



MINUTES

Meeting of the Niagara Falls Water Board November 23, 2020 at 5:00 p.m.

Note: This Meeting was held via conference call pursuant to Executive Order 202.1 as extended by 202.72.

1. Attendance and Preliminary Matters

- a. Brown P Forster P Larkin P Leffler P
Kimble A [Joined at 5:09 p.m.]

Chairman Brown called the meeting to order at 5:02 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 November 23, 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 Sean Spicer submitted a public comment relative to 2710 Pierce Ave. and is seeking a refund or credit equal to \$583.29 relative to a high bill in September. Gross plumbing came to Mr. Spicer's residence to check for leaks and dye tested the toilet but no leaks were found.. Mr. Spicer's next water bill was \$114. Mr. Spicer questions how a leak could repair itself and notes that his water meter still is flashing to indicate a leak. He suspects the water meter electronics are faulty or the meter was misread. Ms. Walker states that an adjustment was given to Mr. Spicer per Water Board policy – Mr. Spicer did not think the adjustment that was given was substantial enough given the circumstances. The meter shop removed and tested the meter, and it is functioning properly. The \$100 meter testing fee was waived. In total the Water Board has adjusted \$127 for Mr. Spicer. Mr. Spicer states it cost him \$100 for plumber services and he also received a \$27 late fee. Mr. Spicer has since paid his water bill in full and asks that the board consider an additional adjustment.

d. Approval of Minutes from October 26, 2020 Meeting

Motion by Mr. Forster and seconded by Ms. Larkin to approve the October 26, 2020 meeting minutes.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

2. Executive Director

- a. WWTP Project Budget Tracker (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**
- c. Financial Award Summary (CPL)**

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

Mr. Donner states that despite the delays due to Covid-19, he is pleased to report that most of the capital projects are now in the construction phase and/or nearing completion. Additionally, capital work continues to track well under the CIP budget, allowing for additional work as needed.

Mr. Forster requests an update on the FEMA project.

Mr. Donner states that Mr. Williamson has been working with GHD on this project and CPL has not has any involvement, but he is aware they are looking into some potential solutions to utilize the grant funding.

Mr. Williamson states he had a conference call with GHD earlier this month to discuss their redesign concept; better cost-to-benefit ratio. GHD is drafting a design memo with cost estimates that will be given to the NFWB by November 30, 2020 that should be available for the December work session.

Seth Krull from CPL reviewed the financial award summary with the board members.

Mr. Forster questions the status of the WWTP project budget tracker as well as the WWTP construction schedule tracker. Mr. Forster would also like any potential cost overruns to be identified. Mr. Forster understands that a matrix has been provided – but states that it is just a bunch of numbers to the board members.

Mr. Donner explains that CPL has tracked the separate authorizations that have gone through for each capital project. Mr. Donner refers to the Capital Project Budget Summary and identifies the amounts identified in green indicate projects that are currently under budget, versus the amounts identified in red are currently over budget.

Mr. Forster asks if CPL is also handling the RFP for sludge hauling.

Jay Meyers from CPL states that he has a walk-through at the WWTP scheduled with all the consultants tomorrow (11/24/2020) at 9:30 a.m.

Mr. Meyers states that the RFP is to be returned by December 21, 2020.

3. Superintendent

Mr. Wright states that he is working with Mr. Eagler (Supervisor of Outside Maintenance), Mr. Janzen (Senior Engineering System Technician) and Mr. Rowe (WTP Chief Operator) to draft an RFP for smart leak detection services. Once the RFP is drafted, Mr. Wright states he will send it to Mr. Fama and Mr. Costello for review, prior to seeking proposals.

Mr. Forster states that as encouraging as that sounds, it has been reported from the NFWB that 71% of our water is unaccounted for. Mr. Forster mentions that he looks forward to an updated report on the RFP for a leak detection program that would provide early leak detection throughout the city.

Mr. Forster also seeks an update regarding the 18th St. water main slip line between Whitney Ave. and Ontario Ave.

Mr. Wright met with Mr. Buzzelli from City Engineering last week and was notified that the next step in the process is to seek approval from the County, then it will go out to bid.

Mr. Forster states that he received correspondence from Mayor Restaino and the City Administrator regarding the NFWB's assistance with the large fire that took place at Cascades Packaging on November 20, 2020. Mayor Restaino and the City Administrator could not have been more pleased with the outside crew's response and their assistance with traffic control.

4. Engineering

Mr. Williamson states that under the Military Road reconstruction project, Urban Engineering will be including the replacement of the watermain along Military Road from Cayuga Drive to Bollier Avenue. The engineering work will be performed for the City of Niagara Falls with no cost to the NFWB. There will be a substantial cost savings due to the restoration work associated with the waterline replacement work that will be included in the Military Road Reconstruction project.

Mr. Forster references his question from the October 2020 board meeting regarding Urban Engineering who was retained by the City, with the scope of their work to reconstruct Military Road. Mr. Forster is seeking clarification if there will be grant funding available to replace that waterline.

Mr. Williamson states that the NFWB has already applied for and been awarded that grant. 60% of the waterline construction costs will be covered under the 2018 NYS EFC WIIA grant the NFWB received.

Mr. Forster states that great strides have been made with the outside sewer/water crew and without any objection from the other board members, he would like to see the NFWB's outside crew replace that watermain and would like clarification as to whether or not the NFWB would be able to be directly reimbursed directly from those grant funds if we were to complete our own work.

Mr. Krull from CPL states that the NFWB can be directly reimbursed.

Mr. Forster asks that Mr. Fama along with staff members that he sees fit convene a meeting to evaluate the possibility of our outside crew completing that work with the potential inclusion of a project manager and equipment rentals if needed. Chairperson Brown agrees.

Mr. Fama states that he will review the scope of the work, convene a meeting and report back to the board.

5. Personnel Items

a. November 23, 2020 Personnel Actions and Reports

Mr. Fama states that the NFWB's Safety Specialist has accepted another position and he is seeking board approval to fill that position as soon as possible.

Ms. Larkin questions the process of filling that position since in the past that position has been partially funded by the City and is inquiring if the funding will remain available.

Mr. Fama states that he plans to speak with Mr. Accardo and ask that he contact the City for further clarification regarding the funding for the Safety Specialist position.

Ms. Senia states that much of the Safety Specialist's attention needs to be paid to the WTP/WWTP.

Mr. Brown inquires the percentage split for funding the Safety Specialist position between the City and the NFWB.

Ms. Walker states that the NFWB contributes 40% and the City of Niagara Falls contributes 60% of the funding.

6. Information Technology (IT)

Mr. Fama notes that the New World project is progressing into the testing phase this week. The NFWB has a tentative date between December 7 and 14 for the project to “go live.”

7. Finance

a. 2021 Budget

Mr. Brown suggests postponing the budget discussion for further detailed discussion at the December 7 work session due to the inability to properly review the information that was provided based on the date when the board members received this information. Mr. Brown had hoped that the board members would have been engaged in the budget discussion much sooner than they were and still is waiting on some previously requested information regarding projections for the 2020 budget. Ms. Larkin agrees.

Mr. Costello notes that if a rate increase is necessary, the public hearing for a potential rate increase must be published in the paper not fewer than 10 days prior to the public hearing.

Mr. Brown states the board received the budget information very late will not be pushed to adopt a budget with rate increases prior to the end of the year if the Board is not provided the information and time needed to evaluate the budget.

8. Questions Regarding October 2020 Operations and Maintenance Report

No questions were asked.

9. Safety

Ms. Senia, attending her last meeting, was thanked for her service to the NFWB.

10. General Counsel and Secretary

a. April 14, 2019 Lightning Strike Insurance Claim Update

Mr. Costello provided an update on this claim, which now is nearly complete and totals approximately \$635,000.

11. From the Chairman

Mr. Brown states he has nothing new.

12. Resolutions

2020-11-001 – MEMBERSHIP IN WNY STORMWATER COALITION

a. Memorandum of Agreement

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __A [connection issue]__

Motion carried, 4-0, with one absence.

**2020-11-002 – 2021 CLARK PATTERSON LEE PROFESSIONAL SERVICES
EXTENSION**

a. October 27, 2020 Proposal

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __A [connection issue]__

Motion carried, 4-0, with one absence.

2020-11-003 – AWARDING 2021 COOPERATIVE CHEMICAL BID

a. November 9, 2020 Memorandum Recommending Awards

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.

**2020-11-004 – DIRECTING PREPARATION OF 2021 BUDGET AND FINANCIAL
REPORT CALENDAR**

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0.

13. Unfinished/Old Business

Mr. Brown asked for an update on the meeting with Bank on Buffalo and the banking RFP. Ms. Walker stated that some issues were resolved, and staff does not want to change banks because of the associated logistics and public perception issues. For past issues with the Bank, there is nothing the Water Board can do about the vendor the Bank uses for payments, and there now is a greater understanding why cash payments are not accepted.

Mr. Forster inquired about the July letter from the City Administrator regarding the PILOT and asked Ms. Walker if there is anything in writing regarding her questions to the State Comptroller that she wanted answered before responding. Ms. Walker said she spoke with someone and is not sure what she has in writing.

14. New Business & Additional Items for Discussion

Mr. Forster asked about the status of payroll certification. Mr. Fama will ask Mr. Accardo to address this with Civil Service.

15. Executive Session (anticipated)

- a. **Public Officers Law § 105 (f), “matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.”**

Motion by Mr. Forster and seconded by Mr. Brown to enter executive session at 6:13 p.m. to discuss matters possibly leading to the demotion, discipline, suspension, dismissal or removal of particular persons.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

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 Ms. Larkin and seconded by Mr. Forster to exit executive session and enter back into the open meeting at 7:10 p.m.

Brown__Y__Forster__Y__Larkin__Y__Leffler__Y__Kimble__Y__

Motion carried, 5-0

16. Adjournment of Meeting

Motion by Ms. Larkin and seconded by Mr. Forster to adjourn at 7:11 p.m.

Brown__Y__Forster__Y__Larkin__Y__Leffler__Y__Kimble__Y__

Motion carried, 5-0