

TOWN OF NEW BALTIMORE **Draft 8/1/16**
COUNTY OF GREENE **Approved 8/8/16**
PUBLIC HEARING ON PROPOSED LOCAL LAW 1
AUTHORIZING PARTICIPATION IN A COMMUNITY CHOICE
AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 1

Supervisor Dellisanti opened the Public Hearing at 6:30 PM. Also attending Deputy Supervisor Ruso, Councilmembers Briody, Irving, and VanEtten, Town Clerk Finke, Tax Collector Jordan, Highway Superintendent Jordan, and 2 members of the public who signed the attendance book.

Supervisor Dellisanti read, "Please place the following Public Hearing Notice in the first available issue of the Catskill Daily Mail published after July 13, 2016: Notice is hereby given that there will be a Public Hearing before the Town Board of the Town of New Baltimore on July 25, 2016 at 6:30 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law No. 1 of 2016, a Local Law Authorizing the Participation in a Community Choice Aggregation Program. All persons wishing to be heard in favor or opposition will have such opportunity at the time and place stated above. By Order of the New Baltimore Town Board, Barbara M. Finke, Town Clerk."

Supervisor Dellisanti: I have to make an announcement that on Page 3, the second §5 should be §6, §6 becomes §7, and Section 2 becomes §8. Ellie, do you want to step up to the podium?

Ellie Alfeld: Well, actually I'd like to see the presentation before I have anything to speak about to make sure that I hear what I believe I heard the last time he made that presentation.

Supervisor Dellisanti (to Ed Carey): Do you want to give us a quick summary?

Ed Carey: Again, my name is Ed Carey from Good Energy. We are a national company. We have offices in Boston; New York; Peoria, Illinois; Dallas, Texas; and California and what we are, we're an aggregator of over 1,000 municipalities across the Nation for commercial/industrial and we are the largest aggregator for Community Choice Aggregation. What Community Choice Aggregation is is you're coming together as one. Right now presently your municipality is buying power through an ESCO and they've come together with other townships or other aggregators, but they're not just doing one building, not just doing one high school, they put it all together and they went out into an open market and they got a discount for their power. What you're doing as a resident, not the municipality, you are coming together as one and you're forming an aggregation and you're getting a discount from the local utility. Currently right now all you're doing is you're adding on a third option. Right now you only have two options. You can go with the utility or you can go out into the open market and buy power through an ESCO. All we are doing is we're adding to the consumer a third option. If you go with an ESCO, there are terms. You sign a contract. If you violate that contract, there's a penalty. There is no contract here. If you want to participate, first of all it's an opt-out program; you're automatically in. If you do not want to at any time, you want to go shop power on your own, you can do that. You can opt-out, you can get out of the contract. There are no penalties for this. Our research basically is you have the utility rate, you have an ESCO rate somewhere in there. We believe because we're doing this in large numbers, we believe we are going to be the lowest thing. At any point if you do not like that, you don't find it acceptable, you can leave at any time. Again, let me emphasize this to the crowd, the municipality does not make money on this. They do not pay for this. The municipality endorses it, but financially there is no risk at all to the municipality. Again with our experience we've done this over close to 400 times in the State of Illinois. In New Jersey, I think we probably have over 150,000 households on contract now. In Massachusetts we probably have over 400,000 households on contract. This is nothing new to us. New York State is the seventh state to have adopted this because it's been so successful in the other states. So the Public Service Commission and the Governor's Office is really pushing this throughout the state. We're trying right now, we have to get this resolution passed first and then we have to do a savings analysis, come back again. Once we get that savings, then we come back to the Board and then we say 'does this work or does this not work?' Right now we feel very comfortable that it will work because we've had some experience. At one point if the savings isn't where we want it to be, we don't do a deal. What we are trying to do in the area is, we are trying to get the other townships involved as well. Obviously it's like the Costco theory, if you buy in bulk you'll get a discount. So we're trying to put New Baltimore in with other villages and townships in Greene County and also in Hudson. If we can get a really large number and go out and put it out to bid and get a substantial savings for you, that is our main goal. If it's not, then we will not do a deal.

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July 25, 2016 – Page 2

Supervisor Dellisanti: That's the basic plan.

Ed Carey: Yes, that's it basically.

Supervisor Dellisanti: Thanks, Ed, I appreciate it.

Councilmember VanEtten: Ellie, do you have any questions?

Ed Carey: When she asks a question, should I answer each question or should I answer all questions.

Supervisor Dellisanti: Why don't you let her do her number of questions then you can answer them all.

Ellie Alfeld: Well first off it's not a question, it's a statement and my statement is when I was here last time and this gentleman and the other gentleman were here, I distinctly asked how they were going to notify the people in New Baltimore about this and I was assured at the Board meeting that they would send out newspaper articles, information flyers, and they would contact the people. I'd like to know where this notification went because everybody I've spoken to has said they don't know anything about it. I take exception with the name CCA because nobody in Town knows what a CCA aggregate is so if this is something as important as zoning and other laws that we have in this Town, I think we need more information to the general public other than in the newspaper where we know most people don't read the newspaper, a lot of people don't have the computers, and nobody has an idea of what's what. Now I did some reading, I want to know why something like this is not just done here in Greene County like it was done in Westchester County because that's where they've got a foothold so to speak. I want to know what the deadline is of opting-out. I don't want to be told that I can opt-out at any time, but it's a 30 day limit or a 50 day limit or there's limits as when I can opt-out. I think we're all entitled to know this information. The other thing is I was reading about a gentleman with the Manhattan Project. Were you familiar with that?

Ed Carey: (Unable to understand.)

Ellie Alfeld: Yeah, so to speak. He's associated with it and he outlines in his writings that this will be successful except for the fact that you will be using more and more dependency on green power, solar power, green power however you want to put it. As the price of solar power, wind power, whatever goes up, the cost of the electric is going to go up as well. So we're going to be paying more in the end. There's not enough wind or sun power to keep Manhattan and its electric needs in check and we're just a little Town. I am going to be opting-out because I don't like to be told that I'm in something before I'm even given the information of what the something is. That's like an arranged marriage. Meet me and I'll be your wife, but I never saw you before. Okay, it just doesn't work. So I'm very disappointed in what has happened here with this program. I'm sure the Board knows more about this than the citizens, but we're the ones that are going to ultimately be paying the price and we are the ones who should have gotten a lot more information by publications which you said we'd be getting, never saw. I had checked up and down my road, the other roads, I've talked to people at the churches. They don't have the slightest idea what this thing is. So you dropped the ball.

Supervisor Dellisanti: Ed, would you like to respond to that.

Ed Carey: The first thing is notification, you're right about that.

Ellie Alfeld: I know I am.

Ed Carey: But we haven't sent out anything because the Local Law hasn't been sent, so we haven't started work yet.

Town Clerk Finke: That's what you said at the last meeting.

Ellie Alfeld: Excuse me, but how do you get people here if they don't know what's coming.

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AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 3

Councilmember VanEtten: He couldn't send out anything until we passed this Local Law and you can at this point send a newsletter or something to our residents.

Ed Carey: We can't send out anything. Again it's like what came first, the chicken or the egg? I don't have peoples' addresses until I get this Local Law and then once you get that, then we send out the notification. And then, let me speak, by law, the law states and this doesn't happen overnight, this goes at a snail's pace. Once that does happen, the State requires us to go out and for 60 days go out and notify. There are certain criteria, I don't know the exact marketing, we have to advertise in the local newspapers, we have to go on your local radio, we have to go on your local Cable. I don't know the billboard laws here. And also by mail every single person has to receive in the mail box describing the exact program. It would be a palm card which is in the proposal that I just gave you. The answer to your question is no I haven't sent it out. How we get this information, again it will be in print, it will be on Cable, every individual will receive a palm card describing it. I didn't understand the reference with the Manhattan Project. And regarding green power, that's just another source of energy that's coming in. I mean right now you have generations being created by nuclear power, coal power, natural gas power. Power has decreased dramatically in the last eight years. You go back to 2007, 2006, natural gas was trading at \$14, electricity was in the \$0.20 range. And because of fracking, it just put a huge surplus in natural gas out in the open market. Now natural gas is trading about \$3, again it was at \$14 and it went all the way down to \$3, and electricity in the open market was in the \$0.15 range now it's in the \$.07-\$.08 range. So we are seeing prices getting cut in half. Do I see it going up? Probably, every individual has a cell phone, a laptop, their homes are using more and more electricity every day. The population is growing.

Ellie Alfeld: Excuse me, did you realize or do you know that the delivery rate is more than the cost?

Ed Carey: I'm only going after the supply rate. The delivery is your utility, that's for transportation and delivery. I don't have control over it, that's a monopoly on it.

Ellie Alfeld: So that's going to stay just what we've got.

Ed Carey: That's correct, but I have no control over it. There's three things on your utility bill. You have your transportation and the distribution of the power, that's the utility; and then the supply portion. That's the majority of your bill. I will be reducing your supply portion. The transportation and distribution, I have no control over. No one does. Well the utility does; I don't.

Ellie Alfeld: So it's not going to save me anything.

Ed Carey: Your supply portion you will.

Councilmember VanEtten: Well it's your choice to opt-out.

Ellie Alfeld: I realize that.

Supervisor Dellisanti: Thank you, Ed. Does anyone else have any questions on this agreement with GoodEnergy?

Town Clerk Finke: I would just like to say that he's only following state law, only following what the PSC says. You're not doing your own thing. The PSC says this is the way.

Ed Carey: The laws are very strict on what we have to follow.

Supervisor Dellisanti: Like you said, the chicken before the egg or the egg before the chicken.

Ed Carey: We can't notify until this gets passed.

Ellie Alfeld: Why couldn't it have been done countywide though? If you did it in Westchester, why couldn't Greene County as a whole instead of each individual town?

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AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 4

Ed Carey: Because it goes down to the most basic level of government. It has to be done by towns and villages and cities. It's not allowed to be done at the County level. In the State of Illinois, it is on a County level...

Ellie Alfeld: What about Westchester?

Ed Carey: That was a pilot program and it became successful and everywhere else wanted it. There's two utilities there, you have ConEdison and Central Hudson, what is the other utility there, it's a RICO. People in Dutchess County, literally one mile away, they were watching their next door neighbors getting a discount and saying 'we want that' and we said 'well, you can't because you're not in Dutchess County, you can't have it' and we said 'that's not fair.' And that's when the Governor came out and they put the Order in and you know what Westchester County, the pilot program worked and they made it a statewide Order, now everyone can do it. You can do it or you don't have to do it, but the law says that anyone in the State of New York can now do this.

Ellie Alfeld: So you can opt-out at any time and opt-in.

Ed Carey: Yes.

Ann Marie Vadney: I have a very simple question in reading this. The Administrator is who?

Ed Carey: We are.

Ann Marie Vadney: The Company is the Administrator and there it is I missed it sorry. Thank you.

Supervisor Dellisanti: Any of the Board Members have any questions?

Town Clerk Finke: How many towns in Greene County?

Ed Carey: Right now, you're going to be the first. We have other townships following very quickly. We had a meeting where there were 15 and the majority we've spoken to or gone to their public meetings and we've gotten a very, very, very positive response from multiple townships in Greene County. But, yes, New Baltimore will be the first.

Town Clerk Finke: Again.

Ann Marie Vadney: The numbers in Westchester County since that was the pilot, how many people residential?

Ed Carey: It's only designed for residential.

Ann Marie Vadney: What was the percentage of the population that participated and what was the percentage of savings across that population?

Ed Carey: The savings was over \$100, the savings I don't know what percentagewise it came out to, I'd say...

Ann Marie Vadney: Could you provide that so people know.

Ed Carey: Yes, sure.

Ann Marie Vadney: If that was \$100 that means nothing

Ed Carey: Very close to about 10% savings, 8-10% savings for Westchester.

Ann Marie Vadney: The number of the population of Westchester County and number of participants.

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AUTHORIZING PARTICIPATION IN A COMMUNITY CHOICE
AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 5

Ed Carey: Twenty-seven municipalities joined in, 17 went forward and it was about 240,000 households that moved forward.

Ann Marie Vadney: The opting-in and opting-out, it's just briefly explained here, more details will go out to our residents so that they would have... It says 30 days they have to respond. That's not really quite long enough I think.

Ed Carey: That's the way the law is written, we didn't design it that way. That's the way the law is written.

Ann Marie Vadney: So what do you do to educate our residents in that 30 day period?

Ed Carey: During that time period, we're going to go advertise this and again this is all of our marketing money that we go out and advertise; it doesn't come from the municipality, it comes from us, and we outline the whole thing, these palm cards. We're going to set up FAQs and see what they are on our web page. We're going to have a call center designed for people to call in with any type of questions.

Ann Marie Vadney: What kind of hands-on?

Ed Carey: We have to come back up here for a Public Hearing, we have to do that part of the ball.

Ann Marie Vadney: I'm not concerned about the law requirements because I understand that process.

Ed Carey: 60 days.

Ann Marie Vadney: How are you going to get our elderly population here to understand what their options are so that they're not nervous and afraid of what's going on?

Councilwoman VanEtten: I think he said if I can speak, first of all he is going to put it on Cable and the newspaper, but he is going to send individual letters to everyone's homes.

Ann Marie Vadney: The Public Hearing I understand, but are we going to have information evenings to provide information to the public before the Public Hearing because just thinking of the elderly in our community, let alone the young ones, I'm not sure who needs more guidance or not.

Councilwoman VanEtten: the difficult part is as much as we can send out. We can put it on TV, we can put it in the newspaper, we can send things to people's homes, but we can't guarantee ever that anybody's ever going to read it.

Ann Marie Vadney: I understand that Shelly, but what I'm talking about, is there going to be an information session prior to Public Hearing?

Councilwoman VanEtten: Well there was when he came and did the presentation. You must have missed that one.

Ann Marie Vadney: Okay, but after this is approved, they'll be more details available...

Many speaking at once.

Councilwoman VanEtten: By State law, yes.

Supervisor Dellisanti: They can't start to advertise until we approve the Local Law.

Ann Marie Vadney: And I understand that, but what I'm saying is that you came and did a presentation, but a lot of people aren't aware of that. So in between the passage of our Local Law and the Public Hearing, I know you are going to send a lot of that stuff out in the mail and everything and that's great, but are we going to have an information session?

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AUTHORIZING PARTICIPATION IN A COMMUNITY CHOICE
AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 6

Councilwoman VanEtten: This is a Public Hearing.

Supervisor Dellisanti: We can have an information session.

Ann Marie Vadney: I'm just saying take an extra step because I think there's people that might not....

Councilmember Ruso: Didn't we talk about that last time. We talked about perhaps having a session with maybe the seniors group or something to that effect. You mentioned that and you said you'd be open to that. That was a month ago or whenever that last conversation was.

Ed Carey: Yes, I'm open to that.

Councilmember Ruso: Have them invited to the Seniors meeting or something.

Councilmember VanEtten: I don't think they have a Seniors meeting though.

Ed Carey: We will definitely do that.

Ann Marie Vadney: Just a nice and good kind of thing.

Ed Carey: We'll come up and we'll give a Power Point to whoever wants to attend, it's a public forum.

Ann Marie Vadney: That's all I'm talking about because once you get to the Public Hearing, it's harder to answer the questions that someone might be able to access information much more easily at an information session.

Ed Carey: We have an in-house marketing specialist who is going to call here and he has literally a 50 question thing saying does the Town want this...

Ann Marie Vadney: And I understand all that. And you're going to do that mailing.

Ed Carey: But part of that it's going to be mailings and an open forum.

Ann Marie Vadney: That's what I'm talking about. You know prior to the Public Hearing so people can get over, people are going to be uneasy about...

Councilmember Briody: Change.

Ann Marie Vadney: Change.

Ed Carey: No one likes surprises.

Councilmember Ruso: When you come to this and you have this public session, bring Danish and coffee and you'll have a good turnout. I didn't mean it just jokingly. Give me an idea of the timetables, we really haven't discussed that a whole lot. Presuming we are going to vote on this, when does the informational campaign kickoff, when will this have an effect upon my bills, and then I have another question when you're done.

Ed Carey: From tonight, I would say it would probably go into effect I'm guessing November.

Councilmember Ruso: Your campaign will be.

Ed Carey: No, we will start this automatically, our campaign will probably start next week. I just dropped off with the Town Supervisor an Implementation Plan and then from there we have to get a Data Security Plan that we have to get from the utility and that's the biggest thing. If everything goes through the utility and they are very, very strict about data. Absolutely that's the biggest law is it cannot be used for marketing purposes except for ourselves. We can't give this to a private company. We're not getting peoples' names, we're getting peoples' addresses and

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PUBLIC HEARING ON PROPOSED LOCAL LAW 1
AUTHORIZING PARTICIPATION IN A COMMUNITY CHOICE
AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 7

account numbers so it's almost impossible for someone to market to you. We're not getting any information, all we're getting is load data. The average home uses about 10,000 kWh power a year, that's all we're interested in. (Unable to understand.) None of that information is given to us, just the load.

Ellie Alfeld: Just the addresses so you can send out mailings.

Councilman Ruso: I don't know what any termination clauses are and I'm not looking at having changes, but 20 years from now your company is still going to be around, all those things. Is the market going to be different? If and when this may need to end, how would this happen? Is there anything in the contract that ends this at our end, at your end?

Ed Carey: It's the terms that you design. We're going to go out into the open markets and if you are going to go 12 months, 24, 36, whatever the terms you are going to use and once that ends, you'll automatically go back to the utility. So it's 24 months, after 24 months you go back to the utility.

Councilmember Ruso: Unless it's renewed.

Ed Carey: Unless it's renewed. (Unable to understand.)

Supervisor Dellisanti: What's the normal length of the contracts that you've done so far?

Ed Carey: In the State of Illinois, we started off with 24 and out of the 300 municipalities that we did there, actually 24 months, not one of them left. Every single one went to the 36 month contract. We did that in February so now they're going on over five years. In the State of New Jersey, the average is between 12 and 24 months. The State of Massachusetts is about 24 months. It really depends on where we can get the savings, where it's trading at. I think it's going to be 12 months in '17, if we find a good number, a good savings, take it. If there's a better number in '18, take it. For a first time, go to 12, 24. Don't go into the end zone, wait a little. If you like the program, if it's successful in the State of New York, 90 percent of all government, you're not allowed to go into a contract over 36 months.

Councilmember Briody: It is fixed or is it floating?

Ed Carey: No, this is a fixed contract.

Councilmember Briody: So basically what you're doing is you're going to estimate the bulk, you're going to go out and buy it on whatever today's rate is and that's what you're going to sell it for the 24 months.

Ed Carey: That's correct. The winning supplier will be going to do that.

Councilmember Briody: Correct.

Ed Carey: Other than that I don't know. This is going to be bid out to probably eight companies, but in this marketplace, there's really probably in my mind there's only about five that can handle it. So it will be one of the five largest energy companies in the United States is going to be bidding on it

Councilmember Briody: And just for clarity, there's no contract to the resident, they can opt-in and out whenever they want, and they'll just go back to whatever the, we have Central Hudson.

Ed Carey: New York State is on the index; it goes up and down.

Councilmember Briody: So they'd go right back to their Central Hudson provider.

Ed Carey: That's correct.

Councilmember Irving: You mentioned that a resident could opt-out within about 30 days.

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AUTHORIZING PARTICIPATION IN A COMMUNITY CHOICE
AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 8

Ed Carey: The way the law states, in New Jersey the law states that a supplier cannot penalize a resident. New York State actually the law says they can penalize. But in our bidding we actually designed it, we've spoken to all the companies we've ever dealt with. We've said 'if you bid through our system, we're not allowing that' and they've said 'fine' because every bid that we've ever done, the only people that really moved it's only about 4% of the population leave, and we said it's so small if they go through the GoodEnergy platform, they cannot and they will not be (unable to understand). Other companies actually can do that.

Councilmember Irving: On the other side of the coin if somebody opts-out and let's say that we have a 90% participation rate, we have 90% of the residents are interested and at a later time then they become informed and they feel more comfortable and they want to opt in, how long does it take to opt-in?

Ed Carey: One billing cycle.

Councilmember Irving: 30 days again; that's good to know.

Ed Carey: Yes, depending on billing cycles so if they call me on the 25th of the month, it would be a billing cycle, 90% of all billing cycles are 30 days, but it could be 35 days. But it really depends on when they catch us.

Councilmember Irving: I think back again with that supply rate, someone else here, Pat, I think has solar on their home and I've actually marketed power to you.

Ed Carey: To the grid.

Councilmember Irving: That \$50 every two months, Central Hudson gets that irregardless. It has nothing to do with you. If I didn't use any electricity, I would still have to pay the \$50 to Central Hudson for the hookup.

Ed Carey: People who are on solar or some type of alternative power, biogas or whatever they are using, if they are 100 off the grid, they don't qualify for this program. If they're using 50% on solar and they're using 50% from the utility, we're only going to see the 50%. So that's going to be prorated.

Councilmember Irving: Even somebody with a vacation home let's say that moves away and the power's turned off, they still have to pay that \$50 to Central Hudson for that hookup I believe.

Ed Carey: You're paying a very minimal, the clock on the stove is what they are paying, that's going to be a discounted rate also.

Councilmember Irving: For the hookup.

Ed Carey: For the flashing vcr.

Councilmember Irving: I don't know many residents that wouldn't travel several miles to save 10% on a fill-up on their gas tank in the car. I can't imagine not opting-in on a program like this.

Ed Carey: Times that by 50,000; that's why the program is very good. We're not going after onesies, twosies homes, we're going after the bulk.

Supervisor Dellisanti: Any other questions? Any other question from the community? I'll entertain a Motion to close the Public Hearing.

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AGGREGATION PROGRAM
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
July 25, 2016 – Page 8

Motion by Councilmember Ruso seconded by Councilmember Irving to close the Public Hearing at 7:01 PM.

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Respectfully Submitted,

Barbara M. Finke
Town Clerk