



## MINUTES

### Meeting of the Niagara Falls Water Board

September 27, 2021 at 5:00 p.m.

5815 Buffalo Avenue

Niagara Falls, NY 14304

\*\*\* As permitted by Chapter 417 of the Laws of 2021, this meeting could be attended by Board Members and members of the public either in-person or via conference call.\*\*\*

#### 1. Preliminary Matters

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

##### a. Attendance:

Asklar (Board Member/Chairman of Finance/Member Exec. Staff Review Cmte.) *Present via Conference Call*

Forster (Chairman) *Present in Person*

Kimble (Board Member) *Present via Conference Call*

Larkin (Board Member/Vice Chairwoman/Governance Chairwoman/  
Chairwoman Exec. Staff Review Cmte.) *Present in Person*

Leffler (Board Member/Member Exec. Staff Review Cmte.) *Present via Conference Call*

##### b. Comments from Chairman Forster

*Chairman Forster had nothing new to add at this time.*

##### c. Letters and Communications

- i. September 14, 2021 DEC Letter Approving Use of Phase II Funds for WWTP Intermediate Pumps

*The board members reviewed and discussed this correspondence at the September 20, 2021 working session.*

ii. **Correspondence from City Administrator Extending Operation Agreement to September 29, 2021**

*The board members reviewed and discussed this correspondence at the September 20, 2021 working session.*

iii. **Correspondence from Bill Wright Regarding Retirement Effective December 23, 2021.**

*The board members were made aware that Mr. Wright will be retiring from his position on December 23, 2021.*

- a. **Public Comments (All speakers must register with the meeting clerk prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour).**

*Lucinda Burnett (Fairfield Ave.) spoke regarding her two previous, abnormally high, water bills. Ms. Burnett states the first high water bill she received, after averaging a minimum bill for years, was for approximately \$300. She explained that a plumber was called to her property and discovered her toilet was leaking, causing the high bill. The plumber repaired the leak. The next water bill that Ms. Burnett received was approximately \$600. Ms. Burnett states she is unable to make these payments and is unsure why her bill would be that high.*

*Mr. Wright states he will instruct the outside crew to evaluate Ms. Burnett's property and will be in touch regarding any additional updates/findings.*

b. **Approval of Minutes**

i. **Draft July 26, 2021 Meeting Minutes**

*Motion by Board Member Larkin and seconded by Board Member Leffler to approve the July 26, 2021 meeting minutes.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

ii. **Draft August 9, 2021 Special Meeting Minutes**

*Motion by Board Member Larkin and seconded by Board Member Asklar to approve the August 9, 2021 special meeting minutes.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_abstain\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 4-0, with one abstention.*

**2. Executive Director – Dr. Abderrahman Zehraoui**

- a. WWTP Project Budget Tracker (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**
- c. Financial Award Summary (CPL)**
- d. Infrastructure Initiative**
  - i. Memorandum**
  - ii. PowerPoint Presentation**
  - iii. Correspondence from Dr. Zehraoui to Congressman Higgins**
  - iv. Letter of Support From Mayor Restaino**
  - v. Letter of Support from Legislator Grozio**

*Dr. Zehraoui noted that a meeting has been scheduled with DEC to discuss funding for the WWTP. We will be applying for funding under a program that has a total of \$400 million.*

**3. Superintendent – William Wright**

- a. Plan for Procurement of Heavy Equipment for Outside Maintenance**

*Board Member Kimble questioned whether this action would impact the Water Board's insurance rates, Mr. Wright replied the impact would be modest, possibly a \$300 increase.*

**4. Engineering – Douglas Williamson**

- a. FEMA Hazard Mitigation Grant Program HMGP Project No.4204-0003:**
- b. Town of Niagara Flow Monitoring**
  - i. Flow Monitoring Location Map**
- c. CIP Plan Update**
  - i. September 14, 2021 Draft Update**

**5. Personnel Items – John Accardo**

- a. September 27, 2021 Personnel Actions Sheet**

*Chairman Forster noted that as a matter of policy moving forward, personnel upgrades will be checked for meeting minimum qualifications and then sent to Dr. Zehraoui for review.*

*The Board decided to discuss promotions of particular personnel during executive session and its votes on the Personnel Actions Sheet are recorded in these minutes after the minutes of the vote to exit executive session.*

**6. Information Technology (IT) – Dr. Abderrahman Zehraoui**

**7. Finance – Brian Majchrowicz**

- a. 2022 Budget Update**
- b. Revenue Budget Performance Report through August 31**
- c. Sewer Fund Expense Budget Performance Report through August 31**
- d. Water Fund Expense Budget Performance Report through August 31**
- e. Board Fund Expense Budget Performance Report through August 31**
- f. Bank Balance Report – Bank on Buffalo and KeyBank**
- g. Treasury Investment Bank Balance**
- h. Wilmington Trust Bank Balances**
- i. Capital Payments – August 2021**
- j. August 2021 Budget Amendment Report**

**8. Questions Regarding August 2021 Operations and Maintenance Report**

**9. Safety – John Accardo**

**10. General Counsel and Secretary – Sean Costello**

- a. Proposals for Rate Consultant and Consulting Engineer**
- b. Third Amendment to Operation Agreement**

**11. Resolutions**

**2021-09-001 – GENERATOR PREVENTATIVE MAINTENANCE SERVICE AGREEMENT WITH KINSLEY POWER SYSTEMS**

- a. Kinsley Generator Maintenance Quote Revised June 22, 2021**

*Motion by Board Member Kimble and seconded by Board Member Larkin to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-002 – HEAVY EQUIPMENT FOR OUTSIDE MAINTENANCE**

- a. First John Deere 75G
- b. Second John Deere 75G
- c. John Deere 333G
- d. Trail King Tilt Trailers

*Motion by Board Member Larkin and seconded by Board Member Asklar to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-003 – AUTHORIZING EXTENSION OF BID FOR SEWER LINE CHEMICAL ROOT CONTROL**

*Motion by Board Member Larkin and seconded by Board Member Kimble to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-004 – AWARD BID FOR PRIMARY TREATMENT POLYMER**

- a. Award Recommendation Letter and Bid Tabulation

*Motion by Board Member Kimble and seconded by Board Member Asklar to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-005 – APPROVING THIRD AMENDMENT TO OPERATION AGREEMENT WITH CITY**

- a. Draft Third Amendment

*Chairman Forster noted that there had been quite a bit of work in this amendment with both parties looking out for their own interests and thanked the City for negotiating in good faith.*

*Motion by Chairman Forster and seconded by Board Member Larkin to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-006 – PROCUREMENT OF GRIT CYCLONE SCREW AND PARTS**

- a. Koester Associates Quote 2021-P-13920 for Grit Screw
- b. Koester Associates Quote 2021-P-13927 for Wear Shoes
- c. Smith & Loveless Letter Regarding Koester Being Sole Source

*Motion by Board Member Leffler and seconded by Board Member Larkin to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-007 – DECLARING CERTAIN PROPERTY TO BE SURPLUS TO BE DISPOSED OF AT AUCTION**

- a. List of Items Requested to be Declared Surplus for Disposal at Auction

*Motion by Board Member Asklar and seconded by Board Member Leffler to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-008 – PAYMENT TO BONADIO & CO. FOR 2020 AUDIT AND EXERCISING OPTION FOR 2021 AUDIT**

- a. Bonadio Invoice for Additional Fee for 2020 Audit Services
- b. Bonadio Engagement Agreement for 2020 Audit

*Motion by Board Member Larkin and seconded by Board Member Leffler to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_N\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 4-1*

**2021-09-009 – CHANGE ORDERS FOR PROJECT 2, GORGE PUMP STATION REHABILITATION**

- a. STC Change Order 1
- b. John W. Danforth Change Order 1
- c. CIR Change Order 1
- d. GHD Proposal Dated September 8, 2021

*Motion by Board Member Kimble and seconded by Board Member Leffler to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-010 – POLICY FOR TELECOMMUTING BY CERTAIN EXEMPT EMPLOYEES**

**a. Draft Exempt Executive Employee Telecommuting Policy**

*Board Member Larkin questioned why this policy was not being left to Dr. Zehraoui. Board Member Kimble believes a written policy is a good idea in the pandemic, will provide structure, and will avoid the impression that the Executive Director is playing favorites in determining who may work from home.*

*Motion by Board Member Leffler and seconded by Board Member Asklar to approve.*

*Asklar \_\_N\_\_ Forster \_\_N\_\_ Kimble \_\_Y\_\_ Larkin \_\_N\_\_ Leffler \_\_Y\_\_*

*Motion failed, 2-3*

**2021-09-011 – ACCEPTING PROPOSAL FOR PROPERTY, LIABILITY, AND UMBRELLA INSURANCE POLICIES**

- b. USI Renewal Narrative**
- c. Insurance Renewal Proposal**

*Motion by Board Member Larkin and seconded by Board Member Leffler to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-012 – ACCEPTING PROPOSAL FOR RATE CONSULTANT SERVICES**

- a. Memorandum from Executive Director**
- b. Dresher & Malecki Proposal dated September 15, 2021**

*Motion by Board Member Larkin and seconded by Board Member Asklar to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-013 – ACCEPTING PROPOSAL FOR CONSULTING ENGINEER SERVICES**

- a. Memorandum from Executive Director**
- b. AECOM Proposal dated September 15, 2021**

*Motion by Board Member Larkin and seconded by Board Member Asklar to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**2021-09-014 – MASTER CONTRACT FOR WASTEWATER TREATMENT PLANT  
PROTECTIVE MEASURES PROJECT GRANT**

**d. Master Contract No. C000804**

*Motion by Board Member Larkin and seconded by Board Member Leffler to approve.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**12. Additional Comments from Chairman Forster**

**13. Unfinished/Old Business**

**a. 18th Street Slip Line**

- Walk-through completed from Whitney Ave. to Ontario Ave. with City Engineering – discussed at board meeting held on 5/24/21.
- City Engineering is hand-drawing certain utilities, design not complete as of July 19.
- 9/20/21 – T. Donner from CPL will prepare a proposal for CPL to do the engineering for the grant-funded work.

**b. Roof Study**

- Study is complete. Dave Jaros from CPL will now be the point person – discussed at work session held on 7/12/21.

**c. Beech Ave. Water Tower**

- Jay Meyers explains some modeling work is needed along with finalizing ideas for an ideal location (possibly Buffalo Ave.)
- Beech Ave. is not an ideal location due to the need for a pump station.
- Cost to complete the study – approximately \$9,800 – discussed at board meeting held on 5/24/21.
- Per Jay Meyers, as of July 19, project is 95% complete, final details to be discussed with NFWB.
- 9/20/21 – Report delivered to NFWB (Copy is in 9/27 Meeting Packet, Minus Appendices).

**d. Caulking Project WTP**

- Exterior caulking complete.
- Bid for interior caulking awarded at July 2021 meeting; next step is to schedule the work.
- 9/20/21 – Contractor now has supplied bonds, J. Meyers will get work scheduled.



- e. **56th Street Water Tower**
  - CPL was tasked to explore ways to improve the functionality and eliminate the need for WTP operators to have to drain the water lower levels on a daily basis in order to recirculate the water; due to the lack of a recirculating pump and valve at the bottom of the tank - discussed at board meeting held on 5/24/21.
  - 9/20/21 – Report delivered to NFWB (Copy is in 9/27 Meeting Packet, Minus Appendices).
  
- f. **Lift Station Roofs**
  - As of September 14, 2021:
    - New pitched roof at 81st and Frontier has been installed using in-house labor and Carpenters from Union Hall.
    - Waiting on metal roofing material for 81st and Stephenson, should arrive by the end of September 2021.
    - J. Argona and M. Eagler are evaluating the possibility of performing the work required on the Cayuga Island lift station in house.
  - 9/21/21 – Per M. Eagler, two lift stations will be painted before weather changes.
  
- g. **Chlorine System**
  - Adding a booster pump to the raw water chlorine feed would prevent loss of chlorine feed during a low-pressure scenario (i.e. Goodyear break).
  - Will also provide backup to chlorine dosage during backflow testing/repairs
  - CPL has done design, waiting for DOH approval of submittals, as discussed July 19.
  - 9/14/2021 – Still waiting for DOH approval.
  - 9/20/2021 – Same status, Dr. Zehraoui to contact DOH regarding delay.
  
- h. **Emergency Backup Generators**
  - In need of repair – multiple issues with transfer gear and controls.
  - 1 unit has been determined to need radiator parts/replacements.
    - Radiator repair approx. \$40,000.
  - Work continues with Zenith – determined TS-2 and TS-3 need cleaning and lubrication, which involves removing power and running a separate generator to make the necessary repair.
  - Quotes have been received for auto switching main plant power feeds to lessen the risks involved with a generator failure (unknown).
  - Joe Argona provided a proposal from Milton-Cat (dated 4/19/21) for the installation of the auto-transfer scheme and relay upgrade for the (2) main incoming feeders for the WTP – discussed at board meeting held on 6/28/21.

- Working to plan a plant shutdown to clean electrical contacts and other preventative maintenance work on electrical system.
- 9/14/2021 – Tentative plan developed by J. Argona, R. Rowe, and Ferguson Electric is to do the necessary plant shutdown on October 13.
- 9/20/2021 – J. Argona will get updated quote for Board approval of radiator replacement.

**i. WTP Roofing**

- Area over front main entrance vestibule is leaking – creating issues with drywall mold and cracking.
- Area over filter gallery with floating foam pieces – no leaks detected. Nearby roof drains have been cleaned to help with the issue - discussed at board meeting held on 5/24/21.
- A purchase order for \$8,750.00 has been submitted to Brad Farris from Tremco – work will be scheduled shortly – discussed at work session held on 7/19/21.
- 9/20/21 – Report from Tremco is included in work session packet.
- 9/20/21 – Report reviewed with Board by D. Jaros.

**j. Interior Lighting**

- As of 9/14/2021, plan is to do low-lift lighting in-house.
- Replacement fixtures installed in accessible areas of low lift were not as bright as desired, a new light was ordered to test out in the building – discussed July 19.
- 9/14/2021 – A replacement fixture has been installed and is being evaluated.
- 9/20/2021 – Per J. Argona, replacement fixture was satisfactory, more will be ordered, total cost estimated at \$5,000 to \$6,000 to do entire area.

**k. HVAC Rooftop & Make Up Air**

- Outdated units – need replacements – 4 out of the 5 units are inoperable.
- Still in need of additional units – the pandemic has brought this to the forefront, as makeup air is potentially regulated in certain environments as well as air filtration ratings.
- June 30, 2021 Quote for MUAUs totals \$263,222
- July 19 – D. Williamson and J. Meyers tasked with preparing bid specifications for this project.
- 9/20/2021 – Per J. Meyers, specifications are about 90% complete.

**l. PACL System Upgrades**

- Need SCADA professionals to finish updating our program to match the 4 PACL pumps so that all 4 pumps can be utilized with SCADA control.
- 9/20/2021 – Three of four pumps are connected to SCADA, Dr. Zehraoui will meet with C. Hotchkiss regarding connecting fourth pump.

**m. Bulk Chemical Storage Liners**

- PACL liners complete – contractor has concerns about Fluoride toxicity. Maintenance department to follow up.
- - discussed at board meeting held on 5/24/21.
- Joe Argona states he is waiting on the Canadian borders to re-open in order to receive servicing on the fluoride tank. Also, waiting on a response from the DOH regarding regulations for not dosing during the time of servicing – discussed at board meeting held on 6/28/21.
- 9/14/2021 – Still waiting for border to reopen so work can proceed.

**q. Board Member Asklar will have oversight on remodeling of the WWTP employee break room, shower area and bathrooms - discussed at board meeting held on 5/24/21.**

- Board Member Asklar states he would like to meet with Dr. Zehraoui prior to their weekly finance meetings to further discuss – discussed at board meeting held on 6/28/21.
- Administration building bathrooms have been repainted; new vanities and mirrors will be installed; budget line for ordering these is needed as discussed at July 19 work session.

**n. WTP Freeze-Thaw Bed Cleanouts**

- Freeze Thaw beds were designed with a maximum plant flow of 20 MGD, which we are now exceeding. The resulting amounts of solids have become more expensive and more difficult to have removed, and we frequently have to switch beds sooner than planned in order to maintain our SPDES permitted water quality.
- 9/20/21 – Contents of two beds have been moved to bed three, so two beds are available to WTP operations. Contents will be landfilled when dry.

**o. Carbon Silo needs repair and painting before it becomes unstable and needs demolishing.**

- i. Polymer and Carbon capabilities could be reinstated to improve plant capability.
- ii. Joe Argona to get budgetary quote for painting silo.
- iii. 9/14/2021 - NYS Industrial Coatings Quote - \$20,000; our painter can do it in house for \$5,000 to \$10,000 if we get a lift, plan is to schedule work in house for spring

- p. **WTP Rapid Mix System Upgrade**
  - We are only able to have one of our two rapid mixers connected to the emergency generator circuit. This requires us to have an electrician manually switch the circuits in order for operations to change over the rapid mixer for scheduled maintenance.
  - 9/20/2021 – Dr. Zehraoui is exploring adding the necessary switch using in-house workers.
  
- q. **Painting of Sedimentation plates and many various areas throughout the interior and exterior of the plant. Filter walls are peeling.**
  
- r. **WTP Chemical Offload Area Coating Replacement.**
  - i. Quotes obtained, NYS Industrial Coating price is \$29,750, Niagara Coatings \$29,250.
  - ii. 9/14/2021 – Exploring doing in house, would need to have contractor do the necessary soda blasting to remove existing coating, then will work to schedule job in house Spring 2022 for approx. half cost of contractor.
  - iii. 9/20/2021 – J. Argona estimates cost to complete work will be \$7,000, painter and WTP maintenance have removed much of the old coating.
  
- s. **Repairs to WTP Rear Perimeter Fence.**
  - i. Quotes obtained, Fox Fence with barbed wire option is \$21,611.29, Davidson \$23,480.
  - ii. 9/14/2021 – Can omit barbed wire to get under \$20,000, but will need to identify funds for this.
  - iii. 9/20/2021 – D. Williamson directed to look into possible Homeland Security grant to help fund project.

#### **14. New Business & Additional Items for Discussion**

- a. **Follow up on Auditors' Recommendations**
  - 9/20/2021 – A plan to address these will be developed during weekly meetings between staff and Chair of Finance Asklar.
  
- b. **WWTP Camera Installation**
  - 9/20/2021 – 3 cameras are installed, final total will be 11.
  
- c. **Neptune Meter Project Report**
  - 9/20/2021 – Reports on status were in work session packet.

**15. Executive Session (Anticipated for the purpose of considering matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular persons (Public Officers Law § 105(f)).)**

*Motion by Board Member Larkin and seconded by Board Member Leffler to enter executive session to discuss matters leading to the appointment, promotion, demotion, discipline, suspension, dismissal or removal of particular persons at 5:31 p.m.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

*Motion by Board Member Larkin and seconded by Board Member Asklar to come out of Executive Session at 6:22 p.m.*

*Motion carries, 5-0*

*Chairman Forster stated that during executive session the Board had reviewed the Executive Staff Review Committee's report on Mr. Costello, and that the report would be received and filed.*

*Motion by Board Member Larkin and seconded by Board Member Asklar to table item B (1) of the September 27, 2021 Personnel Actions Sheet.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

*Motion by Board Member Kimble and seconded by Board Member Asklar to approve item B (2) of the September 27, 2021 Personnel Actions Sheet.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

*Motion by Board Member Larkin and seconded by Board Member Asklar to accept the retirement of Patrick Fama effective October 15, 2021 and the retirement of Bill Wright effective December 23, 2021.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*

**16. Adjournment of Meeting**

*Motion by Board Member Larkin and seconded by Board Member Leffler to adjourn the meeting at 6:26 p.m.*

*Asklar \_\_Y\_\_ Forster \_\_Y\_\_ Kimble \_\_Y\_\_ Larkin \_\_Y\_\_ Leffler \_\_Y\_\_*

*Motion carries, 5-0*