

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, December 23, 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. 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	
Project Tech Lead, Steve Kulig	X	
Water Supr., Mike Saar	X	

The media was notified of this meeting and was represented by Kristen Johnson, P-J, and Jade Boice, Cable 8 News. Terry Frank, WJTN, arrived at 12:55 PM.

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

#081204 **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 #081204A-C be, and hereby are approved as written.

ADOPTED. Ayes: 7 Nays: 0
December 23, 2008

#081204A:

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

ELECTRIC LIGHT FUND	\$2,256,767.67
WATER RENT FUND	357,787.21
DISTRICT HEATING FUND	75,917.87
WASTEWATER OPERATING FUND	194,074.94
SOLID WASTE OPERATING FUND	99,239.66
Total	\$2,983,787.35

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

Weekly Payroll No. 45	\$107,742.83
Weekly Payroll No. 46	106,852.47
Weekly Payroll No. 47	112,224.54
Weekly Payroll No. 48	107,602.28
Social Security	32,061.92
Sam's Club Direct	740.62
National Grid (Trans Agreement)	112,711.07
NYS Sales Tax	48,194.00

Office Petty Cash Fund	284.98
The Reg Lenna Civic Center	150.00
Comm. of Labor – Asbestos Licenses	150.00
NYS DEC – Opacity Exceedenses	3,800.00
American Express – Corp. Card	5,166.26
Citi Business – Corp. Card	4,153.48
Jamestown Chamber of Commerce	20.00
David Watkins	6,000.00
Total	\$647,854.45

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

Weekly Payroll No. 45	\$27,332.18
Weekly Payroll No. 46	24,096.83
Weekly Payroll No. 47	23,153.55
Weekly Payroll No. 48	23,957.54
Social Security	6,763.62
Total	\$105,303.72

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

Weekly Payroll No. 45	\$17,768.56
Weekly Payroll No. 46	18,088.21
Weekly Payroll No. 47	20,058.42
Weekly Payroll No. 48	18,171.96
Social Security	5,573.93
NYS DEC – Reg Program Fee	15,000.00
Total	\$94,661.08

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

Weekly Payroll No. 45	\$9,225.13
Weekly Payroll No. 46	9,280.78
Weekly Payroll No. 47	8,861.90
Weekly Payroll No. 48	9,385.19
Social Security	2,752.09
NYS Teamsters Retirement Fund	3,008.00
Total	\$42,513.09

#081204B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 12-08 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.

#081204C:

Resolved, Pursuant to GML §77-b.2 and §77-b.4, that this Board hereby delegates to General Manager, David L. Leathers, the power to authorize during the year 2009, attendance by BPU employees and board members at such specific conferences, conventions, or schools as the General Manager shall determine to be for the betterment or benefit of the BPU; and be it further

Resolved, That the expenses and disbursements incurred shall be paid through the division fund determined by the General Manager to be appropriate, pursuant to the provisions of the General Municipal Law of New York State.

Discussion: Staff will provide follow-up information on travel by employees and board members. Expenditures for travel are subject to Budget limits.

#081205 **By Mr. Pillitteri:**

Resolved, That the Electric Division Budget for 2009, anticipating cash and investments on hand of \$4,910,497, cash receipts of \$41,025,672, and cash disbursements of \$41,885,836, leaving a cash balance of \$4,050,333, be and hereby is adopted; and be it further

Resolved, That the disbursements shall be divided \$7,344,616 for Fixed Charges, \$5,493,000 for Capital Projects, and \$29,048,220 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: 7 Nays: 0
December 23, 2008

081206 By Mr. Larson:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for 2009 Advertising Services related to conservation and BPU services/information;
Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing an Electric Division Purchase Order to Time Warner Cable of Jamestown, NY, in the amount not to exceed \$28,080 for this advertising service is hereby approved.

Discussion: This resolution of impracticability is due to there being only one television station in the area. The Time Warner contract extends from late January each year to late January the next year. The charge for 2009 is maintained at the 2008 level. The commercials air four times each Tuesday/Thursday evening on the Cable 8 News program. They also are aired at no charge on the following morning's rebroadcast of the news on Cable 8. The commercial content primarily focuses on conservation education as well as BPU services offered to the public (ie, Customer Assistance Program, Balanced Billing, Yard Waste Bags, Dual Water Meters, Web Site).

ADOPTED. Ayes: 7 Nays: 0
December 23, 2008

#081207 By Mr. Rishell:

Resolved, That the General Manager be authorized to enter into an agreement with Duncan, Weinberg, Genzer & Pembroke (DWGP), P.C. of Washington, D.C., to provide continued professional services support for the proposed CFB Oxy-Coal Power Plant Project air permit application(s) and supplemental environmental impact statement (SEIS) processes, as well as legal support for both the oxy-coal alliance organization structure and bonding/financing development work for a sum not to exceed \$400,000.

Discussion: DWGP will be providing key project support during the first half of 2009 leading up to the DOE CCPI award decision date. This resolution covers costs for this period to provide primary support for regulatory activities on all aspects of the CFB oxy-coal project, including sequestration, and for bonding, financial/funding plan development, and organization structure. The majority of the costs for this work should be recovered through the NYS committed ESDC funds (potential limitation of 50% cost share). Mr. Larson said he is voting against this resolution because he does not think this is the right law firm for oxy-coal alliance organization structure and bonding/financing development work for the CFB Project. Mayor Teresi said that he agreed with Mr. Larson's comments, but would vote for the DWGP resolution with the understanding that additional representation will be added to support the project.

ADOPTED. Ayes: 6 Nays: 1 (Larson)
December 23, 2008

#081208 **By Mr. Gullotti:**

Resolved, That the General Manager be authorized to enter into an agreement with Squire, Sanders & Dempsey, LLP, of Washington, D.C., to provide continued professional services for supplying support for the new CFB Oxy-Coal Power Plant Project, for a sum not to exceed \$100,000.

Discussion: Squire, Sanders & Dempsey has provided the Board with legal financing services specific to the project, and will provide further professional support in the 2009 calendar year. The majority of the costs for this work should be recovered through the NYS committed ESDC funds (potential limitation of 50% cost share).

ADOPTED. Ayes: 7 Nays: 0
December 23, 2008

An update of the Water Division Strategic Plan was given by Mike Saar, Water Supervisor.

Dave Leathers said the APPA Legislative Rally is coming up in February in Washington, DC, and asked that any board member interested in attending to let him know. Dave reported that the Energy Star Rebate Program has distributed \$13,225 among 336 accounts as of this date. Dave also said there have been 159 NYPA Weatherization Kits distributed.

A revised BPU Board 2009 meeting schedule was provided for review and comment; it was agreed that the first meeting of the year will take place on January 13, 2009.

Dave Leathers attended the NYAPP Annual Meeting in Albany on December 17th & 18th. He said this meeting was full of information covering State and energy issues for municipalities. Tom Congdon, Assistant Secretary for NYS Energy, spoke on the State's budget and on progress being made on the State Energy Plan.

Mike Anderson highlighted the draft Freed, Maxick and Battaglia financial audit schedule for 2008 results.

John Zabrodsky said that with this being the last meeting in 2008, he wanted to express his thanks to all Board members and BPU staff for a challenging and rewarding year. He also reminded everyone that 2009 will be equally as challenging.

On motion of Mr. Rabb, seconded by Mr. Pillittieri, the board convened into executive session to discuss a potential litigation issue and two personnel issues.

On motion of Mr. Larson, 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