



## MINUTES

### **Business Meeting of the Niagara Falls Water Board October 3, 2022 at 5:00 p.m.**

NOTE: Meeting was held at the Wastewater Treatment Plant Conference Room, 1201 Buffalo Avenue, Niagara Falls, NY 14304. Videoconference attendance also was facilitated as set forth in the meeting notice, and Board Members were permitted to participate and vote via videoconference following the passage of Resolution 2022-10-001, Resolution to Permit Videoconference Meetings in Accordance with Part WW of Chapter 56 of the Laws of 2022.

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

*After a brief delay resulting from technical difficulties associated with facilitating videoconference participation, Chairman Forster called the meeting to order at 5:07 p.m.*

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

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

Forster (Chairman) **Present**

Kimble (Board Member) **Present via Videoconference**

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

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

**b. Public Hearing on Resolution 2022-10-001, Resolution to Permit Videoconference Meetings in Accordance with Part WW of Chapter 56 of the Laws of 2022**

**i. Introduction by Chairperson**

*Chairman Forster noted that this Resolution comes from an amendment to the Open Meetings Law passed earlier this year. It would authorize the Board to hold meetings with a limited number of Board members appearing by videoconference, if they have an extraordinary circumstance preventing them from being present in person. A quorum, of three, would have to be physically present in a publicly accessible place for the meeting. The reason the Board is taking this up now is that prior to this month, there was an Executive Order from the Governor that allowed meetings via telephone conference, but that Executive Order was not renewed.*

**ii. Public Comments/Oral and Written, if Any**

*The hearing was opened for public comments; no one spoke. Mr. Costello stated that no written comments were received.*

**iii. Motion to Close Public Hearing**

*Motion by Board Member Leffler and seconded by Board Member Asklar to close the public hearing and consider Resolution 2022-10-001 out of the order set forth on the agenda.*

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

*Motion carried, 5-0.*

*Motion by Board Member Larkin and seconded by Board Member Leffler to approve Resolution 2022-10-001.*

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

*Motion carried, 5-0.*

**c. 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).**

*Louise spoke on behalf of her father, Yong Zhi Liv who does not speak English. He is a tenant at 8612 Niagara Fall Blvd., Niagara Falls, the site most recently occupied by Ponderosa.*

*Louise states her father received a water bill totaling \$14,000 plus late fees. She explains a pipe had burst in the basement of their family-owned restaurant during the winter months and that her father is unable to afford the large water bill that remains. Mr. Majchrowicz states he is familiar with the water bill in question and explains he offered to remove the late fees and adjust an additional \$1,000, bringing the existing water bill down to \$12,000. That amount is all that Mr. Majchrowicz is authorized to waive. Chairman Forster explains that the Board will discuss this matter further and instruct Mr. Majchrowicz to contact the speaker with any further updates on the water bill.*

*Ronald Nafus, 8032 West Rivershore Dr., Niagara Falls. Mr. Nafus states his concrete driveway was damaged when a water main was repaired approximately two months ago. Mr. Nafus also contacted the City of Niagara Falls regarding this matter and explained he does not want asphalt; he would like the sidewalk repaired with concrete. Chairman Forster explains that the NFWB is not responsible for the replacement of sidewalks, however, the NFWB will supply a temporary patch of asphalt to prevent any possible litigation until the City of Niagara Falls completes the repair(s).*

*Henry Krawczak, 5659 John Ave., Niagara Falls. Mr. Krawczak states he is receiving his water bills late and claims someone is retrieving his mail other than himself. Mr. Krawczak also claims he is being “double billed” by the NFWB. Mr. Majchrowicz states he will print Mr. Krawczak’s billing statements to assure him that he is not being “double billed.”*

**d. Comments from Chairman Forster**

*Chairman Forster conveyed gratitude on behalf of Mayor Restaino and the City Administrator following the NFWB’s assistance with a recent meeting that was held in our Water Treatment Plant facility for the residents of LaSalle.*

**e. Presentations (none scheduled)**

*None.*

**f. Letters and Communications**

**i. 2022-09-26 – COVID Wastewater Surveillance Update Memorandum**

**g. Prior Meeting Minutes**

**i. Draft July 25, 2022 Meeting Minutes**

**ii. Draft September 6, 2022 Special Meeting Minutes**

*Motion by Board Member Leffler and seconded by Board Member Larkin to approve the July 25, 2022 Meeting Minutes.*

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

*Motion carried, 5-0.*

*Motion by Board Member Asklar and seconded by Board Member Leffler to approve the September 6, 2022 Meeting Minutes.*

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

*Motion carried, 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. Water Treatment Plant Valves**

*Mr. Donner discussed the WWTP project budget tracker and construction schedule tracker updates. Mr. Donner states sedimentation basin 4 upgrades are nearing completion – major concrete work has been completed. Sedimentation basin 5 is in the final stages of close out. Mr. Donner states that consistent meetings will be held with Arcadis and Hohl Industrial regarding Project 3, to assure that the NFWB's needs are being met.*

*Dr. Zehraoui states the low lift check valves at the WTP will be repaired in-house beginning tomorrow. The backwash check valves will be evaluated in-house. If it is determined that those repairs are within the capacity to be repaired in-house, that will also be taking place tomorrow, otherwise the IDIQ contract will be used.*

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

- a. Anticipated Repair Bids Through City Engineering:**
  - i. 8214 Lindbergh, 10 Inch Sewer Main 17 Feet Deep;**
  - ii. 491 82<sup>nd</sup>, Near Corner of Lindbergh, 10 Inch Sewer Main 17 Feet Deep.**

*Mr. Eagler explains that his crew was able to identify and repair a 10-inch sewer main that was 17 feet deep with the assistance of the NFWB's camera truck. This resulted in a significant cost savings for the organization versus sending the project out to bid.*

*Mr. Eagler states there has been 72 large meters that have been tested to date. He further noted that leak repairs seem to correlate with lower water production at the WTP, which was pumping 25 million gallons per day in January versus 17 now.*

**4. Engineering – Douglas Williamson**

- a. Revised Change Order for WWTP Project 11, Concrete Interference**
- b. BHC Compliance**

*Mr. Williamson reviewed the revised change order for WWTP Project 11 with the Board. Board Member Asklar completed a walk-through of the proposed change order and relevant area of the WWTP with J.M. Davidson on September 16<sup>th</sup> to further explain/identify the need for the change order for Project 11. Based on his review, Board Member Asklar is comfortable recommending that the Board approve the change order which has been revised substantially from what originally was presented.*

**5. Personnel Items – David San Lorenzo**

- a. Paychex Update**

*Mr. San Lorenzo advised the Board that the new time clocks were installed at both the WTP and WWTP on September 16<sup>th</sup>. All employees have been provided instructions on the new time clocks and all supervisors have been trained on the new payroll system.*

- b. September 26, 2022 Personnel Actions Report**

*Motion by Board Member Larkin and seconded by Board Member Asklar to approve the September 26, 2022 Personnel Actions Report.*

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

*Motion carried, 5-0.*

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

**7. Finance – Brian Majchrowicz**

- a. 2023 Budget Update**
- b. Revenue Budget Performance Report through August 31**
- b. Sewer Fund Expense Budget Performance Report through August 31**
- c. Water Fund Expense Budget Performance Report through August 31**
- d. Board Fund Expense Budget Performance Report through August 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. July and August 2022 Capital Payments**

**8. Questions Regarding July and August 2022 Operations and Maintenance Report**

**9. Safety – David San Lorenzo**

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

**11. From the Chairman**

**12. Resolutions**

**2022-10-001 – RESOLUTION TO PERMIT VIDEOCONFERENCE MEETINGS IN ACCORDANCE WITH PART WW OF CHAPTER 56 OF THE LAWS OF 2022**

**a. Written Procedures for Videoconference Meetings**

*[This Resolution was taken out of order and approved – see above.]*

**2022-10-002 – UDIG NY PARTICIPATING MEMBER AGREEMENT**

**a. UDig NY Exempt Member Agreement**

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

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

*Motion carried, 5-0.*

**2022-10-003 – AUTHORIZING EXTENSION OF BID FOR SEWER LINE CHEMICAL ROOT CONTROL**

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

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

*Motion carried, 5-0.*

**2022-10-004 – REVISED CHANGE ORDER FOR WWTP PROJECT 11,  
CONCRETE INTERFERENCE**

- a. Project 11 Sludge Line Concrete Encasement Photo Log
- b. Project 11 Change Order Revision Summary
- c. JW Danforth August 31, 2022 Project 11 Change Order Proposal
- d. JM Davidson August 31, 2022 Project 11 Change Order Proposal

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

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

*Motion carried, 5-0.*

**2022-10-005 – NYPA ENERGY SERVICES PROGRAM MASTER COST RECOVERY  
AGREEMENT**

- a. NYPA Master Cost Recovery Agreement Template

*Board Member Asklar stated he was recusing himself from participation in discussion or voting on this Resolution as he is a NYPA employee.*

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

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

*Motion carried, 4-0, with one abstention.*

**2022-10-006 – SAMPLE MASTER LABORATORY INFORMATION MANAGEMENT  
SYSTEM SOFTWARE AS A SERVICE UPGRADE**

- a. Sample Master Pro Workstation SaaS Cost Proposal

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

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

*Motion carried, 5-0.*

**2022-10-007 – AWARD OF EMERGENCY REPAIR CONTRACT**

- a. **2022-2024 Emergency Repair Contract Bid Tabulation and Comparison to Prior Bid**

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

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

*Motion carried, 5-0.*

**2022-10-008 – CHANGE ORDER FOR WWTP HVAC AND DUCTWORK CONTRACT TO ADD CONFERENCE ROOM HVAC REPLACEMENT**

- a. **2022-09-13 - CPL Memos Regarding WTP Conference Room HVAC Change Order**
- b. **2022-09-12 - Danforth Change Order Proposal WTP Conference Room HVAC**

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

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

*Motion carried, 5-0.*

**2022-10-009 – CHANGE ORDERS FOR WWTP PROJECT 3 POLYMER ROOM EXTRA WORK AND ELECTRICAL ADDITIONS**

- b. **Project 3 General Contractor Change Order CO 3-GC-001 - 2022-09-29 - Various Issues**
- c. **Project 3 Electrical Contractor Change Order CO 3-EC-001 - 2022-09-28 - Various Electrical Issues**

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

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

*Motion carried, 5-0.*

**2022-10-010 – CLARK PATTERSON LEE PROFESSIONAL SERVICES EXTENSION**

- a. **2022-09-09 - CPL NFWB Services Extension Proposal**
- b. **CPL NFWB Extension Hourly Rates**

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

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

*Motion carried, 5-0.*



**2022-10-011 – PROCUREMENT OF FILTERS FOR HYDROGEN SULFIDE SCRUBBERS**

- a. **2022-09-02 - Air Trac Proposal for Hydrogen Sulfide Scrubber Filters**

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

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

*Motion carried, 5-0.*

**2022-10-012 – PROCUREMENT OF WATER METERS AND COMPONENTS**

- a. **Ti Sales Distributor Sole Source Letter – September 27, 2022**
- b. **Ti Sales Meter Quote Dated September 21, 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 carried, 5-0.*

**2022-10-013 – PROFESSIONAL SERVICES FOR WWTP BHC LOCAL LIMITS EVALUATION**

- a. **2022-09-02 - AECOM Proposal for BHC Local Limits Evaluation**

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

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

*Motion carried, 5-0.*

**2022-10-014 – REALLOCATION OF PREVIOUSLY ALLOCATED FUNDS FOR AECOM SERVICES TO CONSENT ORDER PROJECT**

- a. **2022-09-23 - AECOM Proposal for Change Orders to Transfer CI02 Study Funds to Consent Order Project**

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

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

*Motion carried, 5-0.*

**2022-10-015 – AGREEMENT WITH CITY OF NIAGARA FALLS FOR UNMANNED, NON-PUBLIC POLICE SUBSTATION**

**a. Draft NFWB Police Substation Agreement**

*Board Member Asklar questioned what other “police purposes” are contemplated in the draft agreement. Mr. Costello noted that provision is intended to permit things like using the conference room for a meeting, and that any such use outside of what is specified in the agreement is only permitted with the Executive Director’s approval. Ms. Leffler noted she likes when she sees police cars in the WTP parking lot, which already happens often. Ms. Kimble questioned whether a police presence is necessary and stated that the presence of police may make members of her community uncomfortable.*

*Motion by Board Member Kimble and seconded by Board Member Asklar to table Resolution 2022-10-015.*

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

*Motion to table failed, 1-3, with one abstention.*

*Motion by Board Member Leffler and seconded by Board Member Larkin to approve Resolution 2022-10-015.*

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

*Motion carried, 3-1, with one abstention.*

**2022-10-016 – CHANGE ORDER FOR WWTP PROJECT 7 ENGINEERING SERVICES**

**a. 2022-09-02 - EI Team Project 7 Change Order Request**

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

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

*Motion carried, 5-0.*

**2022-10-017 – RENEWAL OF PROPERTY, LIABILITY, AND UMBRELLA INSURANCE POLICIES**

- a. USI Insurance Renewal Memorandum
- b. 2022-2023 Property, Liability, and Umbrella Insurance Policy Renewal

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

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

*Motion carried, 5-0.*

**2022-10-018 – GORGE PUMPING STATION HIGH-VOLTAGE EQUIPMENT PREVENTATIVE MAINTENANCE**

- a. Ferguson Gorge Pumping Station Quote - June 29, 2022 - PD23643
- b. 2022-09-01 - Ferguson Email with Additional Detail on GPS Preventative Maintenance Quote

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

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

*Motion carried, 5-0.*

**13. Unfinished/Old Business**

**1) Board Room WTP:**

- 7/14/22: CIR work complete and fiber optic line relocated. Waiting on fabrication of desk.
- 9/22/22: The acoustical ceiling grid has been laid out and drawing on CAD. The existing ceiling lights have been removed and new ones have been ordered. We received shop drawings on 8/19/22 and are waiting on the fabrication of the conference room desk.

## **2) WWTP Sodium Hypochlorite Tank Replacement**

- 7/14/22: The 2021 WIIA Sewer (WWTP) Grant of \$1,125,000 was awarded on April 19, 2022 that included the some of the funds necessary to complete the WWTP tank removal and replacement work. We may be able to utilize some of the remaining balance of the WWTP Phase II grant to assist with this work, as well. We need approval from the NYSDEC to include some of the WWTP tank replacement work under this WWTP Phase II grant. The draft WWTP Tank Replacement RFP that was created needs to be finalized to show the grant funding sources that have been approved for the project, before we can proceed.
- 9/22/22: Next step is requesting approval to use Phase II grant funds (will be packaged with other projects).

## **3) WWTP Brick Repair Work & Enclosure of Balcony**

- 7/14/22: It was decided to complete work in house without canvas. Structure is complete. Removable screens are being fabricated. Bricklayer and Glazers have completed work in this area. Air conditioner that no longer is needed and infringed on area has been removed
- 9/26/22: Project complete.

## **4) WTP Carbon Tank and Chemical Offload Area Recoating**

- 7/14/22: Carbon tank 90% repainted; sandblasting of old containment area coating scheduled for next week.
- 9/26/22: Project complete.

## **5) Whitney Ave. Water Main Replacement**

- 9/22/22: Design documents to be submitted to DOH for approval by 10/1.

## **6) 18<sup>th</sup> Street Water Main Replacement**

- 7/14/22: 4<sup>th</sup> Generation was awarded bid at June 2022 Board meeting. 30-week lead time for material delivery.
- 9/22/22: Construction planned to commence in Spring 2023.

## **7) WTP Perimeter Fence Replacement Update**

- 7/14/22: The 2021 WIIA Water Grant application of \$3 million was awarded on April 19, 2022 that included some funds that can be used for the WTP perimeter fence replacement work. On 7/13/22, the capital purchase order for the \$8,000 brush hog was completed to assist with the work in-house. WTP maintenance to schedule and coordinate the fencing work.
- 9/22/2022: Brush hog delivered, Outside Maintenance has used it to clear along the fence line.

**8) Paychex Payroll System Update**

- 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.
- 7/21/22: Estimate of two weeks for implementation of new timeclocks.
- 9/21/22: Paychex supervisor training complete. Six timeclocks installed and tested, and now are in use. The system is live for the 9/18/22 to 10/1/22 pay period. Training continues.

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

**15. Executive Session: Anticipated motion to enter into executive session for the purpose of considering matters leading to the appointment, employment, promotion, demotion, or removal of a particular person (Public Officers Law § 105(f)).**

*Motion by Board Member Leffler and seconded by Board Member Asklar to enter into Executive Session at 7:28 p.m.*

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

*Motion carried, 5-0.*

**16. Adjournment of Meeting**

*Motion by Board Member Leffler and seconded by Board Member Kimble to exit executive session and to adjourn the meeting at 7:47 p.m.*

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

*Motion carried, 5-0.*