

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, July 22, 2008**, at **3:00 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
Fred Larson		X
Carl P. Pillittieri	X	
Gregory Rabb	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	
WWTP Supr., Jim Cooper	X	

OTHERS: Becky Nystrom, 93 Beech Street

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

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

Becky Nystrom said she is a resident of Jamestown for 30 years, a long time educator, her father worked as a BPU lineman and her husband is a BPU employee. She was here today to say she is concerned with the risks involved with the proposed CFB Project and disappointed with how the environmental community has been treated by the BPU and is convinced the board is not listening to the concerned citizens and scientists. Mr. Zabrodsky asked if she had a specific question for the board. She asked the board if they would commit to providing incentives for renewable programs similar or better than what NYSERDA offers.

#080705 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 #080705A-D be, and hereby are approved as written.

ADOPTED. Ayes: 5 Nays: 0
July 22, 2008

#080705A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending July 22, 2008 as follows:

ELECTRIC LIGHT FUND	\$2,166,390.48
WATER RENT FUND	351,439.98
DISTRICT HEATING FUND	183,348.93
WASTEWATER OPERATING FUND	184,299.71
SOLID WASTE OPERATING FUND	96,325.36
Total	\$2,981,804.46

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

Weekly Payroll No. 23	\$103,075.69
Weekly Payroll No. 24	104,872.48
Weekly Payroll No. 25	102,732.75
Weekly Payroll No. 26	104,545.75
Social Security	31,215.05
Sam's Club Direct	204.93
National Grid (Trans Agreement)	119,253.09
NYS Sales Tax	52,665.30

Office Petty Cash Fund	264.92
NYPA	75,000.00
Mid American Natural Resources	78,115.00
Integrys Energy Services	47,966.85
NYISO	408,477.89
Comm of Labor – Asbestos License	350.00
NYROK Partners	7,500.00
BPU Employee Flower Fund	3,100.60
Sib-Auctions – supplies	18.49
Central Surplus – supplies	208.45
American Express – Corp. Card	5,937.88
Citi Business – Corp. Card	5,055.94
Total	\$1,250,561.06

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

Weekly Payroll No. 23	\$23,170.58
Weekly Payroll No. 24	25,593.72
Weekly Payroll No. 25	23,865.96
Weekly Payroll No. 26	26,478.21
National Grid	2,894.79
Social Security	7,431.87
Total	\$109,435.13

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

Weekly Payroll No. 23	\$19,820.61
Weekly Payroll No. 24	18,163.03
Weekly Payroll No. 25	18,192.08
Weekly Payroll No. 26	18,071.24
Office Petty Cash Fund	65.80
Social Security	5,586.18
Total	\$79,898.94

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

Weekly Payroll No. 23	\$9,229.46
Weekly Payroll No. 24	9,738.02
Weekly Payroll No. 25	9,005.66
Weekly Payroll No. 26	9,283.32
Social Security	3,298.43
NYS Teamsters Retirement Fund	3,290.00
NYS Teamsters Health Ins.	10,915.37
Total	\$54,760.26

#080705B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 7-08 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.

#080705C:

Resolved, That the bid of Asplundh Tree Expert Co. of Willow Grove, PA, on BD-13-08 opened July 8, 2008, to perform tree clearing services, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to enter into a contract with Asplundh Tree Expert Co. for this tree clearing service.

Discussion: This is the only bid received and meets all the required specifications. Staff recommends that the Board of Public Utilities accept Asplundh's bid to provide time and material crews to perform tree clearing services. The BPU's overhead infrastructure reliability will be greatly improved by a comprehensive tree clearing program. The use of contract labor for this function is an effective method of managing tree clearing needs without impacting existing personnel resources. This contract is only valid until 12/31/08 with an estimated cost of \$120,000. Due to their union annual pay increases in January, this will have to be re-bid for next year. The next bid will be for one calendar year.

#080705D:

Resolved, That a warrant be drawn on the Electric Light Fund to Depository Trust Co., New York, New York for \$347,187.50 to pay principal of \$250,000 and \$97,187.50 for six months interest at 4.125 percentum per annum due August 1, 2008 on \$4,250,000 Serial Electric Bonds.

Discussion: This is for the CFB Project permitting and engineering costs and various infrastructure improvements with final payment to be made in August, 2025.

#080706 **By Mr. Rabb:**

Whereas, the Board previously passed resolution #040310 approving the leasing of unused portions of the BPU's fiber optic network to The Resource Center in 2004, and

Whereas, The Resource Center desires to lease additional unused and available fiber and agrees to pay for a substantial addition to the BPU fiber network to connect a new facility in the Village of Celoron to their data network; the BPU and The Resource Center agree to negotiate a new lease agreement encompassing the requested changes and additions;

Now, Therefore, Be It

Resolved, That the Board does hereby declare that two (2) strands of fiber optic cable in each of the BPU's loops, identified by Exhibit A of the lease agreement, are surplus and will not be needed for BPU purposes for the term of the lease, and be it further

Resolved, That the Board does hereby approve the lease agreement with The Resource Center and authorizes the General Manager to sign the agreement.

Discussion: Since the original lease was in the final year of a five year agreement, it was sensible to renegotiate a new lease incorporating all the change. It will also using the same model that was used in the recent DFT fiber contract. The agreement provides for the lease of surplus fibers on the BPU system. The Resource Center will accept all responsibility for "lighting" the fiber. This is not an exclusive agreement and is available to other companies, provided that the determination can be made that the fibers are surplus. The lease is for two strands of fiber optic cable approximately 35 fiber- miles in length with provisions for extension and additional service drops. This agreement is our standard copy and has been reviewed by counsel.

ADOPTED. Ayes: 5 Nays: 0
July 22, 2008

#080707 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 and government affairs coordination and communication to the BPU for the Oxy-Coal CFB Demonstration Project permitting and regulatory processes, for a sum not to exceed \$100,000 plus any reasonable and necessary out-of-pocket expenses.

Discussion: Specific to the Oxy-Coal CFB project, SJS Associates has developed an updated scope of work which highlights specific support activities for project progression. Because of the uncertainty related to the current permitting process and the significant legislative and project work required to progress the regulatory process, a requested authorization amount for the next 6-9 months has been provided. SJS Associates will act in a lead government affairs role for the oxy-coal alliance at both the State and Federal levels. This has been reviewed by the Strategic Planning Committee at their last meeting.

ADOPTED. Ayes: 5 Nays: 0
July 22, 2008

On motion of Mr. Pillitteri, seconded by Mr. Gullotti, the Board convened into executive session to discuss a contract negotiation issue.

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

#080708 By Mr. Pillitteri:

Resolved, That the General Manager be authorized to enter into an agreement with Travers Collins & Company of Buffalo, NY, to provide professional communication services for public outreach to support the Jamestown BPU Oxy-Coal Demonstration Project, for a sum not to exceed \$40,000.

ADOPTED. Ayes: 5 Nays: 0
July 22, 2008

Mr. Pillitteri left.

An update of the Wastewater Division Strategic Plan was given by Jim Cooper, Wastewater Supervisor.

Dave Leathers gave a brief general manager's report. Dave reported that he and four NYAPP representatives met in Albany with the NYS Energy Planning Commission which will develop a new State Energy Plan by June, 2009.

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

There being no further business, the board meeting was adjourned.

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