



MINUTES
Meeting of the Niagara Falls Water Board
January 11, 2021 at 5:00 p.m.

Note: This meeting was held via conference call pursuant to Executive Order 202.1 as extended by 202.87.

1. Attendance and Preliminary Matters

Chairman Brown called the meeting to order at 5:01 p.m.

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

b. Letters and Communications

i. December 30, 2020 Correspondence from Administrator Regarding Operation Agreement.

Mr. Costello noted correspondence from the City Administrator regarding the operation agreement with the NFWB and will work to schedule a meeting with the City.

c. Public Comment (Public comments were to be submitted in writing to be read by the Secretary and to be received by 12:00 p.m. on January 11, 2021. Comments may be summarized when read.)

Mr. Costello noted that the Board had received a copy of a submission by the attorney for Paul Cooke related to a frozen water line issue at Mr. Cooke's Beech Ave. residence.

d. Approval of Minutes

i. December 14, 2020 Business Meeting

Motion by Mr. Forster and seconded by Mr. Brown to approve the December 14, 2020 meeting minutes.

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion carried, 5-0

ii. December 21, 2020 Public Hearing and Budget Meeting

Motion by Ms. Larkin and seconded by Mr. Brown to approve the December 14, 2020 meeting minutes.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

iii. December 28, 2020 Budget Meeting

Motion by Mr. Forster and seconded by Mr. Brown to approve the December 28, 2020 meeting minutes.

Ms. Leffler and Ms. Kimble noted they were voting no because they felt the resolutions were not received sufficiently in advance of the meeting.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __N__ Kimble __N__

Motion carried, 3-2

2. Acting Executive Director

- a. WWTP Project Budget Tracker (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**

Ted Donner presented an updated capital project status review to the board members; notes there was nothing major to report currently; all projects are proceeding with no issues.

Mr. Forster requested an update on Item 2C of the Capital Improvement Plan, meter replacement and upgrades – to ensure meter accuracy and automated readings.

- c. Financial Award Summary (CPL)**

Dave Jaros presented a financial award summary to the board members.

- d. RFP Updates**
 - i. Design Report for Improvements in the WWTP Processing, Handling, and Disposal of WWTP Residuals**
 - ii. Real Time Monitoring and Analysis of Water Distribution System – Leak Detection and Pressure**
 - iii. Rate Consultant and Consulting Engineer**

Mr. Costello briefly explained the RFPs above, which have been issued or will be issued soon, and the anticipated timeline for presenting resolutions for the Board's approval. Seven

proposals were received for the WWTP sludge RFP, and a recommendation to award is expected for February.

3. Superintendent

4. Engineering

Mr. Forster question the status of the slip-line from 18th St. to Michigan Ave.

Mr. Williamson and Mr. Wright confirmed that according to City Engineering, this project will go out to bid this month.

5. Personnel Items

a. January 11, 2021 Personnel Action Sheet

Mr. Costello explains that the personnel actions listed on the sheet do not require Board approval and are for information only.

6. Information Technology (IT)

Mr. Costello noted that the New World upgrade project is moving forward, but because of technical issues, it will require an additional project be completed first. A VPN will be installed at City Hall so the City will be able to log into New World directly rather than through the Water Board's system, eliminating the need for the wired connection between City Hall and the WTP that has proven problematic. The New World "go live" date will be in February.

7. Finance

- a. Bank Balance Report**
- b. Budget Performance Report as of January 5, 2021**
- c. Final 2020 Payroll-Based Overtime Log**
- d. Capital Improvement Plan Tracking (Spreadsheet not part of packet)**

Ms. Walker noted that DRIP program letters will be sent soon.

Chairman Brown notes that he has not received a response to two items of correspondence sent to Ms. Walker with questions regarding the 2021 budget. He had asked for information regarding specific accounts and why funds were not budgeted to those accounts for 2021.

Ms. Walker states that she did not respond to Chairman Brown's questions because she misunderstood them and cannot answer at this time.

Mr. Walker further stated that she did not answer Chairman Brown's questions at the time, due to her concerns with the proposed 2.99% rate increase. Ms. Walker contacted the NFWB's bond consultant and provided him with the budget amendments.

Chairman Brown notes going back to August-September 2020 he has been requesting budget forecasts, in the form of projections or estimates, for 2020 revenues. He also never received fund balance breakdowns for 12/31/2019 and 12/31/2020 despite multiple requests. Ms. Walker will need to look to check on the status of this.

8. Questions Regarding December 2020 Operations and Maintenance Report

No questions were asked.

9. Safety

Mr. Costello notes Resolution 2021-01-004 – regarding a contractor to assist with the Water Board's safety program (AFI safety proposal).

Patrick Ackerman (project manager for the safety consultant) from AFI was on the call to answer any questions from the board members regarding the safety proposal.

Mr. Costello states, if resolution 2021-01-004 is approved, he will ask that the contractor reviews the NFWB's end-of-year reports to ensure everything is properly completed.

Ms. Larkin requested to return to the finance portion, seeking clarification regarding the conversation that was had between Mr. Costello and the NFWB's bond consultant.

Mr. Costello states he contacted bond counsel Tom Meyers after receiving a copy of Ms. Walker's email earlier that afternoon and asked if Mr. Meyers has any specific concerns from EFC with respect to the NFWB's rate increase. Mr. Meyers did not identify any specific concern; however, he did state we will need to obtain an updated report from Dresher & Malecki, possibly with a brief narrative to outline how the budget amendments put forth will reduce the operating budget making the rate increase sufficient.

Mr. Costello states that regarding use of debt service reserves, there are restrictions on how these funds are appropriated. However, Mr. Meyers explained there are mechanisms to make use of excess funded debt service reserves. After speaking with Mr. Meyers, Mr. Costello believes it possible to use some of the debt service reserve funds to lower the overall amount of the operating budget. Perhaps not through a direct transfer from the debt service reserve fund into the operating budget, but more so to offset some of the principal and interest payments for a bond maturing this year.

Chairman Brown notes a report from the State Comptroller's office from a few years back noted excess amounts in the debt service funds and that those funds should be used towards rate reductions. Chairman Brown states that now, that is exactly what the NFWB is doing. Ms. Walker asked if the Comptroller's Office indicated the excess should be used for capital projects or rate reduction, Chairman Brown replied that the report specifically said rate reduction.

Ms. Walker asked to clarify that Tom Meyers said he had been contacted several times by EFC regarding the 2.99% rate increase and said that an updated report from the rate consultant was needed.

10. General Counsel and Secretary

11. From the Chairman

Chairman Brown stated that on Saturday, January 2, 2021 he had received notification from City Council Chairman Kenny Tompkins, of a very dangerous situation regarding a missing manhole cover. Mr. Costello was notified and immediately contacted Mr. Eagler to rectify the situation. Chairman Brown appreciated the staff's quick response to this matter, addressing the situation within half an hour.

Chairman Brown noted his top priorities for the first and second quarter of 2021:

- Identifying the causes and reducing the amount of unbilled and unaccounted for water;*
- Reducing the annual expense of workers compensation; and*
- Hiring an Executive Director – he noted he emailed the Board to ask their thoughts on the search. Ms. Leffler did not receive the email and Chairman Brown will re-send it. Ms. Kimble noted she will send a response.*

12. Resolutions

2021-01-001 – ANNUAL BARRACUDA CLOUD BACKUP AND STORAGE SERVICES

a. Renewal Invoice

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

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried, 5-0

2021-01-002 – LUCITY SOFTWARE SUPPORT AND MAINTENANCE RENEWAL

a. Renewal Invoice

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

2021-01-003 – AUTHORIZING THIRD PARTY LABORATORY ANALYSIS SERVICES FOR WASTEWATER TREATMENT PLANT LABORATORY

a. Test America Quote

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

2021-01-004 – CONTRACTOR FOR SAFETY PROGRAM

a. AFI Safety Proposal

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

2021-01-005 – VORTEX PUMPS SPARE PARTS ORDER

a. Vortex Spare Parts Order Information

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

2021-01-006 – NOTICE OF NON-RENEWAL OF EMPLOYMENT CONTRACT

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

Mr. Forster stated that there are six employees under contract. In 2020 there was a resolution to eliminate contracts. All the other contracts end at the end of 2021.

Ms. Kimble stated that at-will employment has been considered discriminatory, because African Americans are at the greatest risk as the last hired and first to be fired or to see their hours cut. Getting rid of contracts and going to an at-will system therefore is something that Ms. Kimble does not necessarily support because there are ways to remove employees who are under contract.

In this particular situation, she looks at what has happened with other employees' whose contracts were renewed in 2020, the employment contracts of four white employees were approved without an evaluation and the Board now is going to terminate the Director of Financial Services, who is black, without an evaluation. She feels the employees are being treated differently and it is employment discrimination based on race, and that Ms. Walker would prevail if she were to bring a discrimination suit against the Water Board. Ms. Kimble says she was told it was the intention of a Board member when they came onto the Board to get rid of Ms. Walker, and this Board member has what she believes are racially inflammatory Facebook posts of which the City Council has been made aware. Ms. Kimble feels the Water Board does not have a lot of diversity among its 105 employees, and will vote no.

Ms. Leffler agrees with Ms. Kimble and when Ms. Walker was first hired everyone knew she was not supportive of Mr. Forster's selection of Ms. Walker for the financial position, but she has come to respect Ms. Walker's work. Mr. Forster stated Ms. Walker was not solely his selection. Ms. Leffler says this is more than not renewing it a contract it is a termination, and she is against it.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __N__ Kimble __N__

Motion carried, 3-2

13. Unfinished/Old Business

None.

14. New Business & Additional Items for Discussion

None.

15. Executive Session (if needed)

No executive session was held.

16. Adjournment of Meeting

Motion by Mr. Forster and seconded by Ms. Larkin to adjourn the meeting at 6:14 p.m.

Brown__Y__Forster__Y__Larkin__Y__Leffler__Y__Kimble__Y__

Motion carried, 5-0.