

BOARD OF PUBLIC UTILITIES—Proceedings by Authority

State of New York :

Office of the Board: ss.

City of Jamestown:

Regular meeting of the Board of Public Utilities, City of Jamestown, New York, held **Tuesday, May 8, 2007**, at **11:00 A.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

| BOARD MEMBERS: | Present | Absent |
|--|----------------|---------------|
| John Calamunci | | X |
| William S. Gullotti | X | |
| Jeffrey A. Lehman, PE | X | |
| Lillian Vitanza Ney | X | |
| Carl P. Pillittieri | X | |
| Anthony Prinzi | | X |
| Wayne Rishell | X | |
| Mayor Samuel Teresi | X | |
| John Zabrodsky (arrived at 11:15 AM) | X | |
| | | |
| STAFF: | | |
| General Manager, Walter W. Haase, PE | X | |
| Deputy General Mgr., Randall S. Peterson, PE | X | |
| Deputy General Manager, Dave Leathers | X | |
| Business Manager, Michael A. Anderson | X | |
| Counsel, William Wright | X | |
| Sec of the Board, Julie M. Breen | X | |
| Communications Coordinator, Becky Robbins | X | |
| Electric & Gas Res Mgr., Dave Gustafson | X | |

The media was notified of this meeting and was represented by Patrick Fanelli.

On motion of Dr. Ney, seconded by Mr. Gullotti, the minutes of the previous meeting were approved.

Mr. Zabrodsky arrived.

#070501 **By Mr. Gullotti:**

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 #070501A-B be, and hereby are approved as written.

ADOPTED. Ayes: 7 Nays: 0
May 8, 2007

#070501A :

Resolved, That the bid of Irby Utility Supply of Syracuse, NY, on BD-06-07 opened May 1, 2007, for a Turret Trailer Model TT-172/60-6K-T at a cost of \$25,111 be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue an Electric Division Purchase Order to Irby Utility Supply for this turret trailer.

Discussion: This is the only bid received and meets all the required specifications. This trailer is covered in the Electric Division Capital Budget under Vehicles – Cable Cart for \$120,000.

#070501B:

Resolved, That the General Manager is hereby authorized to purchase from International Truck & Engine Corp. of Albany, New York, under New York State Contract #PC62176, one 2007 dump truck at a cost of \$127,126.50 for the Water Division.

Discussion: This truck is in the Water Division Capital Budget for \$121,000. It will replace a 1994 International dump truck. This spring we sold three dump trucks at auction. This money will be put toward this truck purchase along with the sale of the 1994 dump truck.

#070502 **By Mr. Rishell:**

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, Sections 811 and 812 allow municipal entities to adopt, by Resolution, a form of an annual statement of disclosure to be completed by board members on an annual basis, and

Whereas, each written disclosure is required to be made a part of the official record of the municipal entity,

Now, Therefore, Be It

Resolved, That the Board does hereby adopt the attached annual statement of disclosure.

Discussion: The General Municipal law incorporates a conflict of interest policy for municipal officers and employees which includes a detailed disclosure form. Section 812 of the General Municipal Law allows certain municipal entities to adopt their own disclosure statement. This is a two-part process. The Board first adopts the form by this resolution, then adopts a resolution acknowledging any potential conflict which are excusable by resolution.

ADOPTED. Ayes: 7 Nays: 0
May 8, 2007

#070503 **By Mr. Pillitteri:**

Whereas, the Board of Public Utilities (BPU) adopted a Draft Environmental Impact Statement (DEIS) for the Clean Coal Project on October 24, 2006;

Whereas, the BPU held a public hearing on the DEIS on December 7, 2006;

Whereas, at the request of the public, the comment period for the Project was extended from December 21, 2006 until January 19, 2007;

Whereas, the BPU has received a significant amount of public input and number of comments on the DEIS which require analysis, investigation, review, and discussion;

Whereas, the BPU has therefore determined that additional time is necessary to review the comments and to prepare the Final Environmental Impact Statement;

Now, Therefore, Be It

Resolved, that the date for completion of the Final Environmental Impact Statement is extended until May 29, 2007.

ADOPTED. Ayes: 7 Nays: 0
May 8, 2007

#070504 By Mr. Rishell:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for repair parts and maintenance,

Now, Therefore, Be It

Resolved, That the Board does hereby approve an increase in the work scope to Contract BD-32-06 to Elliott Company of Donora, PA, and authorizes the General Manager to execute Change Orders #6 through #7 to cover the additional repair work discovered during the internal inspection of Steam Turbine/Generator Unit #6 and add these repair costs totaling \$110,945.00 to the previously approved scope of the contract.

Discussion: As discussed at the last Board meeting, the actual repair of damaged components found during the inspection is included in the \$1.0 million budgeted for this project, but are outside the contractor's (Elliott) base scope of work. Change Order #6 includes the replacement of the main steam lift beam assembly and valve seats which control the flow of steam through the unit for a cost of \$73,890. Change order #7 includes repairs to all four main rotating element support bearings as well as various oil and hydrogen seal rings for a cost of \$37,055. This work is essential to the safe return the unit to service.

ADOPTED. Ayes: 7 Nays: 0
May 8, 2007

Mike Anderson, Business Manager, reviewed the 2007 First Quarter Financial Summaries for all five BPU divisions.

Dave Leathers reviewed the Clean Coal CFB Project budget for the first quarter of 2007. Dave also gave an update on the CFB Project Schedule.

#070504 By Mr. Zabrodsky:

Resolved, That the Board does hereby congratulate Julie Breen for her efforts in assisting a distressed individual in North Carolina.

Discussion: While in a mall in North Carolina, Julie rendered assistance to a woman who was having a seizure. Julie used her Red Cross first aid training, required of and provided to BPU employees each year, to secure the area, have someone call 911, and comfort the woman's child when emergency personnel arrived.

ADOPTED. Ayes: 7 Nays: 0
May 8, 2007

On motion of Mr. Rishell, seconded by Mr. Pillitteri, the Board convened into executive session to discuss three contract negotiation issues, one potential litigation issue and one personnel issue.

Walter W. Haase, P.E., General Manager
Michael A. Anderson, Business Manager