

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, January 27, 2009**, 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 (arrived at 12:30 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 Tech Lead, Steve Kulig	X	

OTHERS: Al Nottage

The media was notified of this meeting and was represented by Jade Boice, Cable 8 News.

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

Chairman John Zabrodsky presented the new committee assignments for 2009. The Strategic Planning Committee will be Carl Pillittieri as Chairman, Mayor Sam Teresi and Jeff Lehman. The Finance & Capital Projects Committee will be Wayne Rishell as Chairman, Vince DeJoy and Bill Gullotti. The Personnel Committee will be John Zabrodsky as Chairman, Greg Rabb and Fred Larson. John Zabrodsky will serve on all committees.

#090107 **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 #090107A-C be, and hereby are approved as written.

ADOPTED. Ayes: 7 Nays: 0
January 27, 2009

#090107A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending January 27, 2009 as follows:

ELECTRIC LIGHT FUND	\$2,362,442.14
WATER RENT FUND	463,964.80
DISTRICT HEATING FUND	538103.21
WASTEWATER OPERATING FUND	523,148.93
SOLID WASTE OPERATING FUND	111,052.68
Total	\$3,998,711.76

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

Weekly Payroll No. 49	\$117,429.75
Weekly Payroll No. 49A	28,266.68
Weekly Payroll No. 50	112,175.90
Weekly Payroll No. 51	107,254.53
Weekly Payroll No. 52	105,748.53
Social Security	34,156.41
Sam's Club Direct	297.70

National Grid (Trans Agreement)	131,317.19
NYS Sales Tax	40,000.00
Office Petty Cash Fund	598.51
RGGI, Inc.	10,140.00
WCA Hospital – Employee Physicals	283.20
NYS DEC – Opacity Exceedenses	5,000.00
American Express – Corp. Card	4,849.52
Citi Business – Corp. Card	14,467.01
City of Jamestown – NYS Retirement	587,793.00
Newedge USA – Gas Futures	100,000.00
Total	\$1,399,777.93

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

Weekly Payroll No. 49	\$24,210.99
Weekly Payroll No. 49A	7,212.50
Weekly Payroll No. 50	25,062.48
Weekly Payroll No. 51	23,300.03
Weekly Payroll No. 52	24,503.28
Social Security	7,176.01
Total	\$111,465.29

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

Weekly Payroll No. 49	\$22,300.96
Weekly Payroll No. 49A	11,067.50
Weekly Payroll No. 50	47,963.86
Weekly Payroll No. 51	17,446.10
Weekly Payroll No. 52	17,620.07
Social Security	8,810.32
Dave Roehmholdt – Damage Claim	1,500.00
Total	\$126,708.81

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

Weekly Payroll No. 49	\$10,140.23
Weekly Payroll No. 49A	550.00
Weekly Payroll No. 50	9,625.16

Weekly Payroll No. 51	9,278.59
Weekly Payroll No. 52	9,296.30
Social Security	2,915.64
NYS Teamsters Retirement Fund	3,760.00
NYS Teamsters Health Insurance	610.71
Faith Farrar-Dwyer – Damage Claim	8,990.00
Total	\$55,166.63

#090107B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 01-09 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.

#090107C:

Resolved, That the bid of Knickerbocker Equipment Co. Inc. of Erie, PA, on BD-27-08 opened December 30, 2008, in the amount of \$41,338 for two (2) 50 kW trailer mounted generators, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue a Wastewater Division Purchase Order to Knickerbocker Equipment Co. Inc. for these generators.

Discussion: This is the only bid received that meets all the required specifications. These generators are to be used for emergency back-up power. The approved 2009 Wastewater Capital Budget includes this expenditure.

#090108 **By Mr. Lehman:**

Resolved, that the Board does hereby accept the proposal of Kucera International, Inc., of Willoughby, OH, for professional services to be performed in relation to the Board's Geographic Information System project and has determined that acceptance of the proposal of Kucera International, Inc., dated January 7, 2009, for Color Aerial Photography, Ground Control, Aerotriangulation, Mapping and provision of Color Digital Orthophotos is in the best interest of the Board and authorizes the General Manager to enter into a contract with Kucera in an amount not to exceed \$115,000, subject to approval by counsel as to form.

Discussion: These services are a continuation of aerial mapping that Kucera did in 2002 that was not covered under resolution #020306, dated March 19, 2002. This new mapping will cover areas that the BPU serves in Lakewood, Busti and the Poland Center well field. This proposal has been reviewed and recommended by the BPU Finance and Capital Projects Committee.

ADOPTED. Ayes: 7 Nays: 0
Janaury 27, 2009

#090109 By Mr. Pillittieri:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for repairs to Well #2 at the Poland Center Well Field,

Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing a Water Division purchase order to Moody and Associates, Inc. of Meadville, PA, for a sum not to exceed \$19,000 for these repairs is hereby approved.

Discussion: This work will include pulling the old pump and motor, camera the well, setup and clean the well. This well has a decline in pumping performance that was noted after a well field evaluation test conducted in 2008 on all the BPU wells. Moody is the only contractor in the area that has equipment for air bursting technology used for cleaning the well.

ADOPTED. Ayes: 7 Nays: 0
Janaury 27, 2009

Mr. Rabb arrived.

#090110 By Mr. Rishell:

Whereas, the New York State Energy Research and Development Authority (NYSERDA) has an established Flexible Energy Assistance (FlexTech) program to partially subsidize the cost of performing energy audits for qualifying facilities with annual electrical energy costs in excess of \$75,000, and

Whereas, the Jamestown Board of Public Utilities (JBPU) is actively engaged in efforts to promote energy conservation and energy efficiency initiatives benefiting its electric division customers and has very large electric customers who may qualify for the FlexTech program, and

Whereas, the JBPU has received approval from the New York State Department of Public Service (DPS) to add a \$0.001/Kwh charge to its electric division customers bills to fund energy conservation and energy efficiency programs, and

Whereas, the JBPU believes that the commitment of \$75,000 to augment the FlexTech program using funds approved for collection by the DPS for energy conservation and efficiency programs is a prudent method to expend these funds and provide benefit to JBPU electric division customers;

Now, Therefore, Be It

Resolved, That the Board does hereby authorize the General Manager to sign participation agreements with NYSERDA, NYSERDA approved electric customers of the JBPU who enroll in the FlexTech program, and NYSERDA approved FlexTech energy audit service providers to a cumulative amount not to exceed \$75,000 for calendar year 2009.

Discussion: Under the FlexTech program, NYSERDA uses funding from sources other than the SBC, to promote investment in energy conservation and efficiency technology. The typical cost sharing distribution in situations where the host utility has committed to participate, is 1/3rd of the audit cost will be paid by NYSERDA, 1/3rd will be paid by the host utility (JBPU), and 1/3rd will be paid by the electric customer. It is estimated that the \$75,000 requested for approval will allow the JBPU to participate in the completion of approximately six FlexTech audits over the next 12 to 18 months. NYSERDA has indicated it can support a matching level of funding. JBPU customers will be accepted on a first-come basis until the funds are committed/expended. Additional funding will be requested if the program is deemed successful and if NYSERDA indicates that it can financially support additional audits.

ADOPTED. Ayes: 8 Nays: 0
January 27, 2009

#090111 By Mr. Pillitteri:

Whereas, the Board has previously enlisted the services of Hometown Connections to facilitate strategic planning sessions on behalf of the Board, and

Whereas, the Board desires to continue the strategic planning process for the Water Resources Divisions and has requested and received a proposal from Hometown Connections to facilitate the same,

Now, Therefore, Be It

Resolved, That the Board does hereby accept the proposal of Hometown Connections for a sum not to exceed \$26,000 plus travel costs and expenses.

Discussion: This is a professional service and is exempt from competitive bidding under the General Municipal Law. The Solid Waste, District Heating/Cooling, Wastewater and Water Divisions will be going through a process between February and August of this year to update their respective strategic plans. The initial strategic plans for these four divisions were developed in 2005; it is appropriate that the plans be revisited and updated on a regular basis. The objective of the process this year is to have each of the updated plans available prior to the 2010 budgeting process. The plans will continue to follow the board-directed business goals of environmental stewardship, customer satisfaction, financial performance, and growth.

ADOPTED. Ayes: 8 Nays: 0
January 27, 2009

#090112 By Mr. Larson:

Whereas, the Coal Utilization Research Council (CURC) is the leading national trade association advocating for continued use and funding of innovative coal power generation technologies,

Whereas, CURC offers important opportunities for information sharing and joint legislative and regulatory efforts regarding advanced-coal programs and technologies,

Whereas, CURC has been supportive of the Jamestown Board of Public Utilities' (BPU's) efforts to develop a technology neutral approach to carbon dioxide capture and sequestration funding and to increase the Department of Energy Clean Coal Power Initiative (CCPI), Round 3, funding level, and

Whereas, CURC offers an opportunity to further raise the Oxy-Coal project's profile and to develop contacts within and across the electric industry and with technology vendors,

Now, Therefore, Be It

Resolved, That the BPU be and is hereby authorized to join CURC for the calendar year 2009 and pay a membership fee in the amount of \$7,500.

Discussion: CURC is an industry advocacy group that promotes the efficient and environmentally-sound use of coal. CURC focuses on the technology development steps necessary to achieve near zero emissions from coal power generation and to support that development through sustained cooperative federal funding. In the coming months, CURC will discuss with Congress how coal technologies must be developed and funded prior to regulation of carbon dioxide. The BPU team and New York Oxy-Coal Alliance members worked with CURC staff through the latter part of 2008 to find solutions for the 70/30 CCPI language interpretation issue. CURC has been supportive of oxy-coal technology.

ADOPTED. Ayes: 8 Nays: 0
January 27, 2009

General Manager Update by Dave Leathers: The Water Division responded to 23 water main breaks since November. The Electric Division has had isolated electric outages due to weather including one short outage this morning. The T & D department has scheduled safety training all this week. The gas turbine has been running the last few weeks. A CFB Project update meeting is scheduled in Ward 2 from 6:30-8 PM on Wednesday, February 11, at the Christ First United Methodist Church. Communication meetings continue to be scheduled with new representatives in Washington and Albany.

Wayne Rishell, Chairman of the Finance Committee, said the committee met with the auditors from Freed Maxick this morning and is confident the process will be on schedule and he is comfortable with their approach.

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

On motion of Mr. Lehman, seconded by Mr. Gullotti, 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