



## MINUTES

### Business Meeting of the Niagara Falls Water Board June 24, 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.) *Present*

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

##### b. Presentations

##### i. Understanding Sewer Surcharge Conditions – Why Water Backs up Into Basements [*Note: Document in Agenda Packet*]

*Mr. Costello explained that the purpose of this presentation is to provide a refresher for the Board and information to interested members of the public regarding why water sometimes backs up into basements in heavy rain or snowmelt conditions. Basically, pipes of a given diameter can only convey a limited amount of water in a given period of time. When the rain comes too fast and the pipes cannot carry it all away at once, the sewers become surcharged. If the water level rises enough, basements can back up. Mr. Eagler and Mr. Conti added additional context regarding NFWB actions in connection with intense rain events.*

**ii. Overview of Medicare Supplement Plan Enrollment for Retirees Over Age 65 [Note: Document in Agenda Packet]**

*Chairman Forster stated prior to the public comment period that the Board had not taken any action relative to the Medicare Supplement plan and it is not an actionable item for the Board at this meeting.*

- c. 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).**

*Scott Jones, 101<sup>st</sup> St., Niagara Falls, spoke about health insurance coverage for NFWB retirees. He worked at the wastewater treatment plant for over 30 years and feels that the Medicare supplemental plan is being forced on retirees and violates the CBA he retired under. Expressed concerns about network and that if the NFWB makes this change, will it make further changes in the future.*

*Trevor Ganshaw, N. Ridge Rd., Lockport, is Vice President of the Niagara/Orleans Central Labor Council, AFL-CIO, and stated he represents all of its affiliates. He regards the retiree health insurance change as an attack on labor.*

*Melinda Smith, Fairway Dr., Niagara Falls, experienced her home's third sewer backup in 12 years and believes there is an issue with the sewer system East of Hyde Park. Her plumber has quoted her \$10,000 for a "quick stop" device that may help. Ms. Smith was advised that the NFWB camera crew will examine the sewer in her area and invite her to view the footage.*

*William Lutey, Ward Rd. & Cayuga Dr., Niagara Falls, worked in outside maintenance for over 32 years. He expressed concerns about prior approval for a medicine he needs and displeasure about the health insurance change.*

*Tim Huether, Ashland Ave., Niagara Falls, is President of the USW 9434 Amalgamated. His reading of Section 10.1 of the CBA requires the Tier I medical plan to stay in effect for the life of the agreement. He questions why the Union would sit down to renegotiate its three contracts with the NFWB if the NFWB does not honor existing language.*

*Dan Lowes, Pasadena Ave., Niagara Falls, objects to the change to retiree healthcare and states the Building Trades will remember this issue at election time.*

**d. Comments from Chairman Forster**

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

**e. Letters and Communications**

- i. 2024-06-13 - FEMA Notification of Payment for December 2022 Snowstorm Costs (\$9,285.37)**
- ii. 2024-06-12 – COVID Wastewater Surveillance Update Memorandum**
- iii. Annual Drinking Water Quality Report for 2023**

**f. Prior Meeting Minutes**

**i. Draft May 20, 2024 Meeting Minutes**

*Motion by Board Member Leffler and seconded by Board Member Larkin to approve the draft May 20, 2024 minutes.*

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

*Motion carried, 5-0.*

**2. Executive Director – Sean Costello**

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

*Mr. Costello explained the proposed “walk on” resolution to award a bid for a sewer repair on Pine Avenue. The defect was discovered when NFWB crews responded to a sinkhole and City Engineering put out the bid on an expedited basis.*

*There is a brief mention of the NFWB in today’s Buffalo News article about PFAS contamination at the Air Base and impacting Cayuga Creek. Our intake is downstream from where Cayuga Creek spills into the little Niagara. This is noted in the article as well as the fact that our drinking water does not exceed EPA or NYS standards. Mr. Costello further noted that NFWB drinking water does not have any PFAS compound at levels which meet or exceed the Maximum Contaminant Level for drinking water. A fact we are very proud of is that drinking water plant has never produced drinking water that has exceeded the Maximum Contaminant Level for any substance.*

**3. Operations Executive – David Conti**

*Mr. Conti discussed scheduled infrared testing at the WWTP. Maintenance staff there replaced a 42” butterfly valve for Intermediate Pump No. 1 starting at 2:00 a.m., a successful operation. Ironworkers are on site at the Gorge Pump Station to replace deteriorated fencing material that encloses the loading dock area, to protect the GPS from unauthorized access and vandalism. Both rapid mix tank propellers at the WWTP fell off their shafts and have been shipped to the supplier to be refurbished.*

**4. Outside Infrastructure Updates – David Conti & Michael Eagler**

**5. Engineering – Douglas Williamson**

*Mr. Williamson noted that his department is beginning to track watermain replacements in the GIS mapping system. Efforts are underway to solve issues related to the concrete walkways at the WWTP sedimentation basins, looking at better/less costly solutions. There were no WWTP SPDES permit violations in May 2024.*

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

- a. **June 24, 2024 Personnel Actions**
- b. **Union Time Paid by Water Board**

*Motion by Board Member Leffler and seconded by Board Member Kimble to approve June 24, 2024 Personnel Actions as set forth on that document.*

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

*Motion carried, 5-0.*

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

*Mr. Joyce stated there are no significant changes since last week's update, and that NFWB systems continue to operate without critical vulnerabilities identified in ongoing DarkTrace and CISA scans.*

**8. Finance – Michael Smith**

- a. **Revenue Budget Performance Report through 5/31/2024**
- b. **Sewer Fund Expense Budget Performance Report through 5/31/2024**
- c. **Water Fund Expense Budget Performance Report through 5/31/2024**
- d. **Board Fund Expense Budget Performance Report through 5/31/2024**
- e. **Key Bank and Bank on Buffalo Balance Report**
- f. **Wilmington Trust Balance Report**
- g. **Treasury Account Balance Report**
- h. **Capital Payments**
- i. **Budget Amendments Report**

*Mr. Smith stated he has been trained as much as possible by Mr. Majchrowicz in the time prior to Mr. Majchrowicz's departure, but still has much work to do.*

**9. Questions Regarding May 2024 Operations and Maintenance Report**

**10. Safety – John Accardo**

*Mr. Accardo noted plans for Emergency Action Plan training and briefly described an incident involving a power surge from National Grid that damaged the Main Pump 3 variable frequency drive. One employee went to Occupational Health, no severe injury.*

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

**12. From the Chairman**

**13. Resolutions**

**2024-06-001 – RENEWAL OF PERMA WORKERS COMPENSATION POLICY**

**a. Workers Compensation Insurance Renewal Proposal**

*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.*

**2024-06-002 – AUTHORIZING PROCUREMENT OF ELECTRIC VEHICLE AND DISPOSAL OF DIESEL SUV**

**a. McGuire Chevrolet 2024 Blazer EV Quote with Trade In**

**b. Information About EV Tax Credit Eligibility for State and Local Governments**

*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.*

**2024-06-003 – PROCUREMENT OF VERKADA HARDWARE AND SERVICES**

- a. 2024-05-20 - Insight Quotation 0227429560 – Hardware
- b. 2024-05-20 - Insight Quotation 0227429576 - Software Licenses

*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.*

**2024-06-004 – AMENDMENT TO EXECUTIVE DIRECTOR’S EMPLOYMENT AGREEMENT**

- a. Draft Amendment No. 2 to Costello Employment Agreement

*Motion by Board Member Leffler and seconded by Board Members Kimble and Larkin to approve.*

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

*Motion carried, 5-0.*

**2024-06-005 – PROCUREMENT OF SET OF IMPELLERS FOR WTP LEAD HIGH LIFT PUMP NO. 2**

- a. 2024-06-20 - Fluid Kinetics Quote for Set of OEM Replacement WTP Lead High-Lift Pump Impellers
- b. 2024-06-19 - Sole Source Letter - Fluid Kinetics as Exclusive Regional Distributor of OEM Floway Pump Products

*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.*

**Anticipated Additional Resolution for June 24 Meeting:**

- i. W-2024-06-006 – AWARD BID FOR COMBINED SEWER MAIN REPAIR ON PINE AVENUE BETWEEN 15<sup>TH</sup> ST. AND TRONOLONE AVE.

Note: Pending bid opening scheduled for June 21, 2024.

*Motion by Board Member Larkin and seconded by Board Member Kimble to waive the agenda deadline policy to consider Resolution W-2024-06-006.*

*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 Resolution W-2024-06-006.*

*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)**

**17. Adjournment of Meeting**

*Motion by Board Member Larkin and seconded by Board Member Asklar to adjourn the meeting at 5:38 p.m.*

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

*Motion carried, 5-0.*