

BOARD OF PUBLIC UTILITIES—Proceedings by Authority

State of New York:

Office of the Board:

City of Jamestown:

Regular meeting of the Board of Public Utilities, City of Jamestown, New York, held **Monday, February 26, 2018** at **4:00 P.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

BOARD MEMBERS:	Present	Absent
Marie Carrubba	X	
Chuck Cornell	X	
Terrance Horner	X	
Maria Jones	X	
Jeffrey A. Lehman, PE	X	
Gregory Rabb	X	
Mayor Samuel Teresi	X	
Ralph Wallace	X	
Martha Zenns	X	
STAFF:		
General Manager, David L. Leathers	X	
Deputy General Manager, Michael Saar, PE	X	
Finance & Customer Accts. Mgr., Kelly Hawkins	X	
Counsel, William Wright	X	
Sec. to the Board, Tammy J. Anderson	X	
Comm. Coordinator, Rebecca Robbins	X	
Transmission & Distribution Mgr., Chris Rodgers	X	
Electrical Engineer, Kris Sellstrom	X	
Associate Power Plant Supervisor, Cory Allen	X	

GENERAL PUBLIC ATTENDEE:

Andrew Liuzzo, 35 Hopkins Avenue, Jamestown, NY.

The media was notified of this meeting and was represented by Dennis Phillips, The Post-Journal.

On motion of Mr. Wallace, seconded by Ms. Carrubba, the minutes of the previous meeting were approved.

There were no comments from the General Public.

#180201 By Mrs. Jones:

Whereas, the Board has been provided with proposed written resolutions prior to this meeting and,

Whereas, each Board Member has been given adequate opportunity to discuss each resolution,

Now, Therefore, Be It

Resolved, that proposed resolutions **#180201A-E** be, and hereby are approved as written.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180201A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending **February 26, 2018** as follows:

ELECTRIC LIGHT FUND	1,460,025.14
WATER RENT FUND	285,061.60
DISTRICT HEATING FUND	112,594.08
WASTEWATER OPERATING FUND	141,972.53
SOLID WASTE OPERATING FUND	86,018.75
Total	\$ 2,085,672.10

itemized copies of such audits to be placed on file in the office of this Board; and be it further

Resolved, that the action of the executive officers of this Board in drawing warrants on the General Fund in **January 2018** to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	231,343.04
Weekly Payroll No. 2	211,806.21
Weekly Payroll No. 3	197,296.24
Weekly Payroll No. 4	196,290.44
EnergyMark LLC	109,410.00
NYPA Purchases	481,146.37
Direct Energy Business Marketing	221,783.00
National Grid – Transmission Costs	236,128.11
Sprague Operating Resources	104,587.09
NYSERDA – ZEC's	74,481.06
United States Post Office - Rome	10,438.37
Mid-American Natural Resources	12,660.00

Crown Energy Services	199,059.00
NYS Sales Tax	65,279.25
Visa Corporate Payment Systems	10,962.51
Invoice Cloud	338.40
Sage Payment Solutions	6,034.25
NYISO	21,900.39
Key Bank	567.38
Total	\$ 2,391,511.11

#180201B:

Resolved, That the bid of Jamestown Electric, Inc., of Jamestown, NY, on BD-05-18 opened February 12, 2018, in the amount of \$272,000 for 8,000 ft. of 500 MCM Copper Power Underground Cable, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue an Electric Division Purchase Order to Jamestown Electric, Inc. for this cable.

Discussion: This bid is valid until March 1, 2018. This was the lowest bid of four received and meets all specifications. The cost for the cable is subject to escalation or de-escalation. The bid price is based on a COMEX copper price of \$3.19/lb. The total purchase cost may change at time of shipment based on the actual COMEX price. This is included in the 2018 Electric T&D Division Capital Budget.

#180201C:

Resolved, That a warrant drawn on the Electric Light Fund to Depository Trust Co., New York, New York, to pay \$21,184.38 for six months interest at 4.125 per centum per annum due February 1, 2018 on \$2,500,000 Serial Electric Bonds is hereby approved and ratified.

Discussion: This is from 2005 for both the original/base CFB Project permitting, planning, engineering costs and also for various infrastructure improvements. Final payment is scheduled to be made in August 2025.

#180201D:

Resolved, That a warrant be drawn on the District Heating Fund to Depository Trust Co., New York, New York for \$50,506.25 to pay principal of \$40,000 and \$10,506.25 for six months interest at 4.0 per centum per annum due February 15, 2018 on \$530,000 Serial District Chilling Bonds is hereby approved and ratified.

Discussion: This is for the BPU Chiller Unit. Final payment is scheduled to be made in February 2025.

#180201E:

Resolved, That the General Manager is hereby authorized to purchase from Altec Industries of Plains, PA, under NJPA Contract #031014-ALT, one 2019 Altec Model AM60 Bucket Truck at a cost of \$234,000 for the Electric Division.

Discussion: The cost includes 2% contingency for potential incidental costs associated with changes that may occur during the final design and approval process. This a replacement for the 2009 Altec L52 bucket truck. The 2009 truck will be sold at auction. This is included in the 2018 Electric Division Budget.

#180202 By Mr. Wallace:

Whereas, Staff has revised the Personnel Policy Manual of the Board of Public Utilities, and

Whereas, The revised Personnel Policy Manual has been reviewed by the BPU Board Personnel Committee and by Board Members,

Now, Therefore, Be It

Resolved, That the Board does hereby approve the Personnel Policy Manual, as presented, and directs staff to implement the policies therein contained.

Discussion: The current revision of the Personnel Policy Manual was approved by the Board in April 2016. The Personnel Policy Manual is intended to be subject to constant review and change, as needed. The revised policy includes numerous changes that have been reviewed in detail by BPU Staff. These changes have also been reviewed by and are recommended by the BPU Board Personnel Committee. Mr. Leathers added that the policy changes were also reviewed by all Board members.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180203 By Ms. Carrubba:

Resolved, that the Board of Public Utilities Roster sheets dated November 16, 1976 as heretofore adopted, amended and continue be, and the same are hereby further amended as follows, subject to the approval of the Civil Service Commission:

Add one (1) Junior Civil Engineer

Discussion: The Junior Civil Engineer position addition represents a succession planning move within the Water Resources Division for a current Mechanical Engineer salaried position replacement. In addition, the BPU salary range for Junior Civil Engineer had been previously modified as follows: the past 'Junior Engineer' positions (for Civil, Mechanical, and Electrical)

with salary range of \$58,464 - \$77,759 were approved in mid-2017 to become a general 'Junior Engineer' position with a salary range of \$41,000 - \$72,500. This position addition has been reviewed by and is recommended for approval by the BPU Board Personnel Committee. Mr. Leathers said this position is a succession planning addition in the water resources division, well in advance of an expected retirement. Mayor Teresi asked if this is a bargaining or non-bargaining position. Mr. Leathers replied that this is a salaried, non-bargaining position. Mr. Horner asked, when the succession happens, does this position go away? Mr. Leathers replied that when the retirement of the mechanical engineer occurs, the mechanical engineer position will be deleted and replaced with this position.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180204 By Mr. Horner:

Whereas, The New York Association of Public Power (NYAPP) is the state service organization representing the interests of 9 municipal and 4 co-operative not-for-profit, publicly-owned electric utilities throughout New York State that collectively serve more than 46% of public power consumers or approximately 450,000 customers in the state, and

Whereas, the Jamestown Board of Public Utilities (JBPU) is a charter member of NYAPP, and

Whereas, NYAPP provides its members with the information, advocacy and strategy support that are essential to succeed in the changing utility marketplace. NYAPP also provides comprehensive legislative and regulatory support on all issues of importance to public power. In addition, NYAPP provides support in these areas through annual contracts with Duncan, Weinberg, Genzer, and Pembroke (DWGP), and SJS Associates, and

Whereas, These NYAPP contracted resources provide technical expertise, direction, guidance, and information that it would be difficult to obtain on our own in a cost effective manner;

Now, Therefore, Be It

Resolved, That the JBPU be and is hereby authorized to continue membership in NYAPP for 12 months starting March 1, 2018, and pay for the proposed contracted engagement of and representation from DWGP and SJS Associates.

Discussion: Unlike JBPU membership with the American Public Power Association (APPA), participation in NYAPP does not include an annual dues payment. The JBPU pays approximately 23.55% of the DWGP association work related to New York Independent System Operator (NYISO), the New York Power Authority (NYPA), special projects, general association support/work, the PSC Reforming the Energy Vision (REV) proceeding and Clean Energy Standard (CES) order, and the NY Transco Project, as well as 31.57% of the SJS Associates NYAPP work for legislative and regulatory support in both NY and Washington, DC.

The estimated NYAPP expenses to be paid by the JBPU for DWGP in the coming year are \$120,000 for NYISO, NYPA, special projects, and general association work. For SJS Associates the annual estimated costs are \$35,000. Throughout the years, JBPU involvement with NYAPP has brought many benefits back to the utility and also to our customers. Mr. Leathers commented that this is an annual resolution for NYAPP and NYAPP consultants. Mayor Teresi asked if the 23.55% is a percentage of the member communities that comprise NYAPP. Mr. Leathers replied yes, this percentage is calculated based on the total number of meters. Mr. Leathers added that SJS Associates is paid in this manner as well.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180205 By Mr. Wallace:

Resolved, That pursuant to the power vested in the Board by Section §C-50.D of the Charter of the City of Jamestown, the Board does hereby authorize that salary ranges of management staff be revised effective January 1, 2018, in accordance with the tables on file at the BPU office, 92 Steele Street, Jamestown, NY.

Discussion: This represents a 2.50% adjustment to the salary ranges in effect from 2017 for all salaried positions. The revision of salary ranges does not impact the current salary of any employee. Individual salaries continue to be set in accordance with the established BPU employee performance evaluation program, which is based solely on merit. This resolution has been reviewed by and is recommended by the BPU Board Personnel Committee. Mr. Leathers explained that this resolution is strictly to move the ranges for our salaried employees. He said that the target merit increase amount for 2018 was reviewed with the Board Personnel Committee and will be reviewed with the Board Finance & Capital Projects and Strategic Planning Committees in March. Mr. Leathers reiterated that this resolution is strictly to adjust salary ranges only, to keep them competitive from a historic and forward-looking basis. Mayor Teresi requested that the list of positions in which the salaries will be adjusted be sent to all board members.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180206 By Mr. Horner:

Resolved, That three-quarters of the members of this Board concur that it is impractical to take bids for the supply of silencers on the construction of a new simple cycle stack at the Samuel A. Carlson Generating Station, and be it further

Resolved, That the action of the General Manager in issuing Change Order No. 1 in the amount of \$172,347 to BD-02-18 to International Chimney, Inc., of Buffalo, NY for these services is hereby approved and ratified.

Discussion: During the bidding process, all three bidders took exception to the design requirement of silencers due to the abbreviated time allowed for the submittal of the Bid. In the interim, International Chimney has modeled and designed new stainless steel silencers that would attenuate the sound to acceptable noise levels. Due to the lengthy lead time to manufacture the new silencers, Staff recommends that International Chimney, Inc. provide the silencers via a change order to keep this project moving forward smoothly and on schedule. This Change Order will increase the scope of previously approved award from \$884,514 to a new amount of \$1,056,861. This is included in the 2018 Electric Division Capital Budget. Mr. Leathers explained that this was anticipated and part of the overall project. The deconstruction/reconstruction of the simple cycle stack will resume in mid-April. The new silencers will be installed toward the end of that project around the end of May or beginning of June. Cory Allen added that the new stainless steel silencers should not corrode. Mayor Teresi asked if the proposal to shorten the height of the stacks had been approved. Mr. Leathers replied, yes, the height proposal change has been approved and the new stacks will be rebuilt at 130'. The shorter stacks are also less expensive.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180207 By Mr. Lehman:

Resolved, That three-quarters of the members of this Board concur that it is impractical to take bids for the supply of Safe-T-Rack remote racking equipment and installation services for the Power Plant Buses B,C,E,F and the 5kV Buses at Newland, Regent, and Steele Street substations, and be it further

Resolved, That the General Manager be, and hereby is authorized to enter into an agreement with Remote Solutions, LCC, to provide these remote racking equipment and installation services in the amount of \$44,225.

Discussion: Remote racking equipment is utilized for employee safety. Traditionally employees would be required to stand in front of switchgear and hand crank circuit breakers in or out of the cubicle either connecting or disconnecting it from an energized bus, which is one of the more dangerous duties the workers perform, due to the potential for equipment failure, the close proximity of employees to the equipment and the directed nature of a potential arc flash. With remote racking equipment, the circuit breaker and some auxiliary carts are installed and removed by a motorized control system operated by the employee from a safe distance. Safe-T-Rack was the only responsive company for providing equipment and installation services. Safe-T-Rack equipment has been installed at other stations, including Dow St., and has been performing well. Since the Safe-T-Rack system is nonproprietary, we can install the same equipment on multiple types of switchgear enabling ease of use for the employees. In addition, since this equipment is modular, staying with the same vendor reduces costs and increased

reliability because some of the more expensive components can be used throughout the system interchangeably. This is included in the 2018 Electric Division Capital Budget.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180208 By Mr. Horner:

Resolved, That three-quarters of the members of this Board concur that it is impractical to take bids for professional services that encompass the recertification of the Continuous Emission Monitoring System (CEMS) analyzers on the gas turbine simple cycle stack, and be it further

Resolved, That the General Manager be, and hereby is authorized to enter into an agreement with O'Brien & Gere of Syracuse, NY, to provide these professional services for a total price not to exceed \$15,600.

Discussion: In accordance with Federal Code Regulations Part 75 CEMS Equipment, the installation of a new simple cycle stack will trigger a recertification of our CEMS equipment on the stack. A recertification involves the proper agency notifications, a real time response test, 7 day calibration test, linearity testing, RATA testing, recertification application package, and monitoring plan modifications through the EPA software program Electronic Emission Monitoring Reporting System (ECMPS). O'Brien and Gere will provide all the proper legal notifications, RATA Testing Protocol and a RATA Compliance Test Report to the NYSDEC. In addition, they will provide consulting services for various other recertification activities and submit the proper QA/QC documentation. O'Brien & Gere has provided emission testing services for the JBPU over the past 10 years and have proven that they offer very competitive pricing for their services. In addition, O'Brien and Gere provided professional services in 2016 to Certify the newly purchased Horiba CEMS equipment installed on the combined and simple cycle stacks. They have an excellent rapport with the NYSDEC Region 9 Office and are noted to produce quality engineering submittals to the regulatory community. In addition, O'Brien & Gere is an Authorized Submittal Agent and consultant to the JBPU's EPA's ECMPS which requires access to our sensitive emission data base. Therefore, based on the above discussion, BPU Staff recommends that O'Brien & Gere provide professional services on recertification of the CEMS equipment on the new simple cycle stack.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180209 By Ms. Zenns:

Resolved, That the bid of Buffalo Industrial Diving Company (BIDCO) Marine Group, Inc. of Buffalo, NY, on BD-06-18 opened February 20, 2018, in the amount of \$99,875, for the supply of labor, materials, equipment, supervision, and technical direction for the removal of existing steel sheet piling wall in Chadakoin River at 86-92 Steele Street, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue an Electric Division Purchase Order to BIDCO Marine Group, Inc. for this work, pending final review of staff and counsel.

Discussion: This was the lowest of the two (2) proposals that were received for the project scope. The scope of work for this project is the removal and disposal of approximately 430 LF of steel sheet piling wall from the Chadakoin River. The BPU staff has performed its bid review. It is the conclusion of BPU staff that BIDCO Marine Group's proposal met the intent of the bidding documents. Furthermore, BIDCO appears to be capable of performing the work based on their references for similar work. BPU Staff recommends that BIDCO Marine Group, Inc. be awarded the contract for the removal of steel sheet piling wall in the Chadakoin River. This project is included in the 2018 Dismantling Fund Budget. Mr. Leathers explained that this resolution is to execute removal of the sheet pilings in the river. He said that our original target to get this work done was late summer/early fall of 2018, primarily because there is a period when work in the river is prohibited due to fish spawning (April through June). BPU Staff was asked by the Riverwalk Management Group to try to complete this project prior to April 1st. After the sheet pilings are removed, there will also be shoreline restoration work and other enhancements to the river and the Riverwalk performed by other groups. Mr. Leathers said that the project cost is in line with what was budgeted out of the dismantling fund. He said that if this resolution is approved, we will work to get this executed prior to April 1st. Ms. Zenns said she was concerned that this bid from BIDCO may be insufficient because their bid amount was considerably less than the other bid, which was over a half-million dollars. Ms. Zenns said she expressed her concern to another individual who is very involved with the river restoration project, and that individual reassured her that this is BIDCO's expertise and we were fortunate that they bid on this project. Ms. Zenns asked why the other bid was so high. Mr. Leathers responded this type of work is in line BIDCO's expertise. Mayor Teresi commented that removing the sheet pilings from the river has been a topic that has been discussed for many years, and he is very pleased to see this project moving forward. He said he feels this will have a positive impact from an aesthetic and riverfront management and development standpoint. He recognized and thanked BPU and DPW Staff for driving this agenda. He said he feels that this will change the landscape and make things better for the community at large. Ms. Carrubba asked if April 1st is feasible to complete this project. Mr. Leathers said he will be meeting with BPU Staff on February 27th to review this project and all of the details associated with it to ensure the deadline is achieved.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

#180210 By Mr. Cornell:

Whereas, Article 18 of the New York State General Municipal Law requires municipal entities to require members of municipal boards to disclose potential conflicts of interest on an annual basis, and

Whereas, Each written disclosure has been completed, submitted to the Secretary to the Board, and is made a part of the official record of the municipal entity, and

Whereas, The annual statements of financial disclosure indicate no conflicts which may not be excused;

Now, Therefore, Be It

Resolved, That the Board does hereby accept the annual statements of financial disclosure submitted by each BPU Board member for the calendar year of 2018.

Discussion: The Board adopted the annual statement of financial disclosure form pursuant to Section §812 of the General Municipal Law.

ADOPTED. Ayes: 9 Nays: 0
February 26, 2018

The General Manager's Report began with an overview of the unaudited year-ending 2018 financial results presented by Kelly Hawkins. The 2017 Electric Division net income is better than budget at just over \$3M vs. the budgeted amount of \$1.8M, with \$1.225M contributed from off-system sales profits. The overall positive result on net income is mainly due to an outstanding job managing and controlling expenses. The fuel cost adjustment, which is a direct pass through of revenues to cover electric production costs, recovered \$9.4M of variable costs. Capital spending is lower than budget, in part because the \$4.75M EmKey Pipeline purchase payment did not occur in 2017. Cash levels decreased from \$22M (accumulated cash and dismantling funds) to \$19M and \$5.1M spent on dismantling decreased the restricted fund balance. In the Water Division, consumption decreased from 1.55M units in 2016 to 1.5M in 2017. The 2.5% rate increase effective January 1, 2017 and another planned for January 1, 2018 is not keeping pace with the decrease in customers consumption and modest inflation of expenses. Net income is at \$217K vs. the budgeted amount of \$632K. Capital spend was just under \$1M at \$985K and cash has decreased from \$1.58M to \$1.31M. Total main breaks were much lower in 2017 at 87 down from 133 in 2016. Mayor Teresi highlighted that this may be partially due to our proactive and wise reinvestment in our infrastructure. In the Wastewater Division, consumption decreased from 1.108 in 2016 to 1.069 in 2017. Sales were under budget at \$5.03M vs. \$5.08M and net income was \$172K vs. the budgeted target of \$340K. Cash decreased from \$2.37M to \$1.86M. There was significant capital spending with no borrowing, which was the main cause for the decrease in cash in this division. Rates were increased in 2017 by 3%. The belt filter press project is \$1M of the \$1.5M capital spend for the year. In the Solid Waste Division, consumption units and sales have declined 7% from 2014 to 2017. Net income was \$98K over budget and cash increased by \$268K from 2016, mainly due to increased "other" revenues. Staff feels the rate changes are justified and are charging the people who have, in the past, abused and have taken advantage of the system. Overall, this division is performing well and growing cash. This Division will be able to sustain vehicle purchases and plan for the 2020 building project. Mr. Leathers highlighted that year over year, every division is challenged with a declining population. The Solid Waste Division is a good example of finding sources of other revenues. With the changes made to the rate schedules, the customers who use the Solid Waste

services more, and the customers who are not compliant, will ultimately be the ones who are paying more. The customers who live within the City and recycle monthly are paying the same rates they were paying in 2006. Mayor Teresi said that he feels that this is a very well-run division. In the District Heating Division, net income is at -\$194K vs. budgeted \$115K. Cash increased slightly from \$2.9M to \$2.98M, and consumption increased from 2016 due to a slightly colder winter. There are increased power costs in running the power plant due to the state energy reform programs and their impact on electric prices.

Mr. Leathers said the financial results will be reviewed in detail at the next Board Finance & Capital Projects Committee meeting. He said that each division is taking their financial information very seriously, and with the exception of District Heating, staff in each division is working hard to find and create other revenue opportunities. He said, in the Electric Division, pole attachment agreements and fee increases, the new Verizon agreement, and the fiber optic leasing are some examples of items that are driving other revenues to help support the total sales numbers. The Wastewater Division has found other revenues such as sludge hauling and septic. In Water and Wastewater, a change was made with the Schedules of Rates to begin charging a basic service charge for vacant services. Overall, staff is doing a good job managing expenses and working the budgets to achieve desired results.

Mr. Leathers said the next activity we will see with the simple cycle stack will be in mid-April when deconstruction begins. Later, a new stack will be built. Separately, Cory Allen and the Power Plant Staff will likely execute a combined cycle stack inspection later this year to determine if any work will be required in the coming year or two.

The LED Streetlight Changeout Project is nearing completion. All of the new lights have been installed and changed out. BPU Staff will be meeting with Joe Bellitto to review how to get the payback agreed to and moving forward related to this project. Overall, the Transmission & Distribution linemen did a fantastic job, which was one of the main reasons we could install more lights than we had originally planned. The coordination, planning and execution has all been done very well. For the most part, the feedback on the project has been very positive. We will continue to look at different ways to continue these changeouts in the City in the coming years. The streetlights in the Village of Falconer and Town of Ellicott will be changed out to LED soon. They have received some funding from NYSERDA to pay for stranded costs.

Daytime water flushing is scheduled to take place toward the end of April. Communications and planning are in process. Flushing will begin in the Village of Falconer during the last week in April and will continue through the water system in the beginning of May. Ms. Zenns asked if there will again be robocalls. Mr. Leathers replied, yes, there will be robocalls and they have been expanded. The intent is to call all industrial and commercial customers approximately four weeks in advance, and to call residential customers approximately two to three days in advance of flushing. The Yard Waste Site will be opening on Saturdays, starting on Saturday, April 14th. The Cents for St. Susan's Campaign has kicked off.

Kris Sellstrom and Dave Leathers will be attending the NYAPP Annual Conference on April 3rd in Glens Falls, New York. Greg Rabb, Mayor Teresi, and Dave Leathers will be

attending the 2018 APPA National Conference which is being held in mid-June in New Orleans, Louisiana. Board members are welcome and invited to attend.

BPU Board Committee assignments have been made. The Board Personnel Committee consists of Ralph Wallace (committee chair), Greg Rabb and Marie Carrubba. The Board Strategic Planning Committee consists of Terry Horner (committee chair), Martha Zenns and Chuck Cornell. The Board Finance & Capital Projects Committee consists of Maria Jones (committee chair), Jeff Lehman and Sam Teresi.

Upcoming meetings are as follows:

- Board Strategic Planning Committee Meeting – Monday, March 5th at 3:30 P.M.
- Board Finance & Capital Projects Committee Meeting – Monday, March 19th at 3:30 P.M.
- Board Personnel Committee Meeting – Monday, March 26th at 3:00 P.M.
- Board Meeting - Monday, March 26th at 4:00 P.M.

The Board Chairman asked if there were any further questions for the General Manager. Ms. Carrubba raised a question: with regard to the newly implemented charge for vacant water and wastewater services, she asked if there is a minimal charge for any of the other services, such as electric. She highlighted that National Fuel Gas charges a fee, even if the service is not turned on. Mr. Leathers responded that just prior to Ms. Carrubba's membership on the BPU Board, a resolution was adopted last November to charge for water and wastewater basic service charges, regardless of whether or not the services are on. He highlighted that these charges combined would be approximately \$8 per month. In order to make a similar change to the electric fees, the tariff would be required to be modified and approved by the Public Service Commission.

On motion of Mr. Lehman, seconded by Mr. Wallace, the Board convened into executive session to discuss one contract negotiation issue, one potential litigation issue, one potential litigation issue, one contract negotiation issue, legal advice from counsel, and one personnel issue.

Mr. Wallace departed at 5:00 P.M.

On motion of Mr. Cornell, seconded by Ms. Carrubba, the Board convened into open session.

On motion of Mr. Lehman, seconded by Mr. Cornell, the Board meeting was declared adjourned.

David L. Leathers, General Manager
Tammy J. Anderson, Secretary to the Board