



**Regular Session of the  
Niagara Falls Water Board  
December 16, 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 P Kimble P Larkin P Leffler P O’Callaghan P

**a. Letters and Communications**

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

**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)**

*Mayor Elect Robert Restaino addressed the Board. He is working on plans for the City to collaborate with other agencies located in the City for the mutual benefit of taxpayers and ratepayers. While recognizing that the Water Board is an independent entity, he would like the opportunity to develop plans for efficiencies by working together. To that end, he would like the opportunity to meet with Executive Director Fama and the new City administration to explore opportunities for economies that would benefit both entities. He asks that our entities have a conversation about how they can help one another before the Water Board makes any personnel changes, as increasing the opportunities to work together would benefit both entities.*

**c. Presentations (None scheduled)**

*There were no presentations at this time.*

**d. Approval of Minutes from November 25, 2019 Meeting**

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

Forster Y Kimble Y Larkin Y Leffler Y O’Callaghan Y

*Motion carried 5-0.*

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

*Mr. Fama updated the board regarding the NFWB's meeting with the DEC to discuss on-going projects at the WWTP. Updates to the DEC regarding the construction projects at the WWTP now will be incorporated into the quarterly reports. Robert Dunn, Chief Operator at the WWTP, will be scheduling his Grade 4 licensing exam after the holiday.*

## **3. Superintendent**

*Three potential bidders were present for the walk through on the Bollier Ave. water main replacement project; bids will be opened for award in January.*

## **4. Engineering**

*Mr. Williamson noted that the LaSalle Sanitary Sewer System Management Plan Year 12 Progress Evaluation draft report has been submitted to DEC and a meeting to discuss the draft report will be scheduled at the DEC's convenience.*

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

### **a. Staff Requested:**

#### **i. Motion to Approve Personnel Actions and Report dated December 9, 2019.**

*Mr. Forster states that after hearing the Mayor Elects, Robert Restaino's recommendations regarding personnel matters, he believes moving forward with any hiring or promotions is pre-mature.*

*Ms. Larkin stated that whatever may be discussed in the future, the Water Board needs to take care of the business before it now.*

*Ms. Kimble states there are still on-going issues with Civil Service. Ms. Kimble would like to know if the "illegal appointment" has been addressed with Civil Service, as the employee may not be entitled to retirement system credit and the issue is impacting Civil Service certification of the Water Board's payroll.*

*Mr. Perry states that the appointment was described as "illegal" because it was made without a Civil Service approved job description in place. The job description for the Jr. Human Resources Specialist will be tendered to Civil Service on Thursday, and he will update the board on the status of this submission at next month's meeting.*

*Mr. O’Callaghan asked if the proposed Human Resources Specialist is a Union job for which the individual will have to meet specific qualifications. Mr. Perry answered yes.*

*Motion by Ms. Leffler and seconded by Ms. Larkin to approve the Personnel Actions and Report dated December 9, 2019.*

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

*Motion carried 3-2.*

## **6. Information Technology (IT)**

*Mr. Fama explained that our IT staff and electricians have upgraded the cable at the WWTP. A six-figure verbal quote for a contractor to perform that work was based on the cost to perform that work on an expedited, 24/7, schedule, so there is not a direct comparison between that verbal quote and the work as performed. The new cable has increased speeds at the WWTP. Moving forward, the roll-out process for the new phone system, firewall upgrade, and VMware has begun.*

## **7. Director of Financial Services**

*Ms. Walker distributed to the Board a summary of GHD invoices showing what is outstanding. She explained that prior to 2017, there were about 50 capital account requisitions per year; now there are about three times as many. Invoice handling has improved with a chain of custody procedure. Three persons in the financial department review the requisitions to verify they are correct.*

*Mr. O’Callaghan requested to see the chain of custody document for invoices. He also requested a column be added to the capital invoice spreadsheet showing when the invoices are paid.*

*Ms. Walker noted that the chain-of-custody procedure does not involve single document but is a procedure involving emails and spreadsheets, and will provide an example.*

*Ms. Walker also addressed a question regarding monthly returns on investments. Because of a decline in interest rates, the Water Board’s investments in short-term fixed-income products are being reinvested with lower yields, resulting in lower monthly returns.*

*Mr. Ocallaghan questioned the budget for undesignated services, noting that \$989,000 is budgeted but this includes the \$700,000 PILOT payment to the City. The remainder does not appear sufficient to pay for ongoing engineering services. Ms. Walker explained that she believed hiring an additional engineering employee would reduce the cost for outside engineering services, and suggested a Finance Committee meeting to discuss budget issues.*

## 8. Other Reports

### a. Questions Regarding Monthly O&M Reports (if any)

*Mr. Fama has informed his staff of the need for timely and appropriate updates to monthly O&M reports.*

### b. Safety

*Ms. Senia states there were no recordable injuries to report at this time, though an individual did suffer from a minor soft tissue injury on his shoulder. Another individual who reported a man hold cover slammed down on his finger.*

*Mr. O'Callaghan asked who is responsible for safety on a job site involving excavation. Mr. Wright responded that this is the responsibility of the Crew Leader.*

## 9. General Counsel and Secretary

*Mr. Costello advised the Board that he had an attorney-client privileged communication to deliver during executive session.*

## 10. From the Chairman

## 11. Resolutions

2019-12-001 – [Withdrawn]

2019-12-002 – 2020 MEETINGS

### a. Schedule of Meeting Dates

*Motion to amend the 2020 meeting schedule to combine the January 2020 work session and board meeting on January 27, 2020.*

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

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

*Motion carried 5-0*

*Motion to approve Resolution 2019-12-002 as amended by Ms. Kimble and seconded by Ms. Leffler*

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

*Motion carried 5-0*

**2019-12-003 – FUNDS FOR MOLLENBERG-BETZ TO COMPLETE PROJECT 6 MECHANICAL WORK, INCLUDING TO FURNISH AND INSTALL CERTAIN PUMPS, SENSORS, AND MIXERS**

**a. Mollenberg-Betz November 20, 2019 Proposal**

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

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

*Motion carried 5-0*

**2019-12-004 – FUNDS FOR FERGUSON ELECTRIC TO COMPLETE PROJECT 6 DEMOLITION, TEMPORARY WIRING, AND UNDERGROUND DUCT BANK WORK**

**a. Ferguson October 8, 2019 Quote**

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

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

*Motion carried 5-0*

**2019-12-005 – AWARDED BID FOR ANNUAL ELECTRICAL PREVENTATIVE MAINTENANCE**

**a. Bid Tally**

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

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

*Motion carried 5-0*

**2019-12-006 – AUTHORIZING GHD CONSTRUCTION PHASE SERVICES FOR PROJECT 2: GORGE PUMPING STATION REHABILITATION AND OUTFALL 003 REDIRECTION**

**a. GHD's October 4, 2019 Proposal**

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

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

*Motion carried 5-0*

**2019-12-007 – AWARDED BID FOR MONTHLY MAINTENANCE OF ELEVATORS**

**a. Bid Tally and Award Recommendation Letter**

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

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

*Motion carried 5-0*

**2019-12-008 – AUTHORIZING PRO RATA SETTLEMENT OF CLAIM FOR HYDRANT DAMAGE**

**a. Pro Rata Settlement Proposal**

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

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

*Motion carried 5-0*

**2019-12-009 – AUTHORIZING SETTLEMENT OF CLAIM BY HEATHER DOBSON**

**a. Notice of Claim**

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

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

*Motion carried 5-0*

**2019-12-010 – EXERCISING THIRD YEAR OPTION FOR EFPR GROUP LLP TO PERFORM ANNUAL EXTERNAL AUDIT FOR YEAR ENDING DECEMBER 31, 2019**

**a. EFPR Annual Audit Proposal**

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

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

*Motion carried 5-0*

**2019-12-011 – 2020 CLARK PATTERSON LEE PROFESSIONAL SERVICES EXTENSION**

**a. CPL Proposal**

*Ms. Larkin is interested in exploring other options for grant writing and asked if the agreement is extended, must the Water Board use CPL for the services described in the agreement. Mr. Costello responded that the Board is not obligated to use CPL; the agreement extension will allow the NFWB to keep paying for those CPL services that CPL is asked to perform. Individual projects or tasks could be subject to RFPs. Ms. Larkin advised that she would vote yes knowing that the NFWB can go to RFP for tasks if desired.*

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

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

*Motion carried 5-0*

**2019-12-012 – EXTENSION OF BID FOR PICKUP, HAULING, AND DISPOSAL OF ALUMINUM-BASED RESIDUALS FROM WATER TREATMENT PLANT**

**a. Modern Disposal Offer of Extension**

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

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

*Motion carried 5-0*

**2019-12-013 – COMPENSATION FOR SAFETY SPECIALIST**

*[Note: The Board agreed to postpone its vote on this resolution until after executive session. The votes for this resolution took place after executive session and are recorded here for clarity.]*

*Motion by Ms. Larkin and seconded by Ms. Leffler to amend the resolution to provide that Ms. Senia’s annual salary will be increased to \$72,958.80*

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

*Motion carried 3-2*

*Motion by Ms. Larkin and seconded by Ms. Leffler to approve Resolution 2019-12-013 as amended*

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

*Motion carried 3-2*

**2019-12-014 – EMPLOYMENT CONTRACT WITH BRIAN MAJCHROWICZ**

**a. Employment Agreement**

*[Note: The Board agreed to postpone its vote on this resolution until after executive session. The vote for this resolution took place after executive session and is recorded here for clarity.]*

*Ms. Kimble stated that she thinks the 10% increase in salary as provided in the new contract is too large of an increase.*

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

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

*Motion carried 3-2*

**2019-12-015 – CHANGE ORDER FOR WATER TREATMENT PLANT CAULKING CONTRACT**

**a. Change Order**

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

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

*Motion carried 5-0*

**2019-12-016 – AUTHORIZING SETTLEMENT OF CLAIM BY RIVERSIDE CONDO. ASSN.**

**a. Notice of Claim**

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

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

*Motion carried 5-0*

**2019-12-017 – GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM AN ADJUSTMENT OF NIAGARA FALLS WATER BOARD FACILITIES AND AGREEMENT TO MAINTAIN FACILITIES ADJUSTED VIA THE STATE-LET CONTRACT, PROJECT IDENTIFICATION NO. 5813.59**

**a. DOT Cover Letter and Agreement Regarding Military Rd. Manhole Elevations**

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

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

*Motion carried 5-0*

**12. Unfinished Business**

*Mr. O’Callaghan requested that General Counsel, Mr. Costello, forward to the Board information regarding the NFWB’s policy regarding personal use of NFWB-issued cell phones. Mr. Costello also was requested to forward to the Board a copy of the Capital Asset Policy.*

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

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

*Motion by Ms. Larkin and seconded by Ms. Leffler to enter into Executive Session for the purpose of discussing matters related to the employment of two particular persons and to receive an attorney-client privileged communication at 6:35 p.m.*

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

*Motion carried 5-0*

*Motion to exit Executive Session at 7:46 p.m.*

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

*Motion carried 5-0*

*[Whereupon the Board voted upon Resolutions 2019-12-013 and 2019-12-014 as noted above.]*



**15. Adjournment of Meeting**

*Motion to adjourn at 7:50 p.m. by Ms. Kimble and seconded by Ms. Larkin  
Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_ O'Callaghan \_\_Y\_\_  
Motion carried 5-0*

DRAFT