

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, April 8, 2008**, at **12:00 P.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

BOARD MEMBERS:	Present	Absent
Vince DeJoy	X	
William S. Gullotti	X	
Jeffrey A. Lehman, PE		X
Carl P. Pillittieri		X
Anthony Prinzi	X	
Gregory Rabb (arrived at 12:35 PM)	X	
Wayne Rishell	X	
Mayor Samuel Teresi	X	
John Zabrodsky	X	
STAFF:		
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, Rebecca Robbins	X	
T & D Mgr., Chris Rodgers	X	

OTHERS: Al Nottage

The media was notified of this meeting and was represented by Pat Fanelli, Jade Boice and Terry Frank.

Mr. Nottage congratulated Dave Leathers and the board for the money received from the State for the CFB Project.

On motion of Mr. Prinzi, seconded by Mr. Rishell, the minutes of the previous meeting were approved.

#080401 **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 #080401A-B be, and hereby are approved as written.

ADOPTED. Ayes: 6 Nays: 0
April 8, 2008

#080401A:

Resolved, That the bid of Chautauqua Metal Finishing Supply of Ashville, NY, on BD-07-08 opened March 25, 2008, for liquid sodium hypochlorite solution at a cost of \$1.22/gal. be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue an Electric Division Purchase Order to Chautauqua Metal Finishing Supply for this sodium hypochlorite solution.

Discussion: This is the low bid of two received and meets all the required specifications. The liquid sodium hypochlorite will be used on a daily basis for water treatment in the power plant. The solution is ordered multiple times from the successful bidder as needed in the course of one year.

#080401B:

Resolved, That the General Manager is hereby authorized to purchase from SCL A-1 Plastics Ltd. of Brampton, Ontario, Canada, 1,000 yellow recycling containers at a cost of \$6.36 each per their quote of March 24, 2008; and be it further

Resolved, That the General Manager is hereby authorized to issue a Solid Waste Division purchase order to SCL A-1 Plastics Ltd., in the amount of \$6,360 for these recycling bins.

Discussion: In 2001 the BPU began the yellow recycling bin program as part of "Operation Weed & Seed". The goal was to provide all residences in Jamestown with quality-recycling containers that would withstand the rigors of Western New York weather and also be clearly visible to our solid waste employees. Because of the shape of the containers they are less likely to roll or tip over and they are an adequate size for the sanitation employees to handle. Also, the employees can easily distinguish the garbage containers from the recycling containers, therefore, increasing efficiency.

By providing these containers for sale at a nominal fee, it was staff's intent to make people more aware of recycling. They are the same color and shape which helps to improve the aesthetics for a neighborhood on garbage collection days. By establishing this practice of using the yellow containers as part of trash service for the City of Jamestown and the surrounding areas and by not providing them any longer, it is staff's fear that the recycling program will deteriorate and once again become troublesome, both efficiently and aesthetically.

#080402 By Mr. Gullotti:

Resolved, That the General Manager is hereby authorized to purchase from Hewlett-Packard Company of Omaha, Nebraska, an authorized reseller under NY OGS contract # PT61408, eighty-five Microsoft Office Professional Plus 2007 licenses at a cost of \$299.03 each for a total cost of \$25,417.55.

Discussion: As per the requirements outlined by our CIS vendor, the BPU will purchase, install and configure the above listed software. Microsoft Office Professional 2007 is required for integration with the Cogsdale/Great plains CIS package. Office 2007 will also allow us to stay current with document standards, especially when it comes to sharing documents with external agencies. The last time the BPU upgraded its Microsoft office suite was in 2002.

Planning for the upgrade started in 2006 and was included in the 2008 budget under the Server Replacement (Software Licensing) item, with a total amount of \$32,000 available. Since the Microsoft office suite is the only software compatible with the Cogsdale/Great Plains CIS Package and is available under the NY OGS contract, it would be impracticable to go to public bid.

ADOPTED. Ayes: 6 Nays: 0
April 8, 2008

#080403 By Mr. Prinzi:

Whereas, the Board, by resolution November 20, 2001, approved the Personnel Policies Manual, and

Whereas, staff has made changes to the Personnel Policies Manual that have been approved by the Personnel Committee and recommended to the Board,

Now, Therefore, Be It

Resolved, That the Board does hereby approve revisions to the Personnel Policies Manual as presented and authorizes staff to make the changes to the Manual by replacing the affected pages and supplying each employee who has a Manual with copies of the replacement pages.

Discussion: This has been reviewed and recommended by the Personnel Committee.

ADOPTED. Ayes: 6 Nays: 0
April 8, 2008

#080404 By Mr. Rishell:

Resolved, That the General Manager be, and hereby is, authorized to enter into a lease agreement with the Village of Lakewood to lease property located at 100 Linwood Avenue in the Village for Water Department purposes.

Discussion: The building located at 100 Linwood Avenue was used by Lakewood in the operation of its water system, and is currently unused. The building will be useful to the BPU for the storage of parts, temporary storage of equipment and a meeting location when working on the Lakewood Water System. The BPU will pay utilities only for the term of the lease.

ADOPTED. Ayes: 6 Nays: 0
April 8, 2008

#080405 By Mr. Gullotti:

Whereas, the Board has previously contracted with Accent Business Services to assist the BPU with the completion of bid specifications for the purchase and installation of a Computer Information System (CIS), and

Whereas, the Board, with the assistance of Accent, ran a competitive process for the purchase and installation of the system, and

Whereas, Cogsdale Corporation of Charlottetown, PE, Canada, submitted the lowest cost proposal for a system meeting the requirements of the BPU,

Now, Therefore, Be It

Resolved, That the General Manager be, and hereby is, authorized to enter into an agreement with Cogsdale Corporation of Charlottetown, PE, Canada, to purchase a financial and customer service software package for a cost not to exceed \$850,000, subject to final review by legal counsel.

Discussion: The CIS committee has completed the CIS vendor selection process and in conjunction with Accent Business Services has been working on developing a professional services agreement, software licensing and Escrow agreement, and a detailed statement of work agreement. Once the final contract language and terms have been agreed upon by both Cogsdale and the BPU the contract will be executed and work will begin. The \$850,000 includes a software investment of \$240,540, professional services for \$384,020, first year maintenance and support for \$60,135, estimated travel expenses of \$63,100 and a 13% percent contingency of \$102,205 totaling \$850,000. The overall budgeted amount for fiscal years 2008 and 2009 is \$1,000,000. Previous commitments for the project include an estimated \$100,000 for project management, and approximately \$50,000 for miscellaneous hardware and software.

ADOPTED. Ayes: 6 Nays: 0
April 8, 2008

#080406 By Mr. Gullotti:

Whereas, the Jamestown Board of Public Utilities (“BPU”) is a party to an Agreement with the Power Authority of the State of New York (“PASNY” or “NYPA”), dated November 24, 1986 (“1986 Contract”), pursuant to which the BPU purchases hydroelectric power and energy from NYPA, subject to the preference provisions of the Niagara Redevelopment Act (“NRA”), 16 U.S.C. Section 836, et.al; and

Whereas, the BPU and NYPA are also parties to the “1991 Amendment” to the 1986 Contract, pursuant to which the parties agreed to an “Industrial Economic Development” Program; and

Whereas, the BPU and NYPA are also parties to the “Global Settlement” dated April 2003, pursuant to which the parties agreed to an amendment to the 1986 Contract to extend the purchases of hydroelectric power and energy from the Niagara Project to 2025, and also agreed to undertake a new, enhanced and expanded Economic Development Program (“EDP”); and

Whereas, the BPU has participated through the New York Association of Public Power (“NYAPP”) in an extensive review of the EDP, and as stated in the Global Settlement, worked cooperatively with NYPA to develop a new EDP, which expands eligibility and would provide targeted hydroelectric power and energy for new and existing businesses that meet specific criteria, including job creation, preservation and capital investment;

Now, Therefore, Be It

Resolved, That the BPU does hereby adopt, approve and consent to the new Economic Development Program as set forth in the attached document entitled, “Municipal and Rural Cooperative Economic Development Program Guidelines: Executive Summary, August 2006 Revision” and “Municipal and Rural Cooperatives Economic Development Program Guidelines, August 2006 Revision; and be it further

Resolved, That the General Manager of the BPU is hereby directed and authorized to execute such documents and take such further steps as are required to carry out this resolution.

Discussion: The 1991 contract permits the redistribution for economic development purposes of up to 54 MW of the total of 752 MW of firm hydroelectric power among the 47 municipal electric utilities and 4 electric cooperatives in New York. The 2003 contract led to the development of guidelines that broaden the scope of businesses that might be eligible for economic development power, including R&D facilities, non-retail service organizations, warehousing and distribution facilities, agricultural businesses, not-for-profit entities, business headquarters facilities and tourism-related businesses, in addition to existing industrial customers. The allocation for new customers would be made on the basis of the number of jobs created per megawatt of new load.

The BPU previously implemented both a so-called "Flex-Rate" tariff and economic development tariff (with approval by the New York State Public Service Commission) to encourage the development and preservation of industrial jobs.

In order for this newer version of the economic development program to be implemented, all 51 of the municipal and cooperative electric utilities in New York must ratify the program. It is our understanding that all of the other municipal and cooperative systems have now approved these new guidelines.

ADOPTED. Ayes: 6 Nays: 0
April 8, 2008

Mr. Rabb arrived.

Randy Peterson gave a brief update on the progress of the Trickle Filter Project at the WWTP.

Bill Wright gave an update on the Lien Hearings that have been requested by customers with liens on their properties due to unpaid utility bills. He reported that there have been a total of eleven hearing requests.

Mayor Teresi announced that Tony Prinzi is attending his last meeting as a Board Member. Mr. Prinzi has announced his resignation, by a letter addressed to John Zabrodsky and Mayor Teresi, to take effect on April 9, 2008. John Zabrodsky and Mayor Teresi thanked Mr. Prinzi for his service on the board and also to the community.

Dave Leathers thanked Mr. Prinzi in his roles as Board Member and as Chair of the Personnel Committee. The Board and Mr. Leathers expressed gratitude to Mr. Prinzi for remaining in BPU service until a new General Manager was selected and until a new personnel manual could be completed. Mr. Prinzi thanked the Board and the staff for assisting him in his years as a Board member.

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

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

There being no further business the meeting was declared adjourned.

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