



**Minutes of a Special Meeting  
of the Niagara Falls Water Board**

**July 23, 2020 6:00 PM**

**Note: This meeting was held via conference call pursuant to  
Executive Orders 202.1 and 202.48.**

**1. Attendance**

*Chairperson Brown called the meeting to order at 6:00 p.m.*

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

**2. Plan for Water Board Operations During Executive Director's Leave**

*Mr. Brown explained that the purpose of the special meeting was the plan for  
Water Board operations during the Executive Director's leave.*

*Motion by Ms. Larkin and seconded by Mr. Forster to enter into executive session at  
6:04 p.m. for the purpose of discussing matters related to the Executive Director's leave.*

*Brown Y Forster Y Larkin Y Leffler A Kimble Y*

*Motion was carried, 4-0.*

**3. Executive Session**

*Motion by Ms. Larkin and seconded by Mr. Forster at 7:00 p.m. to exit executive session  
and to return to the regular meeting.*

*Brown Y Forster Y Larkin Y Leffler A Kimble Y*

*Motion was carried, 4-0.*

*Motion by Mr. Brown and seconded by Mr. Forster to accept Wednesday, July 22, 2020  
as the final work day for the Director of Administrative Services, accept the Director of  
Administrative Services' three possible remaining work days as additional vacation time  
without charging this time against any accruals, until his final day of employment of  
August 17, 2020, directing the Director of Administrative Services to meet with  
Mr. Costello on or before July 29, 2020, to transition Water Board property to the*

*temporary custody of Mr. Costello, directing the IT Department temporarily to route the Director of Administrative Services' emails to Mr. Costello, and to appoint Sean Costello acting Executive Director.*

*Mr. Brown explained that the meeting was to develop a plan for operations while Mr. Fama is on leave, and HR is an important part of operations. His motion is made in light of Mr. Perry's July 22, 2020 email which states that while he may work three more days in the office, he also may not return to the office until August 17, 2020, his retirement date, to eliminate any disruption or confusion in work assignments and reporting, to ensure a smooth transition and the protection of confidential HR information, and in the best interests of the Water Board and all parties involved. While on vacation time there is no need for Mr. Perry to be working. He stated as part of his motion that the Water Board wishes Jim Perry well in retirement.*

*Ms. Kimble disagrees with the motion and feels it is done in a retaliatory fashion against Mr. Perry and could open the Board up to a possible lawsuit because Mr. Perry invoked whistleblower protection in comments he made. As for the appointment of Acting Executive Director, Mr. Fama had said that Ms. Walker would be in charge of operations and Mr. Costello would be in charge of legal and she feels that would be the way to handle it. She feels that Ms. Walker is being overlooked and bypassed because of her color, her race, and her sex.*

*Ms. Larkin states that she has had nothing but respect for Jim Perry. She also recognizes that the Water Board is in a precarious situation with the Executive Director on leave and Mr. Perry is planning on being on vacation for a good portion of the time that the Executive Director is on leave. She disagrees that decisions are being made based on race and feels that there are issues that are Executive Director related that coalign with Legal, such as reporting to the DOH and DEC. She thinks it will be a heavy lift for both Ms. Walker and Mr. Costello and trusts that they will work together. She feels because Mr. Costello is the Board's Secretary that having him be the acting Executive Director on a temporary basis is in the best interests of the Board and it is nothing against Ms. Walker who she thinks is a capable professional who also will have a lot to do. She trusts both Mr. Costello and Ms. Walker will do a very good job.*

*Brown \_\_Y\_\_ Forster \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_A\_\_ Kimble \_\_N\_\_*

*Motion was carried, 3-1.*

#### **4. Adjournment of Meeting**

*Motion by Ms. Larkin and seconded by Mr. Forster to adjourn the meeting at 7:08 p.m.*

*Brown \_\_Y\_\_ Forster \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_A\_\_ Kimble \_\_Y\_\_*

*Motion was carried, 4-0.*