



**Minutes of the Annual Meeting and Business Meeting
of the Niagara Falls Water Board**

May 18, 2020 5:00 PM

**Note: This meeting was held via conference call pursuant to
Executive Order 202.1.**

1. Attendance and Preliminary Matters

Acting Chairperson Kimble called the meeting to order at 5:00 p.m.

a. Brown P Forster P Larkin P Leffler P Kimble P

b. Letters and Communications

- i. Niagara Golf Partners, LLC – Request for Deduct Meter
- ii. Appointment of Michael Monaco to Water Authority

Mr. Costello noted that Niagara Golf Partners is seeking a deduct meter for the water used to irrigate the golf course.

c. Public Comment (Note: Public notice was given that comments could be submitted in writing to be read by the Secretary, and must be received by 12:00 p.m. on May 18, 2020.)

Mr. Costello noted that no public comments were received.

d. Approval of Minutes from February 24, 2020

Motion by Mr. Brown and seconded by Mr. Forster to approve the February 24, 2020 meeting minutes.

Brown Y Forster Y Larkin Y Leffler abstain Kimble Y

Motion carried, 4-0, with one abstention.

Mr. Brown asked that consideration of the audit and of the resolution to approve the audit be postponed to the next meeting permit additional time to review the audit, an important Board function. In the interest of time given the length of the agenda he asked that the capital project status presentation be postponed. Last, he requested to move the executive session up to the beginning of the agenda.

Motion by Mr. Forster and seconded by Ms. Larkin to table consideration of the annual audit and the resolution to approve the audit to the June meeting.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

Motion by Mr. Forster and seconded by Mr. Brown to table the capital project status summaries.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.

Motion by Mr. Forster and seconded by Mr. Brown to table the construction schedule update.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.

Motion by Mr. Forster and seconded by Mr. Brown to move executive session to the beginning of this meeting.

Brown __Y__ Forster __Y__ Larkin __N__ Leffler __N__ Kimble __N__

Motion was not carried, 2-3.

2. Executive Director

- a. WWTP Capital Project Status Summaries (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**

Mr. Fama noted the wastewater projects are going well, and had nothing further that needed to be reported.

3. Superintendent

a. Planned Letter to Owners of Private Hydrants

i. Map Showing Locations of Private Hydrants

Mr. Wright explained that this letter will be used to identify private hydrants, and will help verify that those hydrants are being maintained. The information is shared with the Fire Department. Ms. Leffler suggested that including a response date is important, and that the letter be a joint letter with the Fire Department to encourage compliance. Mr. Forster asked that the private hydrants be color-coded to reflect their flow rates.

4. Engineering

a. Draft Capital Improvement Plan (CIP) (Updated as of May 8, 2020)

Mr. Williamson provided a draft CIP (updated 5/8/2020) to the Board. He explained some updates to the CIP, and identified the projects to be included in the WIIA grant application.

Mr. Brown asks if all the current projects are within budget. Mr. Williamson states that the projects in progress appear within budget, but some of the WWTP projects have not gone out to bid yet. Mr. Williamson refers to CPL for specific budgetary inquiries.

Mr. Forster continues to see a lot of water projects go on the back burner in the CIP, as well as roof-repair projects. He noted that there have been Vanguard and CPL reports regarding needed roof repairs. He asked Mr. Williamson to report back to the Board on the needs for roof-repair funding and to make adjustments to the CIP as appropriate.

5. Personnel Items/Director of Administrative Services

a. Personnel Actions for May 18, 2020

Mr. Perry reviewed the proposed personnel actions, noting that two MW3's are needed because two current employees are leaving in the next 12-18 months. Hiring at least one soon is essential to permit proper training to replace an employee leaving in September. An operating engineer is needed to replace an employee departing later in May. It has been challenging to find a project engineer for the salary available, and he is seeking authority to increase the salary he can offer. He seeks Board direction regarding hiring for the inventory control and Deputy Director of Administrative

Services positions and discussed other positions that he believes the Water Board could use.

Mr. Forster would like to discuss matters pertaining to the hiring of individuals in Executive Session. Mr. Costello noted that this would not be a problem as long as the Board is discussing the hiring of specific individuals for the positions.

[Note: The Board voted to table the Personnel Actions later in the meeting.]

6. Information Technology (IT) Dept.

Mr. Fama explains that the IT department has highlighted their completed and ongoing projects under their section of the O&M report. These projects include work on wiring upgrades and setting up vehicle GPS. IT did a great job setting up remote access for employees to work from home during the pandemic.

7. Financial Reports – Director of Financial Services

- a. **Final 2019 Audit Reports**
 - i. **Auditors' Presentation**
 - ii. **Report to Board**
 - iii. **Management Letter**
 - iv. **Financial Statements, Supplementary Information, and Auditors' Report**
 - v. **Investment Report**
- b. **Payroll-Based Overtime Report**
- c. **Bank Balances**
- d. **Accounts Payable – April 8, 2020 Payment Listing**
- e. **Revenues – Historical and Projections**
 - i. **Charts**
 - ii. **Large Accounts Historical vs YTD**
- a. **Budget Report**
 - i. **YTD Revenues**
 - ii. **YTD Expenses**

Ms. Walker agrees with postponing the audit to provide more time for review and noted that the Acting Chairperson and Treasurer did receive a draft report a few days prior to the final report being issued. She noted the auditors also would like to participate in the meeting when the audit is discussed.

It is difficult to predict the impact of the pandemic, but the Water Board's bond consultant does not see any reason to worry because the Board's debt service and debt service reserve funds are well funded.

Ms. Walker noted that few rate payers have claimed an inability to pay their water bill because of pandemic-related impacts or unemployment. She noted the supplemental unemployment benefits people are receiving and that there was no 2020 rate increase. Payment issues that are coming up are addressed on a case-by-case basis, payment plans are available, and the adjustment policy remains available to customers with high bills.

Mr. Brown noted that revenues in 2019 appear to be down about 3% lower than 2018. He questions the plan if this trend continues.

Ms. Walker states that the debt service reserve fund is overfunded. There is no mechanism in place to reallocate those funds, but the bond consultant has advised that those excess funds can be reallocated at the Board's pleasure.

Mr. Brown is requesting a side-by-side comparison of 2018, 2019, and 2020 projected revenues and expenses.

Ms. Walker believes unanticipated expenses including usage of the IDIQ is over budget. Mr. Brown asked when the Board would receive a report outlining the actual expenditures to budget, and to compare current to prior year expenses. He would like expenses that are running over budget highlighted. The prior-year reports in the packets are not very helpful.

Ms. Walker noted that New World's reporting capabilities, its canned reports, are limited. Mr. Brown states that he is aware of the short comings regarding New World software. However, the financial department could be utilizing Microsoft Excel to generate reports as opposed to looking into an additional investment for new software.

Mr. Brown inquires how the monthly revenues are recorded, as collected or as billed?

Ms. Walker states they are recorded both ways in New World. Mr. Brown noted that the revenues appear to be recorded as collected because the reports show a spike in October that Ms. Walker explained relates to the transfer to taxes.

Mr. Forster states the NFWB is 76% over the overtime budget for February 2020. He asked if the employees are working the same schedules.

Mr. Fama states that some departments are back working full-time, while some departments are remaining at half-staff levels. Mr. Fama states he will re-visit the staffing plan on a weekly basis in compliance with the Governor's stay-at-home order.

Ms. Leffler inquires who is responsible for drafting, submitting, and implementing the plan for employees before they return to work at full staffing levels.

Mr. Perry states that he will be the one to prepare the plan for the NFWB during the pandemic but he needs more time to review the requirements. He received 24 pages of instructions earlier in the day.

8. Reports

a. Questions Regarding O&M Reports

b. Safety

Ms. Senia noted that plans are in place to prepare for and respond to the pandemic. These include:

- Stockpiling supplies, and keeping records to show employees received them;*
- Limited access to break rooms – chairs removed;*
- Conducting daily walk throughs;*
- Ensuring that employees are wearing masks when needed;*
- Self-assessment checklists are provided at the time clock systems for the employees.*

Ms. Larkin would like to see every employee fever screened. Ms. Senia states that options for this have been considered. The Water Board has some thermometers and pulse oximeters, and additional non-contact thermometers will be available in mid-June. However, employees are expected to scan themselves before reporting to work. Certain departments are monitoring their employees and taking temperatures daily within that department, but a full-scale screening program poses challenges, including the cost of trained personnel for the screening and privacy issues. Ms. Larkin wants the Water Board to have a log to demonstrate its screening efforts if someone does get sick.

Mr. Perry will work further on these issues, and may integrate them into the re-opening plan.

Mr. Perry states that he is aware that NFWB's plan for integrating staff members back into the workplace may need to be submitted to the DOH; Mr. Perry states he will look further into the requirements and report back to the board.

9. General Counsel and Secretary

10. From the Chairperson

Ms. Kimble thanks the NFWB staff for maintaining an essential service during these trying times. Ms. Kimble states the staff has been working very hard and has been very responsive to the challenges of the crisis.

11. Resolutions

2020-05-001 – TENURE OF OFFICE FOR BOARD OFFICERS

a. Copy of Current Bylaws

No motion was made to adopt this resolution.

2020-05-002 – AMENDING CODE OF CONDUCT TO CLARIFY EMPLOYEE OBLIGATIONS WITH RESPECT TO BOARD OF DIRECTORS

Motion by Mr. Forster and seconded by Mr. Brown to table.

Brown __Y__ Forster __Y__ Larkin __N__ Leffler __N__ Kimble __N__

Motion was not carried, 2-3.

Mr. Brown questioned the timing of the amendment and feels that changes to the by-laws should be made in the context of an annual review of the by-laws and code of ethics by the governance committee. He asked why the resolution was before the board at this time. Mr. Kimble states that this has been a long-standing subject of discussion.

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

Brown __N__ Forster __N__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 3-2.

2020-05-003 – ELECTION OF OFFICERS

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

Brown __N__ Forster __N__ Larkin __N__ Leffler __Y__ Kimble __Y__

Motion was not carried, 3-2.

Motion by Mr. Forster and seconded by Ms. Larkin to nominate Mr. Brown as Chairperson.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __N__

Motion was carried, 4-1.

Ms. Leffler nominated Ms. Kimble for Vice Chairperson, no second.

Motion by Mr. Brown and seconded by Ms. Leffler to nominate Ms. Larkin as Vice Chairperson.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __N__

Motion was carried, 4-1.

Motion by Ms. Larkin and seconded by Ms. Kimble to nominate Ms. Leffler as Treasurer.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

Motion by Ms. Kimble and seconded by Ms. Larkin to nominate Mr. Costello as Secretary.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

Note: Mr. Brown ran the remainder of the board meeting as NFWB's newly-elected Chairperson.

Mr. Brown thanked the Board for his election, and Ms. Kimble for her service as Acting Chairperson.

2020-05-004 – FINANCE AND AUDIT COMMITTEE MEMBERSHIP AND MEETINGS

Motion by Ms. Kimble and seconded by Mr. Forster to nominate Ms. Leffler.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-005 – GOVERNANCE COMMITTEE MEMBERSHIP AND MEETINGS

Motion by Ms. Larkin to nominate Mr. Forster as committee chairperson. Mr. Forster declined.

Motion by Ms. Leffler to nominate Ms. Kimble. Ms. Kimble declined.

Motion by Ms. Leffler and seconded by Mr. Larkin to nominate Mr. Brown. Mr. Brown declined.

Motion by Mr. Brown and seconded by Ms. Leffler to nominate Ms. Larkin. Ms. Larkin declined.

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

Brown __N__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 4-1.

2020-05-006 – AUTHORIZING SETTLEMENT OF CLAIM BY BENJAMIN SHIRBACK

a. Shirback Notice of Claim

Mr. Brown asked Mr. Costello whether the claim settlement would set a precedent. Mr. Costello advised that it did not and that he carefully screens claims prior to recommending a settlement.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-007 – AUTHORIZING SETTLEMENT OF CLAIM BY RONALD GRIGGS

a. Griggs Notice of Claim

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-008 – AUTHORIZING RATE CONSULTANT AND CONSULTING ENGINEER AGREEMENT

a. March 11, 2020 AECOM/Drescher & Malecki Proposal

Motion by Ms. Larkin and seconded by Mr. Brown to table.

Brown __Y__ Forster __N__ Larkin __Y__ Leffler __N__ Kimble __N__

Motion was not carried, 2-3.

Mr. Brown explained that he wanted to table to resolution because he believes some of this work can be completed in-house.

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

Brown __N__ Forster __Y__ Larkin __N__ Leffler __Y__ Kimble __Y__

Motion was carried, 3-2

2020-05-009 – 2020 CLARK PATTERSON LEE PROFESSIONAL SERVICES EXTENSION

a. April 1, 2020 CPL Proposal

Motion by Ms. Leffler to table, no second.

Motion by Mr. Forster and seconded by Mr. Brown to approve.

Ms. Leffler thinks this needs to be revisited because the Water Board is looking at its options for hiring an engineer and at grant writers, and may lose a lot of revenue as a result of the pandemic.

Mr. Brown asks if Mr. Fama is pleased with the work that has been completed by CPL.

Mr. Fama states that CPL is doing a good job but hiring our own in-house engineer will be more cost effective.

Mr. Forster noted that the \$840,000 that is outlined in the resolution is a not-to-exceed dollar amount and that CPL has been the eyes and ears for the board members.

The Board discussed amending the resolution to reduce the total amount authorized, and discussed different amounts from \$100,000 to \$500,000.

Ms. Walker noted that there is not enough in the operating budget to cover the total CPL proposal. The operations and maintenance budget has a total of \$170,000 budgeted for consultant services, and there are other expenses charged to those budget

lines. Some CPL costs go to capital projects. Rick Henry from CPL explained that 70% of their services are capital, and 30% operations and maintenance. Ms. Walker states that any consulting fees that are tied to a capital project are not charged to O&M, they are charged under capital expenses.

After an amendment to authorize \$200,000 in fees was proposed, Mr. Forster questioned how long \$200,000 will last. Mr. Henry states CPL billings average about \$60,000 per month. At that rate, \$200,000 will provide the NFWB approximately three months of services.

Motion by Ms. Larkin and seconded by Ms. Kimble to amend the resolution so the total fees authorized for payment by the resolution are not to exceed \$200,000, and that the hours to be worked by CPL must be pre-approved by the Executive Director.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion to amend was carried, 5-0.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-010 – APPROVING AECOM PROPOSAL FOR CHLORINE DIOXIDE EVALUATION

- a. April 29, 2020 AECOM Proposal**
- b. Draft ClO2 Study Work Plan**

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-011 – ANNUAL CLOUD BACKUP AND STORAGE SERVICES

a. Barracuda Renewal Invoice

Mr. Brown asked if these services were the subject of an RFP and if they would be part of a disaster recovery plan. Mr. Costello explained that they are proprietary to the Water Board's server system and can be considered both sole-source and professional services. These services will make sure if a server fails, it is replaced the next day.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-012 – AWARD BID FOR 15 INCH COMBINED SEWER REPAIR PROJECT NEAR 1340 MICHIGAN AVENUE

a. Bid Tabulation for 15-Inch Combined Sewer Repair

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-013 – AWARD BID FOR 24 INCH VALVE REPLACEMENT AT HYDE PARK BOULEVARD AND WESTON AVENUE

a. Bid Tabulation for 24-Inch Valve Replacement

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-014 – APPROVING ZERO COST CHANGE ORDER FOR EMERGENCY REPAIR CONTRACT

a. February 20, 2020 Memorandum from City Engineering

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-015 – AWARD OF BID FOR WATER AND SEWER CONSTRUCTION AND REPAIR MATERIALS

a. Bid Tabulation and Supporting Documents

Ms. Leffler asked the total amount to be approved; Mr. Costello explained that parts are ordered as needed and the total expenditure is limited by the amount budgeted for these materials.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-016 – DIRECTING ISSUANCE OF REQUEST FOR PROPOSALS FOR GRANT WRITING AND ADMINISTRATION SERVICES

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-017 – AUTHORIZING NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT APPLICATION, OBLIGATING LOCAL MATCHING FUNDS, DECLARING INTENT TO SERVE AS SEQR LEAD AGENCY, AND SEQR TYPE II DETERMINATION

a. List of Projects to be Submitted for WIIA Grant

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion was carried, 5-0.

2020-05-018 – AWARDING BID FOR CONTRACT 15688-2G – GENERAL CONTRACTING SERVICES FOR GORGE PUMP STATION IMPROVEMENT AND OUTFALL 003 RELOCATION PROJECT

- a. **Summary of GPS and Outfall Redirection Bids and Projects**
- b. **Bid Tabulation for 15688-2G**

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

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion was carried, 5-0.

2020-05-019 – AWARDING BID FOR CONTRACT 15688-2E – ELECTRICAL ELECTRICAL WORK FOR GORGE PUMP STATION IMPROVEMENT AND OUTFALL 003 RELOCATION PROJECT

- a. **Bid Tabulation for 15688-2E**

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

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion was carried, 5-0.

2020-05-020 – AWARDING BID FOR CONTRACT 15688-2H – HEATING & VENTILATION HEATING AND VENTILATION WORK FOR GORGE PUMP STATION IMPROVEMENT AND OUTFALL 003 RELOCATION PROJECT

- a. **Bid Tabulation for 15688-2H**

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

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion was carried, 5-0.

2020-05-021 – APPROVING ZERO COST CHANGE ORDER FOR 2700 BLOCK INDEPENDENCE AVENUE COMBINED SEWER REPAIR

- a. **May 8, 2020 Change Order Memorandum**

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

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion was carried, 5-0.

**2020-05-022 – APPROVING AND ACCEPTING INDEPENDENT
AUDIT AND INVESTMENT REPORTS**

b. Supporting Documents: See Finance Reports at a(i) through a(iv).

[Note: This resolution was tabled earlier in the meeting.]

12. Unfinished Business

None.

13. New Business & Additional Items for Discussion

Mr. Brown states that he is very much looking forward to his newly appointed position as the NFWB's Chairperson.

Mr. Brown discussed his March 6, 2020 request to Mr. Fama for information that he still has not received, and he does not believe that this is acceptable. Mr. Fama stated that some questions have come up when preparing the requested information.

Mr. Brown stated this was the first he had heard of any questions regarding the information he requested. The information he requested was not invoices, but reports that would be easy to generate or copy. Mr. Brown does not know if someone was blocking or filtering his request, but as Chairperson he will not filter information and Board members should email Mr. Fama for information. Mr. Fama does not need to review the request with Mr. Brown prior to providing the requested information.

Mr. Brown requested that moving forward the agenda be issued by noon on the Wednesday prior to the meeting. This would provide another business day to review and ask questions.

14. Executive Session (if needed)

Motion by Ms. Larkin and seconded by Ms. Leffler to enter Executive Session at 7:30 p.m. to discuss the hiring of particular persons and a disciplinary matter regarding a particular person.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.

Whereupon, a five-minute break was taken prior to beginning the executive session.

15. Adjournment of Meeting

Motion by Ms. Leffler and seconded by Ms. Larkin to enter back into the open meeting at 8:47 p.m.

The Board members unanimously approved the motion via voice vote.

Motion by Ms. Leffler and seconded by Ms. Larkin to table the May 2020 personnel actions/report.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.

Motion by Ms. Leffler and seconded by Ms. Larkin to adjourn at 8:50 p.m.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.