



## MINUTES

### Meeting of the Niagara Falls Water Board

February 28, 2022 at 5:00 p.m.

5815 Buffalo Avenue

Niagara Falls, NY 14304

Note: This meeting was held via conference call pursuant to Chapter 417 of the Laws of 2021 as amended by Chapter 1 of the Laws of 2022.

#### 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*

Forster (Chairman) *Present*

Kimble (Board Member) *Present*

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

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

##### b. Comments from Chairman Forster

*Chairman Forster toured the WWTP on Thursday, February 24, 2022 with Dr. Zehraoui, Sean Costello, Dennis Kirkland (Acting Chief Operator of the WWTP), Doug Williamson (Director of Technical & Regulatory Services), Michael Eagler (Chief of Outside Infrastructure) and Joseph Argona (Supervisor of Maintenance) and states the plant continues to improve and work environments remain clean and safe. Chairman Forster thanks the staff noted above as well as Eric Smith (WWTP Planning Resource Coordinator) for their continued efforts and dedication with the on-going projects taking place at the WWTP.*

##### c. Presentations

*None.*

**d. Letters and Communications**

- i. 2022-02-07 – Drinking Water Fluoridation Grant Award Letter**
- ii. 2022-02-16 – Correspondence from S&P Global Ratings Assigning “A” Rating to Authority Debt with Stable Outlook**

*Chairman Forster commended Mr. Costello for his tremendous work on the NFPWA Revenue Refunding Bonds. The NFWB received an “A” rating from S&P and the Board was very pleased with Mr. Costello’s work. Chairman Forster asked the Board to consider (in the future) a stipend for Mr. Costello for all the supplementary work he performs related to the NFPWA.*

**e. Public Comments**

*Luke Cortese (1112 Ferry Ave. Niagara Falls NY, 14304) spoke regarding two recent water bills he has received from his tri-plex rental property. The first bill that was billed on October 1, 2021 (July-August-September consumption) totaled \$2,171.63. The second bill that was billed on January 1, 2022 (October-November-December consumption) totaled \$2,241.02. Combined, \$4,476.06. Mr. Cortese states he was unaware of any potential issue at his rental property until the first bill was received. Mr. Cortese hired a plumber to evaluate the property – a leak in one of the three toilets was identified. Mr. Cortese states he later realized another toilet was leaking that had gone unnoticed by the plumber, so his high bill extended over two billing cycles. Mr. Cortese is seeking board approval for a further adjustment to his water bill, and would like the Board to implement technology to read meters at least every month and automatically to notify property owners of leaks.*

*Mr. Majchrowicz states Mr. Cortese has received a \$1,014.41 adjustment (\$3,700 balance remains) and he will work with Mr. Cortese on a payment plan.*

*Chairman Forster states the board is considering monthly billing verses the current quarterly billing system for rate payers to be able to identify any possible leaks/issues prior to receiving a large water bill.*

**f. Approval of Minutes**

- i. Draft January 31, 2022 Meeting Minutes**

*Motion by Board Member Larkin and seconded by Board Member Leffler to approve the January 31, 2022 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 thanked Michael Eagler, Eric Smith and Joe Argona for their efforts with snow removal and the recent rain events.*

*Dr. Zehraoui also spoke on the lime silos at the WWTP that have gone unused for several years. Chairman Forster noted that the Iron Workers were going to be hired to drain and dismantle the silos. The NFWB instead has been able to keep that work “in-house.” Eric Smith and his maintenance crew have been working on this project – even if some of the work is being performed on overtime, there remains a cost savings to not contract the work out.*

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

**3. Outside Infrastructure Updates – Michael Eagler**

*Mr. Eagler spoke on the 18<sup>th</sup> St. water main replacement project. The NFWB is currently waiting on approval from the DOH. Hopeful to bid the work sometime in April 2022, to begin the work July 2022, with full restoration by Spring 2023.*

*Mr. Eagler mentions he would like to merge the 18<sup>th</sup> St. water main replacement project with the Whitney Ave. water main replacement project – cost savings with inspections and mobilization.*

*Mr. Eagler states the NFWB will be hosting a “D license” training course at the WWTP on April 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup>. The NFWB will save money by hosting this course. Mr. Eagler is hopeful that the NFWB will be able to host additional courses in the future – such as WTP and WWTP operations training.*

*Mr. Eagler informs the Board members that 5 main breaks occurred throughout the City yesterday; 4 have since been repaired, the 5<sup>th</sup> will be repaired in the morning.*

**4. Engineering – Douglas Williamson**

- a. 2022-2026 Capital Improvement Plan**

**5. Personnel Items – Dr. Abderrahman Zehraoui**

- a. February 28, 2022 Personnel Actions Sheet**
- b. COVID Screening and Mask Policy**

*Board action was not needed on the February 28, 2022 personnel actions sheet.*

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

*Dr. Zehraoui informs the board of the recent “phishing” email that was received by the supervisors at the NFWB, with the sender posing as the Executive Director.*

*Board Member Larkin questions if the staff has received a memo outlining the necessary protocols that need to be taken when an employee receives any form of spam mail.*

*Dr. Zehraoui states that the staff receives emails from Joe Morock (Systems Engineer) outlining how to block/report suspicious emails that will then notify the IT department as well as our email hosting provider in order to blacklist the email address.*

## **7. Finance – Brian Majchrowicz**

- a. Audit Update**
- b. Revenue Budget Performance Report through January 31**
- b. Sewer Fund Expense Budget Performance Report through January 31**
- c. Water Fund Expense Budget Performance Report through January 31**
- d. Board Fund Expense Budget Performance Report through January 31**
- f. Key Bank and Bank on Buffalo Balance Report**
- g. Wilmington Trust Balance Report**
- h. Treasury Account Balance Report**

*Mr. Majchrowicz states that Bonadio & Co. were at the NFWB last week working the audit. No major issues to report. The completed report is expected to be presented to the Board at the March 2022 work session meeting.*

*Mr. Majchrowicz states the NFWB has been working with Paychex regarding the implementation of the new payroll software – the pay period beginning on March 27<sup>th</sup> is the projected date to “go live.”*

*Chairman Forster thanks Mr. Majchrowicz for all of his efforts regarding the NFPWA bond re-financing and states that all of his additional hours worked did not go unnoticed.*

## **8. Questions Regarding January 2022 Operations and Maintenance Report**

*None.*

**9. Safety – Dr. Abderrahman Zehraoui**

*Dr. Zehraoui states he would like our safety contractor to be more involved. Whether that means giving him additional hours or potentially hiring a full-time in-house safety specialist.*

*Chairman Forster asks Dr. Zehraoui to draft his recommendations and submit to the board for their consideration.*

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

**11. From the Chairman**

**12. Resolutions**

**2022-02-001 – ADOPTING FIVE YEAR CAPITAL PLAN**

**a. Draft 2022-2026 Capital Improvement Plan**

*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*

**2022-02-002 – AUTHORIZING DISPOSAL OF SURPLUS FIRE BRICK**

*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*

**2022-02-003 – AUTHORIZING PROCUREMENT OF WHEEL LOADER**

**a. Five Star Equipment, Inc., quote dated February 3, 2022**

*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*

**2022-02-004 – AUTHORIZING RETENTION OF COUNSEL FOR LABOR AND EMPLOYMENT MATTERS**

**a. Hodgson Russ LLP Fee Proposal**

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

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

*Motion carries, 5-0*

**WALK-ON RESOLUTION 2022-02-005 – AUTHORIZING PROCUREMENT OF COMPACT TRACK LOADER**

*Motion by Board Member Kimble and seconded by Board Member Asklar to waive the agenda deadline.*

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

*Motion carries, 5-0*

*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*

**13. Additional Comments from Chairman Forster**

*None.*

**14. Unfinished/Old Business**

*None.*

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

*None.*

**16. Executive Session: Anticipated motion to enter into executive session for the purpose of considering matters leading to the appointment or employment of a particular person for the position of Director of Administrative Services (Public Officers Law § 105(f)).**

*Motion by Board Member Larkin and seconded by Board Member Leffler to enter executive session for the purpose of discussing matters related to the hiring of an individual for Director of Administrative Services at 5:57 p.m.*

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

*Motion carries, 5-0*

*Motion by Board Member Asklar and seconded by Board Member Larkin to enter the open meeting at 6:35 p.m.*

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

*Motion carries, 5-0*

## **17. Adjournment of Meeting**

*Motion by Board Member Asklar and seconded by Board Member Kimble to adjourn the meeting at 6:37 p.m.*

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

*Motion carries, 5-0*