

TOWN OF POTSDAM REGULAR MEETING MINUTES

MAY 17, 2022

6:35 PM

Supervisor Carvill opened the Regular Meeting at 6:33 PM on May 17, 2022. This Meeting was held in person and via ZOOM VIDEOCONFERENCING as adopted by the New York State Legislature and signed into law by Governor Hochul in a special session on September 1, 2021. Due to COVID 19 public health and safety concerns, Part E of Chapter 417 of this legislation, allows the public and board members to attend meetings via videoconferencing. The public had an opportunity to see and hear the meeting live via ZOOM videoconferencing.

PRESENT

Supervisor Ann Carvill  
Councilperson Lynn Hall  
Councilperson Allyssa Hardiman  
Councilperson Toni Kennedy

VIA VIDEOCONFERENCE

ABSENT

Councilperson Marty Miller

ALSO, PRESENT

John Keleher, Highway Superintendent  
Peggy Brusso, Supervisor's Clerk  
Cindy Goliber, Town Clerk  
Frank Cappello, Attorney

VIA VIDEOCONFERENCE

Jay Burkman, c2ae

APPROVAL OF AGENDA

MOTION by Councilperson Hardiman SECOND by Councilperson Hall to approve the agenda as presented.

ADOPTED:

AYES 4

NAYS 0

(Carvill, Kennedy, Hall and Hardiman voting aye.)

APPROVAL OF MINUTES

MOTION by Councilperson Kenney SECOND by Councilperson Hardiman to approve the Public Hearing and Regular Meeting dated 4/12/2022 minutes as submitted.

ADOPTED:

AYES 4

NAYS 0

(Carvill, Kennedy, Hall and Hardiman voting aye.)

APPROVAL OF BILLS

<u>FUNDS</u>	<u>Vouchers</u>	<u>Total Bills</u>	<u>Class Investment</u>
GENERAL	176-234	\$ 110,586.78	\$ 1,021,590.54
TOWN OUTSIDE	39-44	\$ 1,682.07	\$ 77,788.92
HIGHWAY DA	72	\$ 309.50	\$ 1,014,499.99
HIGHWAY DB	28-47	\$ 56,695.41	\$ 884,671.60
SEWER	18-21	\$ 1,142.55	\$ 24,601.33

WATER	19-23	\$ 1,842.88	\$ 40,004.46
ROUTE 56 SEWER	5	\$ 22,327.09	\$ 957,506.48
ROUTE 56 WATER	7-8	\$ 60,248.03	\$ 830,465.18
AMERICAN RESCUE	5-10	\$ 7,744.84	
BDZ	5	\$ 6,500.00	

MOTION by Councilperson Hall SECOND by Councilperson Hardiman that the bills were found to be in order and authorize payment.

ADOPTED:                      AYES 4                      NAYS 0  
 (Carvill, Kennedy, Hall and Hardiman voting aye.)

REPORTS

SUPERVISOR’S REPORTS

FINANCIAL REPORT

Supervisor Carvill reported the following cash balances:

- GENERAL FUND - \$12,240.21
- TOWN OUTSIDE - \$10,010.12
- HIGHWAY DA - \$5,653.21
- HIGHWAY DB - \$849.76
- SEWER - \$781.99
- WATER- \$68.94

JAY BERKMAN, c2ae ROUTE 56 WATER/SEWER UPDATE

- a. Congratulations! The Town received a \$500,000 NYS Water Infrastructure Improvement (WIIA) grant for the Route 56 Water Project. We helped the town with this application last November. While the Sewer project did not receive additional funding this time around, we plan to reapply when the time comes. There may be additional opportunity for additional funding with the State Revolving Fund program this summer.
- b. We received appraisals for each of the proposed elevated water storage tank sites from the Varley Appraisal Group. The appraisals for each site were given in units of dollars per acre. Both sites currently being considered were appraised at the same value of \$1,450 per acre. We will use this number to further negotiations on a potential tank site.
- c. We received the Well redevelopment report on the two existing Unionville wells. Each well pump assembly was found to be in functional shape. The depth of the wells pre and post redevelopment suggest that approximately two feet of accumulated material was removed from Well #1 and approximately nine feet of accumulated material was removed from Well #2.
- d. We are in the process of transferring the information gathered from the water service and sanitary lateral maps to the drawing set, verifying the depths and locations of the services

and mains that we were able to obtain to date.

e. Moving forward we will look to have the subsurface investigation work done on the sewer collection system and the water distribution system. We will also be working to finish up the archaeological work on the project and begin the easement and permit process, as well as working to complete designs on the tank site, well building, and wastewater treatment plant.

f. Layne Co. provided the Redevelopment Report for the Town of Potsdam Bedrock Wells #1 & #2 was also distributed.

### COMMUNITY CHOICE AGGREGATION

Supervisor Carvill introduced Alexia Lamb, Joule; Rose Rivezzi, Climate Smart Committee Member; Monique Tirion, Village Trustee; and John Wadach, Village of Lima Deputy Mayor who may contribute to the discussion of Community Choice Aggregation.

### DISCUSSION

John Wadach gave an overview of the Village of Lima's adoption of the CCA Law in their low to moderate income community. This community offered two programs.

- The solar component offered a 10% discount or credit. 90% of the community opted in.
- The Village of Lima worked through Joule to provide CCA. The energy is 100% green and 60% participated in this program. Lima "tagged along" with Rochester Power for a fixed rate of 5.91 cents/kwh compared to competitors at 8.5 cents/kwh.
- The Village of Lima contracted with Joule, who attended many meetings and answered their many questions. The process took over 18 months. Wadach said that there are many requirements for educating the public and Joule was helpful. They also worked with National Grid to adopt single billing where the 10% saving is shown on one bill, instead of two.

Alexia Lamb, Joule reported the following:

- Joule goes out to bid for rates two times per year. They will vet their resources and look for the best contracts.
- It is beneficial to work with other communities, as the number of participants may have impact on a more favorable rate.
- Ms. Lamb said the Village of Canton is launching independently this summer. She said Joule will continue to reach out to other surrounding communities, hoping to get more participation.
- In response to questions about the number of people who opt out, Ms. Lamb said no one opted out in Central Hudson, because there were so many problems with their local utility's. She said typically about 10 – 12 percent opt out and the program is sustainable with a 40% participation rate.

### SUBCOMMITTEE

- Supervisor Carvill said it made sense to form a subcommittee of board members and community members with more information to follow.

SOLAR DEVELOPMENT

Supervisor Carvill told board members that she would like to revisit our decommissioning provisions and protection of agricultural land within our Solar Code. There was much discussion about requiring a bond for decommissioning when the code was developed. CEO Murray said that the town does not have any jurisdiction over large arrays (20 mgw and higher), but does over smaller arrays (under 20 mgw) and we need to look at minimizing impact. Attorney Cappello said some farmers need to lease their land to solar companies, just to make a living. She will contact our solar attorney Kevin Murphy for guidance.

JUNKYARDS

Code Enforcement Officer Jeff Murray told board members he will likely request an extension of the Junkyard Moratorium due to the complex nature of regulating junkyards. He wants to incorporate the NY State standards within the law. Murray said that the especially the collection of junk cars is an increasing problem within Potsdam and is an environmental nightmare. He wants to make sure the law is strong, so there is consequences for noncompliance.

RESOLUTION ACCEPTING SUPERVISOR’S REPORTS

MOTION by Councilperson Hardiman SECOND by Councilperson Kennedy to approve the Supervisor’s reports.

ADOPTED:                      AYES 4                      NAYS 0  
 (Carvill, Kennedy, Hall and Hardiman voting aye.)

CLERK’S REPORT

Revenue paid to Supervisor	\$ 7,989.40
Ag & Markets (spay/neuter program)	115.00
NYS Environmental Conservation	1,207.24
NYS Dept of Health	157.50
<b>TOTAL REVENUE DISPERSED</b>	<b>\$ 9,469.14</b>

Town Clerk Goliber said they would be hosting a rabies clinic on May 19, 2022 at the Town Barn.

MOTION by Councilperson Hall SECOND by Councilperson Kennedy to approve the Town Clerk’s reports.

ADOPTED:                      AYES 4                      NAYS 0  
 (Carvill, Kennedy, Hall and Hardiman voting aye.)

HIGHWAY SUPERINTENDENT’S REPORT

John Keleher reported the following:

- NY State has released funding amounts for CHIPS \$85,330.01, PAVE NY - \$99,508.04, EXTREME WINTER RECOVERY - \$85,395.97, and POP \$66,338.69.

- The increase in the price of blacktop from \$52/ton to \$65/ton will affect the road mileage we can pave.
- Work at Postwood includes trimming trees, cleaned the area, installed the trash cans, hooked up the water, and added new posts along the parking lot. Keleher said the summer crew did a great job.
- The salt shed project is coming along. The sand has been moved and the geotechnical survey is being done to make sure the ground is stable. The contractor notified John that the building is at the facility. The highway crew will install the sone pad. He expects to receive our contract from the DEC soon.

#### CEO/ASSESSOR/COURT REPORTS

- Are on file.

#### RECREATION REPORT

Councilperson Miller submitted the following written report:

- There was no committee meeting in April.
- We are still awaiting some drawings from Rebecca Weld on the bath house. I contacted her last week and there seemed to be a misunderstanding of what she was to supply to us.
- I have met with Valley water and turned over the requirements for the testing and monitoring of the water system at Postwood so he can put together the price he will charge to monitor the system and do the Health Department Reports.
- I have put together some specifications for a stand by generator unit for Postwood Park that was requested by the group holding the Dragon Boat Races.
- I have met with Michelle and spoke about the employees for the season. She informed me she should be good.
- I also met with Michelle to go over the supplies she had ordered and the supplies that were back ordered and credited. Michelle informed me she would look other locations for equipment she needs.
- Also received a list of electricians from the code officer to get prices from them on the electrical upgrades at Postwood. We will prepare an RFP for the electrical work and either advertise for bids or invite the three or more companies to meet at one time to explain the RFP.
- In thinking about a storage building do we spend a low dollar on a shed that will not have the amenities that we are looking for or do we go with a higher amount on a shed that is turn key?
- I have not heard anything on fencing, so I am reaching out to some contractors to get prices on the fencing for the projects.
- Also I think we need a surveyor to come to Unionville and give the Town their property lines so we can fence the playground area so we do not have a parking lot using half the space.
- I would appreciate your feedback on any of these matters.
- Also, spoke with Michelle briefly about an opening date for Postwood and possibly the weekend after Memorial Day.

#### INFRASTRUCTURE

Councilperson Miller presented the following written report:

- I met with C2AE representatives on Wednesday and with some property owners on the 56 water and sewer project to discuss the proposed utility locations. When we left, I felt the property owners were much happier with the C2AE presentation and I would like to thank the firm for working with the property owners and listening to their questions on the process.
- We are still waiting to hear back on the courthouse roof.
- We are still piecing together the puzzle for Postwood and Unionville playgrounds.
- We have a lot of irons in the fire but unfortunately when it comes to government projects it takes time.
- One last thing that I would like to add, the town has hired a Grant writing firm to help manage the ARPA funds, and the reports. I was hoping this would help the Town stay on top of the funding that is out there and what we would be eligible to apply for. I am feeling the Town is still missing out on some grant monies out there and I am trying to figure out a plan to get on top of this. I will keep you posted.

#### CLIMATE SMART COMMITTEE REPORT

Councilperson Kennedy reported that the committee would meet on May 19<sup>th</sup>.

#### AD HOC COMMITTEE (CONTRACTS)

Councilperson Hall and Councilperson Hardiman submitted the following written report.

#### Requirements for Organizations to Receive Funding (To be updated each fiscal year)

The Town of Potsdam supports some twenty organizations, ranging from senior citizens clubs, volunteer firefighters and EMS workers, veterans, humane shelters, and cultural and recreational organizations. In the 2022 budget year the Town allocated \$488,475.00 to these organizations. As a committee, our hope is that updating the procedure by which clubs and organizations apply for funds will maintain transparency between the Board, the organizations, and the taxpayers of Potsdam.

Our formal recommendations are as follows:

All clubs must respond to the “budget letter” sent out by the Supervisor’s office each year in August. If there is no response, no money will be issued.

- Response to the Supervisor’s letter must include:
  - Names and contact information for organizations’ leaders, officers, or “point person”, with updated contact information for each officer.
  - A copy of organization’s code or bylaws, if applicable.
  - A “mission statement”; a brief explanation of goals or purpose of the organization
  - Brief description of prior year’s activities (receipts/bank statement not necessary)
  - Amount of Town funds requested for the upcoming budget year.

- If an increase in funds from the previous year is requested, please provide justification for the increase (e.g., increased number of members, a new piece of equipment needed, etc.).
- List of other funding sources

Additionally, it is our recommendation that each organization be invited to attend a Town Board meeting to present any changes being made to their funding request, or to inform the Board of their needs. We would like the Board to decide whether the organizations will be invited to one, single special session meeting, or if they will be invited to separate, regularly scheduled meetings during the budgeting season. If the Board approves of these recommendations, we ask that they be implemented in the budgeting process for the 2023 Fiscal Year budget.

#### SAFE PASSAGE WALKWAY

It was reported that Erik Backus is working on a proposal to develop a safe passage walkway between the Village of Potsdam limits and Walmart/Tractor Supply.

#### PUBLIC COMMENT

Rose Rivezzi thanked the board members for considering CCA and said that she supports Community Choice Aggregation and believes it is a win win for all parties involved. She encouraged the board to move forward with adopting the law.

#### ACTION ITEMS

##### 2022 TRUCK BID

NOTE: One bid was received on 4/21/2022 from Blevins Motors, Inc. 6691 State Highway 56, Potsdam, NY. It was opened at 3:00 PM on 5/17/2022 by Highway Superintendent Keleher and Town Clerk Goliber. The bid was Blevins Motors in the amount of \$50,710.00 for the 2022 Ram 3500 regular cab and chassis per the bid specifications as noted in the advertisement.

MOTION by Councilperson Hardiman SECOND by Councilperson Kennedy to accept the bid from Blevins Motors, Inc. 6691 State Highway 56, Potsdam, NY in the amount of \$50,710.00 2022 regular cab and 4 X 4 chassis per the bid specifications. The funds to be paid as follows: DA9710.6 -\$25,018.00 ; DB9710.6 - \$25,018.00 and da5142.4 - \$674.00.

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

#### CHIPS, PAVE NY & WINTER RECOVERY BUDGET AMENDMENT

MOTION by Councilperson Hall SECOND by Councilperson Hardiman

WHEREAS New York State Department of Transportation has released the final funding for repairs and rehabilitation and modernization of local road, and

WHEREAS the Town of Potsdam will receive \$376,023.79 in CHIPS funding, \$99,508.04 in PAVE NY funding, and \$85,395.97 in EWR funding, and \$66,338.69 in POP funding totaling \$627,266.49, and

WHEREAS the Town of Potsdam budgeted \$290,693.78 in the 2022 Budget,

NOW THEREFORE BE IT RESOLVED that the Potsdam Town Board increase line item DB5112.2 in the amount of \$336,572.71 to total \$627,266.49.

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

AGREEMENT TO SPEND HIGHWAY FUNDS

MOTION by Councilperson Kennedy SECOND by Councilperson Hardiman to approve the following road repairs pursuant to the provisions of Section 284 of the Highway Law, and the Town of Potsdam agrees that moneys levied and collected for the repair and improvements of highways, and received from the State of New York for repair and improvement of 122.24 miles of highways in the amount of \$336,572.71 shall be expended as listed:

- On the road commencing at Perrin Road from US Highway 11 and leading to the O'Brien Road, a distance of 3,700 ft. there shall be expended not over the sum of \$100,484.02.
- On a road commencing at the McGregor Electric north on May Road and leading toward the town line, a distance of 5,300 ft there shall be expended not over the sum of \$132,375.00.
- On the road commencing at Sisson Street (dead end) from Sissonville Road and leading to the dead end, a distance of 1,600 ft, there shall be expended not over the sum of \$37,375.00
- On the Blanchard Road starting at County Route 35 going north to Morehouse' a distance of 2,800 ft. there shall be expended not over the sum of \$66,338.69.

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

PROPOSED LOCAL LAW 2022-2 TITLED COMMUNITY CHOICE AGGREGATION

MOTION by Councilperson Hardiman SECOND by Councilperson Hall

WHEREAS the Potsdam Town Board has had presentations and discussions over many months regarding a local law to establish a Community Choice Aggregation (Energy) Program in the Town of Potsdam, and

WHEREAS the Town Board held a public hearing on April 12, 2022 to take comment on the proposed Local Law 2022-2, titled Community Choice Aggregation and there were no comments from the public,

NOW THEREFORE BE IT RESOLVED that the Potsdam Town Board adopts the proposed law to establish a Community Choice Aggregation (Energy) Program in the Town of Potsdam as Local Law 2 of yte Year 2022 and directs the Town Clerk to file said law with the Secretary of State.

ADOPTED BY ROLL CALL VOTE: AYES 4 NAYS 0  
Supervisor Carvill voted yes.  
Councilperson Kennedy voted yes.  
Councilperson Hall voted yes.  
Councilperson Hardiman voted yes.

TOWN OF POTSDAM LOCAL LAW 2-2022  
A LOCAL LAW TO ESTABLISH A  
COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE TOWN OF POTSDAM

Be it enacted by the Town Board of the Town of Potsdam as follows:

The Code of the Town of Potsdam is hereby amended by adding a new Chapter, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

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

- A. The Town of Potsdam supports the policy of 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 customers in retail energy markets, and promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and Distributed Energy Resources ("DER").
- B. Among the initiatives that may advance these objectives is Community Choice Aggregation ("CCA"). Access to CCA programs offer residential and small non- residential customers, generally described as "mass market customers," an opportunity to receive benefits that have not been readily available to them in the past, including more affordable or cleaner energy supply choices. Similarly, CCA programs can incorporate distributed energy resources (DER) and the benefits they offer, such as Community Distributed Generation (CDG) and the program's associated net-crediting savings, to mass market customers participating in CCA programs.
- C. By establishing a CCA Program, it is the Town of Potsdam's goal to provide Participating Consumers with the potential to lower and stabilize their energy costs, to spur local clean energy innovation and investment, to reduce environmental impacts, and to help achieve New York State's goals set forth in the Reforming the Energy Vision initiative ("REV") and the Climate Leadership and Community Protection Act; thereby, fulfilling the purposes of this Chapter and fulfilling a public purpose. To be clear, energy delivery shall remain the responsibility of the Distribution Utility, not the Town of Potsdam.
- D. The Town of Potsdam is authorized to implement and participate in a CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and by the 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 from time to time, including subsequent orders of the Public Service Commission issued in connection with, or related to, Case No. 14-M-0224 (collectively, the "CCA Orders"), to include, without limitation, acquiring utility data and selecting one or more Energy Suppliers on behalf of Participating Consumers, including in cooperation with other municipalities for the purpose of establishing an

intermunicipal CCA Program.

- E. This Chapter shall be known and may be cited as the Community Choice (Energy) Aggregation Program Law of the Town of Potsdam.

§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 means information aggregated and anonymized at the municipal level that is used to support CCA Program design and solicitations for energy offerings.
- B. CCA ADMINISTRATOR means the entity selected and duly authorized by the Town of Potsdam to administer the CCA Program including without limitation to request Aggregated Data and Customer Specific Data; to solicit Energy Offerings on behalf of Default Customers; and to offer Participating Customers additional opportunities to participate or enroll in programs or projects related to DER. The CCA Administrator shall be responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the CCA Orders, unless otherwise specified.
- C. CCA ORDERS means 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," as it may be amended from time to time, including subsequent orders of the Public Service Commission issued in connection with, or related to, Case No. 14-M- 0224
- D. COMMUNITY CHOICE AGGREGATION PROGRAM or CCA PROGRAM means the Community Choice Aggregation Program enabled by this local law.
- E. CUSTOMER-SPECIFIC DATA means personal data and utility data for Default Consumers including without limitation the name, mailing address, account number, and primary language, if available, for each customer of record and any customer-specific alternate billing name, and address.
- F. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Town 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 Eligible 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 Eligible 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.
- G. DEFAULT SERVICE shall mean gas or electric supply service provided by the Distribution Utility to consumers who are not currently receiving service from an alternative energy service company

(ESCO).

- H. DISTRIBUTED ENERGY RESOURCES (DER) means renewable energy projects, community distributed generation (e.g., community renewables), energy storage, peak demand management, energy efficiency, demand response, community resilience microgrid projects, and other energy projects and initiatives that reduce the cost of service for Participating Customers, optimize system benefits, and/or address infrastructure and demand challenges within the geography of the CCA Program.
- I. DISTRIBUTION UTILITY shall mean the owner or the party controlling the means of distribution of electricity and/or natural gas in the Town of Potsdam and/or the default supplier of electricity and/or natural gas as of the effective date of any CCA Program Energy Services Agreement (ESA) between the Town and an Energy Supplier.
- J. ELIGIBLE CONSUMERS shall mean consumers of electricity and/or natural gas who receive Default Service from the Distribution Utility within opt-out energy service classes as delineated in the CCA Order as of the effective date of an Energy Services Agreement (ESA) between the Town and a Supplier, or New Consumers that subsequently become eligible to participate in the CCA Program, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or otherwise be located at one or more locations within the geographic boundaries of the Town, as such boundaries exist on the effective date of the applicable ESA.
- K. ENERGY SUPPLIER or SUPPLIER shall mean any entity that procures electric power and/or natural gas for Eligible Consumers; generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.
- L. NEW CONSUMERS shall mean consumers of gas and/or electricity that become Eligible Consumers after the effective date of the applicable ESA, including those that opt-in or move into the Town.
- M. PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the CCA Program, either because they are consumers who received Default Service from the Distribution Utility as of the applicable ESA effective date and have not opted-out, are consumers that have opted-in, or are New Consumers.
- N. PROGRAM ORGANIZER shall mean the entity responsible for initiating and organizing the CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- O. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Town of Potsdam, whereby the Town may implement a CCA Program to the full extent permitted by the CCA Order, as set forth more fully herein.
- B. The Town may function as the Program Organizer or may enter into an agreement with another

municipality or a third-party provider to act as the Program Organizer on behalf of the Town.

- C. The Town may function as the CCA Administrator or may enter into an agreement with a third-party provider to act as the CCA Administrator.
- D. The Town may act as an aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- E. The Town and/or the CCA Administrator may enter into agreements and contracts with other municipalities to develop offers for distributed energy resources products and services to Participating Consumers, including opportunities to participate in renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- F. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility. The Town's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service.

#### §4. Eligibility.

- A. All electric and natural gas supply consumers within the Town, including residential and non-residential consumers, regardless of size, shall be eligible to participate in the CCA Program.
- B. All electric and natural gas supply consumers within the Town shall be enrolled in the CCH Program on an opt-out basis except consumers:
  - (1) That have placed a freeze or block on their energy supply account, or
  - (2) For whom inclusion in the CCA program will interfere with a choice the consumer has already made pursuant to a special rate.

All excepted consumers may be enrolled in the CCA Program on an opt-in basis.

- C. New Consumers shall be enrolled in the CCA Program on an opt-out basis. All New Consumers shall be mailed an opt-out letter consistent with the requirements of the CCA Order.

#### §5. Opt-Out Process.

An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the ESA signed with the selected Supplier 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 for service under the terms of the ESA and that information on those consumers, including energy usage data and APP status, will be provided to the Supplier.

§6. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§7. Data Protection Requirements.

- A. The Town may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the applicable opt-out period has closed.
- 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 Town 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 Town 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. The Town must enter into a Data Security Agreement for the purpose of protecting customer data.

§8. Administration Fee.

The CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with the operation of the CCA Program.

§9. Reporting.

- A. The CCA Administrator shall file an annual report with the Town Supervisor by March 31 of each year.
- B. Each annual report shall include, at a minimum, regarding the prior calendar year: number of participating consumers served; number of participating 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 an Energy Contract will expire less than one year following the filing of the annual report, the annual report must identify current plans for soliciting a new Energy Contract, negotiating an extension, or terminating the CCA Program.

§10. Effective Date.

This Local Law shall be effective immediately upon being filed with the New York State Secretary of State.

§11. 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.

RABIES CLINIC

MOTION by Councilperson Hardiman SECOND by Councilperson Kennedy to authorize payment of \$100 from A3520.4 Rabies, to the Vet Tech who will work the Rabies Clinic on May 19, 2022 from 6 PM – 8 PM at the Potsdam Town Barn.

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

EXECUTIVE SESSION

MOTION by Councilperson Hardiman SECOND by Councilperson Kennedy to move into Executive Session at 8:08 PM to discuss the following:

- Collective negotiations with the Town Hall Workers
- Employment History of a Particular Employee

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

MOTION by Councilperson Kennedy SECOND by Councilperson Hardiman to adjourn Executive Session at 8:36 PM.

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

ADJOURNMENT

MOTION by Councilperson Kennedy SECOND by Councilperson Hardiman to adjourn at 8:37 PM.

ADOPTED:                      AYES 4                      NAYS 0  
(Carvill, Kennedy, Hall and Hardiman voting aye.)

Respectfully submitted:

Cindy Goliber  
Town Clerk