

BOARD OF PUBLIC UTILITIES—Proceedings by Authority

State of New York:

Office of the Board:

City of Jamestown:

Special meeting of the Board of Public Utilities, City of Jamestown, New York, held **Monday, April 10, 2017 at 4:00 P.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

BOARD MEMBERS:	Present	Absent
Tyler Case		X
Chuck Cornell		X
Terrance Horner	X	
Maria Jones		X
Jeffrey A. Lehman, PE	X	
Gregory Rabb	X	
Mayor Samuel Teresi	X	
Ralph Wallace		X
Martha Zenns	X	
STAFF:		
General Manager, David L. Leathers	X	
Deputy General Manager, Michael Saar, PE		X
Finance & Customer Accts. Mgr., Kelly Hawkins		X
Counsel, William Wright	X	
Sec. to the Board, Tammy J. Anderson	X	
Comm. Coordinator, Rebecca Robbins	X	
Electric & Gas Resource Mgr., Dave Gustafson	X	
Transmission & Distribution Mgr., Chris Rodgers		X

The media was notified of this meeting and was represented by Dennis Phillips, The Post Journal.

On motion of Mr. Rabb, seconded by Mr. Horner, the Board convened into executive session to discuss one potential litigation issue and one personnel issue.

On motion of Mr. Horner, seconded by Ms. Zenns, the Board convened into open session.

#170401 By Mr. Horner:

Whereas, The Jamestown Board of Public Utilities is a member of the New York Association of Public Power, “NYAPP,” and

Whereas, The members of NYAPP have unanimously agreed to commence legal action against the Public Service Commission of the State of New York, under Article 78 of the New York Civil Practice Law and Rules, related to several member system concerns of the imposition of the State's Clean Energy Standard on the NYAPP municipal and cooperative utilities, and

Whereas, Similar to many past State energy programs or mandates, the members of NYAPP prefer to voluntarily progress the State's Clean Energy Standard by working directly with the New York Power Authority, and

Whereas, Because the member utilities are differently situated in the makeup of the electricity that they distribute as well as in the regulatory oversight of their systems, each of the member municipal and cooperative utilities will be separately named as Petitioners in the legal actions;

Now, Therefore, Be It

Resolved, That the Board does support the commencement of legal action against the Public Service Commission and does direct the General Manager to execute any and all documents necessary to effectuate this litigation, and be it further

Resolved, That the BPU pay its share of the cost of litigation in accordance with the NYAPP membership agreement in support of the Duncan Weinberg Genzer and Pembroke work order for this process.

Discussion: Mayor Teresi commented that this has been a subject that has been a matter of discussion and consideration for some time. It is a complicated and substantive issue that was not arrived at lightly by the board members. The Jamestown BPU General Manager will work with NYAPP leadership on alternate solutions that would eliminate the need for litigation.

ADOPTED. Ayes: 5 Nays: 0
April 10, 2017

On motion of Mr. Lehman, seconded by Ms. Zenns, the Board meeting was declared adjourned.

David L. Leathers, General Manager
Tammy J. Anderson, Secretary to the Board