



MINUTES

Business Meeting of the Niagara Falls Water Board December 19, 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 pursuant to 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:

Chairman Forster called the meeting to order at 5:00 p.m.

Board Member Kimble delivered a prayer entering the holiday season, thanking God for blessings, and invoking God's wisdom and guidance in the future.

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 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).

None.

c. Comments from Chairman Forster

Chairman Forster expressed gratitude to Dr. Zehraoui for his efforts and further asks that he relay the Board's gratitude to the executive staff as well as the rest of the staff at the NFWB.

Chairman Forster then requested a motion to enter into executive session to discuss items listed on the personnel actions sheet and that the Board vote on these items before proceeding with the rest of the meeting.

Motion by Board Member Asklar and seconded by Board Member Larkin to enter into executive session for the purpose of considering matters related to promotion and employment of particular persons as indicated in Personnel Actions sheet (Public Officers Law § 105(f)) at 5:03 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

Motion by all Board Members to exit executive session and return to the open meeting at 5:40 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

Motion by Board Member Larkin and seconded by Board Member Asklar to approve Item B1 from the Personnel Actions sheet, promotion for David Roeser to Senior WTP Operator, with a pay increase equal to \$5,137.60 per annum.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

Motion by Board Member Larkin and seconded by Board Member Asklar to approve so much Item B2 from the Personnel Actions sheet for the promotion of Brian Majchrowicz to Director of Financial Services.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

Motion by Board Member Asklar and seconded by Board Member Larkin to approve a salary increase for Brian Majchrowicz, Director of Financial Services, equal to \$3,437.67 per annum.

Asklar __Y__ Forster __Y__ Kimble __N__ Larkin __Y__ Leffler __Y__

Motion carried, 4-1.

Motion by Board Member Asklar and seconded by Board Member Leffler to approve a salary increase for Douglas Williamson, Director of Technical and Regulatory Services, equal to \$3,262.88 per annum.

Asklar __Y__ Forster __Y__ Kimble __N__ Larkin __Y__ Leffler __Y__

Motion carried, 4-1.

Motion by Board Member Larkin and seconded by Board Member Leffler to approve a salary increase for John Accardo, Deputy Director of Administrative Services, equal to \$2,101 per annum.

Asklar __Y__ Forster __Y__ Kimble __N__ Larkin __Y__ Leffler __Y__

Motion carried, 4-1.

d. Presentations (none scheduled)

None.

e. Letters and Communications

i. 2022-12-15– COVID Wastewater Surveillance Update Memorandum

f. Prior Meeting Minutes

i. Draft November 14, 2022 Meeting Minutes

Motion by Board Member Larkin and seconded by Board Member Leffler to approve the November 14, 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)**

Nick Bayer from CPL provided the Board with updates on WWTP projects:

- Project 1 – Basin 4 repairs are scheduled to be completed by the end of the year.*
- Project 2 – Ongoing – working on remaining close out issues with GHD.*
- Project 3 – Received update from Arcadis – Dan Seider will now be managing this project. The Chairman asks Mr. Bayer to report to the Board exactly how far behind this project remains.*
- Project 7 – Completion of duct work is needed.*

Chairman Forster questions the status of a weir leveling issue and cracking of the new concrete in basin 5. He requests clarification on recent discussion regarding a potential change order for that project. Jay Meyers states both basin 4 and basin 5 have some cracking in the new concrete, but the cracks do not in his opinion impact the structural integrity of the concrete and will not get worse over time. The construction was per the design specifications, and the suggested coating to cover the cracks will add about \$80,000 to the overall project cost, so Mr. Meyers does not recommend that the coating work be completed. The weir levels have been corrected using a laser level.

The Board reviewed an incident earlier that morning where a contractor opened a building penetration at the sludge pump building before the sludge level in the connected thickener was below the inlet of the pipe, which resulted in flooding into the sludge pump building. Water Board staff cleaned up the resulting mess but there will be a back charge to the contractor, Danforth, for the cleanup work and for the cost to verify the pump motors were not compromised.

3. System Infrastructure and Operations – Russell DeFranco

Mr. DeFranco noted a recent server malfunction that took place at WWTP. He completed a walk through of the server room with Jonathan Joyce (IT) and notes there is some outdated equipment, as some of the current servers were purchased/installed in 2002. Mr. DeFranco states new servers are needed and Mr. Joyce is working on quotes.

Ferguson Electric is going to provide a proposal for de-energizing a furnace at the WWTP for the purpose of facilitating demolition.

Certain smoke detectors at the WTP are not in an appropriate location resulting in malfunctions. They are located over basins of water and associated walkways, where there is little fire hazard but vapors damage the sensors. Instead of replacing these smoke detectors,

Mr. DeFranco is seeking approval from Fire and Code officials to replace the detectors with pull alarm stations, which would save approximately \$10,000.

4. Outside Infrastructure Updates – Michael Eagler

Mr. Eagler noted that the WTP conference room renovation should be complete by February.

5. Engineering – Douglas Williamson

Mr. Williamson discussed evaluation of the two proposals received in response to the RFP for LaSalle Consent Order Sanitary Sewer Evaluation Survey work.

6. Personnel Items – David San Lorenzo

a. December 19, 2022 Personnel Actions

The Personnel Actions were addressed earlier in the meeting.

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

Dr. Zehraoui states he will be meeting with the IT staff tomorrow morning to further discuss some on-going issues.

Chairman Forster states there are still 48 employees at the NFWB that do not have email addresses and would like this rectified as soon as possible in order to have a reliable way to communicate to all employees and for all employees to have a NFWB email address to use with Paychex.

Dr. Zehraoui states he will provide the Board with an update tomorrow detailing when email addresses will be provided for all employees, and that next month he will supply a detailed report on IT projects.

8. Finance – Brian Majchrowicz

- a. Drip Program Continuation**
- b. Revenue Budget Performance Report through November 30**
- c. Sewer Fund Expense Budget Performance Report through November 30**
- d. Water Fund Expense Budget Performance Report through November 30**
- e. Board Fund Expense Budget Performance Report through November 30**
- f. Key Bank and Bank on Buffalo Balance Report**
- g. Wilmington Trust Balance Report**

- h. Treasury Account Balance Report**
- i. Budget Amendments Report**
- j. November 2022 Capital Payments**

Mr. Majchrowicz stated that unless the Board objects, the “drip program” will be continued for this winter. There are approximately 140 homes on the list for the drip program.

9. Questions Regarding November 2022 Operations and Maintenance Report

10. Safety – Russell DeFranco

Mr. DeFranco is working to set up a trip to an Erie County Water Authority plant to learn about the security system employed there, as he looks to upgrade security at NFWB plants.

11. General Counsel and Secretary – Sean Costello

a. Update on One Ton Chlorine Cylinders

Mr. Costello noted that after receiving no bids in October for one-ton gaseous chlorine cylinders, the Water Board worked with City of Niagara Falls Purchasing to re-bid that contract, this time including language allowing a price escalation at six months based on the Producer Price Index for Chlorine, Sodium Hydroxide, and Other Alkalies. Still, no bids were received. Work immediately began on a Safe Drinking Water Act Section 1441 application to request that the Federal Government order a producer to supply this chemical. However, following consultation with suppliers and producers, JCI has offered to supply chlorine for six months. We are trying to work with JCI to have them submit their offer as a bid. Mr. Costello noted that the WTP has room to store weeks’ worth of chlorine cylinders, so there is a little more cushion than was the situation with sodium hypochlorite at the WWTP in 2021, as we have less than a day’s worth of storage for sodium hypochlorite there.

12. From the Chairman

13. Resolutions

RESOLUTION 2022-12-001 – 2023 BOARD MEETING SCHEDULE

- a. Board Meeting Dates 2023**
- b. 2023 Contractual Holidays**

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.

**2022-12-002 – 2022 ANNUAL REVIEW OF MISSION STATEMENT,
ADOPTION OF AND REPORT ON PERFORMANCE MEASUREMENTS,
AND REPORT ON OPERATIONS AND ACCOMPLISHMENTS**

- a. **2022 Annual Review of Mission Statement, Performance Measurements, Report on Ops and Accomplishments**

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.

**2022-12-003 – ANNUAL REVIEW OF PROCUREMENT AND INVESTMENT
POLICIES AND ADOPTION OF REVISIONS**

- a. **2022-12-19 - Draft Revised NFWB Procurement Policy**
- b. **2022-12-19 - NFWB Investment Policy**

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.

2022-12-004 – AWARD BID FOR PRIMARY TREATMENT POLYMER

- a. **2022-12-12 - Primary Treatment Polymer Testing Results**
- b. **Bid W2022-03 - Primary Treatment Polymer - Unofficial Tally Sheet**

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.

2022-12-005 – AWARD BID FOR SLUDGE DEWATERING POLYMER

- a. **2022-12-12 - Sludge Dewatering Polymer Testing Results**
- b. **Bid W2022-04 - Sludge Dewatering Polymer - Unofficial Tally Sheet**

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.

2022-12-006 – AGREEMENT FOR ONSITE ENVIRONMENTAL MONITOR SERVICES

- a. **2022-10-11 - AECOM Onsite Environmental Monitor Proposal**

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

2022-12-007 – ACCEPTING PROPOSAL FOR LASALLE AREA SANITARY SEWER EVALUATION SURVEY PHASE 1

- a. **2022-12-05 - RFP 2022-01 NFWB Award Recommendation Memo**
b. **2022-12-08 - Arcadis - NFWB Sanitary Sewer Evaluations Proposal**

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.

2022-12-008 – FUNDS FOR CONTINUED INFRASTRUCTURE FUNDING EFFORTS

- a. **2022-12-02 - CPL Proposal for 2023 Extension of Infrastructure Funding Effort**

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

2022-12-009 – AUTHORIZING VOLTAGE FILTERS FOR WWTP ELEVATORS

- a. **2022-12-09 - DCB Proposal for Elevator Voltage Filters**

Chairman Forster states how costly DCB Elevator is for the NFWB. Chairman Forster asks Mr. Majchrowicz to provide the Board Members with 2021 costs and 2022 costs.

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.

2022-12-010 – AUTHORIZING MONTHLY CHARGES FOR DATA BACKUP AND RECOVERY SERVICES

- a. **2022-09-22 - Veeam Backup Services Monthly Recurring Charges**

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.

2022-12-011 – VIDEOCONFERENCE TECHNOLOGY FOR WTP CONFERENCE ROOM

- a. **2022-12-15 - Park Place Installations Quote for Videoconference Technology**

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.

2022-12-012 – CHANGE ORDER 1 AND FINAL FOR EMERGENCY 12 INCH COMBINED SEWER REPAIR AT 2214 WHITNEY AVENUE

- a. **2022-10-25 - Memorandum Regarding 2214 Whitney Avenue Change Order 1 and Final**

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.

2022-12-013 – WWTP PROJECT 10 CHANGE ORDER 2 FOR SCADA UPDATES AT GPS

- a. **2022-12-07 - Capital Project 10 Proposed Change Order 2**

Chairman Forster expressed frustration with the endless change orders and is unsure why this matter would have been overlooked during the design phase of this project.

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.

2022-12-014 – AUTHORIZING SETTLEMENT OF GOODEARL CLAIM

a. Goodearl, Edward Notice of Claim

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.

14. Unfinished/Old Business

1) Board Room WTP:

- 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.
- 10/20/22: The communications pipe, the last obstruction that requires relocation, will be removed on October 31.
- 12/15/22: Proposal for videoconference equipment obtained; floor prepared for carpet installation; doorway work completed; some finish work underway; waiting for delivery of 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).
- 12/15/22: DEC preliminary comments on use of Phase II grant funds being reviewed and addressed prior to formal submission of requests anticipated by end of year.

3) Whitney Ave. Water Main Replacement

- 9/22/22: Design documents to be submitted to DOH for approval by 10/1.
- 11/11/22: Received comments from NYS. Preparing response letter for submission.

4) 18th Street Water Main Replacement

- 7/14/22: 4th 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.

5) 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.
- 11/10/2022: Obtaining quotes related to fence and other security needs, meeting OGS-listed contractor 11/17.

6) Paychex Payroll System Update

- 10/20/22: System is live for payroll, work continues on integrating accruals and time-off requests.
- 12/15/22: Efforts to further integrate Paychex continue.

7) Review of Internal Controls on Gate Access Cards and Master Keys

- 12/15/22: R. DeFranco addressing deficiencies in stockpile of access keys and inventory control via lock and key vendor.

15. New Business & Additional Items for Discussion

16. Executive Session (Anticipated motion to enter into executive session for the purpose of considering matters related to promotion and employment of particular persons as indicated in Personnel Actions sheet (Public Officers Law § 105(f)).

Note: The Board chose to enter Executive Session at the beginning of the meeting.

17. Adjournment of Meeting

Motion by all Board Members to adjourn the meeting at 6:50 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.