

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 **Friday, February 20, 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. Pillitteri (arrived at 12:15 PM)	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	
HR Dir, Dave Watkins	X	

OTHERS: Pete Morgante, 134 Euclid Avenue

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

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

Mr. Pete Morgante voiced his concerns on street lighting within the City. He said it is very dark and suggested that one person be assigned to inspect all street lights in the evening hours.

#090204 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 #090204A-H be, and hereby are approved as written.

ADOPTED. Ayes: 7 Nays: 0
February 20, 2009

#090204A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending February 20, 2009 as follows:

ELECTRIC LIGHT FUND	\$2,467,636.39
WATER RENT FUND	326,513.25
DISTRICT HEATING FUND	122,841.04
WASTEWATER OPERATING FUND	231,004.01
SOLID WASTE OPERATING FUND	109,882.15
Total	\$3,257,876.84

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 January, 2009 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$113,782.43
Weekly Payroll No. 2	114,709.36
Weekly Payroll No. 3	110,531.71
Weekly Payroll No. 4	104,722.83
Weekly Payroll No. 5	105,319.20
Social Security	41,245.12
Sam's Club Direct	1,710.74
National Grid (Trans Agreement)	267,830.28

NYS Sales Tax	40,000.00
Office Petty Cash Fund	2,826.65
Sempra Energy Trading – SO2 Allow	37,750.00
Mirant Energy Trading – SO2 Allow	65,000.00
American Express – Corp. Card	1,257.11
Citi Business – Corp. Card	4,410.48
Skillpath – Mgt Seminar	6,400.00
Chaut Co Dept of Finance	25.00
Comm of Labor – Asbestor Licenses	475.00
Thermal Eng – Retube #5 HP heater	51,934.00
BPU Health Insurance	134,025.61
Total	\$1,203,955.52

and the action of said executive officers in drawing warrants on the Water Rent Fund in January, 2009 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$46,209.51
Weekly Payroll No. 2	24,541.81
Weekly Payroll No. 3	23,932.55
Weekly Payroll No. 4	24,022.89
Weekly Payroll No. 5	24,903.76
BPU Health Insurance	35,701.21
Social Security	10,812.02
Total	\$190,123.75

and the action of said executive officers in drawing warrants on the Wastewater Operating Fund in January, 2009 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$53,867.62
Weekly Payroll No. 2	20,598.03
Weekly Payroll No. 3	20,119.14
Weekly Payroll No. 4	16,311.69
Weekly Payroll No. 5	16,650.44
Social Security	9,648.34
BPU Health Insurance	26,319.72
Total	\$163,514.98

and the action of said executive officers in drawing warrants on the Solid Waste Operating Fund in January, 2009 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 1	\$10,159.67
Weekly Payroll No. 2	10,202.69
Weekly Payroll No. 3	8,999.34
Weekly Payroll No. 4	9,268.63
Weekly Payroll No. 5	8,730.86
Social Security	3,547.90
NYS Teamsters Retirement Fund	3,008.00
BPU Health Insurance	4,896.77
Total	\$58,813.86

#090204B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 02-09 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.

#090204C:

Resolved, That the General Manager of the Board of Public Utilities, be and he hereby is authorized to execute an agreement in connection with the removal of existing facilities and installation of new permanent facilities in the amount of \$30,341.86, dated February 10, 2009, for the Electric Division, with the State of New York, acting through the Commissioner of Transportation, covering the labor, material, equipment rental, and contract payments in connection with that particular project known as Padmount Transformer Relocation, Rt 60 Washington St. Bridge, Chautauqua County, PIN 5058.39.

Discussion: This includes the relocation of a padmount transformer and associated services under the Washington Street bridge and will be reimbursed by the State.

#090204D:

Resolved, That a warrant drawn on the Electric Light Fund to Depository Trust Co., New York, New York, to pay \$92,031.25 for six months interest at 4.125 percentum per annum due February 1, 2009 on \$4,250,000 Serial Electric Bonds is hereby approved and ratified.

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

#090204E:

Resolved, That a warrant be drawn on the District Heating Fund to Depository Trust Co., New York, New York for \$46,706.25 to pay principal of \$30,000 and \$16,706.25 for one year interest at 4.0 percentum per annum due February 15, 2009 on \$760,000 Serial District Chilling Bonds is hereby approved and ratified.

Discussion: This is for the BPU Chiller Unit with final payment to be made in February, 2025.

#090204F:

Resolved, That a warrant be drawn on the Wastewater Operating Fund to M & T Bank, Buffalo, New York for \$14,867.84 to pay six months interest at 5.65 percentum per annum due March 1, 2009, on \$1,250,000 New York State Revolving Fund Reserve Bonds, Series 2002I.

Discussion: Final payment to be made in September, 2012.

#090204G:

Resolved, That the bid of Amstar of WNY, Cheektowaga, NY, on BD-02-09 opened February 17, 2009, in the amount of \$192,000 for exterior rehabilitation of the 200' x 12' by-pass stack be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue an Electric Division purchase order to Amstar of WNY for this by-pass stack resurfacing.

Discussion: This is the low bid of four received and meets all specifications. This work involves sand blasting and repainting of the exterior surface on the simple cycle stack which exhausts combustion by-products from the gas turbine. The stack is 12 feet in diameter and 200 feet tall. The work is scheduled to take place in late April and early May.

#090204H:

Resolved, That the General Manager is hereby authorized to purchase from Van Bortel Ford of Victor, NY, under New York State Contract #PC63652, one 2009 Ford F450, 4x4, 141" wheel base truck at a cost of \$23,900.06 for the Water Division and one 2009 F450, 4x4, 165" wheel base truck at a cost of \$24,027.51 for the Wastewater Division.

Discussion: These new trucks will be replacing #29, 2000 Chevy utility truck and #20, 2001 Chevy utility truck that will be sold per closed bid or to the DPW. These trucks are included in the 2009 Water and Wastewater budgets.

#090205 By Mr. Gullotti:

Resolved, That the General Manager be authorized to enter into an agreement with Habiterra Architecture of Jamestown, NY, to provide professional engineering services for the design work for a vehicle storage addition at the River Street Sanitation Garage for a sum not to exceed \$11,000.

Discussion: This agreement will provide engineering services consisting of construction specifications and drawings for a pre-engineered metal building approximately 50' x 60' to the east end of the existing vehicle storage area with two 20 ft. wide overhead doors facing River Street. This has been reviewed by the Finance & Capital Projects Committee.

ADOPTED. Ayes: 7 Nays: 0
February 20, 2009

Mike Anderson presented unaudited year-ending 2008 financial results for all five BPU divisions. Mr. Zabrodsky said this is a very good report and thanked management and staff for their work. He said this was also noted at the recent Finance and Capital Projects Committee meeting. Dave Leathers said staff puts in a lot of work in the budget process with each division facing different challenges.

Dave Leathers gave a brief general manager's report. He said the Energy Star Rebate Program has been very successful with \$30,000 in rebates reported so far. There have been 1,084 NYPA weatherization kits provided to eligible BPU customers to-date. The remainder of these kits will be provided to eligible customers within the next couple weeks.

The General Manager noted that the BPU has been invited to participate in a March 5 public hearing in Albany concerning the New York Independent System Operators (NYISO). The purpose of the hearing will be to look at why NYISO was created and how it is impacting the electric utility industry in New York State. The members of the New York Association of Public Power (NYAPP) believe that price increases by NYISO should be subject to some industry oversight.

Dave Leathers next stated that the BPU will be a participant in a public comment period at the hearing of the New York Power Authority regarding NYPA's proposed rate increase. He reported that the State is taking money from NYPA to use for the State's general fund, resulting in a hydropower rate increase to New York municipals which will directly impact our ratepayers. He said that we should know what the justification is for this increase and the specifics of this rate increase. A resolution will be prepared for a subsequent board meeting.

A recommendation to move the March 20th board meeting to Tuesday, March 24th was approved by the board.

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

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

On motion of Mayor Teresi, seconded by Mr. DeJoy, the Board meeting was declared adjourned.

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