

August 10, 2015

Regular Meeting of the Board of Trustees
Called to Order at 8:00PM

The meeting opened with the salute to the flag and Pledge of Allegiance

ROLL CALL

TRUSTEE	Giordano- absent
TRUSTEE	Luisi
TRUSTEE	Alfasi
TRUSTEE	Leo
MAYOR	Ecklund

APPOINTMENTS

PRESENTATIONS

PUBLIC HEARINGS

Trustee Leo made a motion to open the public hearing considering the establishment of a Community Choice Aggregation program in the Village of Tuckahoe; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.

David Burke and Mike Gordon, co-chair of Sustainable Energy, gave a brief overview and explained this is an effort to save on our electric bills.

ADOPTION OF MINUTES

Trustee Leo made a motion to approve the Minutes of the regular board meeting of July 13, 2015; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.

CORRESPONDENCE-none

FIRST OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

RESOLUTIONS

- 1) Trustee Leo made a motion adopting Local Law #4 of 2015 establishing a Community Choice Aggregation program in the Village of Tuckahoe; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.

LOCAL LAW NO. 4 of 2015

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION
(ENERGY) PROGRAM IN THE VILLAGE OF TUCKAHOE**

Be it enacted by the Village of Tuckahoe of the County of Westchester as follows:

Section 1. The Code of the Village of Tuckahoe is hereby amended by adding a new Chapter 24, entitled “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM,” to read as follows:

ARTICLE I

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

- A. It is the policy of both the Village of Tuckahoe and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.
- B. The purpose of this CCA Program is to allow participating local governments including the Village of Tuckahoe to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the Village of Tuckahoe to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Village of Tuckahoe is authorized to implement this COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the “Order”). Order shall also mean orders of the Public Service Commission related to 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 December 15, 2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the Village of Tuckahoe not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the CCA Program.

- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Village of Tuckahoe”.

§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:

Bundled Customers – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

Small Commercial - Non-residential customers as permitted by the Order.

Community Choice Aggregation Program or CCA Program– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Village of Tuckahoe.

Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

Sustainable Westchester – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

- A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the Village of Tuckahoe, whereby the Village of Tuckahoe shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Village of Tuckahoe’s role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.
- B. The Village of Tuckahoe’s purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village of Tuckahoe will 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 residential and Small Commercial customers.

- C. In order to implement the CCA Program, the Village of Tuckahoe will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.
- D. 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. Procedures for Eligibility; Customer Data Sharing.

- A. As permitted by the Order, the Village of Tuckahoe may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.
- B. Sustainable Westchester, on behalf of the Village of Tuckahoe, 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.
- C. Sustainable Westchester or the Village of Tuckahoe if the Village of Tuckahoe so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.
- D. Sustainable Westchester or the Village of Tuckahoe if the Village of Tuckahoe so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.
- E. In accordance with and for purposes of the Order, the existing Distribution Utility, Village of Tuckahoe [Consolidated Edison Company of New York, Inc. and/or New York State Electric & Gas Corporation] will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the Village of Tuckahoe not currently enrolled with an ESCO.
- F. Sustainable Westchester and the Village of Tuckahoe, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

- A. The Village of Tuckahoe or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the Village of Tuckahoe's decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.
- B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and

provide information on how the customer can access additional information about the CCA Program.

- C. The opt-out period shall be twenty (20) days.
- D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated Three (3) Day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

§6. Verification and Reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

Section 2. This local law shall take effect upon filing with the Secretary of State.

- 2) Trustee Alfasi made a motion authorizing the participation in a Community Choice Aggregation program through Sustainable Westchester, Inc.; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 4-0.
- 3) Trustee Luisi made a motion authorizing the Mayor to execute an Inter-Municipal Agreement with the Town of Eastchester and Village of Bronxville regarding emergency services notification to be provided by SwiftReach Networks, Inc. ; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 4-0.
- 4) Trustee Leo made a motion authorizing the Mayor to execute an agreement with Virtual Towns & Schools to provide web site design and hosting services; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.
- 5) Trustee Leo made a motion authorizing the Mayor to execute an Inter-Municipal Agreement with Westchester County for the procurement and use of body cameras; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.
- 6) Trustee Luisi made a motion authorizing the Mayor to execute an employment agreement with James LaPerche as outlined in the employment letter dated July 28, 2015; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 4-0.

- 7) Trustee Leo made a motion authorizing Camille DiSalvo to attend the New York Conference of Mayors' Fall Training School in Lake Placid, from September 28, 2015 to October 2, 2015; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.
- 8) Trustee Luisi made a motion ratifying approval for a Special Cabaret permit for Gina Marie's Chianti, 174 Marbledale Road for July 31st for live amplified music outside from 7:00 p.m. - 11:00 p.m. ; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 4-0.
- 9) Trustee Leo made a motion authorizing the street closure of Oak Avenue in Depot Square on August 28, 2015 (rain date Aug. 29) at 8:00 p.m. for the outdoor screening of Disney's Frozen; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.
- 10) Trustee Leo made a motion authorizing the Columbus Day Committee of Eastchester-Tuckahoe to use Depot Square for their annual Columbus Day Celebration & St. Pio Feast on September 25, 26 and 27,2015; event hours on September 25 and 26 is from 5 p.m. to 11 p.m. and on September 27 from noon to 8:00 p.m. In addition, authorizing the use of Village streets for two processions – September 25 the procession begins at Assumption Church 7:00 p.m. and end at Depot Square; on September 27, the closing procession will leave Depot Square between 7:00 p.m. and 7:30 p.m. and end at the Assumption Church; Further authorization for use of the Tuckahoe Trolley on Friday, September 26 and again on Sunday, September 27 to transport participants to and from the church to Depot Square; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.
- 11) Trustee Luisi made a motion authorizing the Tuckahoe High School's annual Homecoming Parade, and use of the Trolley, on Friday, September 25th, using the area behind 100 Columbus Avenue as the staging area beginning at 5:15 pm. The parade will begin at 6 pm and would follow the same route at last year through the village, ending at the William E. Cottle field for the annual Bonfire and Pep Rally; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 4-0.
- 12) Trustee Leo made a motion granting a special permit to Two Beer Guys, LLC d/b/a Growlers Beer Bistro, 25 Main Street, Tuckahoe, NY, as well as authorizing the use of a portion of the Lake Avenue parking lot for Oktoberfest with a date to be determined; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.
- 13) Trustee Leo made a motion declaring a 2008 Segway PTX2 Personal Transporter with police package and hard case, and portable radio chargers as surplus for sale; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.
- 14) Trustee Luisi made a motion authorizing a tax certiorari settlement for Dorami Realty of New York Inc., Section 29, Block 9, Lot 27 (60 Washington St.) for assessment years

2009 through 2014 in the amount of \$8,134.04; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 4-0.

15) Trustee Leo made a motion authorizing a tax certiorari settlement for Dorami Realty of New York Inc., Section 28, Block 5, Lot 10 (110 Main St.) for assessment years 2007 through 2014 in the amount of \$71,547.22; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.

16) Trustee Leo made a motion authorizing a tax certiorari settlement for Dorami Realty of New York Inc., Section 32, Block 4, Lot 1 (146 Main St.) for assessment years 2006 through 2014 in the amount of \$36,020.02; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.

17) Trustee Leo made a motion authorizing a tax certiorari settlement for Thomas DelGuidice, Section 32, Block 4, Lot (111 Lake Ave.) for assessment year 2014 in the amount of \$2,885.20; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 4-0.

18) Trustee Leo made a motion authorizing the approval of vouchers in the amount of \$501,112.93, Abstract #5 for \$131,205.58, Abstract #6 for \$48,274.47, Abstract #7 for \$300,296.41, Abstract #8 for \$17,267.84, Trust & Agency for \$4,068.63.

The three largest invoices paid were:

(1) \$126,824.40 for NYS Employees' Health Ins. for the month of August

(2) \$50,736.25 for Travelers for Insurance minimum due for 2015-2016

(3) \$43,442.66 for Griffin, Coogan, Blose & Sulzer, P.C. Tax Certs.; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote 4-0.

DISCUSSION- none

DEPARTMENTAL REPORTS TO THE BOARD

POLICE- Lt. Belles said that the AAA "School's Open" had their kick off. She reminded all that you can follow the Tuckahoe Police on Twitter. Peggy thanked everyone for her years here and expressed that it has a privilege and honor to serve. Next week will be her last day. She expressed that two years ago she went for training and was able to see the caliber of people she works with and see that this is one of the best police departments anywhere. Trustee Alfasi read on behalf of Trustee Giordano expressing well wishes to Peggy. Trustee Alfasi bade her good luck as well. Mayor Ecklund and Trustees Luisi and Leo expressed their best wishes on Lt. Belles' retirement.

RECREATION- John Galluzzi spoke about the Road Race on September 13, 2015. He also spoke about the Padre Pio event scheduled for September 25, 26 and 27.

ADMINISTRATOR- David Burke gave an update on the Crestwood Project which is nearly completed. Quick note that the trolley is still out there on Fridays and Saturdays. We will have a more updated website, a lot more transparent, with a social media aspect to it and

we will be on Twitter as well. We have the Swift Emergency Notification System in which you can use your smartphone and download the Swift911 mobile app for notifications. Mayor Ecklund noted that this will be great when residents have no electricity due to storms but still have cell phone access.

MISCELLANEOUS BUSINESS

The Mayor announced the Next Village Board meeting on September 21, 2015 and the Residents meeting on August 26th at 7:00pm in Circuit Park.

BOARD OF TRUSTEES MEMBER REPORTS

- ▶ TRUSTEE Luisi gave an update on upcoming Senior activities and their upcoming raffle on October 3rd. The History Committee will have an open house on October 10th at the Mini Marble Museum in Village Hall from 10:00am to 2:00pm.

- ▶ TRUSTEE Leo gave an update on library events for children, teens and adults.

- ▶ TRUSTEE Alfasi had no report

- ▶ MAYOR Ecklund said that the Board will look into the definitions of fast food and eating establishments. Our village code is pretty genetic. Like Eastchester, we will come up with more specific definitions. School will be opening, please drive carefully.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

ADJOURNMENT

There being no further business, the Board unanimously voted to adjourn the meeting at 9:00P.M.

Camille DiSalvo, Village Clerk