



**Regular Session of the
Niagara Falls Water Board
February 24, 2020 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters

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

b. Letters and Communications

i. EFC Letter – Hardship Financing Eligibility (CWSRF)

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)**

Susan Starks appeared in front of the board regarding her \$4,200 water bill that was accumulated for one billing cycle; she previously appeared at the November 25, 2019 board meeting on the same subject. She explained that when she spoke with a NFWB employee, she was informed that she had a water leak. She received a \$1,000 adjustment but is unsatisfied with the amount; she has a bill from a plumber stating that they found no leaks and made no repairs, and therefore believes the meter malfunctioned. Ms. Starks requested that her water meter to be reviewed but did not receive further communication. She lives across the street from Gaskill School and was curious if construction there could have something to do with her high bill.

Ms. Walker noted that Mr. Reid had discussed the matter with her, that the meter, from which data is obtained remotely, showed a leak during the billing cycle in question, and that in addition to a \$1,000 adjustment Ms. Starks has been offered a payment plan. Ms. Kimble states that she would like the Mr. Wright to be in touch with Mr. Reid to further discuss this issue. Ms. Kimble asked that Ms. Walker notate Ms. Starks’s account to ensure that her water is not shut off while her account is under review.

d. Approval of Minutes from January 27, 2020

Prior to the vote on the minutes, Acting Chairperson Kimble welcomed Patrick D. Brown as a newly-appointed Board member. Mr. Brown previously served as a member of the Niagara Falls Public Water Authority from 2006-2016.

Motion by Mr. Forster and seconded by Ms. Larkin to approve the January 27, 2020 meeting minutes.

Brown __abstain__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 3-0, with 1 abstention.

2. Executive Director

a. Correspondence from DEC – WWTP Oxidizer Study

Mr. Fama discussed with the board a letter he received from the DEC requesting further evaluation of the use of chlorine dioxide to reduce sulfide formation in the WWTP carbon filters. Dr. John Goeddertz of AECOM was present and explained to the board that he did not believe that chlorine dioxide will be particularly effective because it will be absorbed by the carbon, and it may be a very expensive proposition because production of sufficient quantities of the chemical, which quickly loses effectiveness, may require an on-site reactor. Dr. Goeddertz noted that based on an industry survey, no other WWTP in the country uses this method, though it has some use in Europe. The DEC requested a pilot study using chlorine dioxide on one carbon filter, but numerous practical issues may make bench-scale testing considerably more feasible. This work is a continuation of the chemical-optimization study (Order on Consent item 10) that AECOM has been working on, and Dr. Goeddertz will submit a proposal with estimated costs in advance of the March Board meeting. DEC requests a workplan by April 30 for a study to be conducted in summer conditions. Dr. Goeddertz estimates the study duration will be about two months, and the study will review the impact of the chlorite by-product in relation to the plant's SPDES permit.

b. CPL – WWTP Capital Project Update

c. CPL – WWTP Estimated Construction Schedule

Ted Donner from CPL provided the board with an update on both the WWTP capital projects as well as the WWTP estimated construction schedule. He noted that CPL serves as project manager for these projects and provides monthly updates.

For Project #1 (Sedimentation Basin Upgrades), Mr. Forster asked the duration of time that sedimentation basin #5 will be out of service in connection with this \$10 million project. Mr. Donner noted the project schedule, which is only a rough estimate at this time because design work is not complete, suggests work on the basin from March through October. In terms of sequencing of which basin is to be completed first, Dr. Goeddertz is discussing this with DEC. Mr. Forster would like further information because he wants to make sure NFWB avoids overflows while sedimentation basin #5 is being serviced.

With respect to the Outfall 003 redirection component of Project #2, Mr. Forster requested the timeline for this project. Mr. Donner states he is waiting on design documents to solidify a timeline for the outfall project. Mr. Jaros states that the timing for performing the work depends in part on coordination with the Bridge Commission because the access point for the outfall requires work before the inspection booths.

Project #11 (Gorge Pump Station Elevator Upgrades) – Mr. Forster asked if this project is 100% complete. Mr. Meyers states that project is approximately 90% complete and that the Gorge Elevator will be up and running by the middle of next week.

Mr. Brown inquires about the funding and grant reimbursement for the WWTP Capital Projects.

Mr. Jaros states there are currently separate funding categories, the \$20 million DASNY grant is broken down into two phases.

- Phase 1 - \$13.5 million (Projects 1-10)*
- Phase 2 - \$6.5 million, part of which already has been approved for additional projects.*

Mr. Jaros explains that the NFWB will not receive any grant reimbursements until proof of payment is provided from the NFWB.

Mr. Fama asks the board members if they would object to the installation of vending machines for employee use at no cost to the NFWB; no Board member objected.

Mr. Forster stated he would like to see some of the break areas/conference room at the WWTP cleaned and painted for the staff prior to vending machines being installed.

3. Superintendent

a. Fire Hydrant Update

Mr. Wright states that in January, the NFWB replaced 10 fire hydrants and repaired 4 fire hydrants. Currently there are zero out of service fire hydrants and zero leaking fire hydrants.

Mr. Forster had inquired about the amount of water that the NFWB would draw from Niagara County in case of an emergency at the January 2020 board meeting.

Mr. Wright states he spoke with Dave Branch from the County regarding this inquiry.

Mr. Branch stated for an extended draw from the County the approximate numbers would be 8-10 MGD in the winter and 4-6 MGD in the summer. Mr. Branch emphasized that these are conservative numbers with many variables, including but not limited to irrigation, work at the WTP, etc.

Discussion was had regarding the color-coded hydrant diagram that was distributed to the board members.

- *Blue - 1500+ GPM*
- *Green – 1000-1499 GPM*
- *Orange – 500-999 GMP*
- *Red – 500 or less GMP*

The colors identify the available water flow from the fire hydrants throughout the city and have been very helpful for the Niagara Falls Fire Department.

4. Engineering

a. Status of Draft Capital Improvement Plan

Mr. Williamson provided the board members with an update on the draft CIP.

Mr. Forster states he sent out an email to Mr. Fama regarding the status of the CIP meeting with the internal staff, including any board member that may be interested in attending. Mr. Fama states an internal meeting regarding the CIP took place and the Board was sent an email offering a couple of available times to meet with staff regarding the CIP.

Mr. Forster questions projects W7 (Loop “D” St. Main – Falls St. to Gill Creek) and W8 (Loop Niagara Ave. Main to Parkview Dr.) on the CIP. Mr. Wright explains that project W7 and W8 can be resolved with the installation of an automatic flusher by our NFWB staff for a cost of \$4,000.00. Once completed, projects W7 and W8 can be removed from the CIP.

Mr. Forster had additional questions regarding projects notated on the draft CIP as deferred and Ms. Kimble suggested that he schedule a meeting to discuss with staff.

5. Personnel Items/Director of Administrative Services

- a. February 2020 Personnel Actions and Reports**
- b. Updated Organizational Chart**

Mr. Perry states he would like to further discuss the individual holding the WWTP Chief Operator position along with matters related to the Collective Bargaining Agreement in Executive Session.

6. Information Technology (IT) Dept.

Mr. Fama states that rewiring projects at the WTP and WWTP still are ongoing. The new phone system has been successfully implemented as well as the updated New World software.

7. Financial Reports – Director of Financial Services

- a. Budget to Actual**
 - a. Revenues**
 - b. Expenses**
- b. January 2020 Accounts Payable- Payment Listing**
- c. Payroll-Based Overtime Log**
- d. Overview of Topics (to be handed out at meeting)**
- e. 2020 Rate Consultant/Consulting Engineer**

Ms. Walker reviewed budget and overtime reports with the board members. She noted that the City has increased the cost for billing and collection services from \$82,000 to \$98,000, and will request information from City Controller Morello to explain the reason for the increase. The Water Board also has not been billed by the City for its fuel use since June 2019, and expects to receive those bills soon.

Ms. Walker noted that it is necessary to engage rate consultant/consulting engineer services for 2020. She believes that the services of Dresher Malecki/AECOM have been satisfactory and asked if the Board would agree with a continuation of those services or would require an RFP. The Board agreed to entertain a proposal to continue the services of the current firms.

Ms. Walker noted that the debt service fund has more than the necessary level of funds and recommends these “excess funds” be transferred into the capital construction fund account. She has consulted with Tom Meyers, Bond Counsel, who advised her that although this procedure has not previously been performed by the Water Board, it could be authorized by resolution.

Mr. Brown questions the 2020 adopted budget being out of balance for both water and sewer, with revenues higher than expenditures in both funds. Ms. Walker explained that the Board did not pass a rate increase. Mr. Brown was not satisfied with the reason/answer provided by Ms. Walker as his understanding is that budgets should balance.

Ms. Walker noted that the 2019 audit will be filed late. The obstacle was a major IT issue with necessary upgrades to the New World accounting software that was preventing her department from running necessary reports. That issue now has been resolved.

8. Reports

- a. Questions Regarding O&M Report for January 2020 (if any)**
- b. Safety**

The safety focus was on equipment inspections (cranes, hoists, aerial lifts) and PPE, particularly respiratory protection.

Mr. Forster inquired as to the status of security cameras. Ms. Senia stated that due to recurring data charges for remote access to wireless cameras and high maintenance requirements for several of the existing cameras, NFWB has obtained costs for a hard-wired system that will save on costs and will present a plan with options at the next meeting.

Mr. Forster inquired as to the security status/contractor gate. Ms. Senia states that contractors are continuing to sign in and out at the main east gate. It is anticipated that as construction contracts get awarded, the contractors will attend a safety orientation where they will receive picture ID and be issued a badge/swipe card. Additionally, the west gate is still being evaluated for use along with an access road for parking/staging.

9. General Counsel and Secretary

- a. Water and Sewer Service Line Program – Plan to Address Mailing List Issues**

Mr. Costello explained that the Water and Sewer Service Line Program provider, Service Line Warranties of America (“SLWA”) has been working to address issues identified with the mailing list. These issues related to mail pieces being received in neighboring communities that share a zip code and a “Niagara Falls” address with the City, and with the names on mailings not matching current residents. They have not been able to secure a list from the City Assessor, but have identified a new mailing list provider that will allow them to use map overlays and Zip +4 information to limit the letters that go outside City boundaries. They also will not address the mail pieces to individuals, but generically using “Homeowner” or a similar word. To protect privacy, the NFWB is not sharing its mailing list with SLWA, so the solution proposed by SLWA will not result in a perfect mailing but probably is the best possible. The Board did not object to SLWA issuing the mailing with the list generated as discussed.

Even without the mailing that was stopped after address issues were discovered, there have been a significant number of signups. Mr. Costello noted that there are other service companies marketing warranty programs actively marketing to City customers, which have not been reviewed by the Water Board and which may have different coverage limits or other features.

- b. Cyber Liability Insurance**

c. Workplace Violence Liability Insurance

The Water Board's insurance broker USI identified these coverages as filling current gaps. Their cost is within the Executive Director's purchasing threshold, but the Board was invited to discuss the insurance proposals and to contact Mr. Costello with specific questions.

Mr. Costello also noted that the private firm that is operating the City golf course has reached out to the Water Board to request a deduct meter for water used to irrigate the course. To support this request they submitted an engineering report, but it will be necessary to contact them for additional information. A focus of the evaluation of this request is whether runoff from irrigation or storms is burdening the Water Board's system.

Ms. Costello advised the Board that the Niagara Falls Public Water Authority has a tentative meeting date of March 11, 2020 at 4:00 p.m. Business will include the request for issuance of bonds approved by the NFWB at its January 2020 meeting. Board members are welcome to attend.

10. From the Chairperson

11. Resolutions

2020-02-001 - SEQR Review and Classification for Outfall 003 Redirection

- a. Letter Detailing Outfall 003 Project
- b. DEC Letter Approving Outfall 003 Redirection

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

2020-02-002 - Award of the High Voltage, Switchgear Inspection and Emergency Work Contract

- a. Award Recommendation
- b. Bid Tabulation

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

2020-02-003 - Award of the In-Plant Mechanical Service Contract

- a. Award Recommendation
- b. Bid Tabulation

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

2020-02-004 - Board's Representative on Ad-Hoc Committee to Study Fire Hydrant Replacement

Discussion was had regarding the need for a board member to be named as a representative to the ad-hoc committee. Ms. Larkin stated that she did not feel a board representative to the committee is necessary.

Motion by Ms. Larkin and seconded by Mr. Forster to amend the resolution to provide that no Board member be part of the ad-hoc committee.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion to amend carried 4-0.

Motion by Ms. Brown and seconded by Mr. Forster to approve the resolution as amended.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

2020-02-005 – Rejecting All Bids for the HVAC Service Contract

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

12. Unfinished Business

13. New Business & Additional Items for Discussion

- a. Information Requested about Compensatory Time Off
- b. Information Requested about Health Insurance Opt Out, Etc.

Mr. Forster had asked Mr. Fama to provide responses to a number of questions about compensatory time off and health insurance opt outs; his questions were included in

the Board packets. Mr. Fama requested that Mr. Perry provided the documentation from the Human Resources department, which was distributed at the meeting to Mr. Forster, with copies made for the rest of the Board.

14. Executive Session (if needed)

Motion by Ms. Larkin and seconded by Mr. Forster to enter into Executive Session for the purpose of discussing matters related to the employment of a particular person and related to collective bargaining negotiations at 6:45 p.m.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

[A brief recess was taken prior to executive session beginning]

At 7:20 p.m., Motion by Ms. Larkin and seconded by Mr. Forster to exit executive session.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

Motion by Ms. Larkin and seconded by Ms. Kimble to rescind the authority given to staff to hire for the positions of Inventory Control Agent and Deputy Director of Administrative Services and to substitute for these position a health and safety assistant position and a EEO/MWBE/SDVOB manager position.

Brown __abstain__ Forster __N__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion failed, 2-1, with one abstention.

Motion by Ms. Larkin and seconded by Mr. Forster to approve Line Item No. 2.1 on the February 24, 2020 Personnel Actions sheet, relative to the WWTP Chief Operator.

Ms. Larkin requested that the minutes reflect that she regretted the necessity of her “yes” vote and wished that the individual serving as Chief Operator had not been told he could request a higher rate of pay for taking that position.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0.

15. Adjournment of Meeting

Motion by Ms. Larkin and seconded by Ms. Kimble to adjourn at 7:23 p.m.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion was carried 4-0, with 1 absence.

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