESOLUTION # 2019-06-004*

**AUTHORIZING T-MOBILE LEASE AMENDMENT**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) leases certain space to T-Mobile at its 56th Street Water Tank site; and

**WHEREAS**, both the Water Board and T-Mobile desire to install a natural gas generator to provide emergency backup power to their facilities at that site; and

**WHEREAS**, in exchange for a lease amendment providing the necessary space for T-Mobile to install the generator, T-Mobile has agreed to purchase and install a natural gas generator at the site large enough to provide the required power for its facilities as well as the Water Board’s facilities; and

**WHEREAS**, T-Mobile has agreed that it will be responsible to pay all costs of maintaining the generator and all associated fuel costs; and

**WHEREAS**, the Water Board will be responsible for hooking the generator up to its facilities, including for the installation of the required automatic transfer switch; and

**WHEREAS**, this arrangement provides significant cost savings to the Water Board over the cost associated with purchasing, installing, and maintaining its own generator;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized to execute the attached First Amendment to Standard Lease Agreement with T-Mobile Northeast LLC.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
General Counsel

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

Not applicable.

On June 24, 2019, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board

## **FIRST AMENDMENT TO STANDARD LEASE AGREEMENT**

This First Amendment to Standard Lease Agreement ("First Amendment") is made by and between Niagara Falls Water Board ("Lessor") and T-Mobile Northeast LLC, a Delaware limited liability company ("Lessee").

WHEREAS, Lessor and Lessee entered into that certain Standard Lease Agreement dated December 7, 2001, (the "Agreement"), whereby Lessor leased to Lessee certain portions of the Property located at 440 56<sup>th</sup> Street Niagara Falls, NY 14304 (the "Property"); and,

**WHEREAS**, Lessor and Lessee desire to amend the Agreement as follows; adding an additional 5 x 10 (50 square feet) of lease area, non-contiguous to Lessee's current lease area, for a Lessee owned generator.

**WHEREAS**, Lessor and Lessee hereby affirm that, as of the date hereof: (i) no breach or default by Lessor or Lessee occurred; and (ii) the Lease, and all the terms, covenants, conditions, provisions and agreements thereof, except as expressly modified by this First Amendment are in full force and effect, with no defenses or offsets thereto; and

**NOW THEREFORE**, in consideration of the mutual covenants contained in the Agreement and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Lessor and Lessee hereby agree as follows:

1. **Equipment Modification:** Lessee will purchase and install a 50 KW natural gas generator along with concrete pad and breakers and allow Lessor use of generator for backup power. Lessor will be responsible for the purchase and installation of their own ATS and any electrical work required by the Lessor's equipment. Lessee will provide service and maintenance for generator; however, Lessee will not be responsible for any loss of power attributable to generator. The natural gas generator installed pursuant to this lease amendment, or any replacement generator, shall become the property of the Lessor at the termination of the lease and any renewal lease, unless Lessor gives notice to Lessee to remove the generator prior to or within 60 days or the lease termination.
2. Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Third Amendment.
3. This First Amendment will be binding on and inure to the benefit of the parties herein, their heirs, executors, administrators, successors-in-interest and assigns.
4. Lessor represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this First Amendment.
5. Except as specifically amended herein, the remaining terms of the Agreement shall remain in full force and effect. To the extent any provision contained in this First Amendment conflicts with the terms of the Lease, the terms and provisions of this First Amendment shall prevail. All

capitalized terms shall have the meaning ascribed to them in the Agreement unless otherwise defined in this First Amendment.

6. This First Amendment may be executed in duplicate counterparts, each of which will be deemed an original.

**IN WITNESS WHEREOF**, the parties have executed this First Amendment on the day and year last written below.

**LESSOR**

Niagara Falls Water Board

**LESSEE**

T-Mobile Northeast LLC, a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_