



## MINUTES

### **Business Meeting of the Niagara Falls Water Board November 14, 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 5:02 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 2023 Proposed Rates, Fees, and Other Charges**

###### **i. Introduction by Chairperson**

*Chairman Forster discussed the budget issues that the NFWB is facing. These issues are driven by having the largest wastewater treatment plant that utilizes carbon filtration in the country. This plant requires large quantities of chemicals to function, and costs for those chemicals are outside the NFWB's control. In 2018, the chemicals made up 9.6% of the NFWB's budget. Presently, these chemicals make up 26.4% of the NFWB's budget.*

*Therefore, the NFWB has been very aggressive in its efforts to seek state funding for conversion of the carbon filter system to a biological wastewater treatment plant (costing approximately \$250 million). Chairman Forster states that the only way the ratepayers in the City of Niagara Falls are going to have relief regarding the rate increases, is with new technology for the NFWB – which would eliminate the high chemical costs.*

*Chairman Forster thanks his fellow Board Members, who volunteer their time to ensure that the NFWB maintains safe and functioning plants for the ratepayers of the City of Niagara Falls as well as for the employees. He reminds the public that local elected officials appoint the Board Members who receive zero compensation or benefits for their efforts and themselves are ratepayers in the City of Niagara Falls.*

*Chairman Forster thanks Mr. Majchrowicz, Mr. Costello, and Dr. Zehraoui for all of their efforts regarding the 2023 budget.*

- ii. Public Comments/Oral and Written, if Any** (Register to speak by 5:00 p.m. on November 14, 2022. Those who wish to speak at the hearing should contact the Board’s Secretary by email: [scostello@nfwb.org](mailto:scostello@nfwb.org), telephone: (716) 283-9770 x 2110, or by mail to register no later than 12:00 p.m. on November 14, 2022. Additional registrations to speak will be accepted in person and via videoconference between 4:50 p.m. and 5:00 p.m. on November 14, 2022. Oral comments will be limited to three minutes duration. Written comments may be directed to the above email or mailing address.)

*Gerald Skrlin – 162 Buffalo Ave. Niagara Falls, NY 14304*

*Mr. Skrlin states he is a senior citizen on a fixed income and is significantly impacted by the rate increases. He often does not use as much water as is included in the minimum bill. However, he understands the need for an increase to cover rising chemical costs and shows gratitude to the Board Members for their efforts, asking them to keep up the good work.*

*Susan Ford – 1324 Maple Ave. Niagara Falls, NY 14305*

*Mrs. Ford appreciated the reasons for the rate increase being explained but expressed concern regarding the standard minimum bill amounts. She states she believes it is fair for the ratepayers to be charged for their usage rather than be subject to a minimum bill.*

*Michael Daloia (via videoconference line) – 4021 Deveaux St.*

*Mr. Daloia also does not always use the amount included in a minimum bill and noted the public had to absorb a large rate increase last year. He has read documents available online regarding water loss. Mr. Daloia expressed appreciation for the information provided at the public hearing.*

**iii. Presentation by Rate Consultants Drescher & Malecki Regarding Rate Covenant Analysis**

*Matthew Montalbo and Charles Trottier from Drescher & Malecki presented on their financial projections and the user rates, providing independent cash flow estimates sufficient to meet the NFWB's Rate Covenant (debt service coverage ratio of 1.15). These projections are based on historical trends and audited financial data from prior years, the more current available information provided by the NFWB's Executive Staff, year-to-date actual reports per the financial software, along with NYS retirement system, health insurance publications, etc.*

*Drescher & Malecki states that based on the results of their financial projection model, the NFWB should achieve a 1.20 debt ratio on the Operations and Maintenance budget with a 7.5% rate increase in 2023 and recommends a 10.5% rate increase in order to meet the Board's projected 2023 capital plan funding.*

**iv. Motion to Close Public Hearing**

*Motion by Board Member Larkin and seconded by Board Member Leffler to close the public hearing at 5:40 p.m.*

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

*Motion carried, 5-0.*

- c. Other 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.*

- d. Comments from Chairman Forster**

- e. Other Presentations (None scheduled)**

- f. Letters and Communications**

- i. 2022-11-08– COVID Wastewater Surveillance Update Memorandum**
- ii. 2022-11-09 - WIIA Grant Award Letter for Wastewater Projects**
  - 1. WIIA Grant Project List**

**g. Prior Meeting Minutes**

**i. Draft October 24, 2022 Meeting Minutes**

*Motion by Board Member Asklar and seconded by Board Member Larkin to approve the October 24, 2022 meeting minutes.*

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

*Motion carried, 5-0.*

**2. Executive Director – Dr. Abderrahman Zehraoui**

- **WWTP Project Budget Tracker (CPL)**
- **WWTP Construction Schedule Tracker (CPL)**
- **Financial Award Summary (CPL)**

*Project 3 – New booster pump has been installed.*

*Chairman Forster notes that the belt filter press project (Arcadis) is behind schedule and would like further information on the status of that project.*

*18<sup>th</sup> St. water main replacement – all submittals have been reviewed and approved. Once the necessary piping is received, construction will proceed.*

**3. System Infrastructure and Operations – Russell DeFranco**

*Mr. DeFranco introduces himself to the Board Members. He is working on belt filter press water supply issues. Mr. DeFranco states he will be focusing on the safety and security of both the WTP and WWTP, with the assistance of Mr. Accardo.*

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

*Mr. Eagler states the annual large meter testing has been completed, with 97 meters successfully tested in 2022 versus 22 large meters tested in 2021.*

*All previously ordered heavy equipment has been delivered and is currently in use.*

*Mr. Eagler states he has reminded ratepayers to remove leaves slowly from the catch basins in front of their homes once the rain stops in order to avoid the combined water main overloading the lateral, causing flooding.*

*Chairman Forster observed that Mr. Eagler’s ability to monitor the pumps from our SCADA system, remotely, has eliminated a substantial amount of overtime.*

5. Engineering – Douglas Williamson
  - a. RFP for Phase 1 Sanitary Sewer Evaluation Survey
  
6. Personnel Items – David San Lorenzo
  - a. Basic Operations WWTP Course Completion
  
7. Information Technology (IT) – Dr. Abderrahman Zehraoui
  
8. Finance – Brian Majchrowicz
  - Revenue Budget Performance Report through October 31
  - b. Sewer Fund Expense Budget Performance Report through October 31
  - c. Water Fund Expense Budget Performance Report through October 31
  - d. Board Fund Expense Budget Performance Report through October 31
  - e. Key Bank and Bank on Buffalo Balance Report
  - f. Wilmington Trust Balance Report
  - h. Budget Amendments Report
  - i. October 2022 Capital Payments
  
9. Questions Regarding October 2022 Operations and Maintenance Report
  
10. General Counsel and Secretary – Sean Costello
  
11. From the Chairman
  
12. Resolutions

**2022-11-001 – ADOPTING 2023 BUDGET**

- a. 2023 Operations and Maintenance Budget

*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.*

**2022-11-002 – ESTABLISHING RATES, FEES, AND OTHER CHARGES EFFECTIVE JANUARY 1, 2023**

**a. Amendment to 21 NYCRR 1950.20 Effective January 1, 2023**

*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.*

**2022-11-003 – DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING DISPOSAL THROUGH AUCTION**

*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.*

**2022-11-004 – COMBINED BID FOR 2023 WATER AND WASTEWATER TREATMENT PLANT CHEMICALS**

**a. Chemical Bid W2022-02 Official Tally Sheet**

*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.*

**2022-11-005 – AWARD BID FOR SANITARY SEWER REPAIRS AT 8214 LINDBERGH AND 491 82<sup>ND</sup> STREET**

**a. City Engineering Award Recommendation and Bid Tally**

*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.*

**2022-11-006 – WWTP PROJECT 2 CHANGE ORDER FOR WIRING SEAL WATER FLOW AND PRESSURE SWITCHES INTO VARIABLE FREQUENCY DRIVES**

**a. CIR Change Order Proposal dated October 19, 2022**

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

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

*Motion carried, 5-0.*

**2022-11-007 – CHANGE ORDER FOR WWTP HVAC AND DUCTWORK CONTRACT TO REPLACE DECAYED DUCT DISCOVERED DURING CONSTRUCTION**

**a. Danforth Change Order Proposal dated November 4, 2022**

*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.*

**13. 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.
- 11/10/22: The communications pipe was removed and wires were re-routed; paint ordered; carpet ordered.

**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.
- 11/10/22: We are waiting on approval to use Phase II grant funds for this project.

**3) Whitney Ave. Water Main Replacement**

- 9/22/22: Design documents to be submitted to DOH for approval by 10/1.
- 11/10/22: Waiting for DOH approval.

**4) 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.

**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.

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

- 11/9/22: R. DeFranco is gathering information on controls currently in place in order to develop appropriate recommendations for improvements.

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

**15. Executive Session (if needed)**

*Motion by Board Member Larkin and seconded by Board Member Asklar to enter into Executive Session to discuss employment of a particular individual at 6:19 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 Leffler to exit executive session at 6:24 p.m., approved by unanimous voice vote.*



**16. Adjournment of Meeting**

*Motion by Board Member Larkin and seconded by Board Member Asklar to adjourn the meeting at 6:25 p.m.*

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

*Motion carried, 5-0.*