

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, June 5, 2007**, at **12:00 P.M.** in the offices of the Board, 92 Steele Street, Jamestown, New York.

BOARD MEMBERS:	Present	Absent
John Calamunci		X
William S. Gullotti	X	
Jeffrey A. Lehman, PE	X	
Lillian Vitanza Ney	X	
Carl P. Pillittieri		X
Anthony Prinzi	X	
Wayne Rishell		X
Mayor Samuel Teresi	X	
John Zabrodsky	X	
STAFF:		
Interim General Manager, Dave 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	
Assoc. PP Supr., Steve Kulig	X	
WWTP Supr., Jim Cooper	X	
WWTP Supr., Mark Smith	X	

The media was notified of this meeting and was represented by Pat Fanelli and Jade Boice.

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

#070601 **By Mr. Prinzi:**

Whereas, the City of Jamestown Board of Public Utilities (BPU) is subject to the requirements of the 1990 Federal Clean Air Act Amendments (CAAA), Public Law No. 101-549, 104 Stat. 2399 (1990), and specifically Title IV of the CAAA, and

Whereas, Title IV of the CAAA requires that each regulated utility identify a “Designated Representative” (DR) and, optionally, an alternate “Designated Representative” (ADR) to communicate with the Federal Environmental Protection Agency regarding compliance with Title IV of the CAAA, and

Whereas, the BPU desires to designate David L. Leathers in place of Walter W. Haase as the BPU’s DR, and

Whereas, in consideration of the extensive statutory responsibilities mandated by the CAAA to be associated with the DR position, the BPU desires to assure indemnification of the DR and ADR for all liabilities, costs and expenses, including reasonable attorney’s fees, resulting from acts or omissions of the BPU, the City, or any employee, occurring or arising while the DR or alternate DR is performing his duties, to the fullest extent permitted by law,

Now, Therefore, Be It

Resolved, that David L. Leathers in place of Walter W. Haase is hereby designated the DR for the BPU; and be it further

Resolved, that the BPU is authorized to indemnify, and hereby assures the indemnification of the DR and ADR for all liabilities, claims, judgments, costs and expenses, including reasonable attorney’s fees, resulting from acts or omissions occurring or arising while the DR or ADR are performing their duties, to the fullest extent permitted by law.

ADOPTED. Ayes: 6 Nays: 0
June 5, 2007

#070602 **By Dr. Ney:**

Whereas, the City of Jamestown Board of Public Utilities (BPU) is subject to the requirements of the 1990 Federal Clean Air Act Amendments (CAAA), Public Law No. 101-549, 104 Stat. 2399 (1990), and specifically Title I of the CAAA, and is being implemented by the New York State DEC as the NOx Budget Program, and

Whereas, the NOx Budget Program requires that each regulated facility identify an Authorized Account Representative (AAR) and has the option to appoint an alternate Authorized Account Representative (AAAR) to communicate with the Federal Environmental Protection Agency in New York State's Department of Environmental Conservation regarding compliance with Title I of the CAAA and the NOx Budget Program, and

Whereas, the BPU wishes to designate David L. Leathers in place of Walter W. Haase as the BPU's AAR, and

Whereas, in consideration of the extensive statutory responsibilities mandated by the CAAA and NOx Budget Program to be associated with the AAR position, the BPU desires to assure indemnification of the AAR and an alternate AAR for all liabilities, costs and expenses, including reasonable attorney's fees, resulting from acts or omissions of the BPU, the City, or any employee, occurring or arising while the AAR or AAAR are performing their duties, to the fullest extent permitted by law,

Now, Therefore, Be It

Resolved, That David L. Leathers in place of Walter W. Haase is hereby designated as AAR, and be it further

Resolved, That the BPU is authorized to indemnify, and hereby assures the indemnification of the AAR and AAAR for all liabilities, claims, judgments, costs and expenses, including reasonable attorney's fees, resulting from acts or omissions occurring or arising while the AAR or AAAR are performing their duties to the fullest extent permitted by law.

ADOPTED. Ayes: 6 Nays: 0
June 5, 2007

#070603 **By Mr. Prinzi:**

Whereas, the City of Jamestown Board of Public Utilities (BPU) is subject to the requirements of the Acid Deposition Reduction NOx Budget Trading Program, NYCRR 237, and Acid Deposition Reduction SO2 Budget Trading Program, NYCRR 238, being implemented by the New York State Department of Environmental Conservation as the Acid Deposition Reduction Budget Programs, and

Whereas, the Acid Deposition Reduction Budget Programs require that each regulated facility identify an Authorized Account Representative (AAR) and has the option to appoint an alternate Authorized Account Representative (AAAR) to communicate with the New York State's Department of Environmental Conservation regarding compliance with the Acid Deposition Reduction Budget Programs, and

Whereas, the BPU wishes to designate David L. Leathers in place of Walter W. Haase as the BPU's AAR, and

Whereas, in consideration of the extensive statutory responsibilities mandated by the Acid Deposition Reduction Budget Programs to be associated with the AAR position, the BPU desires to assure indemnification of the AAR and an alternate AAR for all liabilities, costs and expenses, including reasonable attorney's fees, resulting from acts or omissions of the BPU, the City, or any employee, occurring or arising while the AAR or AAAR are performing their duties, to the fullest extent permitted by law,

Now, Therefore, Be It

Resolved, That David L. Leathers in place of Walter W. Haase is hereby designated as AAR, and be it further

Resolved, That the BPU is authorized to indemnify, and hereby assures the indemnification of the AAR and AAAR for all liabilities, claims, judgments, costs and expenses, including reasonable attorney's fees, resulting from acts or omissions occurring or arising while the AAR or AAAR are performing their duties to the fullest extent permitted by law.

ADOPTED. Ayes: 6 Nays: 0
June 5, 2007

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

Dave Leathers mentioned two APPA Conferences coming up soon and asked any Board member interested in attending to contact Julie. The APPA National Conference will be held June 23-27 in San Antonio, TX, and the APPA Economic and Development Conference will be held in Portland, OR, in July.

On motion of Mr. Lehman, seconded by Mr. Prinzi, the Board convened into executive session to discuss a contract negotiation issue, a potential litigation issue and a personnel issue.

On motion of Dr. Ney, seconded by Mr. Prinzi, the Board convened into open session.

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

David L. Leathers, General Manager
Michael A. Anderson, Business Manager