



MINUTES

Meeting of the Niagara Falls Water Board October 26, 2020 at 5:00 p.m.

Note: This Meeting was held via conference call pursuant to Executive Order 202.1 as extended by 202.67.

1. Attendance and Preliminary Matters

a. Brown P Forster P Larkin P Leffler P 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 were to be submitted in writing to be read by the Secretary by 12:00 p.m. on October 26, 2020)

Mr. Costello noted that Andrew Slack submitted a public comment relative to 1953 Lockport Street, seeking a \$3,200.80 adjustment on the account which currently reflects \$3,678.38 due. He is the executor for the deceased property owner who had passed away and the tenant was in hospice care during the period when the water bills were issued. The leaking toilet inside of the residence was not discovered until after the water bills were issued; it has since been repaired. Mr. Slack submitted invoices indicating the repair. Mr. Costello has forwarded Mr. Slack's correspondence and adjustment request to Ms. Walker.

d. Approval of Minutes from September 28, 2020 Meeting

Motion by Ms. Larkin and seconded by Ms. Leffler to approve the September 28, 2020 special meeting minutes.

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion carried, 5-0.

e. Approval of Minutes from October 2, 2020 Special Meeting

Motion by Mr. Forster and seconded by Ms. Larkin to approve the October 2, 2020 special meeting minutes.

Brown __Y__ Forster __Y__ Larkin __Abstain__ Leffler __Y__ Kimble __Y__

Motion carried, 4-0 with one abstention.

f. Approval of Minutes from October 14, 2020 Special Meeting

Motion by Ms. Larkin and seconded by Mr. Brown to approve the October 14, 2020 special 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. 2021 Holidays Per CBA**

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.

CPL negotiated the Project 3 construction inspection proposal with Arcadis, which was able to reduce the number of hours and the rate for its subcontractor resulting in a savings of approximately \$35,000 for the NFWB. This proposal is before the Board tonight and CPL recommends approval.

The Project 1 electrical work was rebid and CPL recommends approval of the bid that is before the Board.

CPL was unable to secure a timely response to its request for a Project 1 construction administration services proposal from AECOM that would be updated as to rates and to make sure the project meets MWBE participation goals. CPL was asked to provide a proposal for it to provide the necessary Project 1 construction administration and inspection and has provided a proposal that is before the Board that is \$35,000 less than AECOM's proposal with more MWBE utilization. Mr. Fama noted that after Board packets were distributed AECOM did provide a proposal for that work but CPL's proposal remains less expensive with more MWBE and recommends approval of CPL's proposal.

Mr. Forster expressed appreciation for CPL's efforts to save NFWB money on these projects.

Mr. Forster inquired about the status of the FEMA grant project, having understood that GHD was preparing different options for that project because the cost of the original design was too high. He asked who was paying GHD for that work. Mr. Fama stated GHD is working on a new design proposal and is doing this work at no cost to the NFWB.

3. Superintendent

a. Update on Private Hydrants

Mr. Wright states the original private hydrant inquiry letter was distributed on July 1, 2020 and he has received a response from every entity that received a letter and almost all entities now have provided the requested information.

4. Engineering

Mr. Williamson states he received flow data from TechSmith for the Town of Niagara fall flow monitoring period. Mr. Williamson has been reviewing the data to come up with billing for 2021 based on the average flows for the spring and fall monitoring periods. Based on these flows the bills to Town of Niagara will be somewhat reduced from this year.

Mr. Forster asked about work that Urban Engineering is performing in connection with a Military Road paving project by the City, and their role in the Water Board's planned Military Road water main replacement. Mr. Forster asked for clarification on whether the Water Board will be responsible for any of the cost of Urban Engineering's work. Mr. Williamson and Mr. Costello will obtain clarification on the cost of the water main replacement engineering work.

Mr. Forster questions the status of the generator installation project; Jay Meyers states that all of the generators are up and running. He also asked about an RFP for sludge handling improvements at the WWTP and Mr. Meyers will be providing a draft to Mr. Costello and Mr. Fama this week.

5. Personnel Items

- a. October 26, 2020 Personnel Actions and Reports**
- b. Employment Contract Renewals**

Mr. Fama states he would like the Board's approval to advertise to hire an employee with a Grade 4 WWTP operator license. The position would be subject to Board approval. The Board did not object to this plan and Mr. Fama advised that the position would be advertised.

6. Information Technology (IT)

Mr. Fama states that the kick-off meeting for the New World migration took place on October 19, 2020 and the meeting went well. Mr. Morock has completed all the necessary paperwork. The goal for rolling out the new version of New World will be the end of November, beginning of December 2020.

7. Finance

- a. Financial Services Update Report**
- b. Accounts Payable Payment Listings**
 - i. September 2, 2020**
 - ii. September 17, 2020**
- c. Budget Performance Report through October 8, 2020**
- d. Bank Balances Report**
- e. Capital Improvement Plan Tracking Spreadsheet**
- f. September 2020 Budget Transfers**
- g. Payroll-Based Overtime Log**

Ms. Walker reviewed the September 2020 financial update with the Board.

Ms. Walker states she has almost completed the draft 2020 NFWB budget; seeking a few additional items before providing the draft budget to the board members for review.

Ms. Walker states the revenues are down slightly due to the pandemic.

Ms. Walker asked if the Board still wants to receive bi-weekly payroll-based overtime reports; Mr. Forster and Ms. Leffler both advised that they review these and would like them to continue.

Mr. Brown refers to the budget performance report and identifies a few areas of concern regarding the year-to-date versus prior-year figures. Mr. Brown will further review this information and present any questions or concerns at another time.

8. Questions Regarding September 2020 Operations and Maintenance Report

No questions were asked.

9. Safety

Ms. Senia states that this month she has been focusing on safe bulk chemical unloading for operations employees. Several training classes have been held with various groups.

Workplace violence training has been completed for WTP employees and will be completed for WWTP employees by the end of this week.

The outside crews received a demonstration and training from the manufacturer on new hydraulic shoring during a dig on Ontario Street.

Mr. Forster referred to the unfortunate circumstance of an employee falling into a confined space in Erie County. Mr. Forster wants to ensure that the proper training is taking place for NFWB employees and would like to know what procedures are in place for when there are contractors entering into confined spaces.

Ms. Senia states that our employees receive confined-space training. For contractors, we have not had many doing work involving confined space entry and do not control their work though we review their safety plan and ensure that they have received confined space entry training.

Mr. Forster questions if there is a need to modify the policy and/or procedures regarding contractors entering confined spaces. Ms. Senia states she does not believe there is a need to do so currently.

10. General Counsel and Secretary

Mr. Costello states he has nothing at present.

11. From the Chairman

Mr. Brown states he has nothing new to add.

12. Resolutions

2020-10-003 – INSTALLATION OF ELECTRICAL SERVICE FOR TEMPORARY CONSTRUCTION TRAILERS

a. Ferguson Quote, May 11, 2020, No. PD21077

[Renumbered: Previously presented as Resolution 2020-05-005]

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

2020-10-004 – AUTHORIZING EXTENSION OF BID FOR SEWER LINE CHEMICAL ROOT CONTROL

a. Root Control Bid Extension Supporting Documents

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

2020-10-005 – AWARD BID FOR ELECTRICAL CONTRACTOR WORK WWTP PROJECT 1: SEDIMENTATION BASINS AND SCUM COLLECTION SYSTEM MODIFICATIONS

a. Project 1 Electrical Contractor Bid Award Recommendation and Tabulation

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

2020-10-006 – AWARD BID FOR GRANULATED ACTIVATED CARBON SUPPLY AND REMOVAL

a. Official Bid Tabulation

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

2020-10-007 – AUTHORIZING CPL TO PERFORM PROJECT 1 CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES

a. CPL Proposal Dated October 21, 2020

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

**2020-10-008 – AUTHORIZING ARCADIS TO PERFORM PROJECT 3
CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION
SERVICES**

a. Arcadis Proposal Dated October 20, 2020

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

**2020-10-009 – TERMS OF COMPENSATION ON RENEWAL OF CERTAIN
EMPLOYMENT CONTRACTS**

Motion by Mr. Forster and seconded by Ms. Leffler to table Resolution 2020-10-009

Brown __N__ Forster __Y__ Larkin __N__ Leffler __Y__ Kimble __Y__

Motion to table carried, 3-2

13. Unfinished/Old Business

Mr. Forster references the tank study for the Beech Ave. water tower that has been empty for approximately 20+ years. Mr. Forster would like an update on the status of that study.

Mr. Fama believes a design for a new water tank was prepared. At the time, the cost estimate was \$6.9 million and did not include the transport of water from “a” to “b,” the transmission line that needed to be slip-lined was unavailable for use at the time. Mr. Fama states that it is his understanding that most, if not all, of this slip-lining project is outlined in the capital improvement plan. Mr. Fama states the project itself was put on hold in order to gain a better understanding of the total project cost.

Mr. Forster references the hydraulic study that was completed and questions whether there was a tank study that was also completed. Mr. Fama states he will contact CPL for clarification and report any findings to the Board at the November meeting.

14. New Business & Additional Items for Discussion

WALK-ON RESOLUTION 2020-10-010 – USE OF NYPA RELICENSING SETTLEMENT AGREEMENT FUNDS FOR CAPITAL PROJECTS

Motion by Ms. Leffler and seconded by Ms. Larkin to waive the agenda deadline in order to consider Resolution 2020-10-010

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

Mr. Brown asked if this resolution was to pay for specific projects. Ms. Walker replied that it is not for specific projects; this is partly for “float” pending grant reimbursements and partly to make up for reduced transfer to capital resulting from a 0% rate increase in 2019.

Mr. Forster noted he was not pleased to receive this resolution related to \$4 million in funds with limited time for review; Ms. Walker began working on the resolution after she was advised by DASNY of a delay in getting grant reimbursements approved.

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

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 Ms. Larkin and seconded by Mr. Brown to enter executive session at 6:11 p.m. to discuss matters possibly leading to the employment or discipline 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. Kimble and seconded by Ms. Leffler to exit executive session and enter back into the open meeting at 7:07 p.m.

Brown__Y__Forster__absent [audio issues] __Larkin__Y__Leffler__absent__Kimble__Y__

Motion carried, 4-0, with one absence.

16. Adjournment of Meeting

Motion by Ms. Kimble and seconded by Ms. Larkin to adjourn at 7:08 p.m.

Brown__Y__Forster__absent [audio issues] __Larkin__Y__Leffler__absent__Kimble__Y__

Motion carried, 4-0, with one absence.