

**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, October 20, 2009**, at **12:00 P.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

<b>BOARD MEMBERS:</b>	<b>Present</b>	<b>Absent</b>
Vince DeJoy		X
William S. Gullotti		X
Jeffrey A. Lehman, PE	X	
Fred Larson	X	
Carl P. Pillitteri		X
Gregory Rabb		X
Wayne Rishell	X	
Mayor Samuel Teresi	X	
John Zabrodsky	X	
<b>STAFF:</b>		
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	
DGM-Projects, Chris Migliaccio	X	
Elec & Gas Res Mgr., Dave Gustafson	X	
DH Supr., Jim Butler	X	
WW Supr., Jim Cooper	X	
EE Coord., Dan Reynolds	X	

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

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

**#091004 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 #091004A-E be, and hereby are approved as written.

**ADOPTED.** Ayes: 5 Nays: 0  
October 20, 2009

**#091004A:**

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

ELECTRIC LIGHT FUND	\$1,399,300.14
WATER RENT FUND	262,783.11
DISTRICT HEATING FUND	71,530.22
WASTEWATER OPERATING FUND	205,580.09
SOLID WASTE OPERATING FUND	88,630.55
Total	<b>\$2,027,824.11</b>

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

Weekly Payroll No. 36	\$90,100.29
Weekly Payroll No. 37	90,536.18
Weekly Payroll No. 38	93,063.15
Weekly Payroll No. 39	92,377.71
Social Security	31,368.85
National Grid (Trans Agreement)	183,506.49
NYS Sales Tax	40,138.67
Sam's Club Direct	500.43

NYS PSC	610,204.80
JHS Marching Band	80.00
Unbridled Energy NY, LLC	5,065.84
Commissioner of Labor – Asbestos Lic	100.00
US Post Office	4,573.34
O.P.E.N. – Conference Reg.	80.00
Orbital Technical Solutions	56,220.64
Office Petty Cash Fund	261.74
American Express – Corp. Card	7,366.94
Citi Business – Corp. Card	2,765.56
Total	<b>\$1,308,310.63</b>

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

Weekly Payroll No. 36	\$24,640.82
Weekly Payroll No. 37	24,326.16
Weekly Payroll No. 38	24,892.90
Weekly Payroll No. 39	28,058.06
National Grid	1,606.08
Social Security	6,655.13
Chaut Co Dept of Finance	74.50
Total	<b>\$110,253.65</b>

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

Weekly Payroll No. 36	\$21,056.65
Weekly Payroll No. 37	19,901.10
Weekly Payroll No. 38	19,718.08
Weekly Payroll No. 39	19,641.27
Social Security	5,612.98
Office Petty Cash Fund	70.00
Total	<b>\$86,000.08</b>

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

Weekly Payroll No. 36	\$10,297.49
Weekly Payroll No. 37	10,109.02
Weekly Payroll No. 38	12,487.04
Weekly Payroll No. 39	10,997.03
Social Security	2,809.90
NYS Teamsters Retirement Fund	4,080.00
NYS Teamsters Ins. Premium	610.71
Office Petty Cash Fund	10.68
Total	\$51,401.87

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

Weekly Payroll No. 36	\$6,917.75
Weekly Payroll No. 37	5,413.10
Weekly Payroll No. 38	6,642.03
Weekly Payroll No. 39	501.36
Total	\$19,474.24

#091004B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 10-09 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.

#091004C:

Resolved, That a warrant be drawn on the Electric Light Fund to The Depository Trust Company of New York, New York for \$1,936,815.63 to pay principal of \$1,510,000 and interest of \$426,815.63 for six months interest at 5.09 percentum per annum due November 15, 2009 on \$20,540,000 Public Improvement Serial Bonds, Series 1999A.

Discussion: This is for the Gas Turbine Project and the final payment will be November 15, 2019.

#091004D:

Resolved, That a warrant be drawn on the Electric Light Fund to The Depository Trust Company of New York, New York for \$76,109.38 to pay principal of \$60,000 and interest of \$16,109.38 for six months interest at 5.09 percentum per annum due November 15, 2009, on \$775,000 Public Improvement Serial Bonds, Series 2000B.

Discussion: This is for the Gas Turbine Project and the final payment will be November 15, 2019.

#091004E:

Resolved, That a warrant ,be drawn on the Wastewater Operating Fund to M & T Bank, Buffalo, New York, for \$68,105.38 to pay principal of \$64,000 and six months interest of \$4,105.38 at 2.38 percentum per annum due November 1, 2009, on \$264,000 New York State Revolving Fund Reserve Bonds, Series 2002L.

Discussion: The final payment will be made November, 2012.

#091005 **By Mr. Larson:**

Whereas, the rates charged for solid waste must be sufficient to pay the normal expenses for operating and maintaining the system, for routine replacements in the system, and for payments of principal and interest on debt incurred for capital improvements; and

Whereas, the Board has determined that a rate increase is needed to cover all costs of operation in 2010,

Now, Therefore, Be It

Resolved, That effective January 1, 2010, the Board of Public Utilities establish the following monthly solid waste sanitation rates:

For dwelling units 1 through 5:	\$12.10 per unit
For dwelling units 6 – 10	\$14.65 + \$9.56 x
For dwelling units 11 – 15	\$43.33 + \$6.39 x
For dwelling units 16 & over	\$86.03 + \$3.85 x

And Be It Further,

Resolved, That the General Manager be and is hereby authorized and directed to insert in a newspaper having general circulation in the territory served by the Jamestown BPU prior to January 1, 2010, an appropriate notice to the public of the changes in solid waste rates and regulations set forth in this resolution; and be it further

Resolved, That copies of the foregoing resolution be made available to any consumer requesting a copy.

Discussion: This represents a 2.1% increase in sanitation rates. This increase is a significant reduction from the planned \$.60 increase highlighted in last year's five year plan. Mr. Zabrodsky said this is in-line with inflation with excellent service by this division. Mayor Teresi said that the solid waste service is still one of the best values you can find. People's garbage is taken away before most people are out of bed and disposed of before most people are halfway through their daily routine. He added that recyclables are taken away and there are two large citywide cleanups each year.

**ADOPTED.** Ayes: 5 Nays: 0  
October 20, 2009

**#091006 By Mr. Lehman:**

Resolved, That the Solid Waste Division Budget for 2010, anticipating cash on hand of \$370,608, cash receipts of \$1,994,674 and cash disbursements of \$2,006,501, leaving a cash balance of \$358,781, be and hereby is adopted; and be it further

Resolved, That the disbursements shall be divided \$183,905 for Capital Projects, and \$1,822,596 for Operation and Maintenance, all as set forth in said budget for 2010; 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: 5 Nays: 0  
October 20, 2009

**#091007 By Mr. Larson:**

Resolved, That the General Manager is hereby authorized to purchase from Navistar, Inc., of Albany, NY, under New York State Contract #40534, one new 7600 SBA 6x4 truck with 25 cu. yd. refuse collector at a cost of \$154,014 for the Solid Waste Division.

Discussion: This new garbage truck will replace truck #92. This is budgeted in the 2010 Solid Waste Budget.

**ADOPTED.** Ayes: 5 Nays: 0  
October 20, 2009

**#091008 By Mr. Rishell:**

Whereas, the BPU has applied to the New York State Environmental facilities Corporation for a grant pursuant to the Green Innovation Grant Program (GIGP) for funding to refurbish the primary and secondary digesters and methane recovery system at the wastewater treatment plant, and

Whereas, the BPU application made a commitment for a BPU cost share of 25% of the total project cost, not to exceed \$1,000,000.

Now, Therefore, Be It

Resolved, That the BPU does hereby approve the expenditure of 25% of the total cost of refurbishing the primary and secondary digesters at the wastewater treatment plant for a sum not to exceed \$1,000,000, and

Be it Further, Resolved, That the General Manager be, and hereby is, authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation for this work, and

Be it Further, Resolved, That the Board has determined that the work to be performed under this grant is not subject to review under the New York State Environmental Quality Review Act as an action involving the replacement, rehabilitation or reconstruction of a structure or facility, in kind and on the same site, pursuant to 6 NYCRR 617.5(c)(2).

Discussion: This was reviewed and recommended by the board on October 6, 2009. Randy Peterson said this work has started and will have signed contracts by the end of this year. Mayor Teresi extended his compliments to the wastewater employees for their work on this grant.

**ADOPTED.** Ayes: 5 Nays: 0  
October 20, 2009

**#091009 By Mr. Larson:**

Resolved, That the General Manager be authorized to enter into an agreement with Stearns & Wheler, LLC, of Amherst, NY, to provide professional engineering services for the NYS Environmental Facilities Corporation Green Innovation Grant Program (GIGP), for a sum not to exceed \$105,000.

Discussion: Stearns & Wheler will develop plans and specifications for this project meeting guide lines developed by the State in a timely fashion. The BPU has been working with Stearns & Wheler over the past year on this grant and they did the original study on the digester cover and related items. The time frame is very critical to this project and we must have the signed contracts from contractors by the end of December, 2009.

**ADOPTED.** Ayes: 5 Nays: 0  
October 20, 2009

**#091010 By Mr. Larson:**

Whereas, the Board of Public Utilities received approval from the New York Public Service Commission to offer flexible-rate contracts (“Flex-Rate”) for the purpose of preserving jobs and promoting economic development;

Whereas, the Flex-Rate tariff (BPU Tariff, P.S.C. No. 6, Leaf Nos. 52-55) sets forth a structure for offering a negotiated rate;

Whereas, SKF Aeroengine North America of Falconer (SKF) and the BPU entered into a Flex-Rate Agreement in 2007 with an effective start date of December 1, 2007 and an ending date of November 30, 2010;

Whereas, SKF continues to be a customer of the BPU, has complied with its obligations under the existing Flex-Rate Agreement, and has agreed to continue to satisfy the objectives and requirements of the Flex-Rate tariff; and

Whereas, the BPU is committed to enhancing and preserving the economic strength of the community and retaining and creating jobs in an increasingly competitive economy.

Now, Therefore, Be It

Resolved, That the Agreement between the City of Jamestown Board of Public Utilities and SKF Aeroengine North America expiring on November 30, 2010, is hereby approved for a three year extension beginning December 1, 2009 and ending October 31, 2013, subject to final editorial modifications by Counsel and the General Manager, and the General Manager is hereby authorized to execute the subject extension to this agreement.

**ADOPTED.** Ayes: 5 Nays: 0  
October 20, 2009

An update of the Wastewater Strategic Plan was given by Jim Cooper, Wastewater Treatment Plant Supervisor.

Dan Reynolds, Energy Efficiency Coordinator, gave an update on the Energy Star Rebate Program, Small Commercial Lighting and Motors Program and the Home Energy Audits Program. The Small Commercial and Industrial Lighting and Motors Program have issued rebates on 640 pieces of equipment in the last two months. The rebates for the program total \$38,475 and almost another \$95,000 worth of projects have received a pre-approval to move forward with improvements. Due to low cost of some of the projects that have been completed the JBPU felt necessary to limit future rebates to the cost of the equipment. Under the residential programs, the ENERGY STAR Rebate program has issued \$86,628 worth of rebates on 1,923 products this year. The total for the ENERGY STAR Rebate program since its inception is \$100,528 on 2,281 products. In the Home Audit and Weatherization Program the JBPU has had 28 audits requested. Of the 28 audits requested six have been completed, six have dropped out of the program, and others are scheduled to have the audit in the near future. No home owners have yet applied for weatherization rebates, but two expressed interest with moving forward with the work.

Mike Anderson presented the proposed 2010 Wastewater Division and District Heating Division Budgets. Mayor Teresi said these budgets are extremely tight and include no rate increase. He added these budgets allow the divisions to maintain their operations and capital reinvestment measures while holding rates at their current levels. There will be prepared resolutions at the next Board meeting on November 10th for approval of these budgets. Budget comments or changes will be discussed as necessary between the two board meetings.

On motion of Mr. Lehman, seconded by Mr. Rishell, the board convened into executive session to discuss three contract negotiation issues and two potential litigation issues.

On motion of Mr. Lehman, seconded by Mr. Larson, 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**