



MINUTES

**Annual and Business Meeting of the
Niagara Falls Water Board
March 28, 2022 at 5:00 p.m.
5815 Buffalo Avenue
Niagara Falls, NY 14304**

Note: This meeting could be attended in-person or 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 via conference call*

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

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

b. Comments from Chairman Forster

None.

c. Presentations

None.

d. Letters and Communications

None.

- e. **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).**

Jacob Brydges (3783 McKoon Ave. Niagara Falls NY, 14304) spoke regarding the most recent water bill he received from his rental property (2625 Ontario Ave. Niagara Falls NY, 14304). Mr. Brydges states he was unaware that his rental property was removed from the drip program. Mr. Brydges states he was informed by a NFWB employee that his property has been placed on the lead replacement waitlist, however, no documentation has been provided to him. Mr. Brydges is requesting to have his rental property placed back on the drip program and he would like his quarterly bill of approximately \$280.00 to be investigated further – his normal quarterly bill is approximately \$215.00.

f. Approval of Minutes

i. Draft February 28, 2022 Meeting Minutes

Motion by board member Asklar and seconded by board member Leffler to approve the February 28, 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)**
- d. **WWTP Emergency Breaker Failure Update**

3. Outside Infrastructure Updates – Michael Eagler

Mr. Eagler advised the Board of the recent discovery of a 10-inch water main break at the WWTP that had been impacting the plant’s water pressure. Once discovered this was repaired the following day. Currently the plant is running with 111 psi with normal usage throughout the day. Approximately 100,000-200,000 gallons per day are being saved due to this repair. During the repair, the process of the plant was unaffected due to the ability to back feed from another direction.

4. Maintenance – Joseph Argona

Mr. Argona informs the board of the low-lift lighting project at the WTP that was originally supposed to be completed by Ferguson Electric for approximately \$15,000 – able to keep the

work “in-house” for approximately \$3,500. LED lighting was installed for an additional cost savings.

WWTP conference room carpet will be installed this week. WTP conference room work will continue this weekend with NFWB staff working on Saturday and Sunday.

Fox Fence provided the NFWB with a quote for repair work needed on the perimeter fencing at the WTP for approximately \$23,000 – able to keep the work “in-house” for approximately \$8,000-\$9,000.

Chairman Forster notes the rise in personnel costs due to the many on-going projects taking place at both the WTP and WWTP.

Two Union bricklayers along with three Union carpenters have been added to temporary personnel.

Management will review the budget and explore options to reallocate funds as needed to cover the capital improvements being performed using NFWB forces.

5. Engineering – Douglas Williamson

Mr. Williamson states he will have the intermediate pump report from GHD in approximately 6 weeks. Job assessment is needed prior to the design and the bid process.

6. Personnel Items – Dr. Abderrahman Zehraoui

- a. March 28, 2022 Personnel Actions Report**
- b. Organizational Chart as of January 20, 2022**

Motion by board member Leffler and seconded by board member Larkin to approve the March 28, 2022 Personnel Actions Report.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

Chairman Forster questioned how long it takes to train a WTP Operator, if a current Operator is selected for the Senior Laboratory Technician position. Dr. Zehraoui answered 90 days. Chairman Forster then requested that in order to minimize overtime, an operator trainee be hired and trained before moving an operator to the laboratory.

7. Information Technology (IT) – Dr. Abderrahman Zehraoui

None.

8. Finance – Brian Majchrowicz

- a. Revenue Budget Performance Report through February 28**
- b. Sewer Fund Expense Budget Performance Report through February 28**
- c. Water Fund Expense Budget Performance Report through February 28**
- d. Board Fund Expense Budget Performance Report through February 28**
- f. Key Bank and Bank on Buffalo Balance Report**
- g. Wilmington Trust Balance Report**
- h. Treasury Account Balance Report**
- i. Budget Amendments Report**
- j. February 2022 Capital Payments**

Mr. Majchrowicz informs the board of the brochures that will included in this quarter's water bills regarding the Low-Income Household Water Assistance Program (LIHWAP) that was implemented by the NYS Office of Temporary and Disability Assistance. This program can assist households who have past due bills (arrears) for water and sewer services. LIHWAP can help prevent shut offs regarding water and/or sewer services. Mr. Majchrowicz has also reached out to City Hall to inquire how they would like to distribute.

Board member Asklar questions the “turn around” on these funds.

Mr. Majchrowicz believes the “turn around” is immediate and will further investigate the process regarding a rate payer who may have had a past due bill(s) already transferred to their taxes.

9. Questions Regarding February 2022 Operations and Maintenance Report

None.

10. Safety – Dr. Abderrahman Zehraoui

None.

11. General Counsel and Secretary – Sean Costello

- a. Upcoming Insurance Renewals**

Mr. Costello informs the board of a recent visit from PESH. PESH came on-site to conduct air and noise monitoring at the WTP due to a recent employee complaint connected to conference room demolition work.

Mr. Costello explains that the NFWB's insurance broker has advised of a large change in the cyber insurance market and is exploring options to minimize the increase in expense to the Board.

12. From the Chairman

Chairman Forster states all up-coming work sessions and board meetings will be held in the WWTP conference room until further notice – due to the on-going construction taking place in the WTP conference room. Chairman Forster is requesting all personnel, contractors and public speakers enter the WWTP via the west gate entrance.

Board Members Asklar and Larkin then noted that they have heard from Niagara Falls City Councilman Kenny Tompkins of vacant, City owned properties where the water has been turned on, presumably by squatters. The question raised is whether the Water Board confirms ownership of properties prior to turning on the water. Chairman Forster noted the Water Board receives a list of City owned properties approximately monthly that the meter shop has, and the meter shop would not turn on water for such a property, moreover there are ongoing efforts to remove meters from such properties. Brian Majchrowicz will confirm, but it is believed staff verify ownership before opening accounts. It was discussed to obtain specific address examples from Councilman Tompkins in order to review this matter further, and the matter will be added to old business to be sure it is addressed when more information has been gathered.

13. Resolutions

2022-03-001 – ELECTION OF OFFICERS

Nomination by Board Member Larkin and seconded by Board Member Asklar for Chairman Forster as Chairperson.

Motion by Board Member Kimble and seconded by Board Member Leffler to close the nominations.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

Nomination by Board Member Asklar and seconded by Board Member Leffler for Board Member Larkin as Vice Chairperson.

Motion by Board Member Leffler and seconded by Board Member Asklar to close the nominations.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

Nomination by Board Member Leffler and seconded by Board Member Larkin for Mr. Asklar as Treasurer.

Motion by Board Member Kimble and seconded by Board Member Asklar to close the nominations.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

Nomination by Board Member Larkin and seconded by Board Member Leffler for Mr. Costello as Secretary.

Motion by Board Member Kimble and seconded by Board Member Asklar to close the nominations.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

Motion by Board Member Leffler and seconded by Board Member Asklar to approve the slate as nominated.

Asklar __Y__ Forster __Y__ Kimble __abstain__ Larkin __Y__ Leffler __Y__

Motion carried 4-0, with 1 abstention.

2022-03-002 – FINANCE AND AUDIT COMMITTEE MEMBERSHIP AND MEETINGS

Motion by Board Member Leffler and seconded by Board Member Larkin to nominate Board Member Asklar as Chairperson of the Finance and Audit Committee.

Motion by Board Member Kimble and seconded by Chairman Forster to close the nominations.

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-003 – GOVERNANCE COMMITTEE MEMBERSHIP AND MEETINGS

Motion by Chairman Forster and seconded by Board Member Asklar to nominate Board Member Larkin for Chairperson of the Governance Committee.

Motion by Board Member Asklar and seconded by Board Member Leffler to close the nominations.

Motion by Chairman Forster and seconded by Board Member Asklar to approve.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-004 – EXECUTIVE STAFF REVIEW COMMITTEE CHAIRPERSON

Motion by Board Member Leffler and seconded by Board Member Asklar to nominate Board Member Larkin for Chairperson of the Executive Staff Review Committee.

Motion by Board Member Kimble and seconded by Board Member Asklar to close the nominations.

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-005 – APPROVING AND ACCEPTING INDEPENDENT AUDIT AND INVESTMENT REPORTS

- a. Niagara Falls Water Board 2021 Financial Statement (Draft)
- b. NFWB Investment Compliance Report (Draft)
- c. NFWB Management Letter (Draft)
- d. NFWB Required Communications Letter (Draft)

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-006 – EXTENSION OF THE HIGH VOLTAGE, SWITCHGEAR INSPECTION, AND EMERGENCY WORK CONTRACT

- a. Ferguson Electric Extension Letter

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-007 – EXTENSION OF THE IN-PLANT MECHANICAL SERVICE CONTRACT

- a. Mollenberg-Betz Extension Letter

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-008 – EMERGENCY 12-INCH COMBINED SEWER REPAIR BID – 2214 WHITNEY AVENUE

- a. Award Recommendation Letter and 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 carried 5-0

2022-03-009 – AUTHORIZING INTERLOCAL CONTRACT WITH HOUSTON-GALVESTON AREA COUNCIL FOR COOPERATIVE PURCHASING

a. Sample Contract

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-010 – AUTHORIZING PROCUREMENT OF GODWIN PUMPS FOR SEWER BYPASS PUMPING

- a. Xylem Dewatering Quotation No. 104018956 dated February 24, 2022**
- b. Xylem Sole-Source Letter**

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-011 – AUTHORIZING DISPOSAL OF OBSOLETE WWTP OPERATIONS CONTROL PANEL CABINETS

- a. Email Regarding Disposal of Operations Control Panel Cabinets**

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

2022-03-012 – AUTHORIZING CONTINGENCY FEE AGREEMENT WITH SELECTIVE STAFFING SOLUTIONS

- a. Proposed Agreement**

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0

14. Unfinished/Old Business

1) Board Room WTP:

- 3/11/22: Both contracts were executed for Electric (CIR) and Piping (Danforth). A meeting will be scheduled for 3/17 with contractors.

2) WWTP Rug Replacement

- 3/11/22: Carpet to be installed on 03/23, 03/24, and 03/25.

3) WTP Caulking Project

- 3/11/22: Project completed 3/4 (only cleaning of the area is remaining)

4) WWTP Sodium Hypochlorite Tank Replacement

- 3/11/22: We need to put out an RFP for the tank replacement work due to the costs. Cost estimate from Belding Tank Technologies of \$73,300 plus \$5,000 freight for a 14,000-gallon tank. We will likely need to put drawings and specifications together to get a complete bid price. Doug is working on the bid.

5) Basin 5 - Completion Date

- 3/11/22: Basin 5 completion date is still dependent on when the gear box is delivered.

6) WWTP Ceiling Project

- 3/11/22: Painting (by NFWB) and Ceiling Tile Replacement (by Union Carpenters) is underway.

7) WWTP Brick Repair Work & Enclosure of Balcony

- 3/11/22: Scope of work being developed, and quotes will be obtained.

8) Whitney Ave. Water Main Replacement

- 3/11/22: Previously, CPL put this project on hold to focus on the 18th Street Watermain project. However, they plan to survey Whitney Avenue and start working on the design again.

9) 18th St. Water Main Replacement from Whitney Ave. to Ontario Ave.

- 3/11/22: The 18th Street Watermain project was submitted to the NYSDOH for review on 2/8/22.

10) WTP Perimeter Fence Replacement Update

- 3/11/22: Contractor quotes previously obtained but waiting on results of grant application submitted at end of November 2021.

11) Paychex Payroll System Update

- 3/17/22: All information requested has been sent to Paychex. Waiting on Paychex to finish setting our system up. Per Paychex status meeting on 3/17 - 'Status of Project – 29% complete, first payroll tentatively slated to process 3/22 with a check date of 3/25'

12) Advanced Metering Infrastructure Update

- 3/10/22: Dave Johnson (Neptune) email update in 3/21 work session packet.

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)).

None.

17. Adjournment of Meeting

Motion by Board Member Leffler and seconded by Board Member Asklar to adjourn the meeting at 6:00 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0