

# NIAGARA POWER COALITION MEETING MINUTES

Monday, September 21, 2009 – 12:00 p.m.

Niagara County Department of Economic Development  
6311 Inducon Corporate Drive, Suite One  
Sanborn, New York 14132

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## 1.0 Call to Order

Chairman Ross called the meeting to order at 12:12 p.m.

## 2.0 Roll Call

Ms. Melloni performed roll call:

### Representatives Present:

Thomas O'Donnell, Esq.	City of Niagara Falls
Donald Rappold, Assistant Superintendent	Lewiston-Porter School District
William L. Ross, Chairman, NC Legislature	Niagara County
Scott Hapeman, Esq., Counsel	Niagara Wheatfield School District
Cynthia A. Bianco, Superintendent	Niagara Falls City School District
Michael Risman, Esq.	Town of Niagara

### Representatives Absent:

Fred Newlin, Vice Chairperson, NPC	Town of Lewiston
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### Guests:

Tom Burgasser, Esq.	Niagara County
Jackie Siegmann	Town of Niagara
Angelo Massaro, Esq.	Niagara Falls City School District
Rose Mary Warren	Taxpayer

### Staff Present:

Charles Miller, President, NPC  
John Baird, Treasurer, NPC  
Mary Melloni, Secretary  
Stan Widger, Esq., NPC Counsel, Nixon Peabody (via Teleconference)  
Samuel M. Ferraro, Executive Director/Commissioner - Niagara County Center for  
Economic Development

## 2.0 Approval of NPC Meeting Minutes

### 3.1 Regular Meeting of August 5, 2009

*Mr. O'Donnell made a motion, seconded by Mr. Hapeman, to approve the meeting minutes of the August 5, 2009 meeting. Ms. Bianco asked that her title be revised from Interim Superintendent to Superintendent. Motion passed, with noted revision.*

#### 4.0 Financial Report

##### 4.1 July - August 2009

Mr. Baird reviewed the financial report for the periods of July and August 2009. *[A copy of which will be attached hereto and made a part hereof these minutes.]*

***Mr. O'Donnell made a motion, seconded by Mr. Rappold, to approve the Financial Report for July and August 2009, as presented. Motion passed.***

##### 4.2 Approve Payment of Invoices

The following invoices were presented for payment:

Martino's Meeting Place	\$ 104.65 (Lunch)
Postage (to NCIDA)	103.86
Admin Support	1500.44 (4 months)
Venue	2000.00 (4 months)
Nixon Peabody	20,561.71 (through 8/31/09)

***Mr. O'Donnell made a motion, seconded by Mr. Rappold to approve payment of the aforementioned invoices. Motion passed.***

##### 4.3 2010 Budget Process Update

Mr. Ross stated that Mr. Baird and Mr. Miller have been very loyal and dedicated to the NPC throughout their service and he thanked them for the fine job they have done.

Mr. Miller stated that the Audit/Budget Review Committee of the NPC met and carefully reviewed the budget. *[A copy of which will be attached hereto and made a part hereof these minutes.]*

Mr. Miller explained that the budget variance for 2009 is \$62,788; proposed budget is \$98,800, leaving a budget of \$36,011.60 for 2010. The budget amount per entity comes to \$5,144.51 for the year.

In response to questions about the projected legal expenses, Mr. Hapeman explained that Mr. Widger forwarded the Audit Committee a breakdown of all the matters that he projected as possibly arising within the next year and estimated what the legal costs associated with each matter would be. Most expenses are routine. The IRS letter ruling and NPC corporate and structural issues are the two larger items that were in the 2009 budget but were never addressed. A discussion was held regarding the \$11,500 for the IRS letter ruling. It was decided to further discuss the issue of the letter ruling at a future meeting of the NPC and make a decision on whether to apply for it or not.

#### 4.0 Financial Report

##### 4.3 2010 Budget Process Update (Continued...)

*Mr. O'Donnell made a motion to approve the 2010 NPC budget.*

Mr. Newlin was contacted via telephone (per his request) prior to voting on the budget. Mr. Ross explained to Mr. Newlin that it is a consensus that this is a good budget. Mr. Newlin indicated that he would rather pay the legal fees as they are incurred rather than pay a large amount up front. Mr. Newlin asked how often the NPC is expected to meet during 2010. Mr. Hapeman stated that this is an issue that has not been discussed; Mr. Widger projected possibly 8 to 10 meetings but this has not been determined yet. Mr. Newlin stated he will not agree to the budget if it includes paying the legal fees up front. Mr. Ross explained that most members feel it would be easier to have this amount in the budget rather than go back later and ask for more money from their principals. Mr. Newlin indicated that he had to return to a meeting but would register a "No" vote for the current 2010 NPC budget.

*Ms. Bianco seconded the motion to approve the 2010 NPC budget. Motion passed with Mr. Newlin voting no via teleconference. (Counsel will review the bylaws and give an opinion on the validity of a telephonic vote.)*

#### 5.0 PAAA Compliance

##### 5.1 Niagara Power Coalition Web Site

Mr. Miller explained that an RFP was sent out to six different web site development companies with two responses. A subcommittee interviewed and reviewed the respondents and then met on August 17<sup>th</sup>. The subcommittee consisted of Ms. Melloni, Mr. Rappold, and two information specialists – one from each school district. The proposals were reviewed and it was decided that the company "Beyondus" was the agreed upon choice to develop the NPC web site. Mr. Miller explained that while the price of Beyondus was slightly higher, there was a distinct possibility that the cost could ultimately be higher with the other Company because of features and services that were not accounted for in their proposal that were included in Beyondus' proposal. Beyondus' proposal had a good contextual understanding of who the NPC is and the relationship with the HCSC. Their presentation clearly showed they knew what they were talking about when they were referring to the NPC and that feeling was lacking with the other presenter. Beyondus has a larger staff and it seemed clear the other company would be outsourcing some of their work. Mr. Widger has been working with Beyondus on the contract and he stated that they have made all the requested changes to the contract and he is satisfied with the form of it. The cost for the web site development is \$7,050 and an additional cost of \$850 for a 10-hour maintenance package. A very definitive timeline was included in the contract.

## **5.0 PAAA Compliance**

### **5.1 Niagara Power Coalition Web Site (Continued...)**

Mr. Widger explained that the Hosting Agreement or registration of the domain name are not a part of the Beyondus contract. The estimate for the domain name registration is approximately \$26/year and the hosting agreement is approximately \$85-100/year.

*Mr. Hapeman made a motion, seconded by Mr. O'Donnell, to approve the contract with Beyondus for development of a web site for the Niagara Power Coalition.*

## **6.0 Legal Counsel**

Mr. Widger stated that there is nothing definitive in the by-laws about telephonic voting and is something that should be defined in the future.

## **7.0 Any Other Matters**

Mr. Ferraro explained that a meeting was held with Bob Kresse, Chairman of the Niagara River Greenway Committee and Rob Belue, Executive Director of the Greenway Commission, himself, Tom Burgasser and Fred Newlin, Chairman of the HCSC. The purpose was to discuss the importance of the trail connections to the Niagara River Greenway and to remind the commission of the inclusion of those trails as part of the Greenway documents.

Mr. Ferraro stated he did not get a good feeling as to the reception of those trails and the relation of those trails to the Niagara Greenway. He still feels there is reluctance on the Commission's part to recognize the importance of the trails and why they are necessary for the inland connections to many of the communities. At a recent Commission meeting the Commission, in a 5 to 5 tie, did not give an overwhelming endorsement to a project that is directly on the Erie Canal that has a direct connection to the Niagara Greenway. There were comments from some of the Commission members failing to recognize the importance of these trails and that the County, as a recipient under the agreement, does have the latitude to provide project funding for those trail connections. Mr. Ferraro stated he feels there is still more work to be done in educating the newer Commission members, as well as the Commission as a whole. Another meeting will be scheduled to follow up on this.

## **8.0 Next NPC Meeting: To be Determined**

**Niagara Power Coalition**

**September 21, 2009**

**Page 5**

**9.0 Adjournment**

*Mr. O'Donnell made a motion to adjourn, seconded by Mr. Rappold. Motion passed.  
Meeting adjourned at 1:10 p.m.*

Respectfully submitted,

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Mary P. Melloni  
Secretary