



MINUTES

Business Meeting of the Niagara Falls Water Board November 20, 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

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.) Absent

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

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

d. Presentations

i. Drescher & Malecki LLP, Rate Consultants

1. Debt Service Coverage Presentation Slides

Charles Trottier and Matt Montalbo from Drescher & Malecki LLP presented their Financial Projections and User Rates slideshow. As rate consultant their firm provides independent cash flow estimates, to determine the revenue sufficient to meet the Board's Rate Covenant (debt-service coverage ratio of 1.15). Assumptions are based on historical trends and audited financial data, the most current available information provided through discussions with Board Management, year-to-date budget to actual reports per the financial software, and other information obtained from the NYS retirement system, health insurance publications, etc.

Based on the results of their financial projection model, Drescher & Malecki states the Board should achieve a 1.40 debt ratio on its O&M budget with a 1.0% rate increase in 2024.

e. Letters and Communications

i. 2023-11-07 – COVID Wastewater Surveillance Update Memorandum

f. Prior Meeting Minutes

i. Draft October 23, 2023 Meeting Minutes

Motion by Board Member Larkin and seconded by Board Member Asklar to approve the October 23, 2023 meeting minutes.

Asklar Y Forster Y Kimble Y Larkin Y Leffler Absent

Motion carried, 4-0.

2. Acting Executive Director – Michael Eagler

- a. WWTP Project Budget Tracker (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**
- c. Financial Award Summary (CPL)**

Mr. Eagler stated that the protective sliding window for the front office will be installed next week.

3. Operations Executive – David Conti

Chairman Forster welcomed Mr. Conti to the Niagara Falls Water Board.

4. Inside Infrastructure and Operations – Russell DeFranco

Mr. DeFranco was absent.

5. Outside Infrastructure Updates – Cortez Bradberry

Mr. Bradberry stated he has no updates.

6. Engineering – Douglas Williamson

Mr. Williamson stated an IDIQ bid for mechanical services in 2024 at various NFWB facilities is being issued tomorrow. The bid opening will be December 7, 2023.

7. Personnel Items – David San Lorenzo

- a. November 20, 2023 Personnel Actions
- b. Union Time Off Year to Date

Motion by Board Member Asklar and seconded by Board Member Larkin to approve the November 20, 2023 Personnel Actions.

Asklar Y Forster Y Kimble Y Larkin Y Leffler Absent

Motion carried, 4-0

8. Information Technology (IT) – Clayton Hotchkiss

Mr. Hotchkiss stated IT installed the Dark Trace cyber security monitoring system, which will monitor traffic at the Water Treatment Plant. In two weeks, they will go over results with the vendor and see if there are any improvements that can be made.

9. Finance – Brian Majchrowicz

Mr. Majchrowicz was absent. Chairman Forster stated he spoke to Mr. Majchrowicz about the Water Board's request to Bank on Buffalo for accepting credit card payments from ratepayers. He stated Bank on Buffalo offered a fee \$2.99 for the first \$700 paid, which is lower than the previous offer of \$3.99. The Board Members agreed that this fee is acceptable and will be revisited in 6-8 months.

- a. Proposed 2024 Budget Overview
- b. Credit Card Payment Update
- c. Shutoff Program Update
- d. Revenue Budget Performance Report through 10/31/2023
- e. Sewer Fund Expense Budget Performance Report through 10/31/2023
- c. Water Fund Expense Budget Performance Report through 10/31/2023
- d. Board Fund Expense Budget Performance Report through 10/31/2023
- 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

10. Questions Regarding October 2023 Operations and Maintenance Report

11. Safety – John Accardo

Mr. Accardo stated there will be mandatory Workplace Violence Training held in the Water Treatment Plant Conference room on December 4th.

12. General Counsel and Secretary – Sean Costello

Mr. Costello was absent.

13. From the Chairman

14. Resolutions

2023-11-001 - PROJECT 1 CHANGE ORDER FOR ADDITION OF SAFETY RAILINGS

a. Proposed Project 1 Change Order to Add Safety Railings

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Absent__

Motion carried, 4-0.

2023-11-002 – ADOPTING 2024 BUDGET

a. Proposed 2024 NFWB Budget

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Absent__

Motion carried, 4-0.

Chairman Forster thanked the employees of the Niagara Falls Water Board for working hard every day to make the company a better place. He also thanked the staff for tightening the budget where necessary, and for the hard work put into the 2024 Budget by Director of Finance Brian Majchrowicz, Chairman of Finance Michael Askler, and Acting Executive Director Michael Eagler, helping lead to a 0% rate increase for 2024. The Water Board will continue all efforts to save money in the upcoming year, like working with the City of Niagara Falls on outside projects when possible and hiring skilled workers from the Unions instead of outside contractors.

Chairman Forster also stated we should not lose sight of the fact that the Water Board is in dire need of wastewater plant conversion. We have the oldest and largest carbon plant in the country. It is very important that we continue to work with local and state officials to help acquire the funds for plant conversion.

W2023-11-003 -115kV TRANSFORMER T-1 REPAIRS AT WWTP

Motion to waive the agenda deadline policy in order to consider the resolution by Board Member Larkin and seconded by Board Member Kimble.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Absent__

Motion carried, 4-0.

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

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Absent__

Motion carried, 4-0.

15. 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.
- 7/14/23: Resolution for engineering services in work session packet.
- 9/15/23: Contract amendment for work needs to be prepared.
- 10/19/23: Contract amendment has been sent to AECOM for execution.
- 11/9/23: Contract amendment is fully executed, AECOM work underway.

16. New Business & Additional Items for Discussion

17. 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)).

18. Adjournment of Meeting

Motion by Board Member Larkin and seconded by Board Member Asklar to adjourn the meeting at 5:39 p.m.

Asklar Y Forster Y Kimble Y Larkin Y Leffler Absent

Motion carried, 4-0.

DRAFT