

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, May 8, 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	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, Becky Robbins	X	
Project Tech Lead, Steve Kulig	X	

OTHERS: Tad Wright, Wright, Wright & Hampton

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

The minutes of the previous meeting were approved.

#090501 By Mr. Gullotti:

Resolved, That the bid of Jamestown Roofing, Inc. of Jamestown, NY, on BD-08-09 opened April 28, 2009, for a new roof at the Buffalo Street Pump Station at a cost of \$61,900 be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue a Water Division Purchase Order to Jamestown Roofing, Inc. for this new roof.

Discussion: This is the only bid received and meets all the required specifications.

ADOPTED. Ayes: 8 Nays: 0
May 8, 2009

#090502 By Mr. Rishell:

Resolved, That the General Manager is authorized to enter into a Consulting Agreement with Alston & Bird LLP of Washington, DC, to provide consulting services related to funding opportunities and CO2 emissions reductions technologies for utilization at the proposed CFB oxy-coal plant, for a sum not to exceed \$52,500.

Discussion: Alston & Bird will assist the BPU in identifying potential technologies, funding sources and national/international contacts related to CO2 emission reductions and the BPU's Oxy-Coal CFB Project. This funding is up to a seven month period through the end of December, 2009. Dave Leathers said this is a transition from NYROK with the same cost structure. Alston & Bird is planning to have a documented work plan by the end of May. Mayor Teresi said NYROK was not relieved of their duties; the principle took another position.

ADOPTED. Ayes: 8 Nays: 0
May 8, 2009

Laura Landers of Freed Maxick and Battaglia, presented the year end 2008 Final Financial Audit results for all five BPU divisions. She said that all the divisions are in very good shape and it was easy to summarize reports like these while working hard with BPU staff. Mr. Rishell said the Finance Committee had previously reviewed the final results with Laura and found no significant concerns for management reporting and that he has confidence with the internal controls that are in place. Mr. Zabrodsky, on behalf of the Board, thanked Laura and staff for these financial reports.

Mike Anderson, Business Manager, presented the 2009 1st Quarter Financial results for all five BPU divisions. Mr. Zabrodsky commended management for providing very consistent numbers in line with budget targets through the first quarter.

Becky Robbins gave a brief update on the St. Susan's Center Fundraiser.

Dave Leathers said the board has received a copy of an article in the Dresser-Rand *Insights* publication on the Oxy-Coal CFB Project. A draft resolution sponsored by the APPA Climate Change Task Force in support of Accelerated Research, Development, and Deployment of Carbon Capture and Sequestration Technologies is also attached for review and support by the board. A resolution will be prepared for the next BPU meeting.

Leathers discussed the NYS Budget 18-A assessment increase to the utility. The fee will go from 0.333% of utility sales to 2.0%; for the BPU, this represents an increase from \$100,000 in payments per year to approximately \$600,000 annually. The BPU is working with NYAPP and the PSC to determine how to recover this increase in the rates.

The General Manager gave a brief update on the CFB Oxy-Coal Project. Dave attended the 8th Annual Conference on Carbon Capture & Sequestration in Pittsburgh this week. There were speakers from DOE and EPRI with a lot of information on CCS.

A Ward 3 public meeting has been scheduled for May 28th at 7:00 PM at Love School sponsored by Councilman Michael Taylor. A tentative public scoping meeting has also been set for mid-to-late-June.

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

On motion of Mr. Rabb, 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