

**VILLAGE OF HASTINGS-ON-HUDSON  
BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, OCTOBER 20, 2015 - 7:30 PM**  
[BoardofTrustees@hastingsgov.org](mailto:BoardofTrustees@hastingsgov.org)

Meeting will be broadcast live on WHOH-TV 75 or FIOS 43 and <http://whoh-tv.org>

**PUBLIC HEARING NO. 1**

**TIME: 7:30 PM OR SOON THEREAFTER**  
**PLACE: MEETING ROOM, Municipal Building, 7 Maple Avenue**

**I. Call to Order**

**II. Roll Call**

**III. AGENDA:**

**1. Proof of Publication: The Rivertowns Enterprise – Oct. 16, 2015**

**2. To consider the making of an application to Westchester County for Community Development Block Grant funds for an affordable housing/rehabilitation project for property at 69 Ravensdale Road at the corner of Kent Avenue.**

**IV. CLOSE OF HEARING**

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**PUBLIC HEARING NO. 2**

**TIME: SOON THEREAFTER THE END OF PUBLIC HEARING 1**  
**PLACE: MEETING ROOM, Municipal Building, 7 Maple Avenue**

**I. Call to Order**

**II. Roll Call**

**III. AGENDA:**

**1. Proof of Publication: The Rivertowns Enterprise – Oct. 16, 2015**

**2. To consider the advisability of adopting Proposed Local Law F of 2015 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York to add a new chapter to provide for a community choice aggregation program in the Village.**

**Section 1. The Code of the Village of Hastings-on-Hudson is hereby amended by adding a new Chapter 110, entitled “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM,” to read as follows:**

**ARTICLE I**

**§110-1. Legislative Findings; Intent and Purpose; Authority.**

**A. It is the policy of both the Village of Hastings-on-Hudson 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 (CCA), 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**

Hastings-on-Hudson 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 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 Hastings-on-Hudson 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, 2014) to the extent that orders related to Case No. 14-M-0224 enable actions by the Village of Hastings-on-Hudson 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 Hastings-on-Hudson."

#### §110-2. 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 Hastings-on-Hudson.

**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.

#### §110-3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the Village of Hastings-on-Hudson, whereby the Village 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'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's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village 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 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.

#### §110-4. Procedures for Eligibility; Customer Data Sharing.

A. As permitted by the Order, the Village of Hastings-on-Hudson 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 Hastings-on-Hudson, 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 if the Village so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.

D. Sustainable Westchester or the Village if the Village 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 at no cost.

E. In accordance with and for purposes of the Order, the existing Distribution Utility, Consolidated Edison Company of New York, Inc. 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 Hastings-on-Hudson

F. Sustainable Westchester and the Village of Hastings-on-Hudson, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law. §110-5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

A. The Village of Hastings-on-Hudson or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the Village'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.

§110-6. 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. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3. This local law shall take effect upon filing with the Secretary of State.

#### IV. CLOSE OF HEARING

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#### REGULAR MEETING

TIME: SOON THEREAFTER THE END OF PUBLIC HEARING 2

PLACE: MEETING ROOM, Municipal Building, 7 Maple Avenue

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. APPOINTMENTS

V. APPROVAL OF WARRANTS

VI. PUBLIC COMMENTS

VII. RESOLUTIONS

[1. 70:15 Proposal Acceptance – Pavement Management Engineering Services](#)

[2. 71:15 Approval of Application for Community Development Block Grant Funds for Affordable Housing/Rehab Project at 69 Ravensdale Road](#)

[3. 72:15 Adoption of Local Law No. 6 of 2015 to Establish a Community Choice Aggregation \(CCA\) \(Energy\) Program in the Village of Hastings-on-Hudson.](#)

[4. 73:15 Approval of Agreement to Participate in the CCA Project](#)

[5. 74:15 Approval of Agreement with Westchester County for STOP DWI Enforcement Crackdown](#)

Program

[6. 75:15 Approval of Charge to Transportation and Circulation Committee](#)

[7. 76:15 Interfund Transfers Fiscal Year 2014-15](#)

[8. 77:15 Schedule Public Hearing for Proposed Local Law E of 2015 to Add Provisions for a Gateway Cluster Overlay District](#)

VIII. VILLAGE MANAGER'S REPORT

IX. BOARD DISCUSSION AND COMMENTS

1. Farmers' Market – Proposal for a Two-year Agreement for Rental of Municipal Building Parking Lot
2. Report on Solarize Westchester Launch in Hastings [Click here to watch the video presentation of the October 18 Launch](#)

X. ANNOUNCEMENTS

1. Thursday, October 22 – Zoning Board of Appeals 8:00 PM Village Hall Meeting Room
2. Monday, October 26 – Village Arts Commission 8:00 PM Village Hall Conference Room
3. Tuesday, October 27 – Senior Citizen Advisory Committee 5:00 PM Community Center
4. Monday, November 2 – Architectural Review Board 8:00 PM Village Hall Conference Room
5. Tuesday, November 3 – Board of Trustees 7:30 PM Village Hall Meeting Room

XI. ADJOURNMENT

For information regarding access for persons with disabilities, please visit <http://hastingsgov.org> or call 914-478-3400

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Village of Hastings-on-Hudson  
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