



MINUTES

Annual Business Meeting of the Niagara Falls Water Board March 27, 2023 at 5:00 p.m.

Water Treatment Plant Conference Room
5815 Buffalo Avenue, Niagara Falls New York 14304

Meeting may be attended in person
or via videoconference – visit NFWB.org for details.

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*

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*

Forster (Chairman) *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).

c. Comments from Chairman Forster

Chairman Forster asked that the Board enter into executive session to discuss matters leading to the appointment, employment, promotion, demotion, or removal of particular persons.

Motion by Board Member Larkin and seconded by Board Member Asklar to enter into Executive Session at 5:02 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 exit Executive Session at 6:02 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

i. 2023 Budgeted Expenses - Expenditures of User Rates, Fees, and Charges Less Debt Service

d. Presentations (none scheduled for this meeting – presentation noted was delivered at March 20, 2023 work session)

**i. Discussion of 2022 Audit –
The Bonadio Group, Randall R. Shepard, CPA**

Mr. Costello states that the audit is not in this packet because it is not finalized and ready for approval. Final information from the actuary is anticipated this week.

The Board directed Mr. Costello to provide public notice of a special meeting to approve the audit on Friday, March 31, 2023 at 1:00 p.m.

e. Letters and Communications

i. 2023-02-13 – COVID Wastewater Surveillance Update Memorandum

f. Prior Meeting Minutes

i. Draft February 27, 2023 Meeting Minutes

Motion by Board Member Larkin and seconded by Board Member Kimble to approve the February 27, 2023 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)**

Dr. Zehraoui provided an overview on last week's meetings in Albany regarding funding for plant conversion. He explains that all parties who received the presentation were interested and sympathetic to the NFWB's request, and overall, it was a very successful trip. The DEC Deputy Commissioner suggested that for maximum funding the project will need to be done in segments, and Dr. Zehraoui explains that we will have to work closely with the State on this project. There will be a meeting including NFWB consultants on March 29 to discuss next steps.

3. System Infrastructure and Operations – Russell DeFranco

Mr. DeFranco received a quote from Stanley for plantwide security coverage, though he does not think the scope of work reflected by the quote is necessary. He suggests only addressing critical infrastructure needs and will likely cut down the quote by 2/3 when he meets with Stanley next week.

Mr. DeFranco adds that they are working with Lucity to clean up work orders and purchase orders, with the goal of increasing utility and utilization of that system.

4. Outside Infrastructure Updates – Michael Eagler

Mr. Eagler noted that the 18th Street water main replacement project's street cutting is done, fittings and pipe will be delivered over the next two weeks and digging will begin on March 30. Estimated completion is end of June or beginning of July.

The DOH has approved the plans for the Whitney Avenue water main replacement, and the current schedule is to put the project out for bid in early April, with the bid award at the May meeting.

Plans for the 77th Street water main replacement will be submitted to the DOH this week.

There is a resolution on this month's Board agenda to develop plans for replacement of the water main on West Rivershore. If it passes, the bid for the project is anticipated to be ready for Board approval by October.

The City is resurfacing Military Road, and the Water Board is going to bid out the replacement of two water mains, one of four inches and one of six inches. Those two mains will be replaced with a single eight-inch main. Completing this project in conjunction with the City's work is beneficial to the NFWB because it will not have to pay for pavement restoration.

There will be a bid opening for a manhole saw cutter on April 11. This will cut a perfect circle to speed manhole removal and replacement, and be beneficial because there are several hazardous manholes, especially on Niagara Falls Blvd., that need replacement. One crew will be able to cut, and second crew will be right behind them to replace. He also added, the NFWB will not have to pay the cost of blacktop as the City will complete that work using State money.

Rules and regulations are starting to be more strictly enforced. Vacant properties are now shut down immediately. In the past week and a half, 14 properties have been shut down; three were shut down for not responding after being tagged for shutoff because crews were unable to read the meter.

Mr. Eagler went for a tour with Dan Seider from Arcadis for the LaSalle abatement project, inspecting the sewer shed. Chairman Forster asks Mr. Eagler to touch on a smoke test memo that was sent out. Mr. Eagler states that this is being handled by Arcadis, and NFWB has had a limited role. He explains that they will go into the middle of the street and introduce smoke into the main, and if smoke comes out of certain places, that is how they know there is an issues with a lateral or the main itself. Mr. Eagler believes its Arcadis' role to inform homeowners in the area.

5. Engineering – Douglas Williamson

6. Personnel Items – John Accardo

a. March 27, 2023 Personnel Actions

Motion by Board Member Larkin and seconded by Board Member Asklar to approve the March 27, 2023 Personnel Actions.

Asklar Y Forster Y Kimble Y Larkin Y Leffler Y

Motion carried, 5-0

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

8. Finance – Brian Majchrowicz

Mr. Majchrowicz states that he spoke with our auditor and will have final audit reports by Thursday.

- a. Key Bank and Bank on Buffalo Balance Report
- b. Wilmington Trust Balance Report
- c. Treasury Account Balance Report
- e. February 2023 Capital Payments

9. Questions Regarding February 2023 Operations and Maintenance Report

10. Safety – John Accardo

11. General Counsel and Secretary – Sean Costello

12. From the Chairman

Chairman Forster states that he took a tour at the Gorge Pump Station last week and he commends the overall progress made with working conditions, safety, and rehabilitation and preservation of the tunnel.

13. Resolutions

2023-03-001 – ELECTION OF OFFICERS

Motion by Board Member Larkin and seconded by Board Member Leffler to approve the officers nominated as follows: Nicholas Forster for Chairman, Colleen Larkin for Vice-Chairperson, Michael Asklar for Treasurer, and Sean Costello for Secretary.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

Chairman Forster thanks his fellow Board Members for supporting him as Chair, and appreciates the entire staff for working as a team to follow through on directives, policies and procedures.

2023-03-002 – FINANCE AND AUDIT COMMITTEE MEMBERSHIP AND MEETINGS

Motion by Board Member Larkin and seconded by Board Member Leffler to approve the nomination of Michael Asklar as Chairperson of the Finance and Audit Committee.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

2023-03-003 – GOVERNANCE COMMITTEE MEMBERSHIP AND MEETINGS

Motion by Board Member Leffler and seconded by Board Member Asklar to approve the nomination of Colleen Larkin as Chairperson of the Governance Committee.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

2023-03-004 – EXECUTIVE STAFF REVIEW COMMITTEE CHAIRPERSON

Motion by Board Member Leffler and seconded by Board Member Asklar to approve the nomination of Colleen Larkin as Chairperson of the Executive Staff Review Committee.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.

2023-03-005 – CLARIFYING BY-LAWS REGARDING OFFICER TERMS

- a. Current By-Laws, Code of Ethics, and Code of Conduct**

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.

***2023-03-06 – APPROVING AND ACCEPTING INDEPENDENT AUDIT AND INVESTMENT REPORTS**

- a. Niagara Falls Water Board 2022 Financial Statement (Draft)
- b. NFWB Investment Compliance Report (Draft)
- c. NFWB Management Letter (Draft)
- d. NFWB Required Communications Letter (Draft)

***Note: Omitted from packet – although otherwise complete, audit cannot be certified until GASB Statement 75 analysis returned by actuary.**

2023-03-007 – AUTHORIZING PROCUREMENT OF MAIN PUMP VARIABLE FREQUENCY DRIVE

- a. 2023-03-14 – Rexel Quote for Main Pump Variable Frequency Drive
- b. 2023-01-09 - Rexel Sole Source Letter for Allen-Bradley VFDs

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.

2023-03-008 - ACCEPTING PROPOSAL FOR WWTP LOCAL LIMITS REEVALUATION

- a. 2023-03-13 – AECOM Proposal for Local Limits Reevaluation

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.

2023-03-009 – EXTENSION OF AGREEMENT WITH RATE CONSULTANT

- a. 2023-02-24 – Drescher and Malecki Rate Consultant Extension Proposal

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.

2023-03-010 – EXTENDING AGREEMENT WITH CONSULTING ENGINEER

a. 2023-02-27 – AECOM Consulting Engineer Extension Proposal

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.

2023-03-011 – AWARD OF THE HIGH VOLTAGE, SWITCHGEAR INSPECTION, AND EMERGENCY WORK CONTRACT

a. Award Recommendation and Bid Tabulation - High-Voltage, Switchgear, and Emergency Electrical

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.

2023-03-012 – AWARD BID FOR IN-PLANT MECHANICAL MAINTENANCE

a. Award Recommendation and Bid Tabulation - In Plant Mechanical Maintenance

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

Asklar __N__ Forster __N__ Kimble __N__ Larkin __N__ Leffler __N__

Motion defeated, 0-5.

2023-03-013 – AWARD BID FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES

a. Award Recommendation and Bid Tabulation - HVAC Services

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

Asklar __N__ Forster __N__ Kimble __N__ Larkin __N__ Leffler __N__

Motion defeated, 0-5.

2023-03-014 – ACCEPTING CPL PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR WEST RIVERSHORE DRIVE WATERMAIN REPLACEMENT

- a. **2023-03-02 - CPL Proposal for Engineering Services - West Rivershore Drive Watermain Replacement**

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.

2023-03-015 – ACCEPTING CPL PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR BEECH AVENUE WATER STORAGE TANK DEMOLITION

- a. **2023-03-02 - CPL Proposal for Engineering Services – Beech Avenue Water Storage Tank Demolition**

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.

2023-03-016 – PROCUREMENT OF DOORS FOR GORGE PUMPING STATION

- a. **2023-03-14 - Door Specialties Inc. Quote for Gorge Pump Station Doors**

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.

2023-03-017 – CLEANING AND INSPECTION OF CHLORINE SCRUBBER

- a. **2023-03-06 - Applied Inspection Services Quotation**

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.

14. Unfinished/Old Business

1) 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.
- 1/19/23: CPL revising memorandum regarding Phase II projects for re-submission to DEC.
- 2/23/23: CPL working to revise projects to include more in Phase I, which impacts funds available and projects to be included for Phase II.

2) 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.
- 1/19/23: Waiting for DOH reply to comment response letter.
- 2/8/23: Received DOH approval, now preparing bid documents for project, anticipated documents available late March.

3) 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.
- 9/22/22: Brush hog delivered, Outside Maintenance has used it to clear along the fence line.
- 11/10/22: Obtaining quotes related to fence and other security needs, meeting OGS-listed contractor 11/17.
- 1/19/23: Project to be attempted in Spring with outside maintenance installing posts.
- 2/23/23: South side fence break repairs in progress. Ground elevation improvements and security wire on top of south side fence scheduled for Spring when ground has hardened.

- 3/13/23: Soft ground conditions, will complete above work when possible. Also will use fill already on the property to widen the driveway around the freeze-thaw beds.

15. New Business & Additional Items for Discussion

Board Member Asklar questions whether there are any updates to the shutoff program that was brought up at the previous meeting. Mr. Majchrowicz states that it is recommended, and he will provide the Board with numbers including how many accounts would be included under the program terms.

16. Executive Session (if needed)

Conducted earlier in the meeting.

17. Adjournment of Meeting

Motion by Board Member Larkin and seconded by Board Member Leffler to adjourn the meeting at 6:41 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.