

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

**Public Hearing and Trustees Meeting
2-28-17**

The Village of Cold Spring Board of Trustees held its monthly meeting at the Cold Spring Village Hall, 85 Main Street on Tuesday, February 28, 2017 at 7 pm. Present were: Mayor David Merandy, Trustees Marie Early, Frances Murphy, Lynn Miller and Steve Voloto.

PUBLIC HEARING TO ADD A CHAPTER TO THE VILLAGE OF COLD SPRING CODE REGARDING COMMUNITY CHOICE AGGREGATE PROGRAM

Mayor Merandy opened the public hearing at 7pm.

Trustee Voloto described the process necessary to pass a law to allow the Village of Cold Spring to participate in a Community Choice Aggregation (CCA) for the purchase of electrical energy. In a CCA, member communities gain leverage to purchase electrical energy at lower cost. As well, member communities may each select the criteria to source for that energy (i.e. Low-cost, locally produced, renewable, etc.). Community members currently include Beacon, Fishkill and Philipstown.

Michael Rauch of Renewable Highlands and Jason Angell of Joule Assets were present to answer questions.

- Laura Kaufman asked how energy sources are selected and how flexible would the terms be? Rauch responded that the CCA administrator solicits proposals from various sources on behalf of CCA members. The proposals include the kinds of sources as well as fixed and variable rate plans. Participating municipalities define the criteria for energy source selection and individuals may opt-out at any time.
- Elizabeth Starbuck asked how participation in the CCA would impact individuals with solar panels. Rauch noted that participation in the CCA would not impact solar energy credits and individuals may opt-in or out. The CCA may purchase excess solar capacity.
- Ethan Timm stated his support for passage of the local law citing: the ability to save money, reduction of pollution and a more responsive agency (rather than current individual plans.)
- Frank Haggerty stated he wouldn't want local sources precluded and suggested the possible inclusion of hydroelectric and tidal energy sources.
- Mayor Merandy asked whether there would be options for comparison (prior to commitment to a specific set of criteria.) Rauch said, "Yes."
- Laura Shihab-Elizan asked how often criteria can be reviewed or modified. Rausch said it depends upon the contract terms, but there would be some flexibility.
- Trustee Murphy asked whether the Village would negotiate individually or whether the CCA would negotiate on behalf of its members. Angell responded that the CCA negotiates to obtain the most leverage for the lowest price, but that Cold Spring could determine the composition of energy sources.

- Trustee Voloto asked if all CCA member communities request the same criteria, whether that would improve the price. Rauch said that would not have an impact.
- Laura Kaufman asked about the administrator's role. Rauch said that Renewable Highlands is a not-for-profit agency created to organize CCAs under NY State's recently passed law. Administrators, such as Joule Assets, receive their fee from the cost savings.
- Trustee Miller asked about the trade-offs between short and long-term contracts. Angell responded that energy costs are usually pegged to the cost of natural gas, which is low at present. This being the case a long-term contract may save more money, but options to modify it during the contract term may be more limited. Long-term contracts also incentivize suppliers with the promise of a customer base. Short-term contracts may not save as much money but offer more flexibility and options to negotiate. Angell also noted that savings achieved by the CCA are computed on an annual basis, but month-to-month costs may rise and fall.
- Stephanie Hawkins asked whether there was evidence that CCAs are stimulating supplier interest. Angell responded that they have only been operating for ten months so it is early yet, but he has seen interest on the part of developers.
- Trustee Voloto asked what remedies were available if a supplier should not fulfill their obligations. Angell responded that terms regarding this, as well as verification, would be incorporated into the contract.
- Mayor Merandy read a letter from Elizabeth Nevins and a letter from Lourdes Laifer both in support of Village participation in the CCA.
- At 7:45pm, Mayor Merandy made a motion to close the public hearing. Trustee Early seconded and the motion passed unanimously.

The text of the proposed local law is reproduced below.

Be it enacted by the Village of Cold Spring Board of Trustees of the County of Putnam as follows:

Section 1. The Code of the Village of Cold Spring New York is hereby amended by adding a new Chapter 5, 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 Village of Cold Spring ("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 Village of Cold Spring Board of Trustees, 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 Village of Cold Spring, 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 inter-municipal 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 Village of Cold Spring Board of Trustees 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 Village of Cold Spring”.*

§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 [to be named] 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.

C. CCA Administrator, on behalf of the Village of Cold Spring, 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 Village of Cold Spring Board of Trustees 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.

FINANCIAL REPORT

In a written report village treasurer Michelle Ascolillo noted:

- Budgets have been received from most departments
- Work has begun on figures for FY17-18 estimated tax levy
- Unanticipated revenue from the Fair St. parking lot is sufficient to cover the cost of the meters, which were not included in the FY16-17 budget.
- Fourth quarter franchise fee payment was received in a timely manner
- Attorney expenses appear less compared with the same time last year, although invoices have only been paid through November.
- Property tax and assessment account is over-budget due to taxes paid by the Village for the parking lot leased by Hudson House. A portion of this cost will be back charged.
- Revenue for the building department from permits and applications is approximately close to the budget for the first seven months of the fiscal year.
- Overall cost for electricity has increased and this ripples through many account lines.

BUDGET RESOLUTION #5-2017

Mayor Merandy made a motion for the Board of Trustees to approve the budget adjustments for the 2016/2017 fiscal year. Trustee Early seconded and the motion passed unanimously.

Resolution #: 5-2017

Moved by: Mayor Merandy

Seconded by: Trustee Early

Resolved that (1) The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the **2016/2017** fiscal year:

(1)	To:	A00-5110-445	Highway: Computer Support	\$1,715
		A00-5110-200	Highway: Equipment	\$837
		A00-5110-430	Highway: Office Supplies	\$341
	From:	A00-9060-802	Dental Insurance: Trimble	(\$36)
		A00-5110-420	Highway: Equipment Repair	(\$2,857)
			<i>To create budget for addition of computer & internet for Highway Dept and reallocate other Highway Budgets</i>	

	To:	A00-3410-410	Fire Department: Supplies	\$400
	From:	A00-9060-822	Eyeglass: Mageean	(\$250)
		A00-1325-400	Accountant: Contractual	(\$150)
			<i>To increase Fire Protection to Fire Dept from VCS due to incorrect budget.</i>	
	To:	A00-7510-400	Historic Board: Contractual	\$295
		A00-8010-400	Zoning Board: Contractual	\$189
		A00-4020-400	Registrar Vital Statistics: Contractual	\$45
	From:	A00-7501-400	Historic Board: Personal Services	(\$295)
		A00-1325-400	Accountant: Contractual	(\$234)
			<i>To reallocate to covert additional Contractual expenses.</i>	
	To:	A00-9060-810	Dental Insurance: Hyatt	\$1,000
		A00-5110-466	Highway Street Maint: Clothing/Eye Hyatt	\$250
	From:	A00-9060-807	Dental Insurance: Mageean	(\$1,000)
		A00-5110-461	Highway Street Maint: Clothing/Eye Trimble	(\$250)
			<i>To reallocate benefits to New Employee from those who are no longer employed by the Village.</i>	
(2)	To:	A00-1741-000	Parking Meter Fees (revenue)	\$6,000
	To:	A00-5650-400	Off Street Parking Meters (expense)	\$6,000
			<i>To increase budget to correct expenses and account for unanticipated revenue.</i>	

(3)	To:	G00-1380-400	Fiscal Agent Fees	\$687
	From:	G00-8110-400	Admin: Contractual	(\$687)
			<i>To reallocate funds per Fiscal Agent Fee schedule.</i>	
	To:	G00-8130-480	Transmission & Disposal: Building & Grounds	\$8,068
	From:	G00-8130-430	Transmission & Disposal: Electricity	(\$8,068)
			<i>To utilize electricity savings at Sewer Plant to cover necessary tank & soil expenses.</i>	

And (2) The accountant is hereby authorized to transfer such funds immediately.

On roll call vote:

Trustee Marie Early voted:	YES
Trustee Fran Murphy voted:	YES
Trustee Lynn Miller voted:	YES
Trustee Steve Voloto voted:	YES
Mayor Dave Merandy voted:	YES

Resolution officially adopted on: 2/28/2017

Mary Saari-Village Clerk/Treasurer

OLD BUSINESS

Cold Spring Fire Company – Trustee Voloto reported the CSFC budget for interior and exterior capital improvements and maintenance has been submitted to the trustees for review, but without any dollar amounts included. Mayor Merandy requested the CSFC submit a cost breakdown.

NEW BUSINESS

Trustee Early informed the trustees that Donald MacDonald has resigned from the Code Update Committee to devote more time to his business.

Mayor Merandy made a motion to hire Jeff Vidakovich as a temporary clerk at \$15/hr. for a 37.5 hour week for up to 90 days. Trustee Murphy seconded and the motion passed unanimously.

Trustee Early read Resolution #6-2017 adopting local law #2-2017 to amend chapter 130 of the Village Code. Early made a motion to adopt the resolution. Mayor Merandy seconded and the motion passed unanimously.

Resolution # 6-2017 Adopting Local Law #2-2017

To Amend Chapter 130 Water

WHEREAS, the Village of Cold Spring Board of Trustees has caused to be prepared a draft local law to amend Chapter 130 Water of the Village Code to address new technologies and water rates; and

WHEREAS, the Village of Cold Spring Board of Trustees held a duly noticed public hearing on the draft local law on February 14, 2017; and

WHEREAS, the Village of Cold Spring Board of Trustees has complied with the requirements of the State Environmental Quality Review Act ("SEQRA") as it applies to the adoption of the draft local law.

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 2 of 2017 is hereby adopted and the Village Clerk is hereby authorized and directed to take all of the actions necessary to complete the local law adoption procedure including filing said local law with the New York State Office of the Secretary of State.

Trustee Marie Early moved the foregoing resolution which was seconded by Mayor Merandy.

On roll call vote:

Lynn Miller, trustee voting	YES
Marie Early, trustee voting	YES
Frances Murphy, trustee voting	YES
Steve Voloto, trustee voting	YES
Dave Merandy, Mayor voting	YES

Resolution officially adopted at a public meeting held on February 28, 2017 by a vote of 5-0.

CORRESPONDENCE – none

APPROVAL OF BILLS

Trustee Early made a motion to approve Batch #3968 in the amount of \$51,222.01. Trustee Miller seconded and the motion passed unanimously.

MINUTES

Trustee Early made a motion to accept the minutes of the January 31, 2017 workshop meeting as amended. Mayor Merandy seconded the motion passed unanimously.

PUBLIC COMMENT

Frank Haggerty notified the trustees about:

- A burned-out street light at the intersection of Chestnut and Marion. Trustee Early informed Haggerty that the pole number may be submitted to the Central Hudson website for replacement.
- A clogged storm drain at the intersection of Chestnut and Main.
- Missing “No Left Turn” signage from the Butterfield Development driveway onto Chestnut, citing the danger posed should a vehicle attempt a left turn at this location. Consensus of trustees is that this would be the developer’s responsibility.

ADJOURNMENT

Mayor Merandy made a motion to adjourn the meeting. Trustee Miller seconded and the motion passed unanimously at 8:05pm.

Submitted by M. Mell

David Merandy, Mayor

Date: