

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, November 25, 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	
Fred Larson		X
Carl P. Pillitteri	X	
Gregory Rabb (arrived at 12:33 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	
Project Supr., Steve Kulig	X	
WWTP Supr., Jim Cooper	X	

The media was notified of this meeting and was represented by Kristen Johnson, P-J, and Sawyer Vanhorn, Cable 8 News. Terry Frank, WJTN, arrived near the end of the meeting.

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

#081105 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 #081105A-C be, and hereby are approved as written.

ADOPTED. Ayes: 5 Nays: 0
November 25, 2008

#081105A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending November 25, 2008 as follows:

ELECTRIC LIGHT FUND	\$2,249,627.93
WATER RENT FUND	519,713.98
DISTRICT HEATING FUND	64,892.48
WASTEWATER OPERATING FUND	276,229.76
SOLID WASTE OPERATING FUND	95,512.40
Total	\$3,205,976.55

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

Weekly Payroll No. 40	\$108,050.79
Weekly Payroll No. 41	107,509.68
Weekly Payroll No. 42	112,573.78
Weekly Payroll No. 43	104,548.21
Weekly Payroll No. 44	105,748.62
Social Security	40,250.49
Sam's Club Direct	803.72
National Grid (Trans Agreement)	42,821.94
NYS Sales Tax	47,303.54
Office Petty Cash Fund	542.13
Coal Utilization Research Council	904.00
NYPA Purchases	73,934.34
CoNetriz – 2-yr. Sub Identity Theft	1,090.00

American Express – Corp. Card	4,856.51
Citi Business – Corp. Card	3,137.29
Laptopaid – Computer Adapter	25.50
Total	\$754,100.54

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

Weekly Payroll No. 40	\$23,114.14
Weekly Payroll No. 41	22,616.72
Weekly Payroll No. 42	22,505.93
Weekly Payroll No. 43	24,480.11
Weekly Payroll No. 44	22,548.01
Social Security	8,630.38
National Grid	2,579.96
Total	\$126,475.25

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

Weekly Payroll No. 40	\$17,829.48
Weekly Payroll No. 41	17,886.83
Weekly Payroll No. 42	18,725.82
Weekly Payroll No. 43	20,069.81
Weekly Payroll No. 44	17,699.16
Social Security	6,937.02
Office Petty Cash Fund	60.00
Total	\$99,208.12

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

Weekly Payroll No. 40	\$9,509.21
Weekly Payroll No. 41	8,941.73
Weekly Payroll No. 42	9,334.96
Weekly Payroll No. 43	9,038.00
Weekly Payroll No. 44	9,348.89
Social Security	3,457.78
NYS Teamsters Retirement Fund	2,707.20
Office Petty Cash Fund	33.03
Total	\$52,370.80

#081105B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 11-08 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.

#081105C:

Resolved, That the General Manager be, and hereby is authorized to enter into a professional services agreement with R. W. Beck, Inc. of Denver, CO, to provide Program Management Assistance for the Jamestown BPU Oxy-Coal Project for a sum not to exceed \$25,916.

Discussion: This consultant has assigned a designated project manager, Mr. Robert Battenhouse, on a level-of-effort basis to assist in managing the DOE proposal effort as it relates to Jamestown BPU priorities. In this capacity, Mr. Battenhouse will interface with the project participants and represent the BPU in dealing with these entities.

#081106 **By Mr. Pillitteri:**

Resolved, That the Water Division Budget for 2009, anticipating cash and investments of \$2,186,762, cash receipts of \$4,884,770, and cash disbursement of \$5,813,526, leaving a cash balance of \$1,258,006, be and hereby is adopted; and be it further

Resolved, That the disbursements shall be divided \$2,084,500 for Capital Projects, and \$3,729,026 for Operation and Maintenance, all as set forth in said budget for 2009; 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: 5 Nays: 0
November 25, 2008

#081107 By Mr. Lehman:

Resolved, That the General Manager be, and hereby is authorized to enter into a Host Site Agreement (“Agreement”) with CONSOL Energy Inc., Research & Development (“Consol”), a corporation organized under the laws of the State of Delaware, with offices in South Park, PA; to perform a Low-Temperature Mercury Control Field Trial test on boiler #12 at the Samuel A. Carlson Generating Station to demonstrate the effectiveness of this technology at achieving reductions of mercury emissions contained in the boiler’s exhaust gases.

Discussion: Consol has entered into a Cooperative Agreement with the U.S. Department of Energy (DOE) to perform a field trial of this technology. Under the agreement, Consol, with funding assistance from the DOE, shall provide the necessary equipment, materials, engineering, and technical direction to perform a test involving the injection of atomized water into the boiler’s exhaust gases, to cool these gases thus allowing the unit’s existing electrostatic precipitator to more effectively capture trace amounts of mercury. The BPU’s obligation is to provide labor and additional personnel needed to install the test equipment, as well as operate and monitor the equipment during the test period and provide consumable items used during the test such as fuel and water. The testing activity is expected to take place beginning in early December 2008.

ADOPTED. Ayes: 5 Nays: 0
November 25, 2008

#081108 By Mr. Pillittieri:

Resolved, That the General Manager be, and hereby is authorized to enter into an agreement with Unbridled Energy of New York, LLC., to conduct well drilling, core sampling and other sub-surface testing, for a cost not to exceed \$1,600,000, subject to review by counsel.

Discussion: This contract is part of work scope in the NYSERDA contract to evaluate the feasibility of long-term CO2 storage in Chautauqua County. This contract works with the Ecology & Environment contract approved by the Board, and the NYSERDA grant which will pay for the entire work scope.

ADOPTED. Ayes: 5 Nays: 0
November 25, 2008

Mr. Rabb arrived.

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

Dave Leathers announced that the 2009 APPA Legislative Rally will be held on February 23-26 and asked if anyone is interested in attending the rally to let Julie know. Dave said a draft of the 2009 board meeting dates will be presented at the next BPU meeting on December 9th.

Dave Leathers said the Chautauqua Co. Energy Conference in Mayville on November 14 & 15 was very successful. Dave also mentioned the NYS Carbon Dioxide Sequestration Informational meeting that will be held on Wednesday, December 3, in the Carnahan Bldg. at JCC and encouraged everyone to attend if they are able. He explained this is a NYS presentation and it is not about the BPU CFB Oxy-Coal Project specifically.

Dave Leathers said the BPU will help execute a program that the New York Power Authority is providing. This program includes a weatherization kit for low income residential electric customers. These kits will be made available only to qualified/eligible BPU electric customers on a first-come, first-served basis.

Randy Peterson reported there have already been five water main breaks this winter.

Dave Leathers gave a brief update on the status of the CCPI application process, EPA Region 2 meeting and the DEC Region 9 meeting, regarding the CFB Oxy-Coal Project.

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

On motion of Mr. Pillitteri, seconded by Mr. Lehman, the board convened into open session.

#081109 By Mr. Lehman:

Resolved, That the General Manager be authorized to enter into an agreement with Hiscock & Barclay of Albany, NY., to provide professional services for the proposed Clean Coal CFB Power Plant project as part of lobbying efforts before the officials of New York State, for a sum not to exceed \$72,000.

ADOPTED. Ayes: 6 Nays: 0
November 25, 2008

On motion of Mr. Gullotti, seconded by Mr. Pillitteri, the board meeting was declared adjourned.

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