



MINUTES

Meeting of the Niagara Falls Water Board

July 27, 2020 5:00 PM

Meeting was held via conference call pursuant to Executive Order 202.1 and 202.48.

1. Attendance and Preliminary Matters

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

Chairman Brown called the meeting to order at 5:00 p.m.

b. Letters and Communications

Mr. Costello noted that there were no letters or communications to discuss at this time.

c. Public Comment (Public comments may be submitted in writing to be read by the Secretary and must be received by 12:00 p.m. on July 27, 2020. Comments may be summarized when read. Email comments to scostello@NFWB.org or mail c/o Sean W. Costello, 5815 Buffalo Ave., Niagara Falls, NY 14304)

Mr. Costello noted that no public comments were received. Mr. Forster asked about July 7, 2020 correspondence from the City. Mr. Costello noted that he had forwarded the letter to the Board.

d. Approval of Minutes from June 22, 2020 Meeting

Motion by Mr. Forster and seconded by Ms. Larkin to approve the June 22, 2020 meeting minutes.

Brown Y Forster Y Larkin Y Leffler absent Kimble Y

Motion carried, 4-0, with one absence.

2. Executive Director

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

Acting Executive Director Costello stated that everything is running smoothly and employees are working as a team.

With respect to the WWTP Hazard Mitigation/FEMA project, the bids came in higher than expected and the low bidder has agreed to hold its bid until October 31 to permit time to review additional funding sources for that project. Accordingly, Mr. Costello asked that Resolutions 4 and 10, both relating to that project, be tabled until further notice.

Ted Donner from CPL reviewed the status of the various ongoing capital projects at the WWTP, having provided written project status updates that were included in the Board's agenda packets.

Mr. Forster asked if Mr. Donner was aware of an issue with the elevator at the Gorge Pump Station. Mr. Donner had heard of an access issue that has been resolved.

3. Superintendent

a. Updated Service Tap Fee Schedule

Mr. Wright provided an updated schedule of the Water Board's charges for new service connections. The updated schedule reflects increases in the cost of materials and represents the Water Board's actual cost to perform service taps.

Mr. Forster asked about the fire hydrants in front of Jordan Gardens. Mr. Wright stated that a hydrant was tight turning on but worked. The Water Board's maps had indicated the hydrants at Jordan Gardens were private hydrants. Subsequent research shows that these are Water Board hydrants. All of these were operational, but because they were old-style Matthews hydrants they recently were replaced.

Mr. Forster asked if the hydrants on Goat Island are private. Mr. Wright advised they are. Mr. Wright provided additional information on responses to the joint letter with the Fire Department to entities responsible for private hydrants, and a follow-up letter will be sent on August 1 for entities that have not responded. No serious issues with the private hydrants has been revealed by the information received.

Mr. Wright noted the Bollier project was started July 13 and is progressing well. The main has been buried and the temporary main is being installed. In connection with this work, the outside crews have replaced two 10" valves discovered to have been leaking.

4. Engineering

5. Personnel Items/Director of Administrative Services

Mr. Costello noted that there were no personnel items on the agenda this month.

6. Information Technology (IT) Dept.

Mr. Costello has checked in with the IT Department. The major issue they were addressing today is a New World outage, and a notable project for the next week is a firewall upgrade.

7. Financial Reports – Director of Financial Services

- a. July 2020 Financial Services Department Update
- b. Accounts Payable Payment Listing – June 12, 2020
- c. June 2020 Bank Balance Report
- a. Budget Performance Report as of June 30, 2020
 - i. Water
 - ii. Sewer

Ms. Walker noted that New World outages have been problematic but IT is working on the issues. The Finance Department now is beginning preparation work for the 2021 budget, and Ms. Walker will begin meeting with department heads in August. She is working on the Continuing Disclosure Report with Dresher & Malecki, AECOM, and the plant Chief Operators. This is due around the end of September.

COVID-19's impact on revenue still is being assessed. The June bills would reflect the first billing period where the pandemic shutdowns were in full effect. Payments will be due in July, and Ms. Walker will be monitoring these. Ms. Walker noted that the pandemic no-shutoff-for-non-payment policy remains in effect.

Mr. Forster asked if Ms. Walker had looked into moving from quarterly to monthly billing. Ms. Walker responded that she had found a few random emails but that when this issue previously had been reviewed in 2017 there were pro's and con's for each, and the Board had felt it best to continue with quarterly billing. Mr. Forster requested that Ms. Walker forward any information that she had from 2017.

Mr. Forster asked for the status of the PARIS report. Ms. Walker has been in communication with the ABO and has been advised to complete the report as soon as possible without any penalty. She has encountered a glitch in one of the report templates where it is not calculating properly and the ABO has troubleshooted but it still is not resolved. The vendor report is a large undertaking and is not yet complete. She anticipates all parts of the report will be complete by mid-August.

Mr. Brown emphasized that the PARIS report needs to be completed as soon as possible and that Board members have a fiduciary responsibility and ultimately are responsible for the report being filed, and Board members can be replaced for failure to complete this filing. The report has not been filed on time in recent years and even without COVID was not going to be on time this year. Ms. Walker advised the Board that in her discussion with the ABO she was told that it is their position that Board members are not responsible for filing the report and that she will submit something in writing from the ABO about that to the Board.

Mr. Brown questioned budget transfers from or between lines on the operating budget. He noted these are supposed to be approved by the Board and that they were prior to 2017, and asked if they have been done in recent years. Mr. Walker stated that her understanding was that transfers did not have to be approved if the timing of needing the funds moved did not allow waiting until the Board meeting. Mr. Brown stated that this is a key financial/budgetary control; adopted budgets are adopted by the Board as a legal document. Transfers need to be approved, even if its after the fact, so the Board is aware if money moved from one line to another and the justification for this. Ms. Walker will provide transfer information prior to each meeting.

Mr. Brown asked about capital project accounts. He asked if there is capital project general ledger reporting that the Board could receive on a monthly basis. Ms. Walker noted that a capital project ledger is kept monthly.

Ms. Walker states she has asked for regular capital project meetings with all employees. The Capital Plan is driven by Engineering. Mr. Williamson noted that AECOM is involved in the plan, and there are many moving parts including grant awards, bid openings, and more, and it is an evolving document. He has been trying to get a meeting with AECOM. Ms. Walker feels that Engineering should set up the meeting with AECOM. Mr. Costello stated he would reach out to AECOM if needed.

Mr. Brown states he is unsure how the Board knows what funds are available for capital projects. He requested to be shown the capital project accounting.

Mr. Brown noted the June 2020 budget performance reports do not have a column to compare to the prior year to date; these are important and were on prior months' reports. He asked why water revenue was at 41% of budget, and expenses are at 35% of budget. Ms. Walker states some revenues and expenses have not arrived as a result of COVID, and the August reports probably will provide more information. There is a lag in expenses being recorded because they are trickling in as a result of vendor business offices being closed.

Ms. Walker asked to bring to the Board's attention the need for someone to articulate the issues with the New World platform, which has been a problem. Mr. Brown suggested the Water Board reach out to the City. Even though the City has a different version of New World, it is able to run reports with comparative information to the prior year. Mr. Brown noted that if necessary information could be input in an Excel

sheet. Ms. Larkin asked if the Water Board has a service agreement with New World. Ms. Walker noted that the Water Board pays for monthly support. Ms. Larkin asked if there have been updates and patches, and Ms. Walker replied that these have been performed.

8. Reports

- a. O&M Reports for June 2020**
- b. Safety**

Ms. Senia reported that there have been no recordable injuries to date though there have been recent first-aid cases. The outside crews have completed comprehensive excavation safety training to address a notice of violation previously received from PESH, and the excavation procedure has been updated to reflect comments received from PESH's consultative division. She expects this will be accepted as abatement of the alleged hazard and will close out the notice of violation.

Ms. Senia is working with Mr. Wright to evaluate the Board's trench safety equipment and what equipment might be needed. She has learned that as a public agency the Water Board is not entitled to a grant through the Department of Labor Hazard Abatement Board to cover the cost of this equipment.

She is working on the Risk and Resiliency Assessment that is required to be submitted to the EPA by the end of the year. It is a separate report from what is submitted to the Department of Health.

Ms. Senia noted that there is a resolution to upgrade the security cameras at the WWTP and Gorge Pump Station; she worked with IT and the Chief Operator to find a solution that would address the operational needs.

9. General Counsel and Secretary

10. From the Chairperson

Mr. Brown thanked staff for their updates and for their dedicated work. The Board supports the team as it provides essential water and wastewater services for our City.

11. Resolutions

2020-07-001 – APPROVING DEDUCTION OF SEWER CHARGES FOR WATER USED FOR IRRIGATION – NIAGARA GOLF PARTNERS LLC

- a. NGP Cover Letter and Engineering Report
- b. NGP Exhibits
- c. Historical Usage for Proposed Deduct Meter

Motion by Mr. Forster was not seconded and the Board moved to its next item of business without discussion.

2020-07-002 – AWARD BID FOR 10 INCH WATER MAIN REPAIR PROJECT NIAGARA FALLS BOULEVARD AND 56TH STREET

- a. Bid Tabulation and Award Recommendation Letter

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

Brown Y Forster Y Larkin Y Leffler absent Kimble Y

Motion carried, 4-0, with one absence.

2020-07-003 – WWTP SECURITY CAMERA SYSTEM UPGRADES

- a. Digital Surveillance Solutions Quote No. DSSQ2965

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

Brown Y Forster Y Larkin Y Leffler absent Kimble Y

Motion carried, 4-0, with one absence.

2020-07-004 – CONTRACT FOR WASTEWATER TREATMENT PLANT PROTECTIVE MEASURES PROJECT GRANT

- a. Master Grant Agreement

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

Brown Y Forster Y Larkin Y Leffler absent Kimble Y

Motion to table passed, 4-0, with one absence.

2020-07-005 – 2020 MUNICIPAL COOPERATION AGREEMENT FOR SIDEWALK REPAIR

a. Draft Municipal Cooperation Agreement

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

Brown __abstain__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion carried, 3-0, with one abstention and one absence.

Mr. Brown stated he abstained due to a professional conflict.

2020-07-006 – ESRI SOFTWARE LICENSE RENEWAL

a. ESRI Quotation No. 25970021

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

Brown __N__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion carried, 3-1, with one absence.

Mr. Brown explained that he voted no because he will not vote for capital projects until he has more information on the funds available to pay for projects.

2020-07-007 – HARD FACING SLUDGE AND GRIT SCREWS

a. Core Welding Quotes for Hard Facing Four Screws

Mr. Brown asked if funds are in place for this project. Mr. Williamson noted that this could go under the capital line item indicated on the resolution, but that capital line is intended for the project that is going out to bid. Mr. Costello stated that after the resolution was prepared, Mr. Smith provided him with an operating budget line to which this expense can be charged, Repair of Equipment.

Motion by Ms. Larkin and seconded by Mr. Brown to amend the resolution to require that the expense be paid through the operations and maintenance budget.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion to amend carried, 4-0, with one absence.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion carried, 4-0, with one absence.

2020-07-008 – GRANT CONSULTANT AGREEMENT

- a. Staff RFP Evaluation Scores [Note: Scores are preliminary based on staff evaluation of proposals only and do not include results of any interviews or reference reviews]

Motion by Ms. Larkin to table this resolution to the September meeting, seconded by Ms. Kimble.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion to table the resolution to September carried, 4-0, with one absence.

Mr. Costello noted there is no Resolution 9 due to an error in numbering resolutions while compiling the agenda packet.

2020-07-010 – AWARD BID FOR WASTEWATER TREATMENT PLANT PROTECTIVE MEASURES PROJECT

- a. Bid Tabulation and Award Recommendation
- b. Cost Summary Showing Funding Sources

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion to table passed, 4-0, with one absence.

2020-07-011 – ENGINEERING SERVICES FOR WWTP PROJECT 9: PROCESS PIPING IMPROVEMENTS

- a. CPL Memorandum Regarding Project 9 Engineering Services Proposals
- b. JM Davidson Proposal for Project 9 Engineering Services

Mr. Donner explained that for this project the initial engineering task was to prepare an assessment report that Ramboll performed under budget. Their price for the design and construction engineering phase work was high and MWBE participation was not high, so CPL reached out to Ramboll's MWBE subcontractor to secure a design and construction proposal that was \$20,000 to \$30,000 lower than Ramboll's and includes 90% MWBE participation which will help the Water Board meet its overall goals.

Mr. Forster appreciates CPL's work in getting a better price for the Water Board.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion carried, 4-0, with one absence.

12. Unfinished Business

Mr. Forster asked about the status of securing sealed bids for the electrical service for the contractor trailers at the WWTP. Mr. Buzzelli from City Engineering has walked the site but needs to return to gather additional information to prepare the bid. Mr. Wright noted the area otherwise is prepared for contractors. Mr. Williamson noted that the contractors will not be on site until at least October.

13. New Business & Additional Items for Discussion

14. Executive Session

Motion by Ms. Larkin and seconded by Mr. Brown to enter executive session at 6:18 p.m. to discuss matters possibly leading to the discipline of a particular person, to discuss the appointment of a particular individual, and for the purpose of consulting legal counsel.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion carried, 4-0, with one absence.

Mr. Costello explained for the public that was present on the call that when the Board enters executive session they will be exited out of the call but can dial right back in to be present when the Board returns from executive session.

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

Motion by Mr. Forster and seconded by Ms. Kimble to enter back into the open meeting at 6:44 p.m.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __absent__ Kimble __Y__

Motion carried, 4-0, with one absence.

Motion by Mr. Forster and seconded by Mr. Brown to appoint Mike Risan as the investigative officer for certain matters alleging a violation of the Board's Code of Conduct on the terms outlined in the Hodgson Russ proposal dated September 26, 2019, or if he has a conflict or is unable to serve as investigative officer, to appoint Chris Trapp as investigative officer on the terms outlined in Greco Trapp's proposal dated September 30, 2019.

Brown__Y__Forster__Y__Larkin__Y__Leffler__absent__Kimble__Y__

Motion carried, 4-0, with one absence.

15. Adjournment of Meeting

Motion by Ms. Kimble and seconded by Mr. Forster to adjourn at 6:46 p.m.

Brown__Y__Forster__Y__Larkin__Y__Leffler__absent__Kimble__Y__

Motion carried, 4-0, with one absence.