

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 **Friday, December 21, 2007, at 12:00 P.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. Pillitteri (arrived at 1:30 PM – ES only)		X
Anthony Prinzi	X	
Wayne Rishell (arrived at 12:25 PM)	X	
Mayor Samuel Teresi	X	
John Zabrodsky	X	
STAFF:		
Interim General Manager, David Leathers	X	
Deputy General Mgr., Randall S. Peterson, PE	X	
Business Manager, Michael A. Anderson	X	
Counsel, William Wright		X
Sec of the Board, Julie M. Breen	X	
Communications Coordinator, Becky Robbins	X	

OTHERS: Greg Rabb, Vince DeJoy, Al Nottage, Sherry Lake

The media was notified of this meeting and represented by Pat Fanelli, The Post Journal, and Sawyer Vanhorn, Cable 8 News.

John Zabrodsky asked if anyone from the public would like to speak at this time. Mr. Nottage said he has some questions on the proposed new power plant but would put them in writing in the near future and that he was there as an observer. Ms. Lake, 214 Huxley Street, said she was also there as an observer. Mayor Teresi said Mr. Rabb and Mr. DeJoy are potential new board members and will be observing the meeting as well.

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

#071204 By Dr. Ney:

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 #071204A-C be, and hereby are approved as written.

ADOPTED. Ayes: 6 Nays: 0
December 21, 2007

#071204A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending December 21, 2007 as follows:

ELECTRIC LIGHT FUND	\$2,042,454.14
WATER RENT FUND	443,550.64
DISTRICT HEATING FUND	110,467.38
WASTEWATER OPERATING FUND	291,967.70
SOLID WASTE OPERATING FUND	76,861.65
Total	\$2,965,301.51

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 Electric Light Fund in November, 2007 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 44	\$100,995.43
Weekly Payroll No. 45	105,647.03
Weekly Payroll No. 46	102,593.80
Weekly Payroll No. 47	107,405.83
Weekly Payroll No. 48	107,670.33
Social Security	39,125.88
Sam's Club Direct	56.98
National Grid (Trans Agreement)	99,166.58
Commissioner of Labor – Asbestos License	50.00
NYS DEC	700.00
NYS Sales Tax	73,248.02
Constellation New Energy	2,713.70
Office Petty Cash Fund	613.88

Integrays Energy Services	7,856.80
Metlife Small Business Center	603.76
American Express – Corp. Card	5,865.62
Citi Business – Corp. Card	12,058.94
Total	\$766,372.58

and the action of said executive officers in drawing warrants on the Water Rent Fund in November, 2007 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 44	\$22,177.56
Weekly Payroll No. 45	22,614.54
Weekly Payroll No. 46	21,346.16
Weekly Payroll No. 47	22,001.23
Weekly Payroll No. 48	23,901.37
Social Security	7,665.71
Total	\$119,706.57

and the action of said executive officers in drawing warrants on the Wastewater Operating Fund in November, 2007 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 44	\$16,909.58
Weekly Payroll No. 45	17,220.71
Weekly Payroll No. 46	17,025.93
Weekly Payroll No. 47	19,534.01
Weekly Payroll No. 48	21,723.22
Social Security	6,951.74
Total	\$99,365.19

and the action of said executive officers in drawing warrants on the Solid Waste Operating Fund in November, 2007 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 44	\$8,763.93
Weekly Payroll No. 45	8,924.48
Weekly Payroll No. 46	8,896.64
Weekly Payroll No. 47	9,846.32
Weekly Payroll No. 48	9,962.77
Social Security	3,479.31
NYS Teamsters Health Insurance	12,011.68
NYS Teamsters Retirement Fund	3,384.00
Total	\$65,269.13

#071204B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 12-07 on file in the office of the Board of Public Utilities be certified to the City Treasurer of the City of Jamestown for inclusion in the tax records of the City of Jamestown as provided in the 1923 City Charter and in accordance with the terms of this Board's resolution of December 13, 1934.

#071204C:

Resolved, Pursuant to GML §77-b.2 and §77-b.4, that this Board hereby delegates to Interim General Manager, David L. Leathers, the power to authorize during the year 2008, attendance by BPU employees and board members at such specific conferences, conventions, or schools as the General Manager shall determine to be for the betterment or benefit of the BPU; and be it further

Resolved, That the expenses and disbursements incurred shall be paid through the division fund determined by the General Manager to be appropriate, pursuant to the provisions of the General Municipal Law of New York State.

Discussion: Staff will provide follow-up information on travel by employees and board members. Expenditures for travel are subject to Budget limits.

#071205 **By Mr. Gullotti:**

Resolved, That the General Manager be, and hereby is authorized to enter into an agreement with SJS Associates of Montclair, NJ, to provide professional consulting services for legislative assistance to the BPU for the Clean Coal CFB project permitting and regulatory processes, for a sum not to exceed \$50,000 plus any reasonable and necessary out-of-pocket expenses.

Discussion: Specific to the Clean Coal CFB project, the original funding amount allocated for SJS Associates under board resolution 040506 has been spent and an additional amount under the budgeted planning and permitting phase of the CFB project needs to be provided. SJS Associates has developed an updated scope of work which highlights specific support activities for CFB project development. Because of the uncertainty related to the current permitting process and the legislative and project work required to progress the regulatory process, a requested authorization amount for the first 6-9 months of 2008 has been provided.

ADOPTED. Ayes: 6 Nays: 0
December 21, 2007

#071206 By Mr. Prinzi:

Whereas, the rates charged for solid waste must be sufficient to pay the normal expenses for operating and maintaining the system, for routine replacements in the system, and for payments of principal and interest on debt incurred for capital improvements; and

Whereas, the Board has determined that a rate increase is needed to cover all costs of operation in 2008,

Now, Therefore, Be It

Resolved, That effective January 1, 2008, the Board of Public Utilities establish the following monthly solid waste sanitation rates:

For dwelling units 1 through 5:	\$11.60 per unit
For dwelling units 6 – 10	\$14.05 + \$9.16 x
For dwelling units 11 – 15	\$41.54 + \$6.12 x
For dwelling units 16 & over	\$82.47 + \$3.69 x

And Be It Further,

Resolved, That the General Manager be and he is hereby authorized and directed to insert in a newspaper having general circulation in the territory served by the Jamestown Municipal Utility System prior to January 1, 2008, an appropriate notice to the public of the changes in solid waste rates and regulations set forth in this resolution; and be it further

Resolved, That copies of the foregoing resolution be made available to any consumer requesting a copy.

Discussion: This represents a 5.45% increase in sanitation rates. Mayor Teresi thanked the staff for a great job in looking at all various options for this rate increase that was in the best interests of our customers. He also complemented the solid waste staff, on behalf of the Jamestown community, for providing this service and doing a fantastic job.

ADOPTED. Ayes: 6 Nays: 0
December 21, 2007

#071207 By Mr. Lehman:

Resolved, That the Solid Waste Division Budget for 2008, anticipating cash on hand of \$111,263, cash receipts of \$1,894,427 and cash disbursements of \$2,010,218, leaving an ending cash deficit of \$4,528, be and hereby is adopted; and be it further

Resolved, That the disbursements shall be divided \$188,373 for Capital Projects, and \$1,821,845 for Operation and Maintenance, all as set forth in said budget for 2008; and be it further

Resolved, That the amounts set forth in the budget schedules for the benefit of each account against which charges may properly be made, on file in the office of the Board, are hereby appropriated for the purposes therein stated, and the officers and employees of the Board are hereby authorized and directed to contract for necessary expenditures in accordance therewith.

ADOPTED. Ayes: 6 Nays: 0
December 21, 2007

The following three-quarter resolutions were held until another board member arrived.

Dave Leathers gave a brief update on the CFB Project. He also announced the BPU float was voted "Best Large Industry" float in the Jamestown Holiday Parade this year.

John Zabrodsky thanked BPU management and staff for all their efforts in 2007 and extended his best wishes for 2008. Dr. Ney thanked the Board for all their hard work and gave her sincere thanks to the staff.

Mayor Teresi recognized Dr. Ney for her service as a City Council member and a BPU Board member and for all the great work she does in this community.

Wayne Rishell arrived.

#071208 By Mr. Gullotti:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for proprietary parts for air compressor maintenance and parts at the Samuel A. Carlson Generating Station;

Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing an Electric Division Purchase Order to Ingersol Rand of Tonawanda, NY in the amount not to exceed \$22,925.00 for this maintenance is hereby approved.

Discussion: The air compressor stock was expended during scheduled maintenance. These parts will be for repair and replenishment of spare parts. This item is budgeted in the O&M budget.

ADOPTED. Ayes: 7 Nays: 0
December 21, 2007

#071209 By Mr. Rishell:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for proprietary parts for an Electrostatic Precipitator (ESP) Control Upgrade;

Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing an Electric Division Purchase Order to Neundorfer, Inc., of Willoughby, OH, in the amount of \$19,780 for this upgrade is hereby approved.

Discussion: This ESP control upgrade is recommended by BPU staff. This equipment will more effectively operate the ESP's at the Carlson Generating Station thus reducing opacity emissions and power consumed by the precipitators. It will also allow for automatic monitoring and reporting of the ESP's performance required by the DEC Consent Order. Neundorfer's software upgrade will enable the OEM to remotely monitor and make recommendations to staff for optimal precipitator performance. Also Neundorfer will back up our reporting files for precipitator environmental reporting. The new control software will enable automatic operation and reduce start up opacity violations. This item is budgeted in the O&M budget.

ADOPTED. Ayes: 7 Nays: 0
December 21, 2007

#071210 By Mr. Rishell:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for proprietary district heating piping and appurtenances;

Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing a District Heating Division Purchase Order to Urecon LTD of Quebec, Canada, in the amount of \$23,368 for these supplies is hereby approved.

Discussion: This is currently the only supplier of this type of piping which meets all specifications. This district heat piping is needed to complete the district heating service to the BWB building being constructed on Third and Washington Streets.

ADOPTED. Ayes: 7 Nays: 0
December 21, 2007

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

Mr. Pillitteri arrived and departed during executive session. Mr. Prinzi departed.

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

On motion of Mayor Teresi, seconded by Dr. Ney, the Board meeting was adjourned at 3:25 PM.

David L. Leathers, Interim General Manager
Michael A. Anderson, Business Manager