



## MINUTES

### Business Meeting of the Niagara Falls Water Board January 22, 2024 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.) *Arrived at 5:01 pm*

Leffler (Board Member/Member Exec. Staff Review Cmte.) *Present*

*Chairman Forster asked that the Board enter into executive session to for the purpose of considering matters leading to the appointment, employment, promotion, demotion, or removal of particular persons and regarding employment of a particular corporation (Public Officers Law § 105(f)) and collective bargaining negotiations (Public Officers Law § 105(3)).*

*Motion by Board Member Larkin and seconded by Board Member Leffler to enter into Executive Session at 5:03 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 6:11 p.m.*

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

*Motion carried, 5-0.*

- 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).**

*Mr. Costello noted that Jimmy Carminati, project manager with Waterbourne Construction and Aron Faegre, architect, were present via Zoom in case the Board wished them to speak on the resolution for U.S. Leasco / Rainbow Air project.*

- c. Comments from Chairman Forster**

- i. 2024 Budgeted Expenses - Expenditures of User Rates, Fees, and Charges Less Debt Service**

- d. Presentations (none scheduled)**

- e. Letters and Communications**

- i. 2024-01-08 – EFC Correspondence Regarding Eligibility for Bipartisan Infrastructure Law (“BIL”) Funding for Clean Water State Revolving Fund (“CWSRF”) Project No. C9-6603-14-00, Wastewater Treatment Plant Improvements**
- ii. 2024-01-08 – EFC Correspondence Regarding Eligibility for BIL Funding for CWSRF Project No. C9-6603-15-00, Wastewater Treatment Plant Reconstruction**
- iii. 2024-01-08 – EFC Correspondence Regarding Eligibility for BIL Funding for CWSRF Project No. C9-6603-15-01, Wastewater Treatment Plant Reconstruction**
- iv. 2024-01-08 – EFC Correspondence Regarding Eligibility for BIL Funding for CWSRF Project No. C9-6603-16-00, 2022 Sewer System Improvements**

**f. Prior Meeting Minutes**

**i. Draft December 18, 2023 Meeting Minutes**

*Motion by Board Member Asklar and seconded by Board Member Leffler to approve the December 18, 2023 meeting minutes.*

*Asklar   Y   Forster   Y   Kimble   Y   Larkin   Y   Leffler   Y*

*Motion carried, 5-0.*

**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 he was delivering Mr. Bradberry's report in his absence. With the recent cold snap, there have been several water main breaks, with more expected when the ground thaws. On one recent day, there were two 8" main breaks outside of normal working hours, resulting in substantial overtime.*

**3. Operations Executive – David Conti**

*Mr. Conti stated that an issue arose with one of the WTP track vacuums earlier in the day, which Operations and Maintenance staff are working to address as quickly as possible.*

**4. Outside Infrastructure Updates – Cortez Bradberry**

*Mr. Bradberry was absent.*

**5. Engineering – Douglas Williamson**

*Mr. Williamson has re-advertised the bid for in-plant mechanical maintenance services, placing the invitation to bid in more places. This time, two bids were received. He also noted that a pre-proposal meeting for capital project engineering services was conducted on January 17, due to weather conditions that day an additional date will be scheduled. Several engineering firms have expressed interest in submitting proposals.*

**6. Personnel Items – David San Lorenzo**

*Mr. San Lorenzo noted that Civil Service has considered a proposed Technology Associate title, which would be an entry-level job to assist IT.*

**d. January 22, 2024 Personnel Actions**

*Motion by Board Member Larkin and seconded by Board Member Leffler to amend the January 22, 2024 Personnel Actions sheet to (a) grant all Executive Staff 20 days of Paid Time Off with the exception of any staff currently under contract; and (2) to amend the monthly stipend paid to Michael S. Eagler, Sr., for service as Acting Executive Director in addition to his hourly rate to provide for a monthly stipend equal to \$3,100.*

*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 January 22, 2024 Personnel Actions as amended.*

*Asklar   Y   Forster   Y   Kimble   Y   Larkin   Y   Leffler   Y*

*Motion carried, 5-0.*

- a. December 2023 Retiring Employee Accrual Payment Reports**
- b. 2023 Total - Union Time Paid by Water Board**

**7. Information Technology (IT) –Jonathan Joyce**

*Mr. Joyce reported that CISA now is scanning our system for vulnerabilities, and the NFWB also is using Darktrace for cyber security. An upcoming project is to install a cellular failover for the Gorge Pump Station, so if the network goes down, WWTP Operations still can monitor the GPS remotely.*

**8. Finance – Brian Majchrowicz**

- a. PILOT and Retirement System Payments**
- b. Town of Niagara Update**
- c. Key Bank and Bank on Buffalo Balance Report**
- d. Wilmington Trust Balance Report**
- e. Treasury Account Balance Report**
- f. Capital Payments**

*The Finance Department will be sending out the PILOT payment to the City of Niagara Falls, in the amount of \$700,000, later this week. It also will send out a \$632,000 payment to the State Retirement System prior to the February 1 due date for that payment.*

*Mr. Majchrowicz received correspondence from Town of Niagara Supervisor Sylvia Virtuoso stating that the Town's outstanding balance will be paid this week.*

*Chairman Forster inquired about final numbers for the 2023 budget. He expects the budget to be in good shape because sodium hypochlorite usage was less than anticipated.*

**9. Questions Regarding December 2023 Operations and Maintenance Report**

**10. Safety – John Accardo**

*Per the Board's directive, Mr. Accardo has obtained two proposals for staff leadership training and is waiting for a third. He plans to email the proposals received to the Board.*

*25 employees participated in confined space training held in January, and 5 in December, so a total of 30 have received recent confined space training.*

**11. General Counsel and Secretary – Sean Costello**

**12. From the Chairman**

**13. Resolutions**

**2024-01-001 - PROCUREMENT OF FIRE HYDRANTS AND HYMAX  
COUPLINGS**

*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.*

**2024-01-002 - AWARD BID FOR IN-PLANT MECHANICAL MAINTENANCE**

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

*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.*

**2024-01-003 - AGREEMENT AND EASEMENT WITH US LEASCO FOR WATER AND SEWER MAIN RELOCATION**

- a. Agreement for Water and Sewer Facility Relocation**
- b. Easement Agreement**

*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.*

**2024-01-004 - PROJECT 1 CHANGE ORDER FOR WWTP SEDIMENTATION BASIN NO. 2 CATWALK CONCRETE REPAIRS**

- a. 2024-01-09 - Hohl Proposal for Sedimentation Basin No. 2 Catwalk Concrete Repairs**

*Chairman Forster expressed concern about the price of this work, which includes concrete repairs in just one of the sedimentation basins.*

*Jay Meyers from CPL stated the pricing is based on labor unit prices in the contract for the underlying project, and if the change order is not approved it may delay project completion. Basins 3, 4, and 5 did not need repairs to the concrete in the same area, though the elevated plates do remain in those areas. Mr. Meyers was asked when the work will be completed; not until the weather breaks, so there is time. The Board suggested bringing the proposal back next month for further consideration.*

*Motion by Chairman Forster and seconded by Board Member Kimble to table Resolution 2024-01-004.*

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

*Motion to table carried, 5-0.*

**2024-01-005 - CONSULTANT TO REVIEW PAYROLL PROCEDURES**

*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.*

**2024-01-006 - SETTLE NATIONAL FUEL PROPERTY DAMAGE CLAIM –  
501-71ST STREET**

**a. National Fuel v. NFWB Small Claims - 501 - 71st Street**

*Motion by Board Member Kimble 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**

**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 Kimble and seconded by Board Member Leffler to adjourn the meeting at 6:39 p.m.*

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

*Motion carried, 5-0.*