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## **AGENDA**

### **Business Meeting of the Niagara Falls Water Board May 23, 2022 at 5:00 p.m.**

**NOTE: Meeting to be held at Wastewater Treatment Plant Conference Room  
1201 Buffalo Avenue, Niagara Falls, NY 14304**

**\*\*\*Meeting may be attended in person or via conference call --  
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. Presentations**

##### **d. Letters and Communications**

- i. 2022-04-29 – Correspondence from DEC Commissioner Basil Seggos**
- ii. 2022-05-09 – COVID Wastewater Surveillance Update Memorandum**

- 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). Public comments on the Water Board's 2021-2022 Stormwater Management Draft Annual Report also will be accepted during this public comment period.**
  - f. **Prior Meeting Minutes**
    - i. **Draft April 25, 2022 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. **Outside Infrastructure Updates – Michael Eagler**
- 4. **Maintenance – Joseph Argona**
- 5. **Engineering – Douglas Williamson**
  - a. **LaSalle SSO Consent Order Amendment – DEC Letter Response to NFWB's Original Proposed Plan**
  - b. **Proposed Amended Plan for LaSalle Consent Order Amendment**
  - c. **Stormwater Management Draft Annual Report**
- 6. **Personnel Items – John Accardo**
  - a. **May 23, 2022 Personnel Actions Report**
- 7. **Information Technology (IT) – Dr. Abderrahman Zehraoui**

**8. Finance – Brian Majchrowicz**

- a. Revenue Budget Performance Report through April 30**
- b. Sewer Fund Expense Budget Performance Report through April 30**
- c. Water Fund Expense Budget Performance Report through April 30**
- d. Board Fund Expense Budget Performance Report through April 30**
- e. Key Bank and Bank on Buffalo Balance Report**
- f. Wilmington Trust Balance Report**
- g. Treasury Account Balance Report**
- h. Budget Amendments Report**
- i. April 2022 Capital Payments**

**9. Questions Regarding April 2022 Operations and Maintenance Report**

**10. Safety – John Accardo**

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

- a. Amendment to Open Meetings Law Regarding Videoconference Meetings**
  - i. Committee on Open Government Guidance**
  - ii. Text of Statute**
  - iii. Draft Resolution to Permit Videoconference Meetings in Accordance with Part WW of Chapter 56 of the Laws of 2022**
  - iv. Draft Written Procedures Governing Member and Public Attendance at Meetings Conducted by Use of Videoconferencing**

**12. From the Chairman**

**13. Resolutions**

**2022-05-001 – CHANGE ORDER FOR ARCADIS CONSTRUCTION PHASE ENGINEERING SERVICES ON WWTP PROJECT 3**

- a. CPL Memorandum Regarding Arcadis Proposal**
- b. May 11, 2022 Arcadis Proposal**

**2022-05-002 – PROCUREMENT OF 2022 VAC-CON COMBINATION SEWER TRUCK AND DISPOSAL OF 2006 VAC-CON COMBINATION SEWER TRUCK**

- a. Vac-Con Quote, Warranty Information, and Brochure**

**2022-05-003 – RENEWAL OF PERMA WORKERS COMPENSATION POLICY**

- a. PERMA Early Renewal Offer and Renewal Quote**

**2022-05-004 – FUNDS FOR CONTINUED CPL INFRASTRUCTURE FUNDING EFFORTS**

- a. CPL Proposal dated May 11, 2022

**2022-05-005 – 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 5308.39, D264819**

- a. April 28, 2022 DOT Cover Letter

**2022-05-006 – MEMORANDUM OF UNDERSTANDING WITH JAMESTOWN COMMUNITY COLLEGE RELATIVE TO USE OF NFWB FACILITIES FOR WATER AND WASTEWATER OPERATOR CERTIFICATION AND CONTINUING EDUCATION COURSES**

- a. Proposed Memorandum of Understanding

**2022-05-007 – CHANGE ORDER FOR GENERAL CONTRACT WORK WWTP PROJECT 1: SEDIMENTATION BASINS TO ADD REPLACEMENT OF SCUM AND GRIT SCREWS**

- a. Hohl Change Order Proposal Dated April 6, 2022

**2022-05-008 – LEASE BUYOUT FOR TWO PASSENGER VEHICLES**

- a. Lease Buy Out Costs for 2017 Fusion and 2021 Tahoe

**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.
- 4/13/22: Danforth work complete. CIR work to be scheduled by end of month. Next steps include relocation of fiber optic line and completing wall demolition.

**2) WWTP Rug Replacement**

- 3/11/22: Carpet to be installed on 03/23, 03/24, and 03/25.
- 4/13/22: Partially complete – three offices and stairs remain to be complete.

**3) WTP Caulking Project**

- 3/11/22: Project completed 3/4 (only cleaning of the area is remaining)
- 4/13/22: Fully complete.

**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.
- A draft RFP has been completed that includes drawings and specifications for the sodium hypochlorite tank #216 replacement. Possibility of including the replacement of ferric chloride tanks #214 and #215 in the RFP. Waiting to hear back from EFC on the grant application that was submitted in November of 2021 for this work.

**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.
- 4/13/22: Ongoing – administration building complete, bathrooms and control room underway.

**7) WWTP Brick Repair Work & Enclosure of Balcony**

- 3/11/22: Scope of work being developed and quotes will be obtained.
- 4/13/22: Bricklayers on site, work underway, meeting with canvas installer by end of April for screening in of balcony.

**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.
- 4/14/22: Whitney Avenue survey has been completed and CPL is currently finalizing the documents for submission to DOH.

**9) 18<sup>th</sup> 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.
- 4/14/22: CPL has received a review letter from Niagara County DOH with no comments. CPL is currently finalizing a response letter to the City of Niagara Falls and NYS DOH. CPL is planning to advertise the project for bids the first week of May. Water main pipe is seeing deliver lead times from 24 – 30 weeks, which will delay the start of construction.

**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.
- 4/13/22: Quotes obtained for brush hog needed to facilitate performing work in-house.

**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'
- 4/14/22: In the process of completing a mock payroll to coincide with our previous one to make sure numbers are accurate. Timeclocks are currently being programmed and we will start testing a sample of employees with the new clocks. Continuing training.

**12) Advanced Metering Infrastructure Update**

- 3/10/22: Dave Johnson (Neptune) email update in 3/21 work session packet.
- 4/14/22: April 7, 2022 update from Neptune is in the 4/18 work session packet.

**13) Verifying Ownership Prior to Opening Water Account**

- 3/28/22: Board Members Asklar and Larkin raised question regarding squatters possibly having water service turned on; will seek more details on specific address.

**15. New Business & Additional Items for Discussion****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 and matters relating to the employment of a particular person (Public Officers Law § 105(f)).****17. Adjournment of Meeting**



## MINUTES

### Business Meeting of the Niagara Falls Water Board April 25, 2022 at 5:00 p.m.

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 5:02 p.m.*

##### a. Attendance:

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

Forster (Chairman) *Present*

Kimble (Board Member) *Present via Conference Call*

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

*None.*

##### c. Presentations (none)

*None.*



d. Letters and Communications

i. April 18, 2022 COVID-19 Wastewater Surveillance Memorandum

*Mr. Costello states that the Niagara Falls Water Board is the only sewer plant in Niagara County participating in this study and will continue to receive wastewater surveillance data reports until the study concludes.*

- 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).

*Luke Cortese (1112 Ferry Ave. Niagara Falls NY, 14304) spoke regarding the same matter he previously brought to the attention of the board members at the February 28, 2022 board meeting – two recent water bills he has received from his tri-plex rental property.*

*Mr. Cortese is requesting a revision to the current billing system the Niagara Falls Water Board practices (quarterly billing).*

*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 last made a payment of \$75.00 on October 12, 2021.*

*Mr. Cortese received a \$1,014.41 adjustment on February 2, 2022.*

*Mr. Cortese states that J.R. Swanson has recently been to his rental property to inspect for any known leaks – any identified leaks have been repaired.*

*The Board is requesting that Mr. Cortese provide General Counsel with documentation regarding the repair work that took place at his rental property.*

*Board Member Kimble asks Mr. Cortese what he believes to be fair regarding his outstanding water bill. Mr. Cortese states he would be able to pay \$2,500.00.*

*The Board instructs Mr. Eagler (Chief of Outside Infrastructure) to work with the Meter Shop to monitor the meter usage at Mr. Cortese's property – once a week for the next month.*

**f. Prior Meeting Minutes**

**i. Draft March 28, 2022 Meeting Minutes**

*Motion by Board Member Leffler and seconded by Board Member Larkin to approve the March 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. Update on Sodium Hypochlorite Use**
- e. Mayor Restaino News Release Including Sewer Lateral and Text Update Programs**

*Dr. Zehraoui informed the board of the recent correspondence received from Mayor Restaino – who recently launched multiple programs aimed at improving Niagara Falls neighborhoods and communication with residents. Details have not yet been worked out on how the Water Board could take advantage of a new resident communication tool.*

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

*Mr. Eagler explains to the Board the recent need for repairs to the Aqua Tech combination sewer truck due to computer issues when the boom crashed into the truck. Recirculation pump and relief valve have also been replaced, along with several minor repairs (16 total).*

*The Vac-Con truck (2006) has a bad turbo and blown head gasket. As a result, both of the Water Board's combination trucks are out of service.*

*Mr. Eagler inquired with several local companies, along with DPW and was unable to secure someone in Niagara Falls to repair the Vac-con. Several mechanics referred the NFWB to S&S Fleet Solutions in Lockport NY - the NFWB will be proceeding with repairs (approximately 4-6 weeks for completion).*

*Mr. Eagler received confirmation from J.R. Swanson and J.A. Brundage – they will respond to any sewer plugs that are deemed the NFWB's responsibility. Mr. Eagler states that he and his crew will rotate who is called and the company will charge accordingly.*

*Mr. Eagler believes it is vital that the NFWB explores the possibility of replacing the 2006 Vac-Con truck. Chairman Forster asked that staff look into possible acquisition of a new*

*truck on a State bid and alerted the Board that a special meeting to approve the procurement might be necessary.*

**4. Maintenance – Joseph Argona**

**5. Engineering – Douglas Williamson**

**a. Town of Niagara Sewer Flows**

*Mr. Williamson reviewed the Town of Niagara Sanitary Sewer Flow Measurement Results with the Board.*

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

**a. April 25, 2022 Personnel Actions Report**

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

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

*Motion carries, 5-0*

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

*None.*

**8. Finance – Brian Majchrowicz**

- a. Revenue Budget Performance Report through March 31**
- b. Sewer Fund Expense Budget Performance Report through March 31**
- c. Water Fund Expense Budget Performance Report through March 31**
- d. Board Fund Expense Budget Performance Report through March 31**
- e. Key Bank and Bank on Buffalo Balance Report**
- f. Wilmington Trust Balance Report**
- g. Treasury Account Balance Report**
- h. Budget Amendments Report**
- i. March 2022 Capital Payments**
- j. Payroll, Hypochlorite, Sludge, Ferric, and SIU Revenue Status Charts**

**9. Questions Regarding March 2022 Operations and Maintenance Report**

*None.*

**10. Safety – Dr. Abderrahman Zehraoui**

*None.*

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

*None.*

**12. From the Chairman**

*None.*

**13. Resolutions**

**2022-04-001 – AUTOMATECH SOFTWARE MAINTENANCE AND SUPPORT RENEWAL**

**a. AutomaTech Quote dated April 8, 2022**

*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*

**2022-04-002 – GE DIGITAL SCADA CONTROL SUPPORT RENEWAL**

**a. GE Digital Quote dated April 7, 2022**

**b. GE Acceleration Plans Brochure**

*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*

**2022-04-003 – ACCEPTING BLUE CROSS HEALTH INSURANCE RENEWAL RATES**

**a. Blue Cross Health Insurance Renewal Rates**

*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*

**2022-04-004 – AUTHORIZING PAYMENT OF CYBER INSURANCE RENEWAL PREMIUM**

**a. Chubb Cyber Insurance Renewal Quote**

*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*

**2022-04-005 – AUTHORIZING PAYMENT FOR HI-VAC SEWER CLEANING TRUCK REPAIRS**

**a. Hi-Vac Repair Quote from Tracey Road Equipment**

*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*

**2022-04-006 – AUTHORIZING SHIMADZU SERVICE AGREEMENT**

**a. 2022-2025 Shimadzu Service Quote**

*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*

**14. Unfinished/Old Business**

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**13) Verifying Ownership Prior to Opening Water Account**

- 3/28/22: Board Members Asklar and Larkin raised question regarding squatters possibly having water service turned on; will seek more details on specific address.

**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)).

*No executive session was held.*

**17. Adjournment of Meeting**

*Motion by Board Member Larkin and seconded by Board Member Kimble to adjourn the meeting at 5:53 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, May 23, 2022

<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>
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A. PERSONNEL ACTIONS RECOMMEND TO HIRE				
Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION
1	Operator Trainee	WWTP	\$40,909	Authority to hire replacement, to be exercised only if a current WWTP Operator Trainee is selected to fill the WTP Operator Trainee vacancy.

B. RECOMMENDED PROMOTION / MOVE / APPOINTMENT				
Line Item Number	Name and Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION
1	John Accardo, Deputy Director of Admin. Svcs.	Salary Increase	\$51,500 to \$52,536 per annum (2% increase)	Salary has not increased since hired in November 2020

C. PREVIOUSLY TABLED PERSONNEL ACTIONS (From 2021)				
Line Item Number	Action and Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION

D. OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION				
Name	Position	Department/Location	Pay Rate	ADDITIONAL INFORMATION
Eric Smith	Planning & Resource Coordinator	WWTP	\$55,941, Annually	Provisional appointment automatically converted to permanent effective January 20, 2022 as reachable on Civil Service eligible list and having held position provisionally for at least nine months.

E. PERSONNEL ON LONG TERM LEAVE OF ABSENCE				
Name	Last Day Worked	Dept.	Return Status	Comments
Accardo, John	1/21/2022	WTP Admin Svcs	5/2/2022	FMLA
Jones, Matthew	3/15/2022	OW & S	Unknown	Intermittent FMLA

**CHANGE ORDER FOR ARCADIS CONSTRUCTION PHASE ENGINEERING  
SERVICES ON WWTP PROJECT 3**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) has underway a construction project that it refers to as wastewater treatment plant (“WWTP”) Project 3 – Screenings and Grit Transport Equipment Improvements, Polymer Equipment Upgrades, and Dewatering Equipment Control Upgrades, required pursuant to Order on Consent R9-20170906-129 with the New York State Department of Environmental Conservation (“Project 3”); and

**WHEREAS**, at the time the construction contracts for Project 3 were awarded, it was expected that the date for substantial completion would be May 21, 2021; and

**WHEREAS**, because of unforeseen delays in the supply of materials and equipment due to the COVID-19 pandemic and as a result of changes to the contractors’ scope of work requested by the Water Board, the anticipated date for substantial completion of the work currently is September 9, 2022; and

**WHEREAS**, Arcadis, which is performing construction inspection and construction administration services for Project 3, has presented a proposal dated May 11, 2022 requesting that the Water Board authorize an additional \$70,220 for the cost of performing those services through the anticipated completion of the construction work on Project 3; and

**WHEREAS**, the work being performed by Arcadis is on a time-and-material basis and any approved funds remaining at the end of the project will not be invoiced;

**WHEREAS**, CPL, as the Water Board’s project manager, recommends approval of the Arcadis proposal;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Executive Director hereby is authorized to approve an amendment to Arcadis's agreement for Project 3 engineering services work to authorize an additional fee not to exceed \$70,220 to complete the Project 3 construction administration and construction inspection work.

*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 Plan Items: WWTP 3  
Capital Line Supplied by: D. Williamson  
Available Funds Confirmed by: B. Majchrowicz

On May 23, 2022, 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:

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Nicholas J. Forster, Chairman

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Sean W. Costello, Secretary to Board

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**From:** Theodore Donner <TDonner@CPLteam.com>  
**Sent:** Wednesday, May 11, 2022 10:53 AM  
**To:** Abderrahman Zehraoui; Sean Costello; Douglas Williamson  
**Cc:** Rick Henry; Dave Jaros; Jay Meyers; Steve Tanner  
**Subject:** Re: Arcadis Project #3 Amendment Request  
**Attachments:** Arcadis Project #3 CA-CI Amendment Request (5-11-22).pdf  
  
**Importance:** High

Dr. Zehraoui & Sean,

Please find, attached, an amendment request from Arcadis for Project #3.

- Arcadis is requesting additional CA and CI budget, as GHD did, related to the pandemic. We notified the board at previous meetings that this would be coming.
- Arcadis is requesting an additional \$70,220 which includes **both** extension of original CA/CI duties **and** additional design work associated with improvements to the belt presses.
- CPL and NFWB delayed approval of this amendment to keep Arcadis and their inspectors focused on budget preservation to this point, otherwise much more fee may have been exhausted.
- Similar to GHD's request, we will require Arcadis to continue providing detailed monthly reports of work hours, tasks completed, inspection hours, etc.

Therefore, to prevent interruption of CA/CI services, CPL recommends NFWB approve the amendment at this month's Board meeting. We will be prepared to discuss this with the Board at the upcoming work session.

Thanks,

-Ted



**Theodore E Donner, P.E.**

Direct: 716.218.4743

ARCHITECTURE. ENGINEERING. PLANNING.

CPLteam.com

May 11, 2022

Mr. Theodore Donner, PE  
CPL  
26 Mississippi Street  
Buffalo, New York 14203

Arcadis of New York, Inc.  
50 Fountain Plaza  
Suite 600  
Buffalo  
New York 14202  
Phone: 716 667 0900  
Fax: 716 842 2612  
[www.arcadis.com](http://www.arcadis.com)

Subject: Niagara Falls Water Board Wastewater Treatment Plant Project No. 3  
Amendment No. 3 for Engineering Services

Dear Mr. Donner:

Per your request, as discussed in my July 22, 2021 e-mail to you (enclosed), this letter is an update to our formal request for an amendment to our agreement for engineering services with the Niagara Falls Water Board (NFWB) for the aforementioned Project.

### Current Billing Status

Current expenditures as of 4/30/2022 are as follows:

Task	Total	Completed	Percent Complete	Remaining
Design and Bidding	\$166,786.00	\$166,786.00	100.0%	\$0.00
Construction Administration	\$88,529.00	\$88,527.00	100.0%	\$2.00
Resident Project Representative	\$59,000.00	\$58,998.90	100.0%	\$1.10
<b>TOTAL</b>	<b>\$314,315.00</b>	<b>\$314,311.90</b>	<b>100.0%</b>	<b>\$3.10</b>

Please note that the total “construction administration” task includes the \$10,000 “contingency” as requested. The “resident project representative” task was originally designated for Arcadis subconsultant costs for JM Davidson (RPR) and Encorus (Special Inspections) tasks. Per your March 7, 2022 e-mail, Arcadis invoiced construction administration charges to the “resident project representative” task after the “construction administration” task funds were exhausted; as of April 30, 2022 Arcadis has expended nearly \$32,000 more than the construction administration budget.

As of April 30, 2022, all engineering funds for Project No. 3 have been exhausted.

### Construction Schedule

The original Contract Times were as follows:

- Substantial Completion: May 21, 2021

Mr. Theodore Donner, PE  
CPL  
May 11, 2022

- Ready for final payment: June 18, 2021

Hohl indicated in the updated Progress Schedule attachment (enclosed) to their April 15, 2022 e-mail that they anticipate the Contract Times to be completed as follows:

- Substantial Completion: September 9, 2022; approximately 15.5 months late
- Ready for final payment: October 3, 2022; approximately 16.5 months late

Force majeure events (i.e., the COVID pandemic, resulting in labor shortages and delays in material/equipment fabrication and delivery times) and significant additions to the Work as requested by NFWB (per the March 8, 2022 e-mail to you) has resulted in the expenditure and need for additional engineering.

### Amendment Proposal

Due to additional engineering already expended due to significant delays caused by force majeure events and the addition of NFWB-requested Work that Arcadis designed during the construction phase, and for the next 6 months (based on the Contractor's latest Progress Schedule) **Arcadis is requesting an additional \$70,220** in accordance with the enclosed amendment fee proposal.

Per previous discussions, the additional fee requested includes engineering construction administration services to implement additional belt filter press improvements Work (and other potential Work indicated in the March 8, 2022 e-mail to you), if approved via Change Order.

As a reminder, our agreement with NFWB is on a time-and-materials basis. Any funds remaining at the end of the project will not be invoiced.

If you need additional information or justification, have questions or comments, or would like to discuss, please contact me. We appreciate your and NFWB's consideration.

Sincerely,  
Arcadis of New York, Inc.



Jason J. Williams, PE  
Project Manager  
*Professional Engineer: New York PE-088319*

E-mail: [Jason.Williams@arcadis.com](mailto:Jason.Williams@arcadis.com)  
Direct Line: 716 667 6603

Enclosures

**Niagara Falls Water Board WWTP Project No. 3  
Amendment No. 3 for Additional Construction Administration Engineering**

Task Description	Arcadis								Subcontractors				Total Costs
	Williams	Camarda/ Chirico	Ash	Cox	Kasperek	Kotlak/ Kearns	Total Hours	Total Costs	JM Davidson		Encorus		
	Principal Engineer	Senior Engineer	Staff Engineer	Engineer	Drafter II	Project Assistant			Base Fee	Subcontractor Mark-Up (5%)	Base Fee	Subcontractor Mark-Up (5%)	
	\$210	\$175	\$125	\$115	\$85	\$120	(hr)	(\$)	(\$)	(\$)	(\$)	(\$)	
Task 00400, Construction Administration	88	24	4	132	16	5	269	\$40,320					\$40,320
Process/Mechanical	88			132			220	\$33,660					
Electrical		24					24	\$4,200					
Instrumentation and Controls			4				4	\$500					
Record Drawings					16		16	\$1,360					
Administration/Invoicing						5	5	\$600					
Task 00500, RPR	0	0	0	0	0	0	0	\$0	\$27,510	\$1,376	\$965	\$48	\$29,899
RPR <sup>1</sup>								\$0	\$27,510	\$1,376			
Special Inspections								\$0			\$965	\$48	
Totals	88	24	4	132	16	5	269	\$40,320	\$27,510	\$1,376	\$965	\$48	\$70,219

Note:

1. Task 00500, RPR, includes 262 labor hours (approximately 12 hours per week) for onsite construction observation by JM Davidson.

**From:** [Williams, Jason](#)  
**To:** [Theodore Donner](#)  
**Cc:** [Seider, Dan](#); [Cox, Zachary](#)  
**Subject:** NFWB WWTP Project 3 - Construction Schedule and Engineering Fee Projection  
**Date:** Thursday, July 22, 2021 2:39:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[01 32 16-001-C Response - 2021-06-28 - Progress Schedule.pdf](#)  
[image007.png](#)

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Hi Ted,

Per our discussion today:

The latest Progress Schedule we have for Project No. 3 is enclosed; we expected an updated Progress Schedule prior to or at Tuesday's construction progress meeting. Per their Progress Schedule, Hohl is projecting a Substantial Completion date of 9/28/2021, but have indicated that equipment delivery appears that it may be delayed. Based on the Contractors' current applications for payment, Work is currently 11.2% complete (\$187,343 invoiced out of the total \$1,667,800 value for Contracts 3G and 3E). This is deceiving, however, because Project No. 3 is "equipment-heavy" – e.g., Hohl's Schedule of Values includes the following equipment costs:

- Polymer Mixing Units Equipment: \$483,700
- Screening Belt Conveyor: \$85,680
- Screw Bulk Conveyor: 62,517.50
- Belt Filter Press Control Panels: \$170,200

The aforementioned equipment submittals have been approved or approved as corrected (with the exception of the control panels for the conveyor equipment) and delivery of this equipment is expected within the next month or so; per the schedule, the polymer mixing units and belt filter press controls were supposed to have been delivered already and the conveyor equipment is due in early September. Once this equipment is delivered and invoiced, Project No. 3 will be at approximately 60% complete (within the next month or so). This is consistent with engineering expenditures to date:

Task	Total	Completed	Completion %	Remaining
Design and Bidding	\$ 166,786.00	\$ 166,786.00	100.0%	\$ -
Construction Administration	\$ 88,529.00	\$ 55,475.97	62.7%	\$ 33,053.03
Resident Project Representative	\$ 59,000.00	\$ 2,362.50	4.0%	\$ 56,637.50
<b>TOTAL</b>	<b>\$ 314,315.00</b>	<b>\$ 224,624.47</b>	<b>71.5%</b>	<b>\$ 89,690.53</b>

Please note that the total construction administration task includes the \$10K "contingency" that CPL requested Arcadis include with their amendment proposal that was awarded as part of our agreement with NFWB. Please also note that the actual resident project representative (RPR) expenditures exceed the "completed" (i.e., invoiced) amount listed here. This task includes Arcadis subconsultant costs for JM Davidson (RPR) and Encorus (Special Inspections) tasks; in JM Davidson's case, they are two or three months behind in their invoicing. If I had to estimate, their actual expenditures are closer to \$35K, which would



put the RPR task at approximately 60% complete and consistent with the rest of the Project (construction and engineering) expenditures.

**Overall, it appears that construction Work will conclude in late September or October (pending equipment delivery delays) and that actual Project No. 3 engineering expenditures at completion will be close to the NFWB-Arcadis agreement contract value (i.e., \$314,315). Significant delays (i.e., Substantial Completion later than October), however, may result in additional engineering costs, which will be evaluated at that time, if necessary.**

Please contact me with questions or if you'd like to discuss.

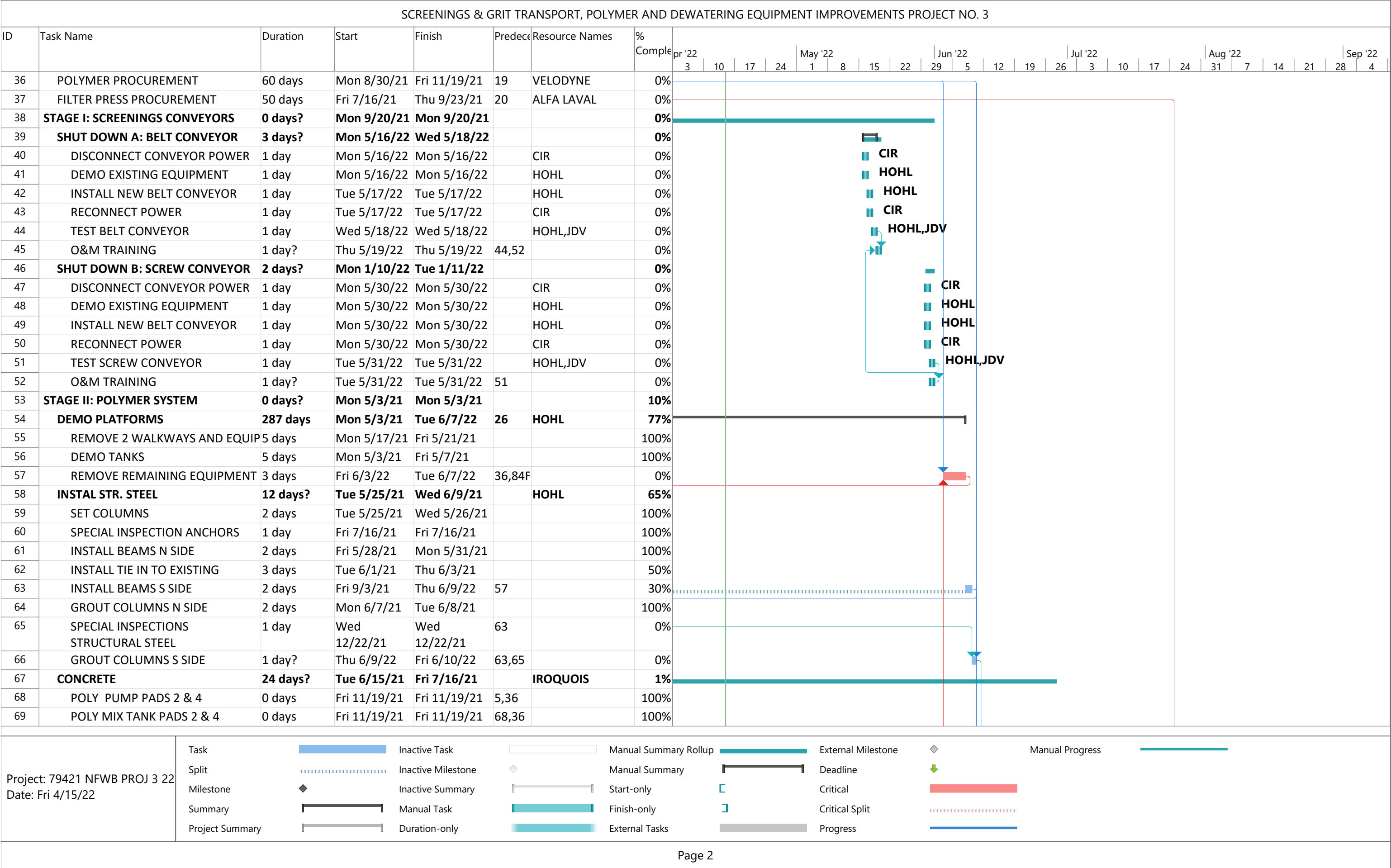
Thanks,

**Jason J. Williams, PE**  
Senior Project Engineer  
Arcadis of New York, Inc.  
50 Fountain Plaza | Buffalo, NY | 14202 | USA  
T +1 716 667 6603  
M +1 716 912 3291  
[www.arcadis.com](http://www.arcadis.com)

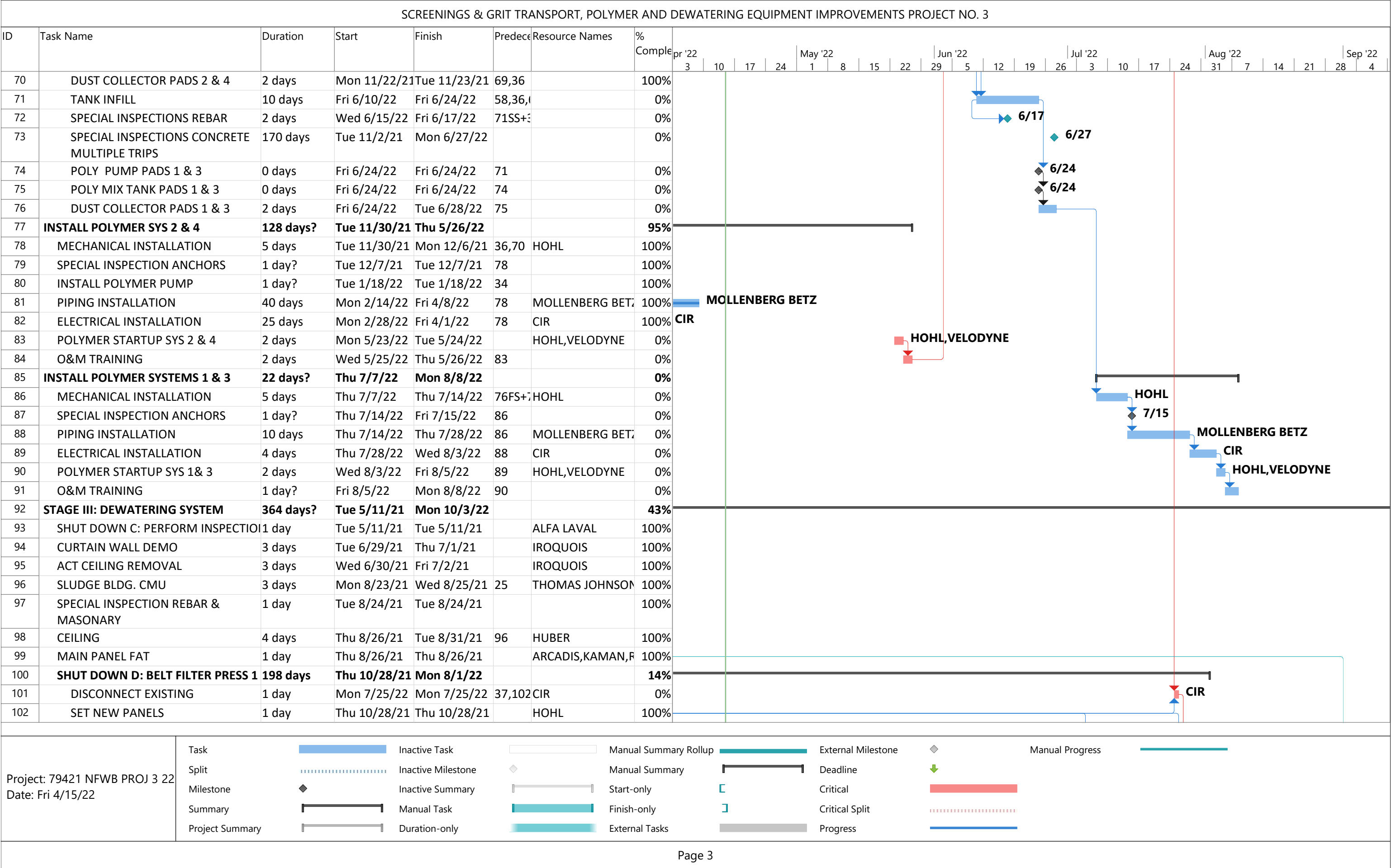


Professional Engineer / NY PE-088319 / OH PE-77165 / PA PE-079258

[illegible]



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NFWB May 23, 2022 Agenda Packet - Page 28

SCREENINGS & GRIT TRANSPORT, POLYMER AND DEWATERING EQUIPMENT IMPROVEMENTS PROJECT NO. 3																																			
ID	Task Name	Duration	Start	Finish	Predecessors	Resource Names	% Complete																												
103	CONNECT NEW PANELS	4 days	Tue 7/26/22	Fri 7/29/22	102,10	CIR	0%																												
104	VERIFY OPERATION	1 day	Mon 8/1/22	Mon 8/1/22	103	ALFA LAVAL,HOHL	0%																												
105	SHUT DOWN E: BELT FILTER PRESS 2	8 days	Tue 7/5/22	Thu 7/14/22			14%																												
106	DISCONNECT EXISTING	1 day	Tue 8/9/22	Tue 8/9/22	104FS	CIR	0%																												
107	SET NEW PANELS	1 day	Tue 7/5/22	Tue 7/5/22	102	HOHL	100%																												
108	CONNECT NEW PANELS	4 days	Wed 8/10/22	Mon 8/15/22	107,10	CIR	0%																												
109	VERIFY OPERATION	1 day	Tue 8/16/22	Tue 8/16/22	108	ALFA LAVAL,HOHL	0%																												
110	SHUT DOWN F: BELT FILTER PRESS 3	219 days	Fri 10/29/21	Wed 8/31/22			14%																												
111	DISCONNECT EXISTING	1 day	Wed 8/24/22	Wed 8/24/22	109FS	CIR	0%																												
112	SET NEW PANELS	1 day	Fri 10/29/21	Fri 10/29/21	102	HOHL	100%																												
113	CONNECT NEW PANELS	4 days	Thu 8/25/22	Tue 8/30/22	111	CIR	0%																												
114	VERIFY OPERATION	1 day	Wed 8/31/22	Wed 8/31/22	113	ALFA LAVAL,HOHL	0%																												
115	SHUT DOWN G: BELT FILTER PRESS 1	5 days?	Wed 8/10/22	Tue 8/16/22	31,37,		0%																												
116	DISCONNECT EXISTING MAIN PANE	1 day	Thu 9/1/22	Thu 9/1/22	99,114	CIR	0%																												
117	SET NEW MAIN PANEL	1 day	Fri 9/2/22	Fri 9/2/22	116	HOHL	0%																												
118	CONNECT NEW MAIN PANEL	2 days	Mon 9/5/22	Tue 9/6/22	117	CIR	0%																												
119	VERIFY OPERATION	1 day	Wed 9/7/22	Wed 9/7/22	118	HOHL,RAND&JONE	0%																												
120	O&M TRAINING	2 days	Thu 9/8/22	Fri 9/9/22	119		0%																												
121	CURRENT SUBSTANTIAL COMPLETION	0 days	Fri 5/21/21	Fri 5/21/21		HOHL	0%																												
122	CURRENT FINAL PAYMENT	0 days	Fri 6/18/21	Fri 6/18/21		ARCADIS	0%																												
123	PROPOSED SUBSTANTIAL COMPLETION	0 days	Fri 9/9/22	Fri 9/9/22		HOHL	0%																												
124	PROPOSED FINAL PAYMENT	0 days	Mon 10/3/22	Mon 10/3/22		ARCADIS	0%																												
Project: 79421 NFWB PROJ 3 22 Date: Fri 4/15/22		Task		Inactive Task		Manual Summary Rollup		External Milestone		Manual Progress																									
		Split		Inactive Milestone		Manual Summary		Deadline																											
		Milestone		Inactive Summary		Start-only		Critical																											
		Summary		Manual Task		Finish-only		Critical Split																											
		Project Summary		Duration-only		External Tasks		Progress																											
Page 4																																			

**PROCUREMENT OF 2022 VAC-CON COMBINATION SEWER TRUCK AND  
DISPOSAL OF 2006 VAC-CON COMBINATION SEWER TRUCK**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) outside maintenance crews heavily rely upon and frequently utilize the Water Board’s two combination sewer trucks for sewer cleaning, hydro-excavating, and more; and

**WHEREAS**, the Water Board’s 2006 Vac-Con Model V390SHA mounted on a Peterbilt Chassis has been determined to be unsafe for operation and the cost of further repairs of this machine with increasing reliability issues is not deemed prudent; and

**WHEREAS**, Water Board staff have identified a 2022 Vac-Con combination sewer truck Model VPD3612/1300 mounted on a 2022 Freightliner Model 114SD chassis that is available for procurement from Vac-Con Services, Inc., by “piggybacking” pursuant to General Municipal Law Section 103(16) on a contract let by Sourcewell (Contract No. 101221-VAC) and ready for immediate delivery; and

**WHEREAS**, the quote provided by Vac-Con includes a five-year chassis warranty for a total cost of \$517,468; and

**WHEREAS**, Vac-Con Services, Inc., has offered to provide a trade-in credit of \$12,000 for the 2006 Vac-Con, reducing the total cost to the Water Board to \$505,468;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Executive Director hereby is authorized procure a 2022 Vac-Con combination sewer truck Model VPD3612/1300 mounted on a 2022 Freightliner Model 114SD chassis and including a five-year chassis warranty from Vac-Con Services, Inc., and to dispose of the 2006 Vac-Con Model V390SHA mounted on a Peterbilt Chassis by trading it in toward the purchase cost, with a net cost to the Water Board of \$505,468.

*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 Plan Items: C-3 Fleet Replacement  
Capital Line Supplied by: B. Majchrowicz  
Available Funds Confirmed by: B. Majchrowicz

On May 23, 2022, 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





# INVOICE

**VAC-CON SERVICES, INC.**  
 3388 ROUTE 22 WEST, BRANCHBURG NJ 08876  
 Phone: (908) 203-0999 Fax: (908) 203-5211

## SOLD TO:

NIAGARA FALLS WATER BOARD  
 5815 BUFFALO AVENUE

NIAGARA FALLS, NY 14304

**CONTACT PERSON:** NIAGARA FALLS WATER BOARD  
**PHONE #:**  
**FAX #:**

## SHIP TO:

NIAGARA FALLS WATER BOARD  
 5815 BUFFALO AVENUE

NIAGARA FALLS, NY 14304

**CONTACT PERSON:** NIAGARA FALLS WATER BOARD  
**PHONE #:**  
**FAX #:**

INVOICE #	CUSTOMER PO	Contract Date	Dealer ID	Delivery Date	Terms
2000563		5/9/2022			Due on Reciept

RETAIL UNIT(S)					
STOCK #	YEAR	MAKE	MODEL	VIN #	UNIT PRICE
VAC-CON#48	2022	Rental	VPD3612LHAEN/1300	03229321	517468.00
UNIT TOTAL					517468.00
ONE NEW 2022 VAC-CON MODEL VPD3612/1300			0	ACCESSORIES	N/A
S/N 03229321 MOUNTED ON NEW 2022			0	SUBTOTAL	517468.00
FREIGHTLINER MODEL 114SD			0	FET - TAX	N/A
VIN# 1FVHG3FE7PHNN3747			0	STATE SALES TAX	N/A
INCLUDING 5 YEAR CHASSIS WARRANTY			0	TIRE TAX/ OTHER	N/A
			0	SUBTOTAL	517468.00
TRADE IN					
STOCK #	YEAR	MAKE	MODEL	VIN#	
					12000.00
				LIEN PAYOFF TOTAL	N/A
				TRADE ALLOWANCE TOTAL	12000.00
COMMENTS				TRADE TOTAL	
				DISCOUNT	N/A
				DEPOSIT	N/A
				TOTAL DUE	505468.00





05/02/2022

**COMBINATION JET/VACUUM SEWER CLEANER  
SOURCEWELL CONTRACT: 101221-VAC**

Customer: NIAGRA FALLS WATER BOARD

Shipping: NEW YORK

Requirement Specification	
Combination jet/vacuum sewer cleaner with all standard equipment VPD3612HEN/1300 (824 at 18") L H A	
Freightliner model 114SD 6 x 4, 66,000GVWR chassis with a 370HP engine, Allison 3000RDS transmission and a/c	
Body mounting on Chassis	
Hydrostatic drive	
10' Aluminum Telescoping boom with joy stick and remote pendant control (telescopes hydraulically 10' forward from the stowed position) -8" diameter intake hose and boom, travel tie down post with latch	
Front Mounted Articulating to Driver side hose reel (Std Pivot)	
1300 Gallon polyethylene water tank capacity with 10 year warranty	
12 Cubic yard capacity debris tank 3/16" corten steel, (5 year warranty) with full opening rear door (minimum 50 degree debris tank dumping, power up and down	
Automatic vacuum breaker (prevents operation when full and contains debris when moving unit) and overflow protection	
600' of 1" Jet rodder hose	
Front tow eyes	
Positive Displacement Blower Roots model 824 @ 18" HG	
Giant water pump rated 80 GPM @ 2000 PSI - Single Engine - Hydrostatic Drive	
Boom cradle assembly	
6" Knife valve, lower rear door mounted with cam-lock	
Rear hydraulic pump off system, 400 gpm with 20' lay flat hose	
A Flat style rear door in lieu of dome style door including hydraulic opener	
Rear splash shield	

Requirement Specification	
Two Screen assembly over drain port in debris tank	
1/4 Turn ball valve water drain	
50' Capacity retractable hand gun hose reel	
Air purge system	
Debris body power flush out system, 8 Jets	
Pre-Tank water filter (Y-Type)	
Water pump remote oil drain	
Winter recirculating system for rodder hose	
Hose footage counter	
Remote debris tank grease assembly	
LED Arrow stick	
LED 4 Strobes (2) front bumper, (2) rear bumper	
Two Mirror mounted LED strobe lights with limb guards	
Low water alarm with light	
1" x 10' Leader hose	
Lazy Susan pipe rack (Holds 5 pipes)	
Aluminum Storage box behind cab 16" x 42" x 96"	
Aluminum storage box 16" x 42" x 96" upgrade	
Paint Chassis hood flat black	
Paint: TBA	
Safety striping: Blue	
Wireless remote control	
6 Way pendant control station (spare)	
Paper Vac-Con manual	
Built in body prop	

Requirement Specification	
(2) 24" x 18" x 18" Aluminum tool box	
Traffic camera with color monitor	
Rear camera placement	
Midbody LED strobes	
Rear bumper assembly	
Hydro-Excavation Package	
Remote transfer case engagement	
Tungsten infused carbide boom elbow and reducer	
Block heater	
Two standard ENZ nozzles, one sanitary (egg) and one Chisel point penetrator	
ICC lighting	
Hose guide (tiger tail) for hose protection, hydrant wrench, 25' of fill hose	
20 gpm @ 600 PSI wash down system with hand gun and 25' of ½" hand gun hose	
Five Year Chassis Extended Warranty	
Local dealer pre delivery and inspection	
On site customer training	
Consignee Delivery	
TOTAL PRICE OFFERED TO SOURCEWELL MEMBER	\$517,468.00
Trade In: 2006 Vac-Con Model V390SHA Mounted on a Peterbilt Chassis	(\$12,000.00)
TOTAL PRICE OFFERED TO SOURCEWELL MEMBER AFTER TRADE IN	\$505,468.00

**Delivery is      Days after receipt of order.**

SOURCEWELL CONTRACT NO 101221-VAC

VENDOR/CONTRACT HOLDER: VAC-CON, INC. 969 HALL PARK RD GREEN COVE SPRINGS, FL 32043 410-924-1004

CONTACT: M.J. DUBOIS EMAIL [MJDUBOIS@DUCOLLC.COM](mailto:MJDUBOIS@DUCOLLC.COM)



## General Warranty

**Specific written warranty statement provided with each new truck shall take precedence over this or any other warranty statement.**

### **COVERAGE:**

VAC-CON, as seller, warrants Combination Sewer Cleaning, Xcavators, and Hot Shot equipment manufactured by it, bearing its name shall be free from defects in material and workmanship, under normal use and service as determined by us, for a period of (12) twelve months from the date of delivery to the first retail purchaser.

VAC-CON, as seller, warrants all Industrial Vacuum Machine equipment manufactured by it, shall be free from defects in material and workmanship, under normal use and service as determined by us, for a period of (6) six months from the date of delivery to the first retail purchaser.

Should any equipment or part of such equipment sold hereunder prove to be defective in material or workmanship within said period, and be returned to Seller's factory no later than 15 days after the expiration date of the warranty, transportation charges prepaid by the Buyer, and upon examination be found to be defective, such part will be replaced at the factory by the Seller free of charge, but the Seller shall be under no further liability in respect to such warranty. It is expressly understood that the Seller's liability is limited to furnishing of such replacement parts within a reasonable length of time and that the Seller will not be liable for any damages, losses or expenses arising in connection with the use of or inability to use the unit(s), including but not limited to, injuries to persons or damage to property, loss of profits or anticipated profits, or loss of vehicle use. Buyer shall be responsible for the payment of duties or taxes on warranty parts, if applicable. The Seller shall be under no liability because of normal wear and tear of operation or maintenance contrary to the manufacturer's official Operator's Manual. The Buyer accepts any liability for damage or injury resulting from the removal or alteration of safety guards and safety precautions provided on the unit at the time of delivery. This warranty shall not apply and VAC-CON shall have no liability under it or otherwise if accident, careless handling, or improper applications shall have injured the unit or if any repairs have been made to the unit by other than VAC-CON, its agents or employees.

Warranties covering major components not of VAC-CON manufacture (power plants, hydraulics, trucks, vacuum compressors, transmissions, electrical components, batteries, tires, etc.) are warranted by their respective manufacturers.

We give no warranty express or implied, as to description, quality, productiveness or any other matter and the Buyer hereby waives the right of refusal and return of the goods which is usually connected with non-warranty.

It is the sole responsibility of the purchaser to use this equipment in an appropriate application and a safe manner. VAC-CON assumes no responsibility or liability for its misuse.

### **FIVE (5) YEAR WARRANTY:**

VAC-CON warrants that the fan blades, auxiliary engine water pump drive components (excluding engine and pump) and debris tank shall be free from defects in material and workmanship, under normal use and service as determined by the manufacturer, for a period of sixty (60) months (not pro-rated) from the date the unit is first placed into service.

**TEN (10) YEAR WARRANTY:**

VAC-CON warrants that the fresh water tanks two hundred and eighty five (285) gallon capacity and less shall be free from defects in material and workmanship, under normal use and service as determined by the manufacturer, for a period of one hundred twenty (120) months (not pro-rated) from the date the unit is first placed into service.

**HOT SHOT WATER TANKS:**

One (1) YEAR WARRANTY: VAC-CON warrants that the fresh water tank shall be free from defects in material and workmanship, under normal use and service as determined by the manufacturer, for a period of twelve (12) months (not pro-rated) from the date the unit is first placed into service

This warranty is not transferable.

**WARRANTY REGISTRATION:**

Warranty must be registered with Vac Con upon delivery to the first retail purchaser in order to be in effect. Failure to do so will result in the original invoice date becoming the inception date of warranty coverage. Vac Con is not responsible or liable for loss of warranty coverage due to failure to register the warranty in a timely manner.

**SPECIFIC EXCLUSIONS:**

Normal and routine maintenance as specified in the specific manuals as indicated by the manufacturer's official Operator's Manual. Travel time, meals, lodging, transportation expenses, rental units, and work unrelated to a covered event. Certain parts are deemed consumable or expendable items. These parts are consumed with routine usage of the equipment and are not covered by equipment warranty. Excluded items include, but are not limited to: Nozzles, Nozzle skids, Sewer Cleaning Hoses, Ball Valves, Gate Valves, Knife Valves, Needle Valves, Hose Guides, Rotary Unions, Hand Guns, Unloader Valves, Water System Relief Valves, Hydrant Fill Hoses, Water Pump Packings, Water Pump Check Valves, all Belts, Vacuum Hoses, Boom Suction Elbows, Telescoping Boom Tubes, Suction Tubes, Catch Basin Tubes, Tube Clamps, Rear Door Wear Plate, Lay Flat drain hoses, All Bearings, All Seals and Gaskets, All Fluids, All Filters, Fuses, Electrical Switches, Electric bulbs and lenses.

**LIMITATIONS:**

Warranty claims must be filed within thirty (30) calendar days from date of repair. Claims submitted more than forty-five (45) days after date of repair, labor will not be considered. Claims submitted more than ninety (90) days after date of repair will not be considered.





## 2019 Freightliner Chassis Warranty Coverage

Freightliner SD Vocational Coverages		
Description	Time	Distance
Basic Vehicle	2 Years	Unlimited
Battery	1 Year	100,00 Mi./ 161,000 Km
Brightwork	6 Months	Unlimited
Cab	5 Years	Unlimited
Corrosion/Perforation		
Cab Structure	5 Years	Unlimited
Corrosion	6 Months	Unlimited
Cross Members	5 Years	Unlimited
Diesel Emission	5 Years	100,00 Mi./ 161,000 Km
Drivetrain	2 Years	Unlimited
Frame Rails	5 Years	Unlimited
Paint	1 Year	100,000 Mi./ 161,000 Km
Paint, Chassis	6 Months	Unlimited





**The following is in addition to the existing 2-year factory coverage:**

### **Extended Warranty:**





#### **3-Year Coverage (2-Year Basic Warranty Plus 1-Year Extended):**

-  Towing: 3-Years/Unlimited
-  Truck Coverage 4: 3-Years/200k Miles
-  Detroit Engine Coverage: 3-Years/200k Miles
-  Allison 4500RDS: 5-Years/Unlimited

#### **4-Year Coverage (2-Year Basic Warranty Plus 2-Year Extended):**

-  Towing: 4-Years/Unlimited
-  Truck Coverage 4: 4-Years/400k Miles
-  Detroit Engine Coverage: 5-Years/200k Miles
-  Allison 4500RDS: 5-Years/Unlimited

#### **5-Year Coverage (2-Year Basic Warranty Plus 3-Year Extended):**

-  Towing: 5-Years/Unlimited
-  Truck Coverage 4: 5-Years/200k Miles
-  Detroit Engine Coverage: 5-Years/200k Miles
-  Allison 4500RDS: 5-Years/Unlimited

**MORE POWER TO YOU**

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 Tel: 904.284.4200 • Fax: 904.284.3305  
[www.vac-con.com](http://www.vac-con.com)



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## SINGLE ENGINE COMBINATION MACHINE



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PHONE (904) 284-4200 | FAX (904) 284-3305  
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GET THE JOB DONE WITH  
ONE OF THE INDUSTRY'S  
MOST SOUGHT  
AFTER MACHINES.

\*SOME COMPONENTS SHOWN ARE NON-STANDARD.

AS SHOWN:

- 1. 180° Articulating Hose Reel, 600 ft. x 1 in.
- 2. Omnibus™ Precision Power
- 3. Automatic Level Wind Guide
- 4. Cross-Linked Polyethylene Water Tanks
- 5. Lazy Susan Pipe Rack
- 6. Debris Body Dump Station
- 7. Hydro-Excavation Package
- 8. 50 ft. Retractable Low Pressure Handgun Hose Reel
- 9. Aluminum Tool Boxes

- 10. Corten® Steel Debris Tank
- 11. External Load Level Indicator
- 12. Positive Seal Vacuum Breaker
- 13. 10 ft. Telescopic Boom
- 14. Hinged Boom Tie Down
- 15. Rear Door with Hydraulic Door Locks
- 16. Strobe Lighting & Arrow Board
- 17. Water Pump with Suction Strainer
- 18. Wear Back Boom Elbow

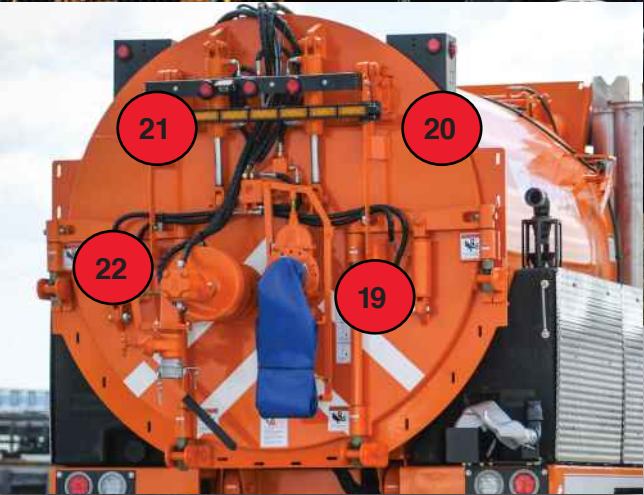
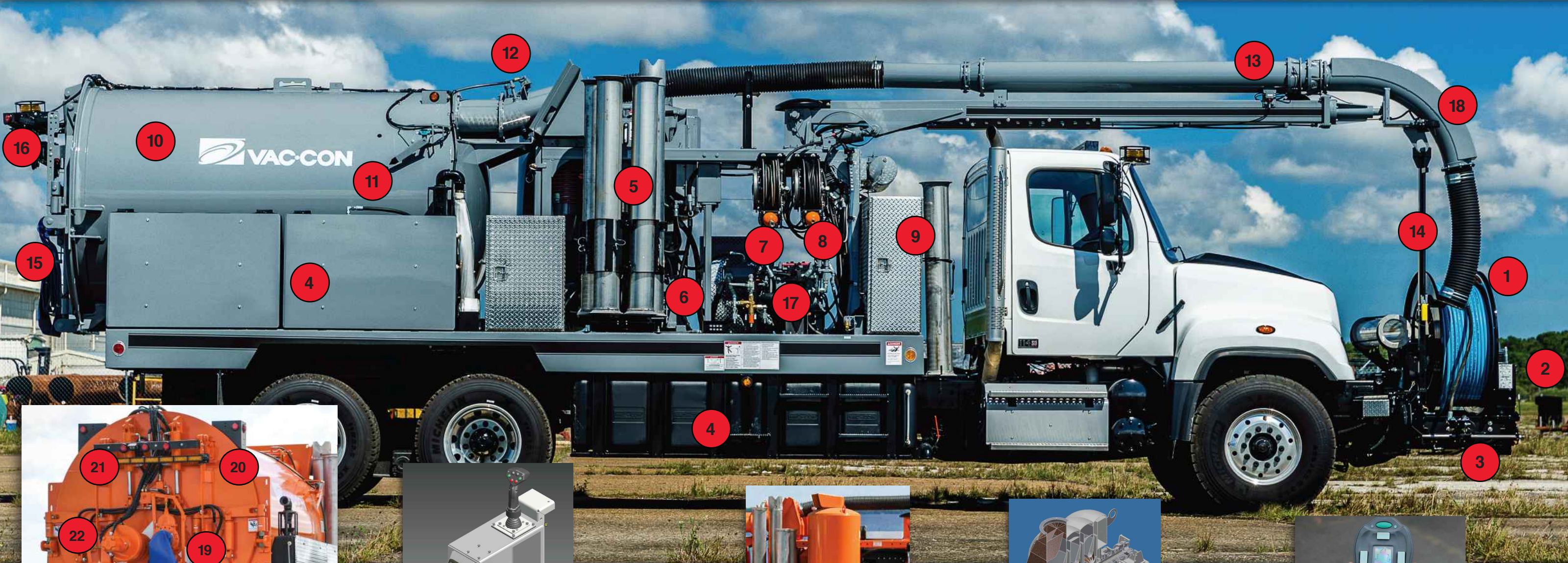
FLAT REAR DOOR:

- 19. 6 in. Knife Valve
- 20. Hydraulic Opening Rear Door with Wedge-Style Locks
- 21. Arrow Stick Lighting
- 22. Hydraulic Pump Off

OPTIONS

- A. Omnibus™ Precision Power
- B. PD Blower
- C. Aeroboost™ 3-Stage Fan
- D. Wireless Remote
- E. Mainframe Deck Coating
- F. Hydro-Excavation Package
- G. Safety Light Packages
- H. 3yd to 16yd Debris Tank
- I. 500 to 1500 gal. Water Capacity
- J. Hi-Dump

Consult Factory/Dealer for Additional Options



Flat Rear Door

Flat-style rear door features a 6 in. Knife Valve, Arrow Stick Lighting, and Pump Off.



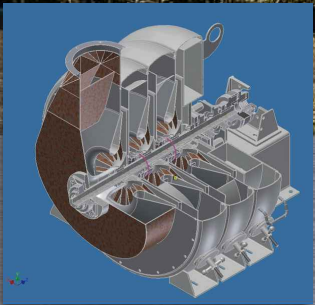
Omnibus™ Precision Power

The Omnibus Precision Power Control System provides complete control of machine functions from one centralized location, all with real-time diagnostics that simplifies the job and requires no



PD Blower

PD Blower with multiple ratings up to 27" Hg and 5,400 CFM.



Aeroboost™ 3-Stage Fan

Vac•Con's scientifically redesigned intake and fan housing results in a more balanced airflow, decreasing turbulence and allowing for more power, less noise and more reliability.



Wireless Remote

An integrated, enhanced control system that vastly improves usability and efficiency.



**RENEWAL OF PERMA WORKERS COMPENSATION POLICY**

**WHEREAS**, the Niagara Falls Water Board has procured its Workers' Compensation insurance policy from PERMA for several years; and

**WHEREAS**, the workers' compensation policy renews on July 1 each year; and

**WHEREAS**, PERMA has offered a 3% premium credit and will waive payroll audit invoicing if the Water Board renews the policy by May 24, 2022, representing a savings of approximately \$12,000 on a total premium of approximately \$404,819 (not including NYS fees), with the actual premium and credit to be calculated based upon updated payroll information; and

**WHEREAS**, USI, the Water Board's broker, has reviewed the Water Board's current experience modification factor of 1.41 and explored New York State Insurance Fund (NYSIF) Safety Groups as a possible way for the Water Board to save on its Workers' Compensation premium, but at present the safety groups do not accept new insureds with experience modification factors greater than 1.27 and the PERMA policy with a 3% premium credit appears to represent the best option for the Water Board for the July 1, 2022 to June 30, 2023 policy year;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby authorizes the Executive Director to accept PERMA's offer for a 3% premium credit and to renew the PERMA Workers' Compensation policy for the July 1, 2022 to June 30, 2023 policy year.

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

Executive Director

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

Budget Lines: FA.8310.0001.0820.000

GA.8110.0001.0820.000

Budget Lines Supplied by: B. Majchrowicz

Available Funds Confirmed by: B. Majchrowicz

On May 23, 2022, 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

May 10, 2022

Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, NY 14304

Dear Member:

The ongoing recovery from the Coronavirus pandemic continues to challenge us in a variety of ways. At PERMA, we serve over 525 Members across New York State facing these unique circumstances within their entity and surrounding communities. While the impact of these unprecedented times will still be determined, we remain understanding and supportive of our membership in as many ways possible.

From the overwhelming response from our Members, PERMA is pleased to continue to offer an early renewal credit. If you decide to renew with PERMA **by May 24, 2022, we will provide an additional 3% credit off the contribution:**

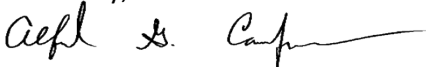
Total Contribution	\$404,819
3% Early Renewal Credit	(\$12,145)
Additional 2% credit if you pay in full by 7/1/2022 (only eligible on <u>contribution</u> over \$50,000)	(\$7,853)
Total New York State Assessment	\$10,409
Total Contribution & NYS Assessment	<b>\$395,230</b>

Also, PERMA will waive the payroll audit invoicing on this upcoming renewal to further assist in alleviating any disruption to your coverage.

To accept this additional renewal credit, please execute this document, save a copy for your records, and submit to our Member Services Department via email at [memberservices@perma.org](mailto:memberservices@perma.org). Upon receipt, your Underwriter will follow up with you regarding the full agreement and answer any questions you may have at that time.

On behalf of the PERMA staff, we extend our sincere thanks for all you are doing during this time. We are here for you, so please do not hesitate to contact us with any questions.

Sincerely,



Alfred G. Campney  
Senior Director of Marketing & Underwriting

---

☐ I authorize and accept this renewal for our upcoming coverage year with PERMA.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Quote Date: 5/10/2022

Member Number: WC 0001420-08

Broker of Record:

Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, NY 14304

USI Insurance Svs-Buffalo  
726 Exchange Street  
Suite 618  
Buffalo, NY 14210

**First Dollar Indication**

**Coverage Period: 7/1/2022 - 6/30/2023**

**Workers' Compensation and Employers Liability:**

Class Code	Description	Estimated Exposure	Estimated Contribution
6319	Water Line Repair	\$455,698	\$33,210
7520	Waterworks	\$819,664	\$127,445
7542	Meter Readers-Utility Company	\$258,756	\$16,037
7580	Sewer Plant	\$2,324,180	\$155,913
8810	Clerical Office	\$1,158,781	\$2,914
9402	Street Cleaning	\$437,983	\$61,589
9410	Municipal Employees	\$61,001	\$7,711
<b>Subtotals:</b>		<b>\$5,516,063</b>	<b>\$404,819</b>

**All Volunteers - Secondary Medical Coverage:**

**Included**

**Volunteer Firefighters Benefits Law (VFBL):**

**No Coverage Elected**

**Volunteer Ambulance Workers Benefit Law (VAWBL):**

**No Coverage Elected**

<b>Total Contribution:</b>	<b>\$404,819</b>
<b>New York State Assessment:</b>	<b>\$10,409</b>
<b>Total Estimated Contribution &amp; Assessment:</b>	<b>\$415,228</b>
<b>2% Credit on Total Contribution, if pay in full by 7/1/2022:</b>	<b>\$8,096</b>
<b>Total Amount due by inception date after taking advantage of the discount:</b>	<b>\$407,132</b>

Please note that the promulgated Experience Modification Factor for the Niagara Falls Water Board is 1.41.

As per the coverage agreement, final contribution will be determined upon completion of a payroll audit. A minimum contribution equal to 95% of the original estimated written contribution applies.

Quote Date: 5/10/2022

Member Number: WC 0001420-08

Broker of Record:

<b>Niagara Falls Water Board</b> 5815 Buffalo Avenue Niagara Falls, NY 14304	<b>USI Insurance Svs-Buffalo</b> 726 Exchange Street Suite 618 Buffalo, NY 14210
--	---

***First Dollar Indication***

***Coverage Period: 7/1/2022 - 6/30/2023***

## ***PERMA Pay Plan***

Pay Plan Description
Annual Billing

<b><i>Description</i></b>	<b><i>Due at Inception</i></b>
Contribution	\$404,819.00
New York State Assessment	\$10,409.00
<b>Total</b>	<b>\$415,228.00</b>

<b>Invoice Schedule</b>	<b><i>Amount</i></b>
<b>Due Date</b>	
7/1/2022 Installment 1	\$415,228.00
<b>Total</b>	<b>\$415,228.00</b>

**FUNDS FOR CONTINUED CPL INFRASTRUCTURE FUNDING EFFORTS**

**WHEREAS**, the Niagara Falls Water Board recognizes the increasingly urgent need to obtain funding to replace its outdated wastewater treatment plant (“WWTP”) with a modern treatment plant that among other benefits will not require the large expenditures for treatment process chemicals that are required to maintain operations at the existing WWTP; and

**WHEREAS**, the Water Board desires to derive the maximum possible benefit for its system from initiatives such as the recent Federal infrastructure bill; and

**WHEREAS**, pursuant to Resolution No. 2021-07-003 the Water Board originally authorized funds for Clark Patterson Lee (“CPL”) to manage and package an application for funding for the Water Board from the Federal infrastructure bill, including subcontracting for grant writing and lobbyist services as may be required in order to position the Water Board to secure funding; and

**WHEREAS**, these efforts have greatly increased visibility and awareness of the Water Board’s funding needs with senior government officials and are ongoing; and

**WHEREAS**, the funds previously authorized by the Water Board are exhausted, but CPL has presented a proposal dated May 11, 2022 to extend this effort through the end of 2022 for a total cost of \$40,000;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, the Executive Director is hereby authorized to enter into an agreement with Clark Patterson Lee consistent with that firm's proposal dated May 11, 2022, and an additional \$40,000 is authorized to continue the services through CPL of a grant writer and lobbyist through the end of 2022.

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

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
Budget Line: GA.8110.0001.0451.000  
Budget Line Supplied by: B. Majchrowicz  
Available Funds Confirmed by: B. Majchrowicz

On May 23, 2022, 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



May 11, 2022

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

Dear Chairman Forster:

As you know, our current term agreement has a line item for the Federal Infrastructure Bill. The Board previously approved funds for managing and packaging an “ask” to our federal (and state) representatives for funding out of the infrastructure bill. CPL hired a grant writer and a lobbyist as subconsultants to perform this function for a total of \$5,000 per month. Our focus has been seeking appropriations for conversion of the wastewater treatment plant to a biological process and for significant improvements to the water transmission and distribution system.

As evidenced by the recent visit to the WWTP by DEC Commissioner Seggos, these efforts have substantially increased the Water Board’s visibility with important decision makers and we are continuing to build momentum that we hope will result in the Water Board securing major funding. Unfortunately, the funds the Board approved in October 2021 now are exhausted. To see this important work through the end of 2022 we propose extending our existing agreement by requesting additional funding to continue the services of the grant writer and lobbyist from May through December, \$40,000.

We will continue to bill to separate job numbers so that we can be transparent on the billings.

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 7579.

Very truly yours,  
Clark Patterson Lee

Richard B. Henry III, P.E.  
President

**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 5308.39, D264819**

**WHEREAS**, the New York State Department of Transportation proposes a construction, reconstruction, or maintenance project named “Safety Improvements US Route 62, Walnut and Ferry Avenues, City of Niagara Falls, Niagara County,” project identification number (“PIN”) PIN 5308.39, D264819; and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project adjustments to the Water Board’s facilities that are presently located in the New York State Right-of-Way, specifically adjustment of manhole cover and valve box elevations and support of waterlines during excavation, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the Water Board; and

**WHEREAS**, the service life of the relocated and/or replaced utilities has not been extended; and

**WHEREAS**, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board approves the work to be done and the above-mentioned work to be performed on the project and shown on the contract plans relating to the project and that the Niagara Falls Water Board will maintain or cause to be maintained those of its facilities which are adjusted as above-stated and as shown on the contract plans; and

**BE IT FURTHER RESOLVED**, that the Water Board’s Director of Technical and Regulatory Services has the authority to sign, with the concurrence of the Board of Directors, any and all documentation that may become necessary as a result of this project as it relates to the Niagara Falls Water Board; and

\* CONTINUED ON NEXT PAGE \*



**BE IT FURTHER RESOLVED**, that the secretary to the Niagara Falls Water Board is hereby directed to transmit five certified copies of the foregoing resolution to the New York State Department of Transportation.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Director of Technical and Regulatory Services

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
Not applicable.

On May 23, 2022, 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



April 28, 2022

Douglas S. Williamson, P.E.  
Director of Tech. and Reg. Services  
Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, New York 14304

**RE: SAFETY IMPROVEMENTS  
US ROUTE 62, WALNUT AND FERRY AVENUES  
CITY OF NIAGARA FALLS, NIAGARA COUNTY  
PIN 5308.39, D264819**

Dear Mr. Williamson:

Enclosed is an electronic copy of the proposed contract plans for the above-referenced project. Niagara Falls Water Board has existing facilities within the project limits. Niagara Falls Water Board's involvement in this project consists of adjustments of valve box, and manhole cover elevations, and protect and support waterline during excavation. The details of the adjustment are shown in the project plans included with this letter.

Also enclosed are/is the Utility Work Agreement (HC-140) and the Coordination with the Utility Schedule Note. Each of the four (4) HC-140 forms must be duly approved by an authorized representative of Niagara Falls Water Board. **Work included in the State's contract and performed by the State contractor will be done at no expense to the Niagara Falls Water Board.**

The HC-140 agreement requires four (4) copies of a Standard Certified Resolution by your governing body. Enclosed is a sample of the Standard Certified Resolution for this agreement. The resolution is required before the agreement can be approved by the Niagara Falls Water Board. Each copy of the resolution must be signed and have a seal affixed to it.

Please return the four (4) original signed sets of the HC-140 agreement, Coordination with the Utility Schedule Note, and Certified Resolution, to: NYSDOT, Attn: Regional Utilities Unit, 100 Seneca Street, Buffalo, New York 14203. **Please return these no later than Wednesday, June 1, 2022.** One (1) copy of the executed agreement will be returned for your records.

Any questions regarding the work to be done can be directed to Robert Schaller, Design Job Manager (DJM), at (716) 847-3043 or via e-mail at [Robert.Schaller@dot.ny.gov](mailto:Robert.Schaller@dot.ny.gov). Questions regarding these forms can be directed to Mr. Ronald Rolling, Regional Utility Engineer, at (716) 847-3954 or via e-mail at [Ronald.Rolling@dot.ny.gov](mailto:Ronald.Rolling@dot.ny.gov).

Douglas S. Williamson, P.E.  
PIN 5308.39  
April 28, 2022  
Page 2 of 2

Sincerely,

Renjit P. James, P.E.  
Acting Assistant Regional Design Engineer

By: Ronald W. Rolling  
Ronald W. Rolling, P.E.  
Regional Utility Engineer

RPJ/RWR/EJSC/ajp

Enclosures: Project Plans, Utility Work Agreement (HC-140), Coordination with the Utility  
Schedule Note, and Standard Certified Resolution sample

**MEMORANDUM OF UNDERSTANDING WITH JAMESTOWN COMMUNITY  
COLLEGE RELATIVE TO USE OF NFWB FACILITIES FOR WATER  
AND WASTEWATER OPERATOR CERTIFICATION  
AND CONTINUING EDUCATION COURSES**

**WHEREAS**, the Niagara Falls Water Board employs water and wastewater treatment plant and water distribution system operators who need to complete DEC and DOH approved courses in order to secure requisite licenses for Water Board operations and career advancement; and

**WHEREAS**, for several years, DEC-approved wastewater treatment plant operator certification courses have been unavailable in Western New York, creating a significant demand for this training and a shortage of licensed operators; and

**WHEREAS**, Jamestown Community College (“JCC”) is willing to complete the steps required to become a DEC-approved institution through which wastewater treatment plant operator certification courses can be offered in Western New York but needs a facility to offer the courses to students who are not within reasonable driving distance of its Jamestown campus; and

**WHEREAS**, JCC also offers water treatment plant and distribution system operator certification courses and continuing education courses and seeks to make these courses available to Water Board personnel and the personnel of other local water and sewer systems; and

**WHEREAS**, to encourage and to facilitate these important educational opportunities for its staff and other water and wastewater systems in the region, the Water Board has determined to make its facilities available for JCC to deliver water and wastewater operations courses; and

**WHEREAS**, in consideration of the facilities to be made available for classes by the Water Board, JCC has offered to discount course tuition for Water Board employees;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board authorizes its Executive Director to execute a Memorandum of Understanding with Jamestown Community College which outlines each party's responsibilities with respect to the use of Water Board facilities to deliver water and wastewater operator certification courses, to be effective from April 15, 2022 through August 31, 2023.

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

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
Not applicable.

On May 23, 2022, 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



## Memorandum of Understanding

---

This agreement is made between Jamestown Community College, a corporation organized and existing under the laws of the State of New York, having its principal place of business at 525 Falconer Street, Jamestown, New York, 14701, herein called "JCC", and the Niagara Falls Water Board, 5815 Buffalo Avenue, Niagara Falls, NY 14304, herein called "NFWB."

In consideration of the mutual covenants contained herein, JCC and NFWB agree as follows:

**It is understood that JCC will provide the following:**

- Instructor-led Water and Wastewater operator certification classes and continuing education classes
- Advertising for the classes via email, Facebook and website
- Electronic Sign-in sheets, evaluations, and certificates of completion
- JCC will hire and pay instructors.
- JCC will provide all books and materials needed for each class session.
- JCC will send the sign-in sheets into the state for recording.
- JCC will provide a certificate of insurance to the NFWB with them listed as additional insured.

**It is understood that NFWB will be responsible for the following:**

- Providing adequate classroom space for each class session. This space will include ample seating with desk or table space for each student, Wi-Fi or internet with the ability for the instructor to use a PC and/or connect a laptop to project PowerPoints or similar presentations.
- Printing of the welcome letter, sign-in sheets, evaluations, certificates of completion provided electronically from JCC
- Helping to promote the classes to contacts within the field.

**It is understood that NFWB may need to limit the number of courses or attendees in order to avoid interference with NFWB operations. These limits will be provided to JCC at the time of scheduling the course.**

- JCC will confer with NFWB prior to scheduling courses to confirm the availability of classroom space for the requested dates and times.

**Method of payment, it is understood and agreed that:**

- NFWB will be allowed to send up to 5 employees to a class at a discounted rate as shown below. Additional employees (above 5) may attend, but at full tuition. Payments will be made directly to JCC either through an invoicing process or via our website. In all cases, the cost will include the book fee if one is required for the training.

Discounted rates for up to 5 employees are as follows:

- Grade IA Advance Water Treatment - \$975 per student (Orig. \$1245)
- Grade IIA - \$1275 per student (Orig. \$1595)
- Grade IIB - \$675 per student (Orig. \$925)
- Grade C - \$565 per student (Orig. \$725)
- Grade D - \$565 per student (Orig. \$725)
- Continuing Education courses specific to Water Treatment (priced at \$49) \$39
- Basic Lab Course - \$60 per student (Orig. \$98)

### **INDEMNIFICATION**

Each party agrees to indemnify the other party, its agents and employees, against all claims, damages, losses and expenses, including reasonable attorneys' fees, arising out of the performance of training that are caused, in whole, by negligence of that party. To the extent that it is determined that claims, damages, losses and expenses are the result of the negligence both parties, each party shall bear its share of damages as is proportionate to its degree of negligence. This agreement does not constitute an employer/employee relationship to JCC, its agents and employees and NFWB's agents and employees.

### **DURATION**

This agreement shall become effective on April 15, 2022 and shall terminate on August 31, 2023 unless extended by mutual agreement in writing. This agreement may be terminated by either party hereto, or by 30 day written notice by either of the parties.

### **ASSIGNMENT**

This agreement is personal to the parties hereto and may not be assigned by JCC and/or NFWB, in whole or in part, without the prior written consent of both JCC and NFWB.

### **AUTHORITY**

NFWB shall have no right or authority, either expressed or implied, to assume or create, on behalf of JCC, any obligation or responsibility of any nature.

### **MODIFICATION**

This agreement may be modified by a written amendment executed by each of the parties hereto.

---

Michael Martello  
Vice President of Administration  
Jamestown Community College  
525 Falconer Street  
P.O. Box 20  
Jamestown, NY 14702-0020

\_\_\_\_\_  
*Signature of Representative*

\_\_\_\_\_  
*Date*

Abderrahman Zehraoui, Ph.D  
Executive Director  
Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, NY 14304

\_\_\_\_\_  
*Signature of Representative*

\_\_\_\_\_  
*Date*

### **For WD office use only:**

- ☐ Copy to Co-Sponsor
- ☐ Michael Martello signature
- ☐ Signed copy to Julie Marsh

**CHANGE ORDER FOR GENERAL CONTRACT WORK  
WWTP PROJECT 1: SEDIMENTATION BASINS  
TO ADD REPLACEMENT OF SCUM AND GRIT SCREWS**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) contracted with Hohl Industries to perform the general contracting work required to construct a project to restore scum pumping and install fine screen, replacement of traveling bridges with chain and flight equipment, replacement of both isolation plate guides, and submersible pumping system upgrades in sedimentation basins (collectively “Project 1”), required pursuant to Order on Consent R9-20170906-129 with the New York State Department of Environmental Conservation; and

**WHEREAS**, in response to a need identified during Project 1 construction that was not part of the original general contracting scope of work, Hohl has presented a proposed change order dated April 6, 2021 to provide labor, equipment, and material to replace scum screws in sedimentation basins 2, 3, and 4 and grit screws in basins 2, 4, and 5, for a total cost of \$456,343; and

**WHEREAS**, Water Board staff and CPL as the Water Board’s project manager recommend approval of the proposed change order as the scope of work is needed and will directly contribute to the continued reliable and efficient operation of the sedimentation basins; and

**WHEREAS**, up to one half of the cost of the work that is being awarded pursuant to this resolution will be reimbursable under the Water Board’s State and Municipal Facilities Program (“SAM”) Grant, Project ID No. 15688;

\* CONTINUED ON NEXT PAGE \*



**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized to accept Hohl Industries' proposed change order dated April 6, 2021 to supply and install grit and sludge screws as part of WWTP Project 1, for a total cost not to exceed \$456,343.

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

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
CIP Item No. WWTP 5 - WWTP Rehab Phase 4A - Sed. Basins & Scum  
(SAM Grant Project ID #15688)  
Capital Line Supplied by: D. Williamson  
Available Funds Confirmed by: B. Majchrowicz

On May 23, 2022, 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:

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Nicholas J. Forster, Chairman

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Sean W. Costello, Secretary to Board



# CHANGE ORDER REQUEST

Page 1

HOHL INDUSTRIAL SERVICES, INC.  
179324- - SEDIMENTATION BASINS & SCUM COLLECTIONS SYS  
MODIFICATIONS

DATE: 5/16/2022

PCO#: 12

**To:** JAY MEYERS  
CPL ARCHITECTURE ENGINEERING AND  
PLANNING  
26 MISSISSIPPI ST, SUITE 100  
BUFFALO, NY 14203  
**Phone:** 716-880-1264  
**Fax:**  
**Email:** JMeyers@CPLteam.com  
**CC:** BRAD ROBERTS - HOHL INDUSTRIAL SERVICES, INC. - Phone: 716-332-0466 - Fax: 716-332-0467  
LINDSAY MCLAREN - CPL ARCHITECTURE ENGINEERING AND PLANNING - Phone: 585-454-4570 -  
Fax:

**From:** BRAD ROBERTS  
HOHL INDUSTRIAL SERVICES, INC.  
770 RIVERVIEW BLVD  
TONAWANDA, NY 14150  
**Phone:** 716-332-0466  
**Fax:** 716-332-0467  
**Email:** broberts@hohlind.com

Below is the detail for our proposal to complete the following changes in contract work:

- Contract Requested C.O.: PENDING CHANGE ORDER #12
  - Proposed Scope of Work: GRIT SCREW AND SLUDGE SCREWS
- The prices below are valid until

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : GRIT SCREW AND SLUDGE SCREWS	Initial / Original		0.000	LS	0.00000	456343.00
Supply and Install Grit Screw and Sludge Screws Per attached Pricing. Materials cost has increased approximately 9% since last year, spares are included per request from NFWWTP.						

Submitted

5/16/2022

BRAD ROBERTS

Date

Approved By:

JAY MEYERS  
CPL ARCHITECTURE ENGINEERING AND PLANNING

Date



## Proposed Change Order

770 Riverview Boulevard  
Tonawanda, NY 14150  
(716) 332-0466  
(716) 332-0467 fax  
www.hohlind.com

**Date:** April 6, 2021

**To:** CPL / Niagara Falls Water Board

**Attn:** Jay Meyers [JMeyers@CPLteam.com](mailto:JMeyers@CPLteam.com)

**Proposal:** 179324 **Rev.** 5

**Project Name:** Supply and Installation of Grit and Sludge Screws

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In accordance with the specifications and condition set forth herein, Contractor proposes to provide all necessary Labor, Equipment, Supervision and specifically identified Materials to perform the following items of work:

Scope of Work:

Hohl Industrial Services, Inc. is pleased to offer a proposal to provide labor, equipment, and material to replace scum screws in basins 2, 3, 4, and 5 and grit screws in basins 2, 4, and 5. Proposal is based on Kaman-supplied materials.

Notes and/or Clarifications:

Proposal is based on the following:

1. Proposal is based on no interference of existing side bearing anchor bolts and new anchor bolts.
2. Proposal is based on basins drained and cleaned by others.
3. Screw procurement is 12-14 weeks.
4. Proposal is based on Hohl mobilized on the site.
5. If more than one basin can be worked on or simultaneously, a credit of \$3-6k crane mobilization would be offered.
6. Straight time only.
7. Normal hours are Monday –Friday 7:00am to 3:30pm, and considered normal straight time shift. All overtime is time and one-half with the exception being Sunday and holidays, which is double time.
8. We assume clear and free uninterrupted access to the jobsite.
9. Field painting for this work is excluded. Field touch ups by others.
10. Lead abatement, asbestos abatement, and hazardous material removals are excluded.

11. We included   0   hours for start-up, debug and or commissioning. This work is defined as all work from power on stage forward.
12. It is assumed that safe crane access is available or will be provided. The ground must be sufficiently firm for loads imparted by crane outriggers. The owner, or general contractor accepting Hohl's proposal is the controlling entity of the site conditions as defined by OSHA 1926.1402.

**Pricing:**

Basin #2 Grit Screw Replacement .....	\$87,600.00
Basin #2 Sludge Screw Replacement .....	\$89,050.00
Basin #3 Sludge Screw Replacement .....	\$89,050.00
Basin #4 Grit Screw Replacement .....	\$87,600.00
Basin #4 Sludge Screw Replacement .....	\$89,050.00
Basin #5 Grit Screw Replacement .....	Done
Basin #5 Sludge Screw Replacement .....	Done
Spare Hanger Bearings CHB2207H Qty 4.....	\$1426.00
Spare Bearing Housings TEBH7 Qty 4.....	\$5012.00
Spare Short Shafts Qty 4 .....	\$3160.00
Spare Long Shafts Qty 2 .....	\$4395.00
<b>Total.....</b>	<b>\$456,343.00</b>

Scheduled Delivery:                      Per Owner's Schedule

Validity:                                      Thirty (30) Days

Any resulting purchase order, agreement, or related correspondence shall reference the above Proposal & Revision number.

Thank you for the opportunity to provide this quotation. Please sign and return a copy of this proposal for our records.

Date: May 16, 2022

**HOHL INDUSTRIAL SERVICES, INC.**

**PURCHASER'S ACCEPTANCE**

By:   
Brad Roberts

By: \_\_\_\_\_

Title: Project Manager

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved at Tonawanda, NY, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Hohl Industrial Services, Inc.,** by \_\_\_\_\_  
Executive Officer of Contractor

**LEASE BUYOUT FOR TWO PASSENGER VEHICLES**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) leases a majority of its passenger vehicles through Enterprise Fleet Management and recently reviewed its fleet needs, the buy-out costs for certain vehicles, and other relevant information to continue to economically maintain a safe and fuel-efficient fleet; and

**WHEREAS**, under the lease agreement with Enterprise, after leasing vehicles for a period of time the Water Board has the right to buy the vehicles outright based on Enterprise’s calculation of their residual value rather than turn the vehicles in at the end of their lease terms, and Water Board staff have identified an opportunity to buy two of the vehicles that the Water Board currently is leasing and anticipates will remain in service for several more years for amounts less than would be paid to continue to lease the vehicles or for replacement vehicles during that time period; and

**WHEREAS**, the Water Board has available in its account with Enterprise funds from net gains on the sale of previously leased vehicles which Enterprise was able to sell for more than their calculated residual value sufficient to cover the purchase of these two vehicles, such that no new funds must be appropriated for this purpose;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board authorizes the Executive Director to pay to Enterprise Fleet Management \$3,511.27 to purchase 2017 Ford Fusion VIN 3FA6P0PU5HR148189 and \$40,521.84 for 2021 Chevrolet Tahoe VIN 1GNSKNKT3MR407889.

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

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*  
Enterprise Account Credits  
Budget Line Supplied by: B. Majchrowicz  
Available Funds Confirmed by: B. Majchrowicz

On May 23, 2022, 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:

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Nicholas J. Forster, Chairman

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Sean W. Costello, Secretary to Board

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**From:** Michael Eagler  
**Sent:** Thursday, May 19, 2022 3:53 PM  
**To:** Sean Costello; Chatham, Christina M  
**Subject:** Re: Buy Out Totals - NFWB

Sean,

Here is the Vin. The funds to cover the purchase will come from the Net Gains we have from the sale of previously leased vehicles.

2021	CHEVY	TAHOE	1GNSKNKT3MR407889	KPZ9461	813	DIRECTOR	25
2017	FORD	FUSION E	3FA6P0PU5HR148189	KNR1362	144	Unassigned	2

*Michael S. Eagler Sr.*

Chief of Outside Infrastructure  
Niagara Falls Water Board  
O-(716)283-9770 X-1070  
C-(716)255-2039

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**From:** Sean Costello <scostello@NFWB.org>  
**Sent:** Thursday, May 19, 2022 3:38 PM  
**To:** Chatham, Christina M <Christina.M.Chatham@efleets.com>  
**Cc:** Michael Eagler <meagler@NFWB.org>  
**Subject:** RE: Buy Out Totals - NFWB

Christina,

Do you have VINs for these so I can include in the resolution? And how do I refer to the funds we have built up in our Enterprise account and the source of those funds?

Thanks,

Sean

**Sean W. Costello**

General Counsel and Secretary



Niagara Falls Water Board | 5815 Buffalo Avenue | Niagara Falls, NY 14304 | (716) 283-9770 x 2110

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**From:** Chatham, Christina M <Christina.M.Chatham@efleets.com>  
**Sent:** Thursday, May 19, 2022 3:23 PM

**To:** Sean Costello <scostello@NFWB.org>  
**Cc:** Michael Eagler <meagler@NFWB.org>  
**Subject:** Buy Out Totals - NFWB

Hi Sean,

Hope you are doing well! I spoke with Mike this morning and he asked that I send you the buy out information for the two vehicles below. These vehicles will have a slight reduction in buy out pricing because you all will have paid one additional month by the time we complete the transaction in the month of June. If you have any questions please let me know.

Ford Fusion Unit #: 22H7TF  
Current Buy Out Total: \$4,138.28  
I would anticipate this reducing by \$627.01 which gives you a new total of \$3,511.27

Chevy Tahoe Unit #: 255MNG  
Current Buy Out Total: \$41,960.31  
I would anticipate this reducing by \$1,438.47 which gives you a new total of \$40,521.84

If you have any questions at all please let me know. Thanks for your patience while I put this together!

-Christina



**Christina M Chatham**  
Client Strategy Manager  
Upstate New York

(585) 434-1714 direct  
(585) 672-6735 fax  
[Christina.M.Chatham@efleets.com](mailto:Christina.M.Chatham@efleets.com)

Enterprise Fleet Management, Inc  
<https://www.efleets.com>

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