

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, May 19, 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, Rebecca Robbins	X	

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

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

#090503 By Mr. Rishell:

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 #090503A-D be, and hereby are approved as written.

ADOPTED. Ayes: 5 Nays: 0
May 19, 2009

#090503A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending May 19, 2009 as follows:

ELECTRIC LIGHT FUND	\$1,745,519.69
WATER RENT FUND	430,851.27
DISTRICT HEATING FUND	139,145.40
WASTEWATER OPERATING FUND	184,598.54
SOLID WASTE OPERATING FUND	261,178.79
Total	\$2,761,293.69

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

Weekly Payroll No. 14	\$108,761.74
Weekly Payroll No. 15	107,305.38
Weekly Payroll No. 16	109,801.60
Weekly Payroll No. 17	107,467.88
Weekly Payroll No. 18	104,000.55
Social Security	40,344.28
National Grid (Trans Agreement)	125,928.51
NYS Sales Tax	50,738.13
Office Petty Cash Fund	188.81

Comm of Labor – Asbestos Licenses	500.00
Sam’s Club Direct	944.14
Unbridled Energy NY, LLC	378,549.11
American Express – Corp. Card	5,247.18
Citi Business – Corp. Card	6,319.60
Total	\$1,146,096.91

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

Weekly Payroll No. 14	\$22,438.45
Weekly Payroll No. 15	23,115.22
Weekly Payroll No. 16	22,717.40
Weekly Payroll No. 17	22,966.64
Weekly Payroll No. 18	23,285.13
Social Security	8,587.80
Total	\$123,110.64

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

Weekly Payroll No. 14	\$17,622.24
Weekly Payroll No. 15	18,207.34
Weekly Payroll No. 16	18,777.82
Weekly Payroll No. 17	17,188.23
Weekly Payroll No. 18	17,232.31
Social Security	6,701.78
Office Petty Cash Fund	58.38
Total	\$95,788.10

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

Weekly Payroll No. 14	\$8,580.46
Weekly Payroll No. 15	16,126.63
Weekly Payroll No. 16	9,724.06
Weekly Payroll No. 17	9,752.06
Weekly Payroll No. 18	9,341.15
Social Security	4,020.86
NYS Teamsters Retirement Fund	5,374.40
Office Petty Cash Fund	10.98
Total	\$62,930.60

#090503B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 05-09 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.

#090503C:

Resolved, That the bid of Lakeshore Paving of Jamestown, NY, on BD-07-09 opened May 12, 2009, to perform utility damage repairs, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to enter into a contract with Lakeshore Paving for this utility damage repair work.

Discussion: This is the low bid meeting all specifications of two received. The road hole, sidewalk, and curb construction are utilized on a daily basis by all divisions and crews when necessary throughout the course of one year. The expected value of this contract is \$175,000 and is in the budget.

#090503D:

Resolved, That the bid of Jones Chemicals, Inc. of Caledonia, NY, on BD-10-09 opened May 12, 2009, in the amount of \$37.50 per 100 lbs. for liquid chlorine, be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue a Water Division Purchase Order to Jones Chemicals, Inc. for this liquid chlorine .

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

#090504 By Mr. Pillittieri:

Whereas, the BPU has been negotiating terms of an Agreement with the County of Chautauqua related to the foreclosure of utility liens, and

Whereas, the BPU and the County have tentatively agreed upon the terms of an Agreement, subject to approval by the County Legislature and BPU Board,

Now, Therefore, Be It

Resolved, That the BPU does hereby authorize the General Manager to execute the attached Agreement between the BPU and County of Chautauqua, subject to final review by counsel as to form.

Discussion: Unpaid utility charges become liens on the real property served pursuant to section C-53 of the City Charter. Electric liens are currently not re-levied on City tax bills and are not, therefore, paid through the County's in-rem foreclosure procedure. This agreement addresses the satisfaction and removal of utility liens on properties that are sold by the County through its in-rem procedure.

ADOPTED. Ayes: 5 Nays: 0
May 19, 2009

#090505 By Mr. Gullotti:

Whereas, the Board has assumed lead agency status for the Unlisted Action for the Mercury Control System project, including the addition of a powdered activated carbon system and a water spray system, and

Whereas, the Board has reviewed the Environmental Assessment Form and concluded that the proposed action does not have a significant effect on the environment and has authorized the General Manager to prepare a Negative Declaration, which the General Manager has prepared;

Now, Therefore, Be It

Resolved, That the Board adopts the attached Environmental Assessment Form, and be it further

Resolved, That the Board adopts the attached Negative Declaration, and be it further

Resolved, That the Board authorizes the General Manager to take further steps as may be necessary to fulfill the BPU's responsibility as lead agency for this action.

ADOPTED. Ayes: 5 Nays: 0
May 19, 2009

#090506 **By Mr. Pillitteri:**

Whereas, the BPU has worked with the American Public Power Association (APPA) to encourage APPA to support carbon capture and sequestration (CCS) generally and the BPU's Oxy-Coal Project in particular;

Whereas, APPA's Climate Change Task Force has now proposed a Resolution 09-09 (APPA Resolution) in support of CCS;

Whereas, the APPA Resolution supports research, development and deployment of CCS, including an assessment of the feasibility of sequestration in different parts of the country and a review of the legal issues associated with CCS;

Whereas, the APPA Resolution supports a small fee on electricity produced from fossil fuels to support CCS research, development and deployment;

Whereas, the BPU is interested in continuing to work cooperatively with APPA and in supporting the APPA Resolution;

Now, Therefore, Be It

Resolved, That the Board will co-sponsor APPA Resolution 09-09.

ADOPTED. Ayes: 5 Nays: 0
May 19, 2009

Dave Leathers said it will be a challenge for the BPU to recover dollars from customers to help pay for the NYS budget 18-A assessment increase to the utility prior to the payment being made in September, 2009. This New York State charge to the BPU will rise from 1/3 of 1% of the BPU revenues to 2% of the revenues, or from approximately \$100,000 annually to approximately \$600,000.

In a brief update on the Oxy-Coal Project, Leathers said there will be a Ward 3 informational meeting concerning the proposed Jamestown Oxy-Coal Power Plant Project. The meeting will take place from 7-8:30 PM, Thursday, May 28th, at Love Elementary School, hosted by Councilman Michael Taylor. This meeting will include a 40-minute presentation, with an equal amount of time held for questions and answers from the public.

Leathers said there will be announcements soon on the release of stimulus dollars and how this will impact the DOE CCPI award announcement. Also, efforts continue related to tracking of Albany and Washington legislative progress. The pilot CFB Project link on the web site has been completed and will be sent out to the board members for their feedback before it goes live.

Dave Leathers said there will be an update on the Energy Star Rebate Program with results to-date at the next board meeting.

On motion of Mr. Lehman, seconded by Mr. Pillittieri, the board convened into executive session to discuss a potential litigation issue.

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