

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 **Wednesday, December 23, 2009**, at **10:00 A.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	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	
DGM-Projects, Chris Migliaccio		X
Elec & Gas Res Mgr., Dave Gustafson	X	
Energy Eff Coord., Dan Reynolds	X	

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

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

#091206 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 #091206A-D be, and hereby are approved as written.

ADOPTED. Ayes: 8 Nays: 0
December 23, 2010

#091107A:

Resolved, That the warrants be drawn on the proper funds to pay bills which have been duly audited for the period ending December 23, 2009 as follows:

ELECTRIC LIGHT FUND	\$2,032,118.10
WATER RENT FUND	574,645.53
DISTRICT HEATING FUND	69,784.96
WASTEWATER OPERATING FUND	201,190.59
SOLID WASTE OPERATING FUND	94,748.83
Total	\$2,972,488.01

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 General Fund in November, 2009 to pay the following payrolls and disbursements be approved and ratified:

Weekly Payroll No. 45	\$174,080.66
Weekly Payroll No. 46	168,146.82
Weekly Payroll No. 47	176,762.84
Weekly Payroll No. 48	172,403.87
Social Security - Disability	335.07
NYS DEC – WWTP Permit Fees	15,000.00
National Grid (Trans Agreement)	146,571.68
National Grid – Electric Bill	1,673.58

NYS Sales Tax	44,321.42
NYS Teamsters Retirement Fund	4,029.00
Sam's Club Direct	1,011.31
Commissioner of Labor – Asbestos Lic	100.00
Pay Pal – Commander Scott	39.98
Unbridled Energy NY, LLC	6,004.15
American Express – Corp. Card	5,926.97
Citi Business – Corp. Card	8,008.81
Total	\$924,416.16

#091206B:

Resolved, That unpaid utility accounts as shown on Statement of Delinquent Accounts No. 12-09 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.

#091206C:

Resolved, Pursuant to GML §77-b.2 and §77-b.4, that this Board hereby delegates to General Manager, David L. Leathers, the power to authorize during the year 2010, attendance by BPU employees and board members at such specific conferences, conventions, or schools as the General Manager shall determine to be for the betterment or benefit of the BPU; and be it further

Resolved, That the expenses and disbursements incurred shall be paid through the division fund determined by the General Manager to be appropriate, pursuant to the provisions of the General Municipal Law of New York State.

Discussion: Staff will provide follow-up information on travel by employees and board members. Expenditures for travel are subject to Budget limits.

#091206D:

Whereas, BPU staff has determined that vehicles 4, 20, 29, 90 and 112, and a truck cap, are surplus and no longer required for BPU purposes, and

Whereas, the BPU held a sealed-bid auction of these surplus vehicles on December 8, 2009.

Now, Therefore, Be It

Resolved, That the Board does hereby designate vehicles 4, 20, 29, 90 and 112, and one truck cap, as surplus and ratifies the actions of the General Manager of the sale of these vehicles to the high bidders.

Discussion: Staff has determined that the direct sale of surplus vehicles, as opposed to trading in vehicles, will yield better financial values for the vehicles. The BPU conducted a sealed-bid auction of these vehicles on December 8, 2009. The vehicles are being sold to the highest bidder in each case. There were no bids on the truck cap.

#091207 **By Mr. Pillittieri:**

Resolved, That the General Manager be, and hereby is authorized to enter into an agreement with Stearns & Wheler of Amherst, NY, to provide professional services for construction management and inspection services for the Digester Project at the Wastewater Treatment Plant, as outlined in their proposal dated December 9, 2009, for a sum not to exceed \$150,100.

Discussion: Stearns & Wheler has been associated with this project from the start and will help ease the information between funding agencies, contractor and the BPU to ensure a quality job is accomplished.

ADOPTED. Ayes: 8 Nays: 0
December 23, 2009

#091208 By Mr. Rishell:

Resolved, That the bid of Patrick Construction of Canandaigua, NY, on BD-29-09, Contract No. 1 (General), opened December 4, 2009, for general construction, anaerobic digester cleaning and solids disposal of the digester covers at the Wastewater Treatment Plant in the amount of \$2,944,900 be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue a Wastewater Division Purchase Order to Patrick Construction for this construction work.

Discussion: This is the low bid of four received and meets all the required specifications for award of items 1 & 2 under Contract #1. These bids have been reviewed by Stearns and Wheler.

ADOPTED. Ayes: 8 Nays: 0
December 23, 2009

#091209 By Mr. Lehman:

Resolved, That the bid of Ahlstrom Schaeffer of Jamestown, NY, on BD-29-09, Contract No. 2 (Electrical), opened December 4, 2009, for the electrical work of the Digester Improvement Project at the Wastewater Treatment Plant in the amount of \$79,995 be accepted; and be it further

Resolved, That the General Manager is hereby authorized to issue a Wastewater Division Purchase Order to Ahlstrom Schaeffer for this electrical work.

Discussion: This is the low bid of two received and meets all the required specifications for award of item 1 under Contract #2. These bids have been reviewed by Stearns and Wheler.

ADOPTED. Ayes: 8 Nays: 0
December 23, 2009

#091210 By Mr. Larson:

Whereas, three-quarters of this Board concurs that it is impractical to take bids for 2010 Advertising Services related to conservation and BPU services/information;

Now, Therefore, Be It

Resolved, That the action of the General Manager in issuing an Electric Division Purchase Order to Time Warner Cable of Jamestown, NY, in the amount not to exceed \$28,080 for this advertising service is hereby approved.

Discussion: This resolution of impracticability is due to there being only one television station in the area. The Time Warner contract extends from late January each year to late January the next year. The charge for 2010 is maintained at the 2009 level. The commercials air four times each Tuesday/Thursday evening on the Cable 8 News program. They also are aired at no charge on the following morning's rebroadcast of the news on Cable 8. The commercial content primarily focuses on conservation education as well as BPU services offered to the public (ie, Customer Assistance Program, Balanced Billing, Yard Waste Bags, Dual Water Meters, Web Site).

ADOPTED. Ayes: 9 Nays: 0
December 23, 2009

#091211 By Mr. Lehman:

Whereas, three-quarters of the Board has determined that it is impracticable to take bids for a remanufactured blower unit at the power plant,

Now, Therefore, Be It

Resolved, By at least three-quarters of the Board that the General Manager be, and hereby is, authorized to issue an Electric Division Purchase Order to D & W Diesel, Inc. of Buffalo, NY, in the amount of \$19,700 for the purchase of a remanufactured 9CDL23 blower unit.

Discussion: D & W is an approved overhaul facility of Gardner Denver units, the original manufacturer of these blowers. The damage to the existing blower was from ingesting fly ash. This is a required spare unit because the one on hand had to replace the damaged unit. The total price of \$19,700 includes the freight charge.

ADOPTED. Ayes: 8 Nays: 0
December 23, 2009

#091212 **By Mr. Rabb:**

Whereas, the Board has assumed lead agency status for the Unlisted Action for the District Heating System (DHS) Energy Project, which includes the installation of a natural gas fired hot water boiler, its supporting equipment, and the construction of a building that will serve as a supplementary source of thermal energy for the DHS;

Whereas, the Board has adopted the Environmental Assessment Form;

Now, Therefore, Be It

Resolved, That the Board determines that the DHS Energy Project will not have a significant impact on the environment consistent with the Negative Declaration.

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

ADOPTED. Ayes: 9 Nays: 0
December 23, 2009

David L. Leathers, General Manager
Julie M. Breen, Secretary to the Board