

**Village of Cold Spring  
Village Board of Trustees  
85 Main Street, Cold Spring, New York 10516**

**Workshop Meeting  
1-31-17**

The Village of Cold Spring Board of Trustees held a workshop meeting at the Cold Spring Village Hall, 85 Main Street on Tuesday, January 31, 2017 at 7 pm. Present were Mayor David Merandy and trustees: Marie Early, Frances Murphy, Steve Voloto and Lynn Miller.

**PUBLIC HEARING FOR VEHICLE AND TRAFFIC CHANGES**

**COLD SPRING CODE**

**Chapter 126**

**VEHICLES AND TRAFFIC**

**ARTICLE II**

**Traffic Regulations**

**ARTICLE III**

**Parking, Standing and Stopping**

**§126-18.1. Parking at Chestnut Street Shopping Center**

DELETE commonly known as the Grand Union Shopping Center

**§126-18.1.1. Parking at Butterfield Memorial Hospital**

DELETE entire section

**§126-18.2. Handicapped parking. C. Parking spaces.**

(2) CHANGE six (6) to seven (7)

ADD (g) One (1) space in front of 2 Main Street, Cold Spring

**ARTICLE IV**

**Enforcement and Penalties**

**§126-23. Penalties for parking violations.**

ADD a new row to Table 1, under column entitled: Parking and Vehicle Fees, entitled "Parking in Restricted Area"

In the resulting new row entitled, "Parking in Restricted Area" add \$45.00 under Column A

In the resulting new row entitled, "Parking in Restricted Area" add \$90.00 under Column B

In the resulting new row entitled, "Parking in Restricted Area" add \$100.00 under Column C

**ARTICLE VI**

**Schedule of Regulations**

**§126-30 Schedule III: U-Turns Prohibited.**

A. ADD Main Street

**§126-32. Schedule V: Stop Intersections.**

DELETE

**STREET DIRECTION OF AT INTERSECTION OF  
TRAVEL**

40 Chestnut Street North at intersection of Oak Street

Rock Street North at intersection of Main Street

ADD

Marion Avenue South at intersection with Benedict Road  
Mountain Avenue West at intersection of Fishkill Avenue

**§126-34. Schedule VII: Speed Regulations.**

DELETE entire section and REPLACE with the following: In accordance with the provisions of §126-10, the speed limit throughout the Village shall be thirty (30) miles per hour, except that the following speed limits are established as indicated upon the following streets or parts of streets:

Name of Street (MPH)	Speed limit	Location
Route 9D	25 mph Between the hours of 7:00 a.m. and 6:00 p.m. on school days	from 10 Morris Avenue to 20 feet north of Belvedere Street
Route 301 East of Route 9D	25 mph Between the hours of 7:00 a.m. and 6:00 p.m. on school days	from Cedar Street to B Street
Main Street West of Route 9D	25 mph	Entire street

**§126-35. Schedule VIII: No Parking at Any Time.**

DELETE

**STREET SIDE LOCATION**

Bank Street South between signs  
Church Street East 50 feet north of Main Street  
Church Street West side of firehouse between signs  
Main Street South Front of Municipal Building  
Mountain Avenue North between Locust Ridge & entrance to Haldane School  
Northern Avenue South between 38 Garden Street and 39 Church Street  
Paulding Avenue Both sides south and north of turn by 16 Paulding Avenue

ADD

**STREET SIDE LOCATION**

Chestnut Street Both from Route 301 to 25 feet south  
Fishkill Avenue East from Mountain Avenue south for 25 feet  
Garden Street East from Main Street for 50 feet  
Main Street South from Morris Avenue for 50 feet east  
Main Street South between 207 Main Street and Academy Street  
Marion Avenue East between 5 Marion Avenue and Wall Street  
AMEND Marion Avenue West Wall Street to Benedict Road  
CHANGE TO Marion Avenue West 1 Marion Avenue to Wall St.  
Morris Avenue East from Craigsides Drive for 50 feet south  
Morris Avenue East from Route 301 for 50 feet north  
Mountain Avenue South from Cedar Street to 25 feet west of intersection

**§126-36. Schedule IX: Seasonal Parking Restrictions.**

During the period of time beginning November 15<sup>th</sup> and continuing up to and including April 15<sup>th</sup> the following year, no motor vehicle, trailer or wheel conveyance shall be allowed or permitted to stop,

unattended by a licensed driver, or to stand or park, on any Village road or highway or on any town, county or state highway within the Village between the hours of 12:01 a.m. and 6:00 a.m.

Areas provided for seasonal off street parking are: Kemble Avenue south of The Boulevard, south side of The Boulevard, south side of New Street adjacent to the boat club entrance and the west side of Fair Street at Mayor's Park. The municipal parking lot on Fair Street is available for winter parking between the hours of 9 p.m. and 8a.m.

**§126-37. No Stopping or Standing.**

**ADD**

**STREET SIDE LOCATION**

Mountain Avenue South Craigsides Drive east to Locust Ridge

**§126-39. Schedule XII: Limited Time Parking**

**Name of Street Side Limit Location**

DELETE Main Street South 15 minutes in front of Village Hall

**ADD NEW SECTION §126-42. Restricted Parking.**

**STREET SIDE LOCATION RESTRICTION**

Main Street South in front of Village Hall Police vehicles only

Church Street West side of firehouse Fire personnel only

Mayor Merandy introduced the proposal, described its history and acknowledged public concern about raising village speed limits (expressed on social media, via emails and written correspondence.) It has recently been discovered that many village speed limit postings of 15 MPH are in conflict with state law that stipulates a minimum speed limit of 30 MPH except in school and other specifically identified zones. Repeated efforts by the Village to gain a state-approved exception (to allow 15 MPH speed limits) have been unsuccessful.

Counsel has advised the 15 MPH signs can remain and does not require installation of 30 MPH signs. The board seeks to perform a street-by-street analysis to create a rationale to justify the lower village speed limits. Trustee Early noted that the board is seeking to modify Village code to reflect desired speed limits and that she will contact with Sue Serino and Sandy Galef to seek their assistance.

The Mayor read email and written correspondence received about this matter (all of which were against raising the speed limit.

**PUBLIC COMMENT**

Mike Armstrong voiced opposition to the raised speed limits and suggested looking to similar villages for inspiration about how to address the issue; possibly banding with them for greater leverage.

Frank Haggerty agreed with Armstrong and the correspondents and believes the error is on the state level in that they don't understand the nature of historic villages.

Aaron Wolff suggests the village take no action and that they protest the law.

Judith Rose also suggested taking no action, citing great danger (from increased speed limits) especially on Marion Avenue.

Ray Francesco suggested the 15 MPH signs remain and is not in favor of installing 30 MPH signs. He agrees that there is "no rush" (to take action.)

Eliza Starbuck opposes raising the speed limit as dangerous to children and all pedestrians.

Dan Valentine agrees with all previous comments opposing the 30 MPH speed limit. He is in favor of yellow “suggested speed” signs.

Frank Haggerty is concerned about the intersection of Rte. 301 and Rte. 9D and suggests steps be taken to make it safer for large trucks to make turns by shifting the stop lines farther back.

Trustee Early noted that the proposed changes include proscribing parking at the intersection to improve visibility and to provide room for trucks.

Mayor Merandy stated that the public hearing will remain open and that no board action would be taken at this meeting

### **CODE ENFORCEMENT**

Code enforcement officer Bill Bujarski spoke with the trustees about a variety of issues.

- Consolidation with Philipstown – what is timetable for transition? Bujarski has spoken with Philipstown Building inspector and both agree on the need for a timetable. Bujarski suggests the end of calendar year 2017.
- Filing – Bujarski noted that work to digitalize building department files is proceeding
- Board Coordination – Bujarski seeks better coordination with village boards (HDRB, ZBA and Planning) to avoid conflicting code interpretations and responses. He would like to meet with these boards to clarify issues that have arisen recently
- airbnb – Bujarski is concerned about enforcement as code is not specific. Trustee Early suggested following state code as village code is not specific.

### **FINANCIAL REPORT**

In a written report the village treasurer noted that:

- Letters regarding unpaid taxes were sent to 32 properties on Dec. 30, 2016. Total amount owed is \$86,133.24
- Auditors have finalized report for year ending May 31, 2015
- Tax forms (federal 941, NYS045, 1099 and W-2) have been filed and/or sent
- Budget requests will be sent to all departments
- NYS DOT payment of \$186,203 was received in reimbursement for Main St. Project
- New account lines will be added for Chris Hyatt for dental, vision and clothing allowances

### **TRASH CONTAINERS**

Trustee Murphy noted that many recycling containers are in need of repair or replacement and that a resident has volunteered to pay for two new containers.

Repair costs range from \$100-\$1,000 depending upon the amount of work required.

Trustees agreed that better marking of containers for recyclables will increase their use and minimize/reduce the amount of regular garbage often deposited.

### **FIREMANS SERVICE AWARD AND POINT LISTING**

The board is waiting for updated contact information from the Cold Spring Fire Company.

## PROPOSED CHANGES TO WATER CODE

The board discussed the proposed resolution and determined that due to numerous changes, it would be rewritten and tabled any action. Among the changes:

- Trustee Early proposed changing the late fee structure for water bills (and including them in the resolution) as follows:  
A 6% late charge applied quarterly to all overdue amounts, in place of the current 12% quarterly late charge
- The date of implementation should not be until July 1, 2017 since installation of cellular system occurs in first quarter.

Trustee Early made a motion to set a time and place for section 130 code regulations for water code changes. Trustee Miller seconded and the motion passed unanimously. The discussion will take place at the Village Hall on February 14, 2017 at 7 pm.

**RESOLUTION # 03-2017 TO SET A PUBLIC HEARING FOR PARTICIPATION IN COMMUNITY CHOICE AGGREGATE PROGRAM.**

**RESOLUTION # 03 of 2017**

## Roll Call Vote

<i>Names</i>	<i>Ayes</i>	<i>Noes</i>	<i>Abstain</i>	<i>Absent</i>
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<i>Mayor</i> <b>David Merandy</b>	√			
<i>Trustee</i> <b>Frances Murphy</b>	√			
<i>Trustee</i> <b>Marie Early</b>	√			
<i>Trustee</i> <b>Lynn Miller</b>	√			
<i>Trustee</i> <b>Steve Voloto</b>	√			
<b>TOTAL</b>	5			

The following was presented

By: Steve Voloto

Seconded by: Dave Merandy

**RESOLUTION #03 - 2017**

**SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING THE  
VILLAGE OF COLD SPRING CODE AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE  
AGGREGATION PROGRAM**

**WHEREAS**, the Village of Cold Spring Board of Trustees wishes to expand access and opportunities for consumers in the retail energy market;

**WHEREAS**, the Community Choice Aggregation (CCA) may advance this objective by empowering the Village to determine the source of electric supply on behalf of residents and small businesses;

**WHEREAS**, the Community Choice Aggregation Program allows the village to acquire utility data, to select through competitive solicitation energy supplies on behalf of default consumers; and

**WHEREAS**, participation is a tool that allows municipalities to pool electric accounts and negotiate rates and terms for residents and small businesses;

**WHEREAS**, adoption of a local law is required to authorize implementation of a CCA Program and entering into contracts with suppliers, other municipalities, non-profits and/or third parties;

**WHEREAS**, the Village Board wishes to set a time and place for a public hearing to receive public comment on this local law;

**NOW, THEREFORE, it is hereby:**

**RESOLVED**, that the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the "project") in accord with New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and let it be further

**RESOLVED**, that the Village Board hereby classifies the action as an unlisted action under SEQRA; and let it be further

**RESOLVED**, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the proposed addition to the Village Code addressing participation in the Community Choice Aggregation and environmental impacts of the proposed legislation in accord with SEQRA, on February 28, 2017 at 7:00 pm at the Village Hall located at 85 Main Street, Cold Spring, New York; and it is further

**RESOLVED**, that the Village Clerk is hereby authorized and directed to cause said public notice of said hearing to be given as provided by law.

**DRAFT LOCAL LAW NO. [#]- 2017**

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE  
VILLAGE OF COLD SPRING**

Be it enacted by the \_\_\_\_\_ of the County of [ ] as follows:

Section 1. The Code of the \_\_\_\_\_ is hereby amended by adding a new Chapter \_\_\_\_\_, entitled “COMMUNITY CHOICE AGGREGATION PROGRAM,” to read as follows:

## ARTICLE I

### §1. Legislative Findings; Intent and Purpose; Authority.

A. It is the policy of both the \_\_\_\_\_ (“Municipality”) and the State of New York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and Distributed Energy Resources (DER, as defined below). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the Distribution Utility.

B. This Chapter establishes the authority for the \_\_\_\_\_, in connection with the implementation a CCA program, to acquire utility data, to select, through competitive solicitation, energy Supplier(s) on behalf of Default Consumers within the jurisdictional boundaries of the \_\_\_\_\_, and to maximize value for Participating Consumers through enhanced services related to DER. The Municipality may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The \_\_\_\_\_ is authorized to implement this COMMUNITY CHOICE AGGREGATION PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Municipality.

D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION PROGRAM Law of the \_\_\_\_\_”.

### §2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

A. AGGREGATED DATA shall mean aggregated and anonymized information including, but not limited to, the number of consumers by service and rate class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months by service and rate class, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service and rate class.

B. CCA ADMINISTRATOR shall mean [The city / town / village of \_\_\_\_\_ or third party CCA Administrator], duly authorized to request Aggregated and Customer Specific Data, competitively solicit Suppliers for the aggregated demand for electricity and/or natural gas on behalf of Default Consumers, and to offer Participating Consumers additional opportunities to participate or enroll in programs or projects related to

Distributed Energy Resources. CCA Administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA Order, unless otherwise specified.

C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all Default Consumers including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

D. DEFAULT CONSUMERS shall mean customers of electricity and/or natural gas within opt-out eligible service classes (as delineated in the PSC CCA Order), who receive supply service from the Distribution Utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the Program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents of the Municipality. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered Default Consumers and will not be enrolled on an opt-out basis. For the avoidance of doubt, all Default Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist as of the date the supply contract with the goes into effect.

E. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, community distributed generation (e.g. shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for Participating Consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.

F. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of the natural gas or electricity in the Municipality. The Distribution Utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.

G. ESCO or ENERGY SERVICES COMPANY mean an entity duly authorized to conduct business in the State of New York as an ESCO.

H. PARTICIPATING CONSUMERS shall mean Default Consumers who have not opted out, and non-Default Consumers of any service class that have voluntarily enrolled in the Program.

I. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

J. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.

K. SUPPLIER shall mean an ESCO that procures electric power and natural gas for Participating Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§3. Authorization of a Community Choice Aggregation Program.



A. A Community Choice Aggregation Program is hereby authorized by the Municipality, whereby the Municipality may implement a CCA program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.

B. The Municipality may enter into contracts with one or more Suppliers for electric and/or natural gas supply and other services on behalf of Default Consumers.

C. The Municipality may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in DER products and services to Participating Consumers.

D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Municipality's participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Municipality shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

#### §4. Eligibility.

A. All Default Consumers shall be enrolled on an opt-out basis. Default Consumers will have the right to opt out before the supply contract goes into effect, or disenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.

B. All non-Default Consumers within the Municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.

B. CCA Administrator, on behalf of the \_\_\_\_\_, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA program.

#### §5. Opt-Out Process.

A. A program notification letter, printed on municipal letterhead, shall be mailed to Default Consumers at least 30 days prior to customer enrollment. The letter shall include information on the CCA program and the contract signed with the selected Supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.

B. After the 30 day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

#### §6. Data Protection Requirements.

A. The Municipality, or CCA Administrator on its behalf, may request Aggregated Data and Customer Specific Data from the Distribution Utility.

B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

C. For the purpose of protecting customer data, the Municipality must enter into an agreement with the Distribution Utility that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

#### §7. Administration Fee.

The Municipality or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

#### §8. Reporting.

A. Annual reports shall be filed with the [Legislative Body] of the Municipality by March 31 of each year and cover the previous calendar year.

B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.

C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

#### §9. Effective Date.

This Local Law shall be effective immediately upon passage.

#### §10. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

## **CORRESPONDENCE**

None

## **WAIVER FOR HALDANE WATER/SEWER CONNECTION FEES**

Fees amount to approximately \$750. Mayor Merandy made a motion to waive water/sewer connection fees for Haldane School District. Trustee Early seconded and the motion passed unanimously.

## **APPROVAL OF BILLS**

Trustee Miller made a motion to approve payment of Batch #3920 in the amount of \$105,142.76. Trustee Early seconded and the motion passed unanimously.

## **MINUTES**

Trustee Early made a motion to accept the minutes of the 1-10-17 monthly meeting as amended. Mayor Merandy seconded and the motion passed unanimously.

## **ADJOURNMENT**

Trustee Murphy made a motion to adjourn. Trustee Early seconded and the meeting was adjourned at 9 pm.

Submitted by M. Mell

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David Merandy, Mayor

Date