

**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, February 19, 2008**, at **3:00 P.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

<b>BOARD MEMBERS:</b>	<b>Present</b>	<b>Absent</b>
Vince DeJoy	X	
William S. Gullotti	X	
Jeffrey A. Lehman, PE	X	
Carl P. Pillittieri	X	
Anthony Prinzi		X
Gregory Rabb	X	
Wayne Rishell	X	
Mayor Samuel Teresi	X	
John Zabrodsky	X	
<b>STAFF:</b>		
Interim General Manager, David L. 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:** Christy Cuifolo, Evelyn DeMarco, Tammy Anderson, Chris Rodgers and Dave Gustafson

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

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

Dave Leathers introduced Christy Cuifolo as the new Customer Service Supervisor and Tammy Anderson as the Assistant Customer Service Supervisor. He also recognized Evelyn DeMarco for her contribution and hard work as the lead person in customer service and keeping the department functional throughout the difficulties of the past year. On behalf of the entire Board, the three women were congratulated and thanked for their dedication and good work.

**#080204 By Mr. Rishell:**

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 #080204A-E be, and hereby are approved as written.

**ADOPTED.** Ayes: 7 Nays: 0  
February 19, 2008

**#080204A:**

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending February 19, 2008 as follows:

ELECTRIC LIGHT FUND	\$2,026,670.44
WATER RENT FUND	364,488.51
DISTRICT HEATING FUND	120,313.45
WASTEWATER OPERATING FUND	207,642.59
SOLID WASTE OPERATING FUND	73,570.38
Total	<b>\$2,792,685.37</b>

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 January, 2008 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$108,203.69
Weekly Payroll No. 2	111,149.85
Weekly Payroll No. 3	102,126.83
Weekly Payroll No. 4	100,096.99
Weekly Payroll No. 5	100,236.46
Social Security	39,229.19
Sam's Club Direct	2,394.20
National Grid (Trans Agreement)	155,982.59
NYS Sales Tax	68,554.59
Chaut Co Dept of Fin – Property Taxes	175,871.49
Office Petty Cash Fund	233.80
Commissioner of Labor – Asbestos	325.00
Integrays Energy Services	3,744.00
American Express – Corp. Card	3,604.42

Citi Business – Corp. Card	1,051.56
Total	<b>\$972,804.66</b>

and the action of said executive officers in drawing warrants on the Water Rent Fund in January, 2008 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$21,242.17
Weekly Payroll No. 2	22,154.58
Weekly Payroll No. 3	21,582.12
Weekly Payroll No. 4	22,057.20
Weekly Payroll No. 5	22,348.66
Social Security	8,196.67
Chaut Co Dept of Fin – Property Taxes	16,603.94
Town of Poland – Property Taxes	345.51
NYS Thruway Auth – Toll charge	4.95
National Grid	2,026.11
Total	<b>\$136,561.91</b>

and the action of said executive officers in drawing warrants on the Wastewater Operating Fund in January, 2008 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$21,468.46
Weekly Payroll No. 2	24,847.47
Weekly Payroll No. 3	17,677.31
Weekly Payroll No. 4	17,616.31
Weekly Payroll No. 5	17,722.33
Social Security	7,482.09
Chaut Co Dept of Fin – Property Taxes	63,494.95
Total	<b>\$170,308.92</b>

and the action of said executive officers in drawing warrants on the Solid Waste Operating Fund in January, 2008 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$9,840.75
Weekly Payroll No. 2	9,451.97
Weekly Payroll No. 3	8,068.56
Weekly Payroll No. 4	7,982.88
Weekly Payroll No. 5	8,068.56
Social Security	3,351.61
NYS Teamsters Health Insurance	12,147.44
NYS Teamsters Retirement Fund	4,098.40
Total	<b>\$63,010.17</b>

#080204B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 2-08 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.

#080204C:

Resolved, That the bid of Gottogo Electric, LeRoy, NY on BD-03-08 opened February 2, 2008, in the amount of \$40,000 for the furnishing of wood utility poles, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue an Electric Division Purchase Order to Gottogo Electric, for these poles.

Discussion: These utility poles will be used by the Electric Division for general construction and replacement. These poles are in the 2008 budget for \$40,000.

#080204D:

Whereas, the Board has previously appointed hearing officers to hold hearings for customers who contest the placement of liens on their properties pursuant to the City Charter, and

Whereas, one or more of the previously-appointed hearing officers are no longer available to conduct hearings, causing the need for the appointment of an additional hearing officer,

Now, Therefore, Be It

Resolved, That the Board does hereby appoint Tammy Anderson as a Hearing Officer for the purpose of conducting utility lien hearings.

Discussion: Tammy is a Customer Service Representative who is being given primary responsibility for scheduling hearings. Evelyn DeMarco and Christy Cuifolo have also been approved by the Board to conduct hearings.

#080204E:

Resolved, That the General Manager be authorized to enter into an agreement with Eagle Mountain Scientific, Inc. of Harmony, PA, to provide professional services for environmental consulting and testing services at the Samuel A. Carlson Generating Plant, for a sum not to exceed \$103,000, pursuant to their proposal dated February 12, 2008.

Discussion: Eagle Mountain Scientific will be providing professional services to the Jamestown Board of Public Utilities throughout 2008. Eagle Mountain Scientific Inc. has proposed to do our annual RATA and Rounds 1 & 2 of mercury testing for the year 2008. The cost of this testing was quoted at \$81,039. A 10% contingency will be added to cover unforeseen expenses related to this testing. They have also proposed to baseline engineering testing prior to the State mandated testing so as to allow staff to perform future projections at a cost of \$12,658. EMSI has provided environmental testing services for many years and has proven to be reliable, economic and acceptable to the State regulators. EMSI is one of the industry leaders in mercury emission testing and is currently contracted by many surrounding utilities for their services.

#080205 **By Mr. Gullotti:**

Whereas, three-quarters of this Board concurs that it is impractical to take bids for GE Fanuc®, iFIX 4.0 upgrade licensing for 5 FIX 7.0 SCADA nodes and annual Global Care Complete maintenance for 10 iFIX 4.0 SCADA nodes at a cost of \$17,300 for the 5 node upgrades and \$10,754.85 for annual maintenance on 10 nodes;

Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing an Electric Division Purchase Order to AutomaTech of Plymouth, MA, in the amount not to exceed \$28,054.85 for this upgrade and maintenance is hereby approved.

Discussion: Currently the BPU has 5 iFIX 4.0 SCADA nodes supporting all of wastewater, wastewater treatment plant and 50% of the water systems. The remaining water and electric SCADA nodes are running on the legacy 7.0 FIX software. The legacy 7.0 FIX software is not supported to run on current and future Microsoft operating systems and lacks the functionality and integration of the new iFIX 4.0 software. The purchase of the iFIX 4.0 upgrade for the 5 nodes will bring the whole of the BPU's SCADA system current and facilitate smoother upgrades and enhancement of all nodes. Keeping our iFIX maintenance current ensures that we have access to 24 hour support and free software upgrades.

The software upgrade was included in the 2008 budget under the SCADA systems upgrades item, with a total amount of \$40,000 available. Since the iFIX software is a proprietary solution available from only GE Fanuc® and AutomaTech is the only authorized reseller in our region it is not possible to go to public bid.

**ADOPTED.** Ayes: 7 Nays: 0  
February 19, 2008

Mr. Pillitteri arrived.

**#080206 By Mr. Rishell:**

Resolved, That the Board accepts the proposal of Freed, Maxick, & Battaglia, PC, of Batavia, NY, for examination of the accounts of the Electric, Water, Wastewater, Solid Waste and District Heating Divisions of the Board of Public Utilities for the year's ending December 31, 2007, December 31, 2008 and December 31, 2009 and reports on their examinations; and be it further

Resolved, That the General Manager is hereby authorized to accept the agreement under the terms of their proposal, subject to approval of counsel.

Discussion: Staff solicited proposals from 37 regional accounting firms and received 4 responses. Freed, Maxick & Battaglia's proposal for the three years is \$83,250. This proposal has been reviewed and recommended by the Finance & Capital Projects Committee.

**ADOPTED.** Ayes: 8 Nays: 0  
February 19, 2008

**#080207 By Mr. Pillitteri:**

Resolved, That the General Manager be authorized to enter into an agreement with Duncan, Weinberg, Genzer & Pembroke (DWGP), P.C. of Washington, D.C. and Whitfield Russell Associates, of Alexandria, VA, to provide professional services to represent the Jamestown Board of Public Utilities through its involvement with the New York Association of Public Power in proceedings being conducted at the New York State Department of Public Services and at the United States Federal Energy Regulatory Commission regarding the requests made by National Grid Inc. for transmission service rate restructuring and long term capital investment cost recovery of improvements made to the bulk electrical power transmission system owned and operated by their organization, for a sum not to exceed \$64,000 to DWGP and \$36,000 to Whitfield Russell Associates.

Discussion: The BPU has an obligation to its customers to insure that the rates charged by National Grid for the delivery of electrical energy to the BPU system are maintained at just and reasonable levels. These charges from National Grid make up approximately 6.5% of the total cost the average BPU customer pays in its monthly bill for electricity. The work included in this resolution will enable the BPU to represent its customer's interests in controlling these costs. This has also been reviewed and recommended by the Finance & Capital Projects Committee.

**ADOPTED.** Ayes: 8 Nays: 0  
February 19, 2008

**#080208 By Mr. Rabb:**

Resolved, That a warrant be drawn on the Wastewater Operating Fund to M & T Bank, Buffalo, New York for \$17,496.65 to pay six months interest at 5.65 percentum per annum due March 1, 2008, on \$1,545,000 New York State Revolving Fund Reserve Bonds, Series 2002I.

Discussion: Final payment to be made in September, 2012.

**ADOPTED.** Ayes: 8 Nays: 0  
February 19, 2008

Dave Gustafson gave a presentation on behalf of the Energy Conservation Strategic Planning Team that focused on a new interactive web-based software package purchased from Enercom for approximately \$975/month. A demonstration of the software product was presented to the board by the President of Enercom via webex. Dave Leathers thanked Dave and his team for their dedication to this strategic planning project and stated that this is an excellent example of our planning for and commitment to the progression of energy conservation.

Dave Leathers gave a brief general manager's report. He mentioned the Customer Handbook has been completed and copies will be provided in customer service.

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

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

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

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