

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, May 24, 2021 at 4:00 PM** in the offices of the Board, 92 Steele Street, Jamestown, New York.

BOARD MEMBERS:	Present	Absent
Greg Anderson	X	
Marie Carrubba	X	
Lana M. Huston	X	
Jeffrey A. Lehman, PE	X	
Kenneth G. Mark	X	
Grant T. Olson	X	
James N. Olson		X
Gregory Rabb	X	
Mayor Edward A. Sundquist	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	
Secretary to the Board, Shari Lake	X	
Comm. Coordinator, Rebecca Robbins	X	
Transmission & Distribution Mgr., Chris Rodgers		X
Energy & Gas Resources Mgr, Kris Sellstrom, PE	X	
Associate Power Plant Supervisor, Cory Allen	X	
Information Services Manager, Frank Galeazzo		X

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

On motion of Ms. Carrubba, seconded by Mr. Anderson, the minutes of the previous meeting were unanimously approved by BPU Board Members.

#210501 By Ms. Carrubba:

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 **#210501A-C** be, and hereby are approved as written.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210501A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending **May 24, 2021** as follows:

ELECTRIC LIGHT FUND	1,815,387.70
WATER RENT FUND	277,838.50
DISTRICT HEATING FUND	84,486.09
WASTEWATER OPERATING FUND	175,096.68
SOLID WASTE OPERATING FUND	279,331.82
Total	\$ 2,632,140.79

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 **April 2021** to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 13	202,157.44
Weekly Payroll No. 14	204,413.40
Weekly Payroll No. 15	206,073.88
Weekly Payroll No. 16	200,736.19
Weekly Payroll No. 17	207,174.44
NYISO	52,713.64
National Grid – Transmission Costs	382,013.31
Sage Payment Solutions	12,406.27
Invoice Cloud	1,014.90
Corporate Payment Systems	10,502.50
Energy Mark	6,917.34
Sprague Operating Resources	2,099.00

DTE Energy Trading	51,852.00
NYSERDA - ZEC	202,319.04
NYS Sales Tax Assessment	22,049.34
NYPA Purchases	483,740.03
NYS Sales Tax	40,000.00
United States Post Office-Rome	10,107.44
Total	\$ 2,298,290.16

#210501B:

Resolved, That a warrant be drawn on the District Heating Fund to The Depository Trust Company, New York, NY, for \$176,840.90 to pay principal of \$141,089 and six months interest of \$35,751.90 at 4.25 per centum per annum due June 1, 2021 on \$2,390,000 on Public Improvement Serial bonds, Series 2010A.

Discussion: The final payment will be made on June 1, 2030. This is for the 2010 bond issue to fund the natural gas package boiler and building.

#210501C:

Resolved, That the General Manager is hereby authorized to purchase from Altec Industries of Plains, PA, under Sourcewell Contract #012418-ALT, one 2023 Altec Model AM60E Bucket Truck at a cost not to exceed \$288,000 for the Electric Division.

Discussion: The cost includes an extended five-year warranty and a 2% contingency for potential incidental costs associated with changes that may occur during the final design and approval process. This is a replacement for the 2009 Altec L53 bucket truck. The 2009 truck will be sold at auction.

#210502 By Ms. Huston:

Resolved, That the General Manager is hereby authorized to purchase from Cogsdale Company, Inc. of Charlottetown, PE C1E 2A1, Canada, the annual Maintenance and Support Agreement for the coverage period of July 1, 2021 through June 30, 2022 in the amount of \$164,856.34.

Discussion: This Maintenance and Support Agreement is to cover any upgrades to the software and solution we purchased from Cogsdale, and to have Cogsdale available for any technical support needed for the continued operation of the CIS system. This is an annual support agreement that must be renewed every June and is included as part of our annual operating budgets across all divisions.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210503 By Ms. Carrubba:

Resolved, That the General Manager is hereby authorized to purchase from LiftOff, LLC of Crafton, MD, the annual Maintenance and Software Subscription for our Microsoft Office 365 products for the coverage period of May 1, 2021 through April 30, 2022 in the amount of \$26,047.20.

Discussion: This annual subscription agreement covers all licensing, upgrades and support for our Microsoft Office 365 applications including email and Cloud storage, and Teams conferencing. This support agreement must be renewed every May and is included as part of our annual operating budgets across all divisions.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210504 By Mr. Mark:

Whereas, Three-quarters ($\frac{3}{4}$) of the members of the Board of Public Utilities concur that it is impractical to take bids for the increase in the scope of work from S.T. Cotter Turbine Services, Inc. of Clearwater, MN authorized under resolution #210306 to perform repairs for Steam Turbine Generator #5.

Now, Therefore, Be It

Resolved, That the Board does hereby approve and ratify the action of the General Manager in approving a Change Order to Resolution #210306 in the amount of \$177,260 to increase the scope of work of S.T. Cotter Turbine Services, Inc. for repair of the Nozzle Block and Nozzle Case for Steam Turbine Generator #5 at the Samuel A. Carlson Generating Station.

Discussion: The nozzle block required approximately 250-man hours to remove. After removal of the nozzle block, significant damage was found. Due to years of operation, debris had worked its way around the sealing faces of the nozzle block and scored the inside of the shell. The nozzle block repairs require a significant amount of work that is very time consuming to perform. The nozzle shell repairs require mobilizing a temporary machine shop in the Power Plant to perform the repairs.

The shell work is done in conjunction with the nozzle block repairs because the amount of material removed from the shell must be communicated with the shop, so the nozzle block sealing face can be built up the same amount. This work scope has been reviewed and is recommended by BPU staff and is necessary to return the Steam Turbine Generator #5 to proper operating condition. This resolution has been reviewed and is recommended by the BPU Board Strategic Planning Committee.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210505 By Mr. Lehman:

Whereas, The Board believes that all rates, charges and rules regarding the operation of the Solid Waste division should be transparent and available to the general public in the form of a Schedule of Solid Waste Rates for each municipality served,

Now, Therefore, Be It

Resolved, That the Board does hereby adopt the Schedule of Solid Waste Rates to be effective July 1, 2021 in the form attached hereto and filed in the office of the Secretary to the Board.

Discussion: The Schedule of Solid Waste Rates is in alignment with the approved 2021 Solid Waste Division Budget and contains language supporting the new Citywide Assigned Garbage Container Program. These rate schedule changes were reviewed in detail with the Board Finance & Capital Projects Committee, Personnel Committee and Strategic Planning Committee in February and March committee meetings. Grant Olson asked how the program was going so far. Mr. Leathers responded positively, noting he was pleased that the distribution of the containers was completed in only 10 days, with the exception of some multi-unit houses that are still being followed up on. Customers will have 5-6 weeks to use the containers to determine if they need a second container. The early assessment of the tipping units is that one tipping unit on each vehicle may not be enough. A second tipping unit would allow even distribution of garbage being tipped into the truck, and provide a backup if there is a problem with one unit.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210506 By Mr. Anderson:

Whereas, the Jamestown Board of Public Utilities (JBPU) has entered into an agreement as the lead agency with the New York State Energy Research and Development Authority (NYSERDA) numbered 154462 called Climate Technology Manufacturing in the Western Southern Tier for initiatives that facilitate the development, attraction, and growth of climate technology manufacturing companies in the Western Southern Tier, and

Whereas, this program will leverage the region's early ecosystem development and climate technology business formation and acceleration success and will be aimed at helping current companies build and grow manufacturing and jobs in the climate technology sector as well as attracting high-potential climate technology companies to the region; and

Whereas, the JBPU and Jamestown Community College (JCC) have agreed to collaborate as partners and create a workforce initiative under this NYSERDA Agreement with JCC offering an initial training program for up to twenty-four individuals, linking multiple aspects of climate technology through a combination of classwork and hands-on experience in both laboratory and field environments, and

Whereas, JCC will provide all necessary documentation for reimbursement for the workforce development portions of the NYSERDA Agreement in a timely fashion to JBPU upon request, and JBPU will submit all documentation to NYSERDA, will receive funds from NYSERDA, and will disperse them to JCC as they are available,

Now, Therefore, Be It

Resolved, That the action of the General Manager to sign the Memorandum of Understanding between the BPU and Jamestown Community College, is hereby approved.

Discussion: JCC shall be eligible to receive up to \$200,000 in reimbursement as a direct pass through from NYSERDA through the JBPU with no markup pursuant to the terms and conditions of the NYSERDA Agreement. JCC shall provide the 25% cost share defined under the NYSERDA Agreement and will provide documentation of such. Upon completion of deliverables, and once all matching requirements and documentation have been met, JBPU will report JCC provided costs and metrics to NYSERDA and the pass through reimbursements will be provided to JCC as two payments, after JBPU receives the funds from NYSERDA as follows: Up to \$150,000 after the completion of Memorandum of Understandings, Program Curriculum, and a marketing plan. Up to \$50,000 after the completion of course feedback from surveys provided to students who have participated in the courses and JCC's provided certificate of cost share. Nothing herein shall make the JBPU liable for any costs or payments to JCC or other parties beyond the passthrough of funds from NYSERDA pursuant to the terms and conditions of the NYSERDA Agreement.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210507 By Mr. Mark:

Whereas, the Board of Public Utilities has been actively seeking property for the possible construction of a solar generating facility, and

Whereas, the General Manager has entered into a contract for the purchase of approximately five acres of real property located on Manchester Road in the City of Jamestown for that purpose, which contract is contingent upon approval by the Board,

Now, Therefore, Be It

Resolved, That the Board of Public Utilities hereby approves and authorizes Staff and Counsel to proceed with the purchase of two unimproved parcels of real property, identified as Jamestown Tax Parcels 405.05-2-5 and 405.05-2-6, from Nathan D. and Linda S. Cohen for the combined purchase price of \$10,500, plus standard closing expenses, to be used for the potential construction of a solar generating facility, and be it further

Resolved, That the purchase price of said property be paid from Electric Division funds.

Discussion: The purchase of this property will provide the Electric Division with space to construct a small solar generating facility within the City limits. It is anticipated that the BPU will be able to acquire additional property in the same area to provide for a larger project with shared infrastructure if ultimately justified, pursued and approved.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

#210508 By Mr. G. Olson:

Whereas, the Board of Public Utilities has been actively seeking property for the possible construction of a solar generating facility, and

Whereas, the General Manager has entered into a contract for the purchase of approximately seventeen (17) acres of real property located on Manchester Road in the City of Jamestown for that purpose, which contract is contingent upon approval by the Board,

Now, Therefore, Be It

Resolved, That the Board of Public Utilities hereby approves and authorizes Staff and Counsel to proceed with the purchase of approximately seventeen (17) acres of unimproved land comprised of a portion of Jamestown Tax Parcel 405.05-2-4, from Jason Arndt for the purchase price of \$40,000, plus standard closing expenses, to be used for the potential construction of a solar generating facility, and be it further

Resolved, That the purchase price of said property be paid from Electric Division funds.

Discussion: This property is contiguous to the property to be purchased from Mr. & Mrs. Cohen, for a combined parcel size of 22 acres. The purchase of this property will provide the Electric Division with space to construct a solar generating facility within the City limits if ultimately justified, pursued and approved.

ADOPTED. Ayes: 8 Nays: 0
May 24, 2021

Dave Leathers provided a General Manager's Report, which began with a Risk Management Program (RMP) presentation by Kris Sellstrom, PE. Quarterly RMPs are provided to the Finance and Capital Projects Committee, while a presentation is made to the Board annually. Mr. Sellstrom reviewed the major financial risk drivers in the Electric Division, including local load, NYPA purchased power, NYISO wholesale electric markets, National Grid transmission costs, environmental public policy (ZECs, RECs, ORECs, RGGI, CASPR), local generation (fuel cost and availability, fuel delivery, equipment reliability/constraints) and other impacts including COVID-19 pandemic, weather, the global economy and cybersecurity. A record 32-year low for total energy consumption by BPU customers was set in 2020. Risk mitigation strategies highlighted include a Business Development Coordinator, cybersecurity, stability of competitive rates, high reliability standards, the NYISO ICAP Market, monitoring National Grid transmission

charges, self generation, purchase power agreements (we have one with ConnectGen for solar power out of Ripley), and encouraging higher electric consumption (over natural gas).

Mr. Leathers noted the BPU system is over 90% clean renewable hydropower energy, yet that is not recognized in the NYS Climate Leadership & Community Protection Act (CLCPA). Upstate NY is more than 85% emission free. The NYC area is headed toward 90% fossil fuel-based generation. BPU customers are getting charged millions of dollars every year to solve a problem that is in the NYC area. Mr. Leathers noted the Post-Journal article *State Climate Goals Come with Big Bill* that appeared in today's newspaper lets people know the other side of this program that regulates homes to eliminate natural gas appliances and the State's goal to convert homes to 100% electric. RECs and ZECs are the beginning of the CLCPA, it is massive in magnitude, and it has impacts that are significant beyond electric bills.

Continuing his General Manager's report, Mr. Leathers reported that Governor Cuomo signed the NYS Utility Shut-off Moratorium on May 11th, and DPS guidance relating to this moratorium on utility terminations and disconnections was received today. The effective end date of the Public Service Law amendments is July 1, 2022, but the moratorium on shutoffs may conclude before that, depending on the State of Emergency and the Declaration thereof. We have been awaiting this DPS guidance and we have also been working with the Office of Temporary and Disability Assistance (OTDA) to understand how to get financial assistance to our customers to help them pay their bills.

In the Water Division, the spring water flushing went well overall. The Washington Street water main replacement project has received final approval and should go out to bid next week.

Upcoming meetings:

- Board Finance & Capital Projects Committee Meeting is scheduled for Monday, June 14th at 4:30 P.M.
- Board Meeting - Monday, June 28th at 4:00 P.M.

Mr. Leathers asked for Board member input on Board room set-up for future in-person meetings. The concensus was to continue the current set-up on a month-by-month basis.

On motion of Ms. Carrubba, seconded by Mr. Mark, the Board convened into executive session to discuss a potential litigation issue with no anticipated action after the Board returns to open session.

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

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

David L. Leathers, General Manager
Shari J. Lake, Secretary to the Board