



MINUTES

Business Meeting of the Niagara Falls Water Board May 22, 2023 at 5:00 p.m.

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

**Meeting could be attended in person
or via videoconference.**

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 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). Public comments on the Water Board's 2022-2023 Stormwater Management Draft Annual Report also will be accepted during this public comment period.**

Gary DiLaura of 7605 West Rivershore Drive spoke of his concerns about the water main and sewer on West Rivershore Drive. His water line dead ends and he has had issues with discolored water for 40 years. There have been multiple attempts to remedy this, but no permanent solutions have been implemented. The City was supposed to make corrective

measures the next time the streets were opened, but it was not resolved. Mr. DiLaura paid for a 1” tap to be installed off the main, but the first time the street was opened they installed a 5/8”, and the second time a 3/4” was installed, resulting in low water pressure. His suggestion is to have a meeting between the City, NFWB, and the residents with problem sewer laterals that damage the water main and street, and urge the residents to purchase insurance to cover it, otherwise the city will bill them to fix it.

Chairman Forster stated the Board is willing to meet with the City and residents to discuss a solution and gave Mr. DiLaura his contact information. Mr. DiLaura stated he will contact the City and get back to the Board.

i. Public Notice for Comments on Draft Stormwater Management Annual Report

No public comments on the Draft Stormwater Management Annual Report.

c. Comments from Chairman Forster

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

Budgeted Expenses are now available on the NFWB website and have been added to the monthly Board meeting agenda. Chairman Forster stated a chart tracking the cost of Union release also will be added to the website and the Board meeting packet.

d. Presentations (none scheduled)

e. Letters and Communications

i. 2023-05-18 – COVID Wastewater Surveillance Update Memorandum

f. Prior Meeting Minutes

i. Draft April 24, 2023 Meeting Minutes

Motion by Board Member Larkin and seconded by Board Member Leffler to approve the April 24, 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)**

The team is working on plant conversion financing applications for \$20 million.

The \$3 million grant application for intermediate pump project was returned from DEC asking for more information.

Met with AECOM on plant conversion planning.

Met with NYPA on solar panels.

Working on Risk Management Plan.

Working on Non-Revenue Water issues – research, data calculation errors, possible leak detection RFP.

Freeze-thaw bed 1 is being emptied using Modern Disposal. Waiting for approvals to send backflush water to WWTP through the sanitary sewer.

Intermediate pump issues were repaired, pump 1 is down.

3. System Infrastructure and Operations – Russell DeFranco

Mr. DeFranco stated that moving forward, a direct drive or VFD will be considered for the Intermediate Pumps. Direct drive is more expensive, but has a life expectancy of 25-30 years, versus a VFD which is about 12 years.

Our outdated intermediate pumps are original to the plant, and finding vendors to service them has been an obstacle. However, sanitary engineer Clayton Hotchkiss found a vendor that deals with them, and they are currently running smoothly. The current focus is on switching out the valve on pump 1 and changing the controls.

After further research, IT has found it feasible to continue working with Lucity by transferring data over to a new server. Starting over with a new program is cost prohibitive, and New World, which was mentioned at the last Business Meeting, does not offer all the features we need. Board member Larkin requested a project plan with issues, solutions, options, training, etc. Jonathan Joyce spoke further on this topic under item number 7.

4. Outside Infrastructure Updates – Michael Eagler

The 18th Street project is complete. Restoration will start taking place this week. Four new blue hydrants were installed. NFFD Chief Pedulla expressed gratitude for the new hydrants.

A water tank was delivered today and will be utilized on Fairfield Ave. to reduce dust. The Fairfield Ave. job will be finished this week.

Manhole cutter was ordered, 12-14 weeks lead time.

5. Engineering – Douglas Williamson

a. Draft 2022-2023 Stormwater Annual Report

Today was the deadline for public comments on the 2022-2023 Stormwater Annual Report. It will be certified and submitted to the DEC this week. This report states that in 2022, NFWB cleaned 1,299 catch basins and 65 miles of sewer pipe, and inspected all 96 stormwater outfalls.

Mr. Williamson calculated Town of Niagara spring flow total averages, which are currently double the previous year's average. The Town of Niagara has been notified.

Chairman Forster asked about progress on the RFP for the WTP roof. Jay Meyers from CPL stated the contract is ready and will be put out next week. Seth Krull, also from CPL, added that there may be grant money available, application is due in July.

Mr. Meyers stated CPL received proposals from Danforth to pull out the valve on Intermediate Pump 1 for replacement. The RFP for the rehab of the other Intermediate Pumps was given to Mr. Williamson on Friday. \$3 million in grant funds have been designated for this project, just waiting for DEC approval.

6. Personnel Items – David San Lorenzo

a. May 22, 2023 Personnel Actions

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

Motion by Board Member Larkin and seconded by Board Member Leffler to enter into Executive Session at 5:46 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 6:11 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 the May 22, 2023 Personnel Actions.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0

Mr. San Lorenzo stated Line 2, Temporary Summer Help (Intern) Mechanical Engineering, was added in place of hiring a full-time engineer. He will attempt to hire an intern from Niagara University, University at Buffalo, or Buffalo State.

7. Information Technology (IT) – Dr. Abderrahman Zehraoui and Jonathan Joyce

Mr. Joyce reiterated that it is not cost effective or feasible to switch to from Lucity to New World or another program, and it will be best to continue working with Lucity. One obstacle is that Lucity is on our Microsoft 2012 server, which will be discontinued later this year. Once the server is upgraded, the data can be migrated. We will have two new features with Lucity on the new server, document storage and a mobile tablet. The biggest focus once the data is in place is training. Training for both administrators and users will be essential so that Lucity does not get neglected. The WTP Conference Room will be used for hands-on training, and employees can practice using the mobile device. Previously, users would have to take notes and go back to their computers to input data. With a tablet, they will be able to efficiently input data wherever work is being conducted. Costs will be incurred for a new server and Lucity training.

IT has been working on a wireless network, which will be necessary for the Lucity project, wireless printing, etc. There is an obstacle with all the concrete and water in our buildings, so Wi-Fi will be in strategic locations.

All our current servers will be migrated from Microsoft 2012 to 2022. IT is also testing the new OS, Windows 11.

IT will be going live with the VPN for two-factor authentication. The last step is to get key chain tokens with one-time access codes for users. Once complete, we will be compliant with our security vendor for insurance.

IT is working towards switching from Verizon to Spectrum for phones, which will be a significant cost savings. Monthly costs will be reduced from \$3,700 to \$250, though there will be some upfront costs, and Spectrum will be a 3-year contract. Once complete, they will also be rolling out speakers for overhead paging and Wi-Fi simultaneously. Text alerts will become available, and call flow will be redesigned.

8. Finance – Brian Majchrowicz

- a. Shutoff Program Update**
- b. Revenue Budget Performance Report through 4/30/2023**

- c. Sewer Fund Expense Budget Performance Report through 4/30/2023
- c. Water Fund Expense Budget Performance Report through 4/30/2023
- d. Board Fund Expense Budget Performance Report through 4/30/2023
- e. Key Bank and Bank on Buffalo Balance Report
- f. Wilmington Trust Balance Report
- g. Treasury Account Balance Report
- h. Budget Amendments Report
- i. Capital Payments

Mr. Majchrowicz recommends a higher shutoff threshold of \$2,000 due to economic turmoil. Chairman Forster is in favor of a higher threshold, but the Board requested more information about the unpaid bills that roll onto property owner's taxes, and then are paid to us by the City. The payout is received in a lump sum, with no breakdown of where it comes from. Chairman Forster asked Mr. Majchrowicz to prepare an agenda with items that need to be addressed, and NFWB will plan to meet with City administration.

A resolution is not needed to increase this threshold for the shutoff program, and all Board members expressed their support for the change.

9. Questions Regarding April 2023 Operations and Maintenance Report

10. Safety – John Accardo

- a. Fire Department and PERMA Inspections
- b. Red Cross Training on AED Defibrillators

PERMA did their annual inspection last week and completed it quicker than anticipated. The report has not been received yet.

Mr. Accardo would like to implement CPR and AED training from the NFFD. He would like to have someone from each department certified, all Board members agree.

11. General Counsel and Secretary – Sean Costello

Mr. Costello provided a brief overview of the NFWB's meeting with the DEC and EFC on April 26 for WWTP conversion. He stated it was a positive meeting, with discussion on funding and technical issues that need to be resolved to move forward. One concern is that certain treatment processes will be offline during construction, for possibly 1.5 years, so we would be an enhanced primary treatment plant, but not have secondary treatment. Funding sources are also a concern, as there is no large lump sum available. However, the DEC and EFC both expressed positivity and willingness to work with us to find this funding. There is a resolution on today's agenda for the board to vote on a \$20 million, 0% interest hardship loan from the EFC, intended for plant conversion design. It is essential that we apply for this loan to stay on track, as the money may not be available next year. There is no cost to apply for the

loan, and there is no obligation to utilize the money, but it does show the DEC and EFC the NFWB's commitment to plant conversion.

There is an upcoming meeting for plant conversion on June 6th with Governor Hochul's regional representative.

12. From the Chairman

13. Resolutions

2023-05-001 – AUTHORIZING EXECUTION OF ENGINEERING PLANNING GRANT AGREEMENT FOR LASALLE SANITARY SEWER EVALUATION SURVEY 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.

2023-05-002 – WWTP PROJECT 3 CHANGE ORDERS FOR POLYMER SYSTEM INSTRUMENTS AND BELT FILTER PRESS DRIVE MOTORS

- a. Summary of Project 3 Change Orders
- b. Project 3 Change Order 3-EC-002
- c. Project 3 Change Order 3-GC-002

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.

2023-05-003 – AMENDMENT TO WWTP PROJECT 3 ENGINEERING SERVICES AGREEMENT

- a. Arcadis Project 3 Engineering Agreement Amendment Request

Mr. Costello noted that after meetings between Arcadis, NFWB staff, and CPL to discuss completion of Project 3, all three parties worked together to eliminate the need for further services from Arcadis. Accordingly, the Board did not act on this resolution.

2023-05-004 – AUTHORIZING APPLICATION TO ENVIRONMENTAL FACILITIES CORPORATION FOR BIPARTISAN INFRASTRUCTURE LAW FINANCING TO BE USED FOR WASTEWATER TREATMENT PLANT BIOLOGICAL CONVERSION WORK AND SEQR TYPE II DETERMINATION

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.

2023-05-005 – EMERGENCY SEWER REPAIR AT 1138 FAIRFIELD AVENUE

- a. Cerrone Invoice for April 2023 Emergency Sewer Repair at 1138 Fairfield Avenue**

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).
- 5/16/23: DEC comments on proposed allocation of grant funds received.

Now that previous projects are complete, the leftover dollar amounts can be finalized and used towards this project. The DEC requested more information, and Seth Krull from CPL is working on a spreadsheet to send back. RFP will then be sent out once this is complete.

2) Whitney Ave. Water Main Replacement

- 5/9/2023: Bid released April 24. Contractors have submitted questions and requested an extension of the bid due date. An addendum is necessary to secure competitive bids has been issued extending the bid deadline to May 31, for award at the June 2023 Board meeting.

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.
- 5/17/23: Ground elevation correction work to be scheduled soon.

Topsoil to build up elevation was to come from Sal Maglie stadium, but it is no longer available. Currently we do not have enough soil to proceed, so the project is taking longer than expected.

15. New Business & Additional Items for Discussion

16. Executive Session (if needed)

Conducted earlier in the meeting.

17. Adjournment of Meeting

Motion by Board Member Larkin and seconded by Board Member Asklar to adjourn the meeting at 7:10 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 5-0.