



MINUTES

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

Notes: Pursuant to public notice, this meeting was conducted at 1201 Buffalo Avenue, Niagara Falls, New York. The meeting could be attended in-person or via conference call pursuant to Chapter 417 of the Laws of 2021, as modified by Chapter 1 of the Laws of 2022 and pursuant to the continuation of the State Disaster Emergency Pursuant to Governor Hochul's Executive Order No. 11.

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*

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

b. Comments from Chairman Forster

None.

c. Presentations

None.

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.**

None.

f. Prior Meeting Minutes

- i. Draft April 25, 2022 Meeting Minutes**

Motion by Board Member Larkin and seconded by Board Member Asklar to approve the April 25, 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)**

Board Member Leffler questioned why notice of hydrant flushing appeared in the City’s NF Info Alert text messaging system. The City has invited us to provide relevant alerts for that system. A press release had been distributed to media and the City’s Public Information Officer.

3. Outside Infrastructure Updates – Michael Eagler

None.

4. Maintenance – Joseph Argona

None.

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

Motion by Board Member Larkin and seconded by Board Member Asklar to approve the May 23, 2022 Personnel Actions.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

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

Dr. Zehraoui informs the board members that the NFWB’s migration to our new time management system (Paychex) has been successful.

Chairman Forster noted a Union concern regarding the cameras on the new time clock terminals, and states this matter is subject for Union negotiation.

Mr. Costello explains that the camera function is an optional feature that will not be enabled. Electrical tape will be placed over the camera on the time clock systems for reassurance.

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

Chairman Forster states there has been a drastic reduction in water consumption. Appreciation was shown to Mr. Eagler and his crew for their efforts.

Mr. Eagler states it was brought to his attention that there has been a periodic leak taking place at the viaduct located on College Ave. In the winter and spring months it surfaced, but the leak did not appear in the summer months. General belief was that this water was run-off water, but the NFWB chose to test the water and determined that it contained fluoride. The NFWB then investigated the situation further and determined it was an old and abandoned water service. Several trips have been made since the repair was completed, and there are no signs of any water loss.

10. Safety – John Accardo

Mr. Accardo states Patrick Clare from PERMA will be on-site on June 15th to complete a walk through of the WTP and WWTP. The last inspection by PERMA took place in 2018.

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

None.

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

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

2022-05-002 – 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

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

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

- a. PERMA Early Renewal Offer and Renewal Quote

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

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

- a. CPL Proposal dated May 11, 2022

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

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

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

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

a. **Proposed Memorandum of Understanding**

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

2022-05-007 – 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**

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

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

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

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

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) 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.
- 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.

Board Member Asklar questioned the status of the Advanced Metering Infrastructure project. Chairman Forster stated the process has been slow and the Board was looking for better numbers than what was initially proposed. Also, seeking clarification if Neptune will properly integrate with New World. Chairman Forster states Neptune has not been very accommodating, which may be taken into consideration the next time there is a meter replacement program.

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

Chairman Forster requested that Dr. Zehraoui review the old business items and remove completed items.

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)).

Motion by Board Member Larkin and seconded by Board Member Leffler to enter executive session for the purpose of discussing matters related to the hiring of an individual for Director of Administrative Services and matters relating to the employment of a particular person at 5:36 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0

Motion by Board Member Larkin and seconded by Board Member Leffler to exit executive session and return to the open meeting at 6:08 p.m.

Chairman Forster states the Board would like to hold a special meeting on June 13, 2022 at 5:00 p.m., regarding the appointment of a Director of Administrative Services. Mr. Costello will provide the board members with the necessary resumes prior to the special meeting.

Dr. Zehraoui's annual review also will take place in connection with the special meeting.

17. Adjournment of Meeting

Motion by Board Member Larkin and seconded by Board Member Asklar to adjourn the meeting at 6:13 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carries, 5-0