

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, September 23, 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. Pillitteri		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	
Solid Waste Supr., Roseann Himes	X	
OTHERS: Mr. Al Nottage		

The media was notified of this meeting and was represented by Kristen Johnson, PJ, and Sawyer Vanhorn, Cable 8 News.

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

#080904 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 #080904A-B be, and hereby are approved as written.

ADOPTED. Ayes: 6 Nays: 0
September 23, 2008

#080904A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending September 23, 2008 as follows:

ELECTRIC LIGHT FUND	\$2,723,023.53
WATER RENT FUND	373,438.10
DISTRICT HEATING FUND	70,584.98
WASTEWATER OPERATING FUND	448,109.12
SOLID WASTE OPERATING FUND	79,750.98
Total	\$3,694,906.71

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

Weekly Payroll No. 32	\$104,837.98
Weekly Payroll No. 33	100,631.72
Weekly Payroll No. 34	103,532.62
Weekly Payroll No. 35	102,708.42
Social Security	30,941.50
Sam's Club Direct	942.57
National Grid (Trans Agreement)	163,577.13
NYS Sales Tax	40,000.00

Office Petty Cash Fund	262.00
Fortis Energy Marketing – Power Purch	8,105.86
Integrys Energy Services	66,696.00
Comm of Labor – Asbestos License	50.00
NYS DEC	1,700.00
Sib Auctions – Computer Battery	60.94
American Express – Corp. Card	3,046.64
Citi Business – Corp. Card	4,206.10
Gina Perrin (Damage Claim)	268.00
Total	\$731,567.48

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

Weekly Payroll No. 32	\$24,712.51
Weekly Payroll No. 33	22,959.13
Weekly Payroll No. 34	22,376.33
Weekly Payroll No. 35	22,309.23
Social Security	6,915.37
Total	\$99,272.57

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

Weekly Payroll No. 32	\$18,049.41
Weekly Payroll No. 33	18,082.97
Weekly Payroll No. 34	18,163.14
Weekly Payroll No. 35	17,602.34
Social Security	5,406.47
Total	\$77,304.33

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

Weekly Payroll No. 32	\$9,379.37
Weekly Payroll No. 33	8,887.40
Weekly Payroll No. 34	8,946.76
Weekly Payroll No. 35	8,812.05
Social Security	2,696.39
NYS Teamsters Retirement Fund	2,632.00
Lymarís Blanco – Damage Claim	700.00
Total	\$42,053.97

#080904B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 9-08 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.

#080905 **By Mr. Rishell:**

Whereas, the Board authorized the General Manager to enter into an agreement with URS-Washington Division to provide professional services under resolution #080807 dated August 19, 2008, and

Whereas, URS-Washington Division has proposed to offer services in addition to their previously awarded contract,

Now, Therefore, Be It

Resolved, That the Board does hereby approve an increase in the work scope to URS-Washington Division of Princeton, NJ, and authorizes the General Manager to execute Change Order #1 to cover the additional scope of services to facilitate a Risk Assessment of the Jamestown Oxy-Coal Power Plant Project consistent with DOE-O413.3 and DOE-O413.3-1 and to be included within the DOE, CCPI Round 3 application process for a total sum of \$27,500.

Discussion: These additional services will be refundable through the NYS grant covering the CCPI application process.

ADOPTED. Ayes: 6 Nays: 0
September 23, 2008

#080906 **By Mr. DeJoy:**

Whereas, electricity is an essential public service necessary for economic productivity and growth, and to improve the quality of life for all citizens; and

Whereas, prices for electricity in our area are rising and are forecasted to continue to rise; and

Whereas, these price increases are attributable to a number of factors, including increased costs for material, labor, and fuel, but a significant additional factor driving up retail electricity prices is the artificially high prices utilities must pay for power they purchase on the wholesale market; and

Whereas, the wholesale electricity market in our area is operated by the New York Independent System Operator (NYISO), a “regional transmission organization” (RTO), which is not subject to any authority by the state, but rather is overseen by the Federal Energy Regulatory Commission (FERC) in Washington, DC; and

Whereas, when FERC approved the creation of this RTO-run market it also “deregulated” electricity prices, allowing sellers to charge whatever the market would bear, under the theory that there would be effective competition to protect consumers from excessive prices and spur needed investments in new power plants; and

Whereas, there is no competition in this market and thus the results have been the opposite, with wholesale prices for electricity rising significantly and at a higher rate than in regions not served by an RTO, and with power plant investments lagging behind the projected need; and

Whereas, these trends in the electricity industry come at a time of increasing general economic anxiety and recognition of the costs likely to be borne by consumers to achieve necessary reductions in greenhouse gas emissions to address climate change.

Now, Therefore, Be It

Resolved, That the Jamestown Board of Public Utilities calls on Congress to take all necessary steps to ensure that the Federal Energy Regulatory Commission protects electricity consumers and the economy by ensuring that wholesale power prices in RTO-run regions are “just and reasonable” as required by law.

ADOPTED. Ayes: 6 Nays: 0
September 23, 2008

#080907 By Mr. Lehman:

Whereas, the Board, by resolution 080808, authorized the BPU to enter into a contract with the New York State Department of Environmental Conservation in support of Ecology & Environment's NYSERDA Project, and

Whereas, the Board desires to assign its interests and obligations to Ecology and Environment,

Now, Therefore, Be It

Resolved, That the General Manager be, and hereby is authorized to execute an assignment of its contract with the DEC assigning all of its right, title interest and obligation in and to the DEC contract, to Ecology and Environment, subject to review and approval by counsel and the New York State Department of Environmental Conservation.

Discussion: The BPU is a pass-through entity for this project funding. This assignment makes Ecology and Environment responsible for the BPU's contractual obligations to the DEC. This assignment has no impact on project funding.

ADOPTED. Ayes: 6 Nays: 0
September 23, 2008

#080908 By Mr. Rishell:

Resolved, That the bid of EnerVest Operating, LLC, of Charleston, WV, on BD-19-08 opened September 23, 2008, for the supply of natural gas to the Waste Water Treatment Plant for a period of three years beginning November 1, 2008 at a winter price (Nov – March) equal to the monthly NYMEX price plus \$1.55/mmbtu and at a summer price (April – Oct) equal to the monthly NYMEX price plus \$1.15/mmbtu, be accepted; and be it further,

Resolved, That the General Manager is hereby authorized to enter into an agreement with EnerVest Operating, LLC for the supply of natural gas for the Waste Water Treatment Plant for a period of three years.

Discussion: This is the only bid received and meets all specifications. The EnerVest bid represents delivery of gas to the WWTP directly from their gas production system. EnerVest, formally Nornew, has been supplying gas to the WWTP since 1999 through this system. The price bid is unchanged since last year.

ADOPTED. Ayes: 6 Nays: 0
September 23, 2008

An update of the Solid Waste Division Strategic Plan was given by Roseann Himes, Solid Waste Supervisor.

Dave Leathers gave a General Manager's report on updates of the NYAPP Meeting in Albany on September 16 & 17, the BPU's participation at the Chautauqua County Energy Conference & Expo at the Chautauqua Suites in Mayville on November 14 & 15, the CCPI proposal work, and the Local Outreach Plan for the Oxy-Coal Project.

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

On motion of Mayor Teresi, seconded by Mr. DeJoy, the board convened into open session.

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

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