

# Table of Contents - NFWB Dec. 13, 2021 Meeting

1) December 13, 2021 NFWB Meeting Agenda .....	2
2) Draft November 22, 2021 Meeting Minutes .....	12
3) December 13, 2021 Personnel Action Sheet .....	26
4) RESOLUTION 2021-12-001 - 2022 Board Meeting Schedule .....	27
5) Board Meeting Dates 2022 .....	28
6) RESOLUTION 2021-12-002 - Mission Statement, Performance Measures, Annual Report .....	29
7) 2021 Annual Review of Mission Statement, Performance Measurements, Report on Ops and Accomplishments .....	30
8) RESOLUTION 2021-12-003 - Revise Procurement and Investment Policies .....	33
9) 2021-12-13 Draft Revisions - NFWB Procurement Policy .....	34
10) 2021-12-13 Draft Revisions - NFWB Investment Policy .....	44
11) RESOLUTION 2021-12-004 - CPL 2022 Services Extension .....	53
12) CPL NFWB Services Extension Proposal, November 23, 2021 .....	55



## **AGENDA**

### **Meeting of the Niagara Falls Water Board**

**December 13, 2021 at 5:00 p.m.**

**5815 Buffalo Avenue**

**Niagara Falls, NY 14304**

**\*\*\*Meeting to be held via conference call pursuant to  
Chapter 417 of the Laws of 2021 – visit NFWB.org for call-in details.\*\*\***

#### **1. Preliminary Matters**

##### **a. Attendance:**

**Asklar (Board Member/Chairman of Finance/Member Exec. Staff Review Cmte.) \_\_\_\_\_**

**Forster (Chairman) \_\_\_\_\_**

**Kimble (Board Member) \_\_\_\_\_**

**Larkin (Board Member/Vice Chairwoman/Governance Chairwoman/  
Chairwoman Exec. Staff Review Cmte.) \_\_\_\_\_**

**Leffler (Board Member/Member Exec. Staff Review Cmte.) \_\_\_\_\_**

##### **b. Comments from Chairman Forster**

##### **c. Letters and Communications**

- d. Public Comments (Public speakers must advise the Secretary of their intention to speak on the conference call line prior to roll call or they may be muted. Alternatively, written comments may be submitted in writing to be read by the Secretary and must be received by 4:00 p.m. on December 13, 2021. Comments may be summarized when read. Email comments to [scostello@NFWB.org](mailto:scostello@NFWB.org) or mail c/o Sean W. Costello, 5815 Buffalo Ave., Niagara Falls, NY 14304)**

##### **e. Approval of November 22, 2021 Meeting Minutes**

- 2. Executive Director – Dr. Abderrahman Zehraoui**
  - a. WWTP Project Budget Tracker (CPL)**
  - b. WWTP Construction Schedule Tracker (CPL)**
  - c. Financial Award Summary (CPL)**
- 3. Superintendent – William Wright**
  - a. Drip Program**
- 4. Engineering – Douglas Williamson**
  - a. Draft CIP Plan With Projects Updated**
- 5. Personnel Items – John Accardo**
  - a. December 13, 2021 Personnel Actions Sheet**
- 6. Information Technology (IT) – Dr. Abderrahman Zehraoui**
- 7. Finance – Brian Majchrowicz**
  - a. Transfer to Taxes**
  - b. Revenue Budget Performance Report through November 30**
  - c. Sewer Fund Expense Budget Performance Report through November 30**
  - d. Water Fund Expense Budget Performance Report through November 30**
  - e. Board Fund Expense Budget Performance Report through November 30**
  - f. Capital Payments – November 2021**
  - g. November 2021 Budget Amendment Report**
- 8. Questions Regarding November 2021 Operations and Maintenance Report**
- 9. Safety – John Accardo**
- 10. General Counsel and Secretary – Sean Costello**

## **11. Resolutions**

### **2021-12-001 – 2022 WATER BOARD MEETING SCHEDULE**

#### **a. 2022 Meeting Schedule**

### **2021-12-002 – 2021 ANNUAL REVIEW OF MISSION STATEMENT, ADOPTION OF AND REPORT ON PERFORMANCE MEASUREMENTS, AND REPORT ON OPERATIONS AND ACCOMPLISHMENTS**

#### **a. 2021 Annual Review of Mission Statement, Performance Measurement Report, and Report on Operations and Accomplishments**

### **2021-12-003 – ANNUAL REVIEW OF PROCUREMENT AND INVESTMENT POLICIES AND ADOPTION OF REVISIONS**

- a. Procurement Policy, Revision Date December 13, 2021**
- b. Investment Guidelines, Revision Date December 13, 2021**

### **2021-12-004 – 2022 CLARK PATTERSON LEE PROFESSIONAL SERVICES EXTENSION**

#### **a. CPL November 23, 2021 Proposal**

## **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.
- 10/25/21 – CPL Proposal accepted by Resolution 2021-10-005.

### **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.
- 10/18/21 – Per D. Jaros, Tremco is stretch testing the WTP roof membrane to further evaluate its condition.

- 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.
  - 11/17/21 – Having trouble getting contractor to begin performance.
- 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.
  - 10/14/21 – One building painted, the other is underway.
  - 10/18/21 – J. Argona and M. Eagler will see what additional work can be done to improve the Cayuga lift station.

**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.
- 10/18/21 – DOH requested additional information; CPL produced and submitted requested engineering report.
- 11/17/21 – DOH has issued comments, response to be provided by 11/26/2021.

**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.
- 9/20/2021 – J. Argona will get updated quote for Board approval of radiator replacement.
- 10/14/21 – J. Argona followed up with Milton CAT on 10/13, they still are working on updated quote. Plant shutdown scheduled for 10/20.
- 11/22/21 - Plant shutdown/switch maintenance completed without incident. Resolution for radiator repair is in agenda packet.

**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.
- 10/14/21 – Additional replacement fixtures have been delivered. Installation will begin when lift is transferred from WWTP.
- 11/18/21 – Lift is in use replacing lights at WWTP.

**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.
- 10/18/21 – Project is out to bid.
- 11/22/21 – Resolution for award is in Board packet (Approved).

**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.
- 10/18/21 – Per Dr. Zehraoui, project is at 90% and should be complete October 20.
- 12/1/21 – Waiting on staff availability to complete work.

**m. Bulk Chemical Storage Liners**

- PACL liners complete – contractor has concerns about Fluoride toxicity. Maintenance department to follow up.
- 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.
- 10/14/21 – Still waiting for border reopening.
- 11/18/22 – Still waiting on border reopening.

**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.
- 10/14/21 – Vanities for administration bathrooms delivered today.
- 11/22/21 – Vanities installed in admin. bathrooms, waiting for mirrors/finish work.



**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.
- 10/14/21 – Arrangements are being made for trucking/disposal.
- 10/18/21 – Dr. Zehroai advises we will start hauling to landfill next week.
- 11/22/21 – Cleanout work is underway.
- 12/1/21 – Cleanout work complete.

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

- Polymer and Carbon capabilities could be reinstated to improve plant capability.
- Joe Argona to get budgetary quote for painting silo.
- 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.
- 10/14/21 - Plan is to schedule work in house for spring.

**p. Painting of Sedimentation plates and various areas throughout the interior and exterior of the plant. Filter walls are peeling.**

- 10/18/21 – Waiting on quote for coating.
- 11/18/21 – Quote obtained. Waiting to schedule based on painter availability.

**q. WTP Chemical Offload Area Coating Replacement.**

- Quotes obtained, NYS Industrial Coating price is \$29,750, Niagara Coatings \$29,250.
- 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.
- 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.
- 10/14/21 – Work will be scheduled using in-house forces in Spring 2022.
- 11/22/21 – To improve durability of work, quote obtained for sandblasting prior to work being completed in spring (\$3,000).

- r. **Repairs to WTP Rear Perimeter Fence.**
  - Quotes obtained, Fox Fence with barbed wire option is \$21,611.29, Davidson \$23,480.
  - 9/14/2021 – Can omit barbed wire to get under \$20,000, but will need to identify funds for this.
  - 9/20/2021 – D. Williamson directed to look into possible Homeland Security grant to help fund project.
  - 10/18/21 – Will be included in WIIA grant application.
  - 12/1/21 – Included in 11/22 grant application
- s. **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.
  - 10/18/21 – Underway.
- t. **WWTP Camera Installation**
  - 9/20/21 – 3 cameras are installed, planned final total will be approx. 11.
  - 10/14/21 – Project is ongoing.
  - 10/18/21 – Chairman Forster questioned whether Dr. Zehraoui will be able to review cameras from his office.
  - 11/18/21 – 10 cameras have been installed to date.
- u. **Neptune Meter Project Report**
  - 9/20/2021 – Reports on status were in work session packet.
  - 10/18/21 – Payback period study will be complete in a month; meeting scheduled for 10/19 to discuss plan for large meters; substantive update planned for November 2021.
  - 11/22/2021 – Economic Analysis Report is in agenda packet.
  - 12/6/2021 – Presentation at December 2021 work session.
- v. **Board Meeting Room Expansion Project**
  - 10/18/2021 – J. Argona reports in-house work is underway, project will require work by Ferguson and Mollenberg-Betz. Estimated completion is in 5-6 months.
  - 11/22/21 – Quote for \$26,000 from Mollenberg to move piping; D. Williamson to develop bid specifications to attempt to secure more competitive pricing.
  - 12/1/21 – D. Williamson to prepare bid for needed for HVAC, plumbing, and electrical work.

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

- a. **Discussion, if any, regarding TiSales/Neptune Advanced Metering Infrastructure (“AMI”) Presentation**

**15. Executive Session (if needed)**

**16. Adjournment of Meeting**



## MINUTES

### Meeting of the Niagara Falls Water Board

November 22, 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 in person at 5:04 p.m.**

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 in Person**

##### b. Comments from Chairman Forster

*Chairman Forster toured the WWTP on Monday 11/15/21 with Dr. Zehraoui, Sean Costello, Bob Dunn (Chief Operator of the WWTP), Dr. John Goeddertz (AECOM), Eric Smith (WWTP Planning Resource Coordinator) and Joseph Argona (Supervisor of Maintenance) and states the plant continues to improve and work environments remain clean and safe. Chairman Forster notes that as Cascades has restored its wastewater treatment, the hypochlorite use went from a high of 33,000 gallons per day to a low last week of 6,800 gallons per day.*

*Chairman Forster asks the Board Members to review the O&M report – particularly pages 60 and 61. In Spring 2021 the Board authorized overtime for the outside maintenance crew to begin “popping manholes” in lieu of supporting a resolution for approximately \$210,000 for sensors. Per the pumping report from Rob Rowe (WTP Chief Operator) this appears to have been successful at finding and eliminating leaks, as the WTP was pumping 24 MGD per day last year and about 19 MGD at present.*

**c. Letters and Communications**

- i. Niagara Falls, New York City Council Resolution 2021-54, Relative to Support for the Niagara Falls Water Board “Infrastructure Initiative”**
- ii. Niagara Falls, Ontario City Council Resolution No. 12, Support for a Clean Water Infrastructure for the Niagara River**

- 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).**

*None.*

**b. Approval of Minutes**

- i. Draft October 25, 2021 Meeting Minutes**
- ii. Draft November 8, 2021 Public Hearing and Budget Meeting Minutes**

*Motion by Board Member Leffler and seconded by Board Member Larkin to approve the October 25, 2021 Meeting Minutes.*

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

*Motion carries, 5-0*

*Motion by Board Member Leffler and seconded by Board Member Asklar to approve the November 8, 2021 Meeting Minutes.*

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

*Motion carries, 5-0*

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

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

*Dr. Zehraoui provided the Board with an update regarding the NFWB's Infrastructure Initiative. He has presented on the WWTP investment needs to the Western NY Legislative Delegation.*

*CPL provided the Board with an update regarding the project budget tracker, construction schedule tracker, and the financial award summary.*

*Board Member Asklar questions why the tracker shows Hohl Industrial has only billed for 2% of its share of the project when they have completed more work than that. Ted Donner explains that percentage is incorrect due to the on-going grant reimbursement process – once completed, he will be able to provide updated figures.*

*Chairman Forster questions the status of the gorge pumping station elevator. He explains the last two times he has visited the GPS, the elevator was inoperable. Ted Donner and Jay Meyers state that the elevator is experiencing sensor issues, causing it to malfunction – moisture is also an issue. Jay Meyers states there is no charge from the contractor for service repairs. Dr. Zehraoui would like to see an industrial dehumidifier installed and/or a larger sump pump to help rectify the issue.*

*Chairman Forster states the last time he visited the WWTP, there was minimal construction taking place on basin 5. Chairman Forster emphasizes the crucial role basin 5 plays in WWTP operations, and would like to see the capital project work on that basin completed as soon as possible. Jay Meyers states he is waiting on a delivery date for parts from the contractor.*

## **3. Superintendent – William Wright**

- a. Updated Water Main Tapping Fees**

## **4. Engineering – Douglas Williamson**

*Mr. Williamson noted he is updating the CIP to reflect possible funding which may result from grant applications.*

**5. Personnel Items – John Accardo**

- a. November 22, 2021 Personnel Actions Sheet
- b. 2022 Holiday Schedule

*Mr. Accardo states at the most recent Civil Service meeting, the Senior Administrative position was approved, and the Chief of Outside Infrastructure position was tabled.*

*Mr. Accardo notified the Board of the Cannabis Policy that was distributed to all NFWB staff on 11/18/21.*

*Mr. Accardo states the NFWB currently has approximately 41 unvaccinated employees. Chairman Forster requested updated information on the number of vaccinated and unvaccinated employees be sent to the Board.*

*There was discussion of smoking and vaping on the property. Dr. Zehraoui is to send a memo noting if there are smoking policy violations a no-smoking policy will be instituted on the property.*

*Board action is not needed on the November 22, 2021 personnel actions sheet or the 2022 holiday schedule.*

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

**7. Finance – Brian Majchrowicz**

- a. 2021 Audit
- b. 2021 Transfer to Taxes
- c. COVID-19 Shutoff Moratorium Payment Agreements
- d. Revenue Budget Performance Report through Oct. 31
- e. Sewer Fund Expense Budget Performance Report through Oct. 31
- f. Water Fund Expense Budget Performance Report through Oct. 31
- g. Board Fund Expense Budget Performance Report through Oct. 31
- h. Bank Balance Report – Bank on Buffalo and KeyBank
- i. Treasury Investment Bank Balance
- j. Wilmington Trust Bank Balances
- k. Capital Payments – October 2021
- l. October 2021 Budget Amendment Report

*Mr. Majchrowicz noted that Bonadio Group auditors are scheduled to perform site work the week of February 21-25.*

*There have been about 80 payment or deferral agreements entered into pursuant to the NYS COVID-19 Utility Shutoff Moratorium legislation. He will be transferring other delinquent accounts to taxes.*

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

**9. Safety – John Accardo**

*Mr. Accardo is working with Ted Donner to explore adding WWTP fire alarm functionality to the SCADA system.*

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

**11. Resolutions**

**2021-11-001 – GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM AN ADJUSTMENT OF NIAGARA FALLS WATER BOARD FACILITIES AND AGREEMENT TO MAINTAIN FACILITIES ADJUSTED VIA THE STATE-LET CONTRACT, PIN 5815.41, C264698**

**a. Department of Transportation Utility Work Agreement**

*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*

**2021-11-002 – WATER TREATMENT PLANT BACKUP GENERATOR RADIATOR REPAIR**

**a. Milton CAT Estimate No. SCQT117185**

*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*

**2021-11-003 – AWARD WATER TREATMENT PLANT HVAC IMPROVEMENTS BID**

**a. CPL Award Recommendation and Bid Tabulation**

*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*



**2021-11-004 – OUTSIDE SEWER AND WATER MAINTENANCE GARAGE DOOR REPLACEMENT**

- a. National Overhead Door Estimate Dated November 17, 2021**

*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*

**2021-11-005 – COMBINED BID FOR 2022 WATER AND WASTEWATER TREATMENT PLANT CHEMICALS**

- a. November 17, 2021 Award Memorandum  
b. Bid Tabulation**

*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*

**2021-11-006 – BID FOR SLUDGE DEWATERING POLYMER**

- a. November 9, 2021 Award Memorandum  
b. Bid Tabulation**

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

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

*Motion carries, 5-0*

**2021-11-007 – SEQR AND COMMITTING FUNDS FOR INTERMEDIATE PUMP PROJECT**

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

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

*Motion carries, 5-0*

**2021-11-008 – NEW YORK STATE LOW INCOME HOUSEHOLD  
WATER ASSISTANCE PROGRAM VENDOR AGREEMENT**

- a. LIHWAP Program Cover Letter
- b. LIHWAP Vendor Agreement

*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*

**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.
- 10/25/21 – CPL Proposal accepted by Resolution 2021-10-005.

**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.
- 10/18/21 – Per D. Jaros, Tremco is stretch testing the WTP roof membrane to further evaluate its condition.

**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.
- 11/17/21 – Having trouble getting contractor to begin performance.

**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.
- 10/14/21 – One building painted, the other is underway.
- 10/18/21 – J. Argona and M. Eagler will see what additional work can be done to improve the Cayuga lift station.

**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.
- 10/18/21 – DOH requested additional information; CPL produced and submitted requested engineering report.
- 11/17/21 – DOH has issued comments, response to be provided by 11/26/2021.

**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.
- 9/20/2021 – J. Argona will get updated quote for Board approval of radiator replacement.
- 10/14/21 – J. Argona followed up with Milton CAT on 10/13, they still are working on updated quote. Plant shutdown scheduled for 10/20.
- 11/22/21 - Plant shutdown/switch maintenance completed without incident. Resolution for radiator repair is in agenda packet.

**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.
- 10/14/21 – Additional replacement fixtures have been delivered. Installation will begin when lift is transferred from WWTP.
- 11/18/21 – Lift is in use replacing lights at WWTP.

**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.
- 10/18/21 – Project is out to bid.
- 11/22/21 – Resolution for award is in Board packet.

**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.
- 10/18/21 – Per Dr. Zehraoui, project is at 90% and should be complete October 20.

**m. Bulk Chemical Storage Liners**

- PACL liners complete – contractor has concerns about Fluoride toxicity. Maintenance department to follow up.
- 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.
- 10/14/21 – Still waiting for border reopening.
- 11/18/22 – Still waiting on border reopening.

**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.
- 10/14/21 – Vanities for administration bathrooms delivered today.
- 11/22/21 – Vanities installed in admin. bathrooms, waiting for mirrors/finish work.

**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.
- 10/14/21 – Arrangements are being made for trucking/disposal.
- 10/18/21 – Dr. Zehroai advises we will start hauling to landfill next week.
- 11/22/21 – Cleanout work is underway.

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

- Polymer and Carbon capabilities could be reinstated to improve plant capability.
- Joe Argona to get budgetary quote for painting silo.
- 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.
- 10/14/21 - Plan is to schedule work in house for spring.

**p. Painting of Sedimentation plates and various areas throughout the interior and exterior of the plant. Filter walls are peeling.**

- 10/18/21 – Waiting on quote for coating.
- 11/18/21 – Quote obtained. Waiting to schedule based on painter availability.

**q. WTP Chemical Offload Area Coating Replacement.**

- Quotes obtained, NYS Industrial Coating price is \$29,750, Niagara Coatings \$29,250.
- 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.
- 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.
- 10/14/21 – Work will be scheduled using in-house forces in Spring 2022.
- 11/22/21 – To improve durability of work, quote obtained for sandblasting prior to work being completed in spring (\$3,000).

- r. Repairs to WTP Rear Perimeter Fence.
  - Quotes obtained, Fox Fence with barbed wire option is \$21,611.29, Davidson \$23,480.
  - 9/14/2021 – Can omit barbed wire to get under \$20,000, but will need to identify funds for this.
  - 9/20/2021 – D. Williamson directed to look into possible Homeland Security grant to help fund project.
  - 10/18/21 – Will be included in WIHA grant application.
- s. 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.
  - 10/18/21 – Underway.
- t. WWTP Camera Installation
  - 9/20/21 – 3 cameras are installed, planned final total will be approx. 11.
  - 10/14/21 – Project is ongoing.
  - 10/18/21 – Chairman Forster questioned whether Dr. Zehraoui will be able to review cameras from his office.
  - 11/18/21 – 10 cameras have been installed to date.
- u. Neptune Meter Project Report
  - 9/20/2021 – Reports on status were in work session packet.
  - 10/18/21 – Payback period study will be complete in a month; meeting scheduled for 10/19 to discuss plan for large meters; substantive update planned for November 2021.
  - 11/22/2021 – Economic Analysis Report is in agenda packet.

*Dave Jaros from CPL asked the Board if it is prepared to move forward with the AMI project or if it needs more information. Board Member Kimble questioned if the Water Board's IT resources can handle the necessary software. The Board discussed ongoing annual maintenance fees. Dr. Zehraoui asked why there are 20 bases instead of one base with multiple repeaters.*

*Mr. Jaros will have Dave Johnson from Neptune speak at the December 6 work session, and will ask him to set up a call with Dr. Zehraoui prior to that time.*

- v. Board Meeting Room Expansion Project
  - 10/18/2021 – J. Argona reports in-house work is underway, project will require work by Ferguson and Mollenberg-Betz. Estimated completion is in 5-6 months.
  - 11/22/21 – Quote for \$26,000 from Mollenberg to move piping; D. Williamson to develop bid specifications to attempt to secure more competitive pricing.



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

**15. Executive Session (if needed)**

*None.*

**16. Adjournment of Meeting**

*Motion by Board Member Larkin and seconded by Board Member Leffler to adjourn at 6:06 p.m.*

*Asklar Y Forster Y Kimble Y Larkin Y Leffler Y*

*Motion carries, 5-0*

**Niagara Falls Water Board**

**Personnel Actions and Report**

**Monday, December 13, 2021**

<b>Personnel Actions Sheet &amp; Requested of the Board.</b> <b>All appointments are subject to the appointee meeting the minimum qualifications and all applicable civil service conditions.</b>
--

**A. PERSONNEL ACTIONS RECOMMEND TO HIRE**

Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION
1	Bill Wright	Temporary Part Time Appointment	\$35/hr.	Effective Feb. 14, 2022; Not to exceed 20 hrs. per week or \$35,000 per year.
2	Rick Roll	Temporary Part Time Appointment	\$55/hr.	Effective January 1, 2022; Not to exceed \$18,960 per year.

**B. RECOMMENDED PROMOTION / MOVE / APPOINTMENT**

Line Item Number	Name and Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION
1	Brian Majchrowicz, Deputy Director of Financial Services	Set Salary for Noncontractual Employee	Set Salary at \$85,940 (Previously \$84,666 with stipend)	Effective January 1, 2022
2	Doug Williamson, Director of Technical and Regulatory Services	Set Salary for Noncontractual Employee	Set Salary at \$81,572 (Previously \$72,363)	Effective January 1, 2022

**C. PREVIOUSLY TABLED PERSONNEL ACTIONS (From 2021)**

Line Item Number	Action and Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION
1	Lab Tech (2) -WWTP	Sr. Lab Techs (2) -WWP	Increase \$6,200.00	

**D. OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION**

Name	Position	Department/Location	Pay Rate	ADDITIONAL INFORMATION

**E. PERSONNEL ON LONG TERM LEAVE OF ABSENCE**

Name	Last Day Worked	Dept.	Return Status	Comments
Burns, Randy	11/15/2021	Enforcement	Unknown	Workers Comp. (estimated 6-8 weeks)

*NIAGARA FALLS WATER BOARD RESOLUTION # 2021-12-001*

**2022 WATER BOARD MEETING SCHEDULE**

**WHEREAS**, the Niagara Falls Water Board has, by past practice, approved the schedule for the work sessions and the regular meetings by resolution prior to the next year of operation; and

**WHEREAS**, the Water Board must schedule an annual meeting pursuant to Article V, Section 1 of its By-Laws;

**NOW THEREFORE BE IT**

**RESOLVED**, that the calendar of work sessions, business meetings, and the annual meeting that is attached hereto is hereby adopted by the Niagara Falls Water Board for 2021.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
General Counsel and Secretary

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

Not applicable.

On December 13, 2021, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Asklar	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman Forster	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

---

Nicholas J. Forster, Chairman

---

Sean W. Costello, Secretary to Board



**TO:** All Interested Parties

**FROM:** Niagara Falls Water Board

**RE:** **Niagara Falls Water Board Work Session and  
Business Meeting Dates for the Calendar Year 2022**

The Niagara Falls Water Board ("Water Board") has scheduled the dates below for its 2022 work sessions and the regular business meetings. Unless notice is posted changing the meeting location (including for teleconference meetings when permitted), meetings are held at the Water Board offices located at 5815 Buffalo Avenue, Niagara Falls, New York, and begin at 5:00 p.m. The business meeting held March 28, 2022 shall be deemed the Annual Meeting pursuant to Article V, Section 1 of the Water Board's by-laws. Any changes to this schedule or special meetings shall be announced to the public pursuant to the Open Meetings Law.

**Work Sessions:**

**January 24, 2022**

**March 21, 2022**

**April 18, 2022**

**May 16, 2022**

**June 20, 2022**

**July 18, 2022**

**September 19, 2021**

**October 17, 2021**

**November 14, 2021**

**December 12, 2021**

**Business Meetings:**

**January 31, 2022**

**February 28, 2022**

**March 28, 2022**

**April 25, 2022**

**May 23, 2022**

**June 27, 2022**

**July 25, 2022**

**August - recess**

**September 26, 2022**

**October 24, 2022**

**November 21, 2022**

**December 19, 2022**

NIAGARA FALLS WATER BOARD RESOLUTION # 2021-12-002

**2021 ANNUAL REVIEW OF MISSION STATEMENT,  
ADOPTION OF AND REPORT ON PERFORMANCE MEASUREMENTS,  
AND REPORT ON OPERATIONS AND ACCOMPLISHMENTS**

**WHEREAS**, pursuant to the Public Authorities Law and best-practice guidance from the Authorities Budget Office, the Niagara Falls Water Board (“Water Board”) has determined annually to review its mission statement, has prepared performance measurement objectives as a means for the Board and management to evaluate and monitor whether the Water Board’s policies and operating practices are in accordance with its mission, has reviewed those performance measurements, and has developed a format for an annual report on operations and accomplishments that it deems appropriately describes the Water board’s operations, completed and active projects, as well as material changes in its operations and programs, if any;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby adopts the performance measurements set forth in the attached 2021 Annual Review of Mission Statement, Performance Measurement Report, and Report on Operations and Accomplishments, as well as the reports on those subjects set forth in that document.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

Not applicable.

On December 13, 2021, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Asklar	[   ]	[   ]	[   ]	[   ]
Board Member Kimble	[   ]	[   ]	[   ]	[   ]
Board Member Larkin	[   ]	[   ]	[   ]	[   ]
Board Member Leffler	[   ]	[   ]	[   ]	[   ]
Chairman Forster	[   ]	[   ]	[   ]	[   ]

Signed By:

Vote Witnessed By:

---

Nicholas J. Forster, Chairman

---

Sean W. Costello, Secretary to Board



**2021 Annual Review of Mission Statement,  
Performance Measurement Report,  
and Report on Operations and Accomplishments**

December 13, 2021

**A. Mission Statement**

Pursuant to Public Authorities Law Section 2824-a, the Niagara Falls Water Board has adopted a mission statement and reviews that statement annually to ensure its mission has not changed and that its performance goals continue to support its mission.

The Water Board's mission statement, adopted in 2003, is as follows:

**The mission of the Niagara Falls Water Board (NFWB) is to provide  
safe and reliable water and wastewater management services to  
our community in an economical and efficient manner.**

The Water Board has reviewed its mission statement and the following performance goals, and is proud to report that its policies and operating practices are in accordance with its mission statement.

**B. Performance Goals**

The Niagara Falls Water Board has established the following performance goals, and met them during 2021 as follows:

**1) Safe:**

- **Meet or exceed Department of Health and EPA drinking water quality requirements.**

In 2021, the Water Treatment Plant has operated with no violations, providing clean, ample, and high-quality water for our service area. [In May 2021, the Water Board issued its Annual Drinking Water Quality Report for 2020](#), and it is proud to report that our system has never violated a state established maximum contaminant level.

- **Environmentally sound sewage treatment in accordance with SPDES permit.**

The Water Board has operated its aging wastewater treatment plant as efficiently and effectively as possible, while aggressively seeking funding to convert that 1970's era treatment plant to a more appropriate biological treatment technology. It has had just one SPDES permit violation in 2021 – related to BHC – the first violation in three years. The reported BHC violation appears to have been the result of an unexplainable anomaly in the sampling, processing, or analysis of the sample and is not believed to be indicative of any risk of future BHC violations.

## **2) Reliable:**

- **Invest in capital projects required to maintain facilities and customer satisfaction.**

The Board has invested an average of \$9 million per year in capital improvements over the past three years and plans \$42 million in capital improvements over the next five years. Its capital investments are intended to ensure reliable drinking water and wastewater treatment and delivery of those services through the City-wide network of mains maintained by the Water Board. It also has invested in its vehicle fleet, purchasing heavy equipment in 2021 to allow its outside crews to perform more jobs in-house at lower cost, and it has continued to invest in newer passenger vehicles for employee safety and to reduce maintenance costs and downtime.

## **3) Economical:**

- **Consider burden on ratepayers when determining operational and capital spending.**

The Water Board raised rates 2.99% in 2021. Market forces beyond its control – particularly skyrocketing chemical and sludge disposal costs – resulted in a 16.9% increase for 2022. To avoid an even further increase, the Water Board employed strategies including identifying a bond refinancing opportunity and deferring a project. The Water Board is pursuing funding from the State and Federal government to convert its aging wastewater treatment plant to a biological process that will greatly reduce the reliance on chemicals.

- **Actively seek grants and cooperative agreements with other government entities to reduce costs.**

In 2021, the Water Board has continued to invest in professional grant writing services to maximize the grant money it can obtain, as its ratepayers cannot shoulder the cost of all needed system investments on their own. It also has worked in 2021 to renew its shared-services agreement with the City of Niagara Falls to more accurately align services and fairly share costs of the cooperation that agreement facilitates.

#### **4) Efficient:**

- **Leverage advances in technology and science to meet expanding system needs without excess increases in costs.**

In 2021, a major ongoing project at the wastewater treatment plant is to enhance the scope and quality of SCADA control for processes, and all of the other capital improvements underway there incorporate SCADA control to the extent possible. This allows operators to make timely, efficient, and precise adjustments and the plant to operate as efficiently as possible. SCADA has been maintained and improved at the WTP as well, and SCADA integration at lift stations has significantly improved efficiency in handling wet weather flows. In 2021, the Water Board completed implementation of cloud-based ERP software, upgraded physical network infrastructure, and deployed solutions to enhance and upgrade IT security.

#### **C. Report on Operations and Accomplishments**

There have been no material changes in the Water Board's operations, which are focused on its mission to provide safe and reliable water and wastewater management services to our community in an economical and efficient manner. The Water Board continuously monitors its operations and accomplishments through creation and review of monthly operations and maintenance reports. Reference is made to the full reports which are posted as part of monthly Water Board agenda packets here: [Minutes | Niagara Falls Water Board \(nfwb.org\)](#). For future-looking projects, the Water Board maintains and updates its Capital Improvement Plan, available at [Capital Improvements | Niagara Falls Water Board \(nfwb.org\)](#). Combined, these documents provide a detailed picture of the Water Board's operations as well as its completed and active projects. Interested persons may request a compilation of these reports by contacting the Water Board's Secretary at [scostello@NFWB.org](mailto:scostello@NFWB.org).



NIAGARA FALLS WATER BOARD RESOLUTION # 2021-12-003

**ANNUAL REVIEW OF PROCUREMENT AND INVESTMENT POLICIES  
AND ADOPTION OF REVISIONS**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) is required by Public Authorities Law § 2824(1)(e) to adopt written policies and procedures for the procurement of goods and services and pursuant to Public Authorities Law § 2925(1) to adopt comprehensive guidelines regarding the investing, monitoring, and reporting of its funds; and

**WHEREAS**, the Water Board annually reviews its procurement and investment policies; and

**WHEREAS**, the Water Board has identified certain desirable revisions and improvements to the procurement and investment policies;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby adopts the procurement policy with a revision date of December 13, 2021, to be effective immediately; and

**IT IS FURTHER RESOLVED**, that the Niagara Falls Water Board hereby adopts the investment guidelines with a revision date of December 13, 2021, to be effective immediately.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
Deputy Director of Financial Services  
General Counsel and Secretary

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

Not applicable.

On December 13, 2021, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Asklar	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman Forster	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

---

Nicholas J. Forster, Chairman

---

Sean W. Costello, Secretary to Board



## **NIAGARA FALLS WATER BOARD PROCUREMENT POLICY AND PROCEDURES**

The Niagara Falls Water Board ("NFWB") is a public benefit corporation that was created pursuant to Public Authorities Law § 1231-b. The statute setting forth the NFWB's functions states that its "powers and duties are in all respects for the benefit of the people of the city and the service area and the state for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the water board is and will be performing an essential governmental function." Pub. Auth. L. § 1230-e (6). The NFWB's powers permit it to "enter into contracts" and to "acquire . . . property." *Id.* at § 1230-f. "All contracts for construction or purchase of supplies, materials or equipment shall be let by the water board, shall be made in conformity with the applicable provisions of section one hundred three of the general municipal law and section one hundred thirty-five of the state finance law." *Id.* at § 1230-u. This procurement policy is designed to set forth in simple language how the NFWB will implement these provisions of law.

NFWB's procurement policy is intended to assure the prudent and economic use of public monies in the best interests of the people in the NFWB's service area and of the State of New York, and will facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances. It is also the intention of this policy to guard against favoritism, extravagance, fraud and corruption, and, wherever possible within existing laws, to promote and support local businesses and industry. The principal way that this procurement policy will help to accomplish these aims will be promoting the competitive securing of goods and services whenever feasible.

### **PROCEDURE FOR THE PROCUREMENT OF GOODS AND SERVICES**

The NFWB hereby formally adopts the following written procedure ("procedure") applicable to all purchases of goods and services after November 1, 2018. This procedure is meant actively to promote competitive procurements of all goods and services, with very limited exceptions, as set forth herein. The current revision, as noted on the last page of this document, replaces and supersedes all prior procurement policies. NFWB staff is hereby directed to comply with this procedure and to retain the necessary documentation as required herein to substantiate such compliance. This procedure and the NFWB's guidelines for acquisition and disposal of property should be included in the NFWB employee handbook and posted at NFWB.org.

## 1. REQUIREMENTS APPLICABLE TO ALL PROCUREMENTS

- 1.1. For all procurements, it is the responsibility of those involved to comply with all state and local laws and always to perform their duties in an ethical manner which will not cast suspicion on the way in which the NFWB operates its procurement system. It is imperative that all NFWB employees involved in the process of procuring goods and services be especially cautious to avoid any appearance of indiscretion or impropriety when dealing with vendors and/or prospective vendors. In addition, NFWB Board Members, officers, and employees shall conduct themselves at all times in accordance with the NFWB Conflicts of Interest Policy and the NFWB Code of Ethics Policy as amended from time to time by the Board.
- 1.2. All purchasing contracts made by the NFWB shall be evidenced digitally in its Financial Management Software ("FMS"), or in writing, on a Requisition form which provides a description of the items purchased, the terms of the sale, and the NFWB internal budget account number, and shall be maintained as part of the records of the Board.
- 1.3. Tied offers and local vendor preference. When all variables are equivalent, local vendors shall be given preference over non-local vendors. When local preference is not a viable method of resolving a tied bid or proposal, the Executive Director shall determine the bidder to be awarded, and the basis for the award determination shall be documented in the Board Resolution awarding the contract.
- 1.4. Procurements shall not be parceled, split, divided, or purchased over a period of time in order to circumvent the dollar purchasing limitations specified herein or to circumvent the employee's authorized spending limit.
- 1.5. Non-bid products and services should be reviewed periodically for competitive pricing and at any time that prices have increased.
- 1.6. To promote competition, in addition to advertising bids, NFWB staff is encouraged to take additional reasonable steps to encourage as many bidders as possible, and may notify known vendors of bids, post bids in trade message boards, notify Union halls, and post bids on construction exchange websites.
- 1.7. All invitations to bid and requests for proposals are to be advertised in the NYS Contract Reporter.
- 1.8. All invitations to bid and requests for proposals with an anticipated value in excess of \$25,000 for labor, services, supplies, equipment, materials, or any combination of the foregoing, or in excess of \$100,000 for acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, shall be evaluated for Minority and Women Business Enterprise ("MWBE") and Service Disabled Veteran Owned Business ("SDVOB") participation goals as required by the Water Board's MWBE and SDVOB policies.

1.9. All procurements in excess of \$15,000 annually are subject to State Finance Law Sections 139-j and 139-k, effective January 1, 2006 (“Lobbying Law”). Under the Lobbying Law, all “contacts” (defined as oral, written or electronic communications with the NFWB intended to influence a procurement) during a procurement - from the earliest notice of intent to solicit bids/proposals through final award and approval - must be made with one or more designated point(s) of contact only. Each invitation to bid and request for proposals must identify the point(s) of contact for Lobbying Law purposes. Additional requirements are found in the Water Board’s Lobbying Law policy. Violations of the policy regarding permissible contacts must be reported to the appropriate NFWB officer (Executive Director or General Counsel) and investigated accordingly.

## 2. CONSTRUCTION AND PUBLIC WORKS CONTRACTS – GENERAL POLICY

All contracts or orders for work, material, or supplies performed or furnished in connection with construction or other public works involving the expenditure of more than \$35,000 shall be publicly bid.

The NFWB shall include such bid specifications as are deemed desirable in the judgment of the Executive Director, including requiring appropriate bid security. The NFWB shall not award any construction contract except to the lowest bidder who, in its opinion, is qualified to perform the work required and who is responsible and reliable. The NFWB may, however, reject any or all bids or waive any informality in a bid if it believes that the public interest will be promoted thereby. The NFWB may reject any bid if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed.

All construction contracts shall be let in accordance with General Municipal Law § 103 and the provisions of state law pertaining to prevailing wages, labor standards, and working hours. Where a cost for erection, construction, or alteration of buildings shall exceed \$500,000, the contract must comply with State Finance Law § 135, which is incorporated by reference herein and includes, among other things, requirements for separate bidding on plumbing, HVAC, and electrical work. Where appropriate, construction contracts should be advertised in not only a newspaper and the NYS Contract Reporter, but also posted to online construction exchanges to encourage multiple competitive bids.

Nothing in this policy shall be construed to limit or diminish the power of the NFWB to do any construction directly by the officers, employees, or agents of the NFWB.

3. PURCHASES OF GOODS, EQUIPMENT AND SERVICES (NOT INVOLVING CONSTRUCTION OR PUBLIC WORKS) – GENERAL POLICY

Except as otherwise expressly provided herein, NFWB purchase orders involving an expenditure on a reasonably anticipated annual basis of more than \$20,000 for goods, materials, supplies, equipment, or services (such as service contracts) not necessary for the completion of a public works contract shall be made pursuant to an open competitive bidding process. For goods, materials, supplies, and equipment, purchase contracts shall be awarded to the lowest responsible bidder furnishing the security required by NFWB for the purchase after advertisement for sealed bids in the manner provided for by General Municipal Law § 103. In the case of services, the award must be based on the best value to NFWB, which if not equated to low price should be, wherever possible, based upon quantifiable criteria that result in the contract award to the offeror that optimizes quality, cost, and efficiency.

In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus, or tools to be traded in by NFWB, the gross price shall be reduced by the amount of such allowance, for the purposes of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, NFWB's Board may award the contract to any of such bidders. NFWB reserves its discretion to reject all bids and re-advertise for new bids in the manner provided for in this procedure.

4. PROCEDURES FOR PURCHASE ORDERS, INCLUDING BLANKET PO'S

**4.1. Purchases Less Than \$1,000**

- 4.1.1. Where possible, prior to the purchase of an item or service, the NFWB employee shall contact at least two (2) suppliers of the item or items to be procured to obtain the best price for and quality of the item or items to be purchased.
- 4.1.2. Division Heads are authorized to make and approve purchases on behalf of the NFWB in an aggregate amount up to \$1,000.
- 4.1.3. Various other subordinate employees, if designated in writing by a Director, are authorized to make and approve purchases on behalf of the NFWB in an aggregate amount up to \$500.

**4.2. Purchases Greater Than \$1,000 and Less than \$5,000**

- 4.2.1. Quotes for purchases of \$1,000 up to and including \$5,000, whether verbal or written, shall be documented in the quotes section of the procurement process and/or as part of a manual purchase requisition.
- 4.2.2. Required Final Approval: Any Director, provided that budgeted funds for the purchase first have been identified.

#### 4.3. Purchases Greater Than \$5,000 and Less than Competitive Bidding Thresholds

- 4.3.1. Quotes for purchases of \$5,000 up to and including the appropriate competitive bidding threshold of \$20,000 or \$35,000, whether verbal or written, shall be documented in the quotes section of the procurement process and/or as part of a manual purchase requisition form and as a separate written document, dated and signed by an authorized vendor representative. Wherever possible, a minimum of three written quotes must be obtained. All written quotes and a memorandum for verbal quotes shall be scanned and attached to the requisition and maintained by the Board's FMS.
- 4.3.2. Required Final Approval: Executive Director or his designee as authorized in writing may approve up to and including \$150,000. **Purchases over \$150,000 require Board of Directors approval.**

#### 4.4. Purchase Contracts Greater Than \$20,000 and Public Works Greater than \$35,000

- 4.4.1. Must be supported by summary of the competitive bids received or be subject to one of the exceptions listed in Section 5 below, with the Board resolution including an explanation for the exception.
- 4.4.2. Required Final approval: Board of Directors (Board approval is required for all purchases over \$150,000, see Sections 2 and 3 for competitive bidding thresholds).

### 5. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS

The NFWB may contract or purchase through non-competitive negotiations under the following circumstances.

#### 5.1. Emergencies

- 5.1.1. Notwithstanding any of the other provisions in this procedure, in the case of public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting NFWB buildings, property, pipelines, or the life, health, safety or property of NFWB employees, customers or the general public require immediate action which cannot await a competitive process or competitive bidding, contracts for public work or the purchase of supplies, materials or equipment or services (including necessary replacement parts that could not reasonably be stockpiled) may be let by NFWB's Executive Director or his designee by immediate contract and the Executive Director may temporarily dispense with the competitive bidding or procurement requirements set forth herein. However, a good faith emergency must exist and while the emergency procurements do not require competitive bidding, it is nevertheless the policy and procedure of NFWB that such procurements must, wherever possible, be made at the lowest possible cost to NFWB.

- 5.1.2. Declarations of Emergency shall be documented in writing. The Executive Director will email to all members of the NFWB Board prior to or as soon as possible after making a procurement pursuant to this section a short statement to advise them of the emergency, the reason why the situation constitutes an emergency, a description of the emergency procurement, and the estimated cost of the emergency procurement. Emergency procurements shall be ratified by the NFWB Board at their next regularly scheduled meeting, or may be ratified at a special meeting called pursuant to NFWB by-laws.

## **5.2. New York State Contracts and Niagara County Contracts**

- 5.2.1. The NFWB may, without soliciting competitive bids, purchase materials, equipment and supplies through New York State ("NYS") and Niagara County contracts at the same prices and under the same terms and conditions as the State or County. However, no purchase may be made through a NYS or County contract after competitive bids have been received unless the purchase may be made upon the same conditions and specifications as the bid but at a lower price.
- 5.2.2. All purchases through a NYS or County contract must be made only from the vendor awarded the contract. No purchases may be made from other vendors without soliciting competitive bids.
- 5.2.3. When it is determined that a purchase is to be made through NYS or Niagara County contract, an approved requisition and/or purchase order referencing a valid NYS contract number must be prepared.
- 5.2.4. A list of commodities available through NYS contracts can be reviewed at the following website: <http://www.ogs.state.ny.us>

## **5.3. "Piggybacking" on Contracts of the United States or any State, Agency, or other Political Subdivision or District Thereof**

- 5.3.1. The NFWB may, pursuant to General Municipal Law § 103(16), "piggyback" on contracts awarded by government entities that have been made available for use by other government entities, provided that those contracts were let in a manner that constitutes competitive bidding consistent with New York state law, including municipal cooperative purchasing. When "piggybacking," the NFWB is not required independently to seek competitive bids, as this already has been done by the other government entity.
- 5.3.2. The contract to be "piggybacked" must have been let by a government entity, not a private party or not-for-profit corporation. Contracts let through Sourcewell, Omnia Partners Public Sector, NASPO ValuePoint, National Cooperative Purchasing Alliance ("NCPA"), and similar public cooperative contract purchasing agencies may be appropriate for piggybacking.
- 5.3.3. The contract explicitly must have been made available for use by other governmental entities; unilateral offers by vendors to extend contract pricing and terms and conditions offered to other government entities are not acceptable.

- 5.3.4. The contract must have been let to the lowest responsible bidder or on the basis of best value.
- 5.3.5. To “piggyback” on a contract generally will require NFWB staff to obtain and review a copy of the underlying contract/bid specification. This and any similar documentation should be scanned and maintained as part of the requisition/purchase order for the procurement.

#### **5.4. Repair and Maintenance Provided by Original Manufacturer**

Repair and maintenance services provided by the original equipment manufacturer, supplier or installer (or their authorized agent or representative) are exempt from the quoting aspect of this policy when their services are required due to a specific or proprietary type of equipment.

#### **5.5. Sole Source**

- 5.5.1. It is the policy of the NFWB to promote competition in the procurement process, whenever possible. Toward that end, the NFWB will not specify the product of a certain manufacturer to the exclusion of all other comparable products, except where such a designation is required for the public interest, such as where local geographic (e.g. there is only a single source within a reasonable geographical area of the goods or services to be procured), security, public health or other conditions require the use of and only the type of equipment specified.
- 5.5.2. Where NFWB specifies a particular article or type of equipment which it regards as its general standard, it will provide that any other manufacturer of a similar equipment may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard.
- 5.5.3. Only in those instances where NFWB is required to secure equipment or service from a sole source of reasons of local geographic, security, public health or other conditions, may a purchase of such items or service be made without a competitive procurement process. In such instance, where the procurement exceeds \$20,000 the Board shall by resolution declare the need to purchase the equipment or service from a sole source vendor prior to purchase.

#### **5.6. Standardization**

- 5.6.1. Standardization should be utilized only where there are strong reasons of efficiency or economy. It is NFWB’s policy and procedure that it will not specify the product of a certain manufacturer to the exclusion of all other comparable products, except where such a designation is required for the public interest.
- 5.6.2. Although NFWB may specify a particular article or type of equipment which it regards as its general standard, it should provide that any other manufacturer of a similar object may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard.



5.6.3. In those instances where the public interest requires that NFWB standardize, such standardization may only occur upon the adoption of a Resolution by the members of the Board stating that, for reasons of efficiency or economy explained in the resolution, there is a need for standardization.

5.6.4. Even where NFWB standardizes on a particular article or type of equipment, competitive bids or quotes from all suppliers of that article or type in Western New York or, if necessary, outside the area should be actively solicited to promote competition. In such case, the Executive Director, or designee, shall contract with the lowest responsible bidder, or the party providing the lowest quote, furnishing the required security after any public advertisement as may be required.

#### **5.7. Surplus and Second-Hand Supplies**

Surplus and second-hand supplies, material, or equipment may be purchased by NFWB without competitive bidding from the Federal Government, the State of New York or from any other political subdivision, district, or public benefit corporation.

#### **5.8. Professional Services**

5.8.1. Professional services are those services requiring special or technical skill, training, or expertise. These types of services are routinely provided by attorneys, accountants, engineers, and architects, etc. Bidding is not required when a service is so specialized that it would not be in the NFWB's best interest to do so. The decision not to rely on competitive bidding procedures is based on the nature of the service, qualifications, prior experience, or an existing relationship with the NFWB.

5.8.2. An effective way to award contracts for professional services is to solicit requests for proposals ("RFP"). This ensures that qualified firms are given the opportunity to submit proposals and can result in reduced costs as a result of competition. However, contracts are awarded based on the criteria listed above and not on price alone.

5.8.3. Except as provided below, a formal RFP or where more appropriate a request for qualifications ("RFQ") shall be required prior to the award of any agreement for professional services requiring the expenditure of Water Board funds over \$10,001.

5.8.4. Where Water Board approval of a professional services agreement is requested without a prior RFP or RFQ, the proposed resolution for the award shall state (1) the reasons why a formal RFP or RFQ was not issued; (2) which firms informally were solicited for proposals; and (3) why the procurement should not be postponed to permit compliance with Section 5.8.3.

~~5.8.4.~~

Formatted: No bullets or numbering

## 5.9. Lease Arrangements

- 5.9.1. Leases of equipment shall also be awarded after a competitive process.
- 5.9.2. NFWB staff shall obtain, whenever possible, formal written quotations or proposals from three or more vendors for any lease involving in excess of \$5,000 annually. Such written quotations or proposals shall set forth the particulars as to the equipment to be provided and details as to cost, on an annual and total lease basis, which may be used for evaluation of the proposal. The lease shall also include details as to additional cost beyond the base lease amount necessary properly to evaluate the equipment to be leased prior to award to the successful vendor.
- 5.9.3. For leases involving an annual total lease expense of less than \$5,000, NFWB staff shall secure at least three informal quotes, whenever possible, and perform the same evaluation before making a recommendation to the Executive Director relative to the selection of a lessor for the equipment to be leased.
- 5.9.4. Leases in excess of \$1~~50~~,000 shall be approved by the NFWB Board.

## 6. PURCHASE CARDS/NFWB CREDIT CARDS

- 6.1. Are available to employees authorized by Board of Directors policy.
- 6.2. The Director of Financial Services or Deputy Director of Financial Services shall maintain a list of all employees with purchase cards.
- 6.3. All employees shall be required to sign a Purchase Card Policy before being issued a purchase card.
- 6.4. Purchase card transactions shall require appropriate documentation, and shall be reflected by the FMS.
- 6.5. Purchase card transactions shall regularly be audited by the Director of Financial Services, Deputy Director of Financial Services, or their designee, formally or informally, and any discrepancies shall be reported to the NFWB Board if they cannot be reconciled after investigation.

## 7. PETTY CASH

- 7.1. Where cash can be used for small purchases or expenses less than \$50, the Petty Cash system may be utilized.
- 7.2. Written receipts and internal expense codes must accompany all reimbursements.
- 7.3. Petty Cash purchases are not intended to circumvent the purchasing system.

8. SUPPORT FOR MINORITY, WOMEN-OWNED, SERVICE-DISABLED VETERAN OWNED, AND SMALL BUSINESSES

NFWB supports contracts with minority, women, and service-disabled veteran owned businesses and small businesses when awarding contracts in purchasing goods, services and equipment, and by statute is subject to Articles 15-A and 17-B of the Executive Law with respect to MWBE and SDVOB requirements in procurement contracts. NFWB will not discriminate against any person who is qualified and available to perform the work by reason of race, color, creed, gender, or national origin. NFWB will encourage active participation by MWBE, SDVOB, and small businesses in its procurement process, including reviewing and referencing any available lists of such vendors and actively and affirmatively soliciting their participation through email and/or telephone advisement of the coming procurement, and will fully support equal opportunity and fair treatment of all people in its contracting. NFWB staff involved in the procurement process should be familiar with NFWB's MWBE and SDVOB procedures and goals.

9. ANNUAL REVIEW

The Board shall annually review this Policy and Procedure. NFWB's Executive Director shall be responsible for assisting NFWB in conducting an annual review of this Procurement Policy and for an evaluation of the internal control structure established to ensure compliance with this Procurement Policy.

REVISION INFORMATION

- Originally Adopted January 29, 2018
- Annual Review Completed, and Revisions Made, October 29, 2018
- Revised March 25, 2019 to add Sections 5.8.3 and 5.8.4
- Revised December 14, 2020 to add Sections 1.7, 1.8, and 1.9 and a number of updates and clarifications throughout.
- Revised December 13, 2021, adding language regarding ties to Section 1.3, revising Sections 4.3 and 4.4 to increase the Executive Director's approval authority from \$10,000 to \$15,000, and added Deputy Director of Financial Services to Section 6.

Formatted: Indent: Left: 0.5", No bullets or numbering

[Significant revisions and annual reviews should be noted here.]



## **INVESTMENT GUIDELINES FOR THE NIAGARA FALLS WATER BOARD PURSUANT TO PUBLIC AUTHORITIES LAW SECTION 2925**

### **SCOPE**

This cash management and investment policy applies to all money and other financial resources available to the Niagara Falls Water Board for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

These guidelines have been constructed pursuant to the laws detailed in Exhibit I.

### **OBJECTIVES**

The primary objectives of the Water Board's investment activities are, in priority order:

1. To conform with all applicable federal, state and other legal requirements (legality);
2. To adequately safeguard principal (safety);
3. To provide sufficient liquidity to meet all operating requirements (liquidity); and
4. To obtain a reasonable rate of return (yield).

### **DELEGATION OF AUTHORITY**

The Niagara Falls Water Board's responsibility for administration of the investment program is delegated to the Director of Financial Services or Deputy Director of Financial Services as appropriate, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

### **PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Niagara Falls Water Board to operate effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### **DIVERSIFICATION**

It is the policy of the Niagara Falls Water Board to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

### **INTERNAL CONTROLS**

The Director of Financial Services or **Deputy Director of Financial Services**, as appropriate, are responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

### **DESIGNATION OF DEPOSITARIES**

The banks and trust companies authorized for the deposit of money are as follows:

**Bank on Buffalo**  
**Wilmington Trust**  
Manufacturers and Traders Trust Company  
Bank of America  
Key Bank of New York  
JP Morgan Chase  
Citizens Bank, N.A.

The Board shall review and approve this list at least annually.

## **COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, Article 2, Section 10, all deposits of the Niagara Falls Water Board, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value” as provided by GML 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the guidelines.
2. Current market values will be reviewed monthly to ensure all deposits are properly collateralized.

## **SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by a third party, bank or trust company subject to written security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure Niagara Falls Water Board deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Niagara Falls Water Board to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Niagara Falls Water Board, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Niagara Falls Water Board or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the Niagara Falls Water Board, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## **PERMITTED INVESTMENTS**

The Niagara Falls Water Board authorizes the Director of Financial Services or **Deputy Director of Financial Services** to invest money not required for immediate expenditure for terms not to exceed it projected cash flow needs in the following types of investments:

1. Special Time Deposit accounts.
2. Certificate of deposit.
3. Obligations of the United States of America.
4. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
5. Obligations of the State of New York.
6. Obligations issued pursuant to Local Finance Law, section 24 or 25 (with approval of the State Comptroller) by any municipality, school district or district corporation other than this Water Board.
7. Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.

All investment obligations shall be payable, saleable, or redeemable at the option of the Niagara Falls Water Board within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable, saleable or redeemable at the option of the Water Board within two years of the date of purchase.

## **AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Niagara Falls Water Board shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investment which can be made with each financial institution or dealer. All financial institutions with which the Board conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Niagara Falls Water Board. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Financial Services or **Deputy Director of Financial Services** is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

If the Niagara Falls Water Board deems it advisable to retain an investment banker, broker, agent, dealer or other investment advisor or agent to transact business with the Board, it shall establish criteria for said individuals or firms covering the quality, reliability, experience, capitalization, size and any other factors that at the time the Board feels pertinent before qualifying said firm to transact business with the Water Board.

The Board must have discretion over all investment transactions and must be supplied with adequate documentation for each transaction. All agreements must comply with the Investment Advisor's Act of 1940 and applicable New York State and Federal laws. In addition, a separate agreement will be entered into with a third party custodian to hold all securities purchased by the investment advisor.

See Exhibit II for Authorized Financial Institutions and Dealers.

### **PURCHASE OF INVESTMENTS**

The Director of Financial Services and Deputy Director of Financial Services are authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Section 1230a of the Public Authorities Law where the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Water Board.

All purchased investments, obligations, or participations unless registered or inscribed in the name of the Niagara Falls Water Board, shall be purchased through, delivered to, and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Niagara Falls Water Board by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the Niagara Falls Water Board, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities.



## **REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

1. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
2. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
3. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
4. No substitutions of securities will be allowed.
5. The custodian shall be a party other than the trading partner.

## **REPORTING**

The Director of Financial Services or **Deputy Director of Financial Services** shall report to the Niagara Falls Water Board on the investments of the Water Board not less than once a month.

The independent accounting firm retained by the Water Board to perform the yearly audit of the Water Board's books and records shall audit the investments of the Water Board and Water Authority and make its report available to the members of the Niagara Falls Water Board.

## **ANNUAL REVIEW**

The Board shall annually review these Investment Guidelines.

## **REVISION INFORMATION**

- Originally Adopted June 16, 2005.
- Annual review completed, list of approved financial institutions updated, and references to Deputy Director of Financial Services added, December 13, 2021.

**APPENDIX A**  
**Schedule of Eligible Securities for Collateralization of Deposits**

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, An agency thereof or a United States government sponsored corporation.
2. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
3. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
4. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

## **EXHIBIT I**

The Niagara Falls Water Board Investment Guidelines have been constructed pursuant to the following laws:

General Municipal Law 10, 11 and 39

Banking Law 107a

Public Authorities Law 2890, 2925, 1230

New York State Office of the State Comptroller Investment Guidelines for Public Authorities (Revised 1/2/98)

New York State Office of the State Comptroller's Local Government Management Guide (Formerly call Financial Management Guide)

Investment Advisor's Act of 1940

## **EXHIBIT II**

### Authorized Financial Institutions and Dealers:

HSBC Bank USA  
Manufacturers & Traders Trust Company  
Wilmington Trust  
Bank on Buffalo  
Bank of America  
FHN Financial  
Key Bank of New York  
JP Morgan Chase Bank  
Bank of New York  
Citizens Bank, NA  
MBIA – Municipal Investors Services Corp.  
New York State Environmental Facilities Corporation

*NIAGARA FALLS WATER BOARD RESOLUTION # 2021-12-004*

**2022 CLARK PATTERSON LEE PROFESSIONAL SERVICES EXTENSION**

**WHEREAS**, the Niagara Falls Water Board is engaged in various ongoing projects requiring engineering and related professional services for which it does not have sufficient internal staff or requires an outside engineering firm; and

**WHEREAS**, the Water Board previously entered into an agreement with Clark Patterson Lee (“CPL”) to provide consulting engineering and other professional services, and last authorized additional funds for these services by way of Resolution 2021-07-003, which included the stipulation that the funds so authorized were for services to be rendered in 2021 only; and

**WHEREAS**, the Water Board will continue to need services provided by CPL in 2022; and

**WHEREAS**, CPL has presented a proposal for continued services dated November 23, 2021, proposing a not-to-exceed fee for services to be rendered on a time-and-material basis totaling \$250,000 broken down as follows: General Engineering – Weekly Assistance (\$70,000) and Capital Projects Management and Assistance (\$180,000); and

**WHEREAS**, pursuant to Water Board Procurement Policy Section 5.8.4, this extension of a professional services agreement (1) was not the subject of an RFP because it is a continuation of ongoing professional services for which it would be impractical and inefficient to switch providers for work in progress, and requiring CPL periodically to submit proposals for extensions provides the Board with the opportunity to monitor the progress and expenditures of funds; (2) no other firms informally were solicited for proposals; and (3) the procurement is not being postponed to permit an RFP because the Water Board deems it in the best interests of the system to have CPL continue to provide the services for projects already underway;

**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, the Executive Director is hereby authorized to enter into an extension of the professional services agreement with Clark Patterson Lee consistent with the proposal dated November 23, 2021, authorizing payment for fees on a time-and-material basis for services rendered in 2022 as follows:

General Engineering – Weekly Assistance: Not to exceed \$70,000;

Capital Projects Management and Assistance: Not to exceed \$180,000;

Total: Not to exceed \$250,000.

\* CONTINUED ON NEXT PAGE \*

**AND IT IS FURTHER RESOLVED**, that CPL's services shall be performed on an as-needed and non-exclusive basis and that CPL shall obtain the Executive Director's approval prior to proceeding with any project.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

Capital Costs: As per the respective capital project number listed on the CIP

O&M Costs: GA.8110.0001.0451.000

Budget Line Supplied by: D. Williamson (Engineering Services Items)

Available Funds Confirmed by: B. Majchrowicz

On December 13, 2021, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Asklar	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman Forster	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

---

Nicholas J. Forster, Chairman

---

Sean W. Costello, Secretary to Board



November 23, 2021

Chairman Nicholas Forster  
Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, NY 14304

Dear Chairman Forster:

We have appreciated the opportunity to work with you over this couple of years. As you are aware, we continue to be involved in the planning and development of several projects and initiatives. To date, we have provided you with a not-to-exceed fee for the past several years, with services provided on an as-needed basis. The specific services and proper mix of personnel has been determined based on a request for assistance, and we have provided periodic accounting of the services rendered and will bill on a monthly basis. We were extended in July 2021 through the end of 2021. We are now requesting an amendment for 2022.

We suggest extending the current term agreement approach with a few specific work items, that would be broken out between capital projects and general engineering assistance. As in the previous extensions, we propose to supply support services as follows:

**General Engineering - Weekly Assistance:** Supply a professional engineer and project engineers to assist the NFWB in all facets of engineering activities including, but not limited to design, inspection, planning, estimating, budgeting, hydraulic modeling, assistance with repairs and other as needed items not related to capital projects.

**Capital Projects -** Supply professional engineers to assist the NFWB in all facets of engineering activities including, but not limited to design, inspection, planning, estimating, budgeting, and maintaining project schedules. We propose to supply Jay Meyers for onsite needs and daily interaction with staff. Then we will mix in Theodore Donner, along with Steve Tanner, Dave Jaros and Rick Henry as needed for the duration of the contract. We have assumed that under this task we will continue to manage the contracts that were awarded for design and construction of the \$27 million of capital work at the wastewater plant to keep it running for the next several years as well as any other capital work that may occur.

**Federal Infrastructure Bill** – We have already extended this portion of our agreement.

We have prepared the following rate schedule for your review. I suggest an approval of an additional \$250,000 to our current agreement which broken down as follows:

General Engineering – Weekly Assistance	\$70,000
Capital Projects Management and Assistance	\$180,000
Federal Infrastructure Bill	Included in previous arrangement
<b>Total.....</b>	<b>\$250,000</b>

We suggest an extension to our existing agreement. We will continue to bill to separate job numbers so

**ARCHITECTURE  
ENGINEERING  
PLANNING**



that we can be transparent on the billings.

Thank you for the opportunity to submit our qualifications. I am deeply proud of our ability to provide you with quality service at a fair rate. This is what we do, and we do it well. If you have any questions or require any additional information, please feel free to contact me via email at [rhenry@cplteam.com](mailto:rhenry@cplteam.com) or by phone at 716.852.2100, extension 1048.

Very truly yours,  
Clark Patterson Lee

Richard B. Henry III, P.E.  
President