



SPECIAL MEETING

**TOWN BOARD
TOWN OF OSSINING
MUNICIPAL BUILDING
16 CROTON AVE. 3rd FLOOR BOARD ROOM
OSSINING, NY 10562
OCTOBER 2, 2015
8:30 A.M.
SUPERVISOR
Susanne Donnelly**

COUNCILMEMBERS

**Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey Northern Wilcher**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Special Meeting of the Town Board of the Town of Ossining was held on October 2, 2015 at the Ossining Municipal Building, 16 Croton Avenue-3rd Floor Board Room, in Ossining, NY. The meeting was called to order at 8:30 a.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Northern Wilcher, Kim Jeffrey and Geoffrey Harter. Councilmember Eric Blaha was absent. Also present were Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts. Town Attorney Wayne Spector was absent.

II. RESOLUTIONS

A. RESOLUTION AUTHORIZING PARTICIPATION IN COMMUNITY CHOICE AGGREGATION PROGRAM

Councilmember Harter moved and it was seconded by Councilmember Wilcher that the following be approved:

WHEREAS, Sustainable Westchester, Inc., a not-for-profit organization comprised of over forty municipalities in Westchester County of which the Town of Ossining is a member, sought approval of a demonstration community choice aggregation (“CCA”) program in Westchester County in 2014, which would allow local governments to participate in a Sustainable Westchester program to procure energy supply from energy service companies (“ESCOs”) for the residents of the municipalities; and

WHEREAS, the CCA program is intended to provide consumers with the ability to lower their overall energy costs and the potential benefits of CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources; and

WHEREAS, on February 26, 2015, the Public Service Commission of the State of New York approved implementation of the first CCA pilot program in New York State, which allows Sustainable Westchester to put out for bid the total amount of natural gas and/or electricity being purchased by local residents or small businesses; and

WHEREAS, the Westchester pilot program is intended to include residential and small non-residential customers, and to permit the aggregation of both electric and natural gas purchases by the communities which elect to participate; and

WHEREAS, Sustainable Westchester, Inc. will issue a request for proposals to suppliers to provide energy to participants, and will then award a contract; and

WHEREAS, Sustainable Westchester, Inc. or the Town will request individual customer data from the current utility with due consideration for privacy, and the selected supplier will then notify the bundled customers of the contract terms and provide the customers with an opportunity to opt-out of the program within twenty (20) days; and

WHEREAS, based upon the plain meaning of the text and prior interpretations of the General Municipal Law (“GML”), the Town is of the opinion that it may participate in a CCA program without undertaking a referendum as set forth in GML §360, which applies only to the construction, leasing, purchasing, acquisition, use or ownership of a “public utility service” as defined in the GML; and

NOW THEREFORE, BE IT RESOLVED, that, following receipt of the aforementioned favorable written opinion from the office of the Solicitor General, the Town of Ossining shall enter into an agreement with Sustainable Westchester for participation in a CCA program for its residents and business consumers who are not already purchasing electricity from an ESCO, only if: 1) the default price is guaranteed to be consistently less than the utility price for the same period; or 2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or 3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities; and

BE IT FURTHER RESOLVED that the Town agrees to notify residents and business owners eligible for inclusion in the program in a manner that the Town deems most effective and efficient in advance of any implementation of the program; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to execute any and all documents to give effect to this resolution.

Motion Carried: Unanimously

III. ADJOURNMENT