

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING NO. 2**  
**OCTOBER 20, 2015**

A Public Hearing was held by the Board of Trustees on Tuesday, October 20, 2015 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

**CITIZENS:** Fourteen (14).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the October 16, 2015 issue of *The Rivertowns Enterprise* 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, 2104) 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.

**Village Attorney Whitehead:** This has been published, been available online.

**Mayor Swiderski:** This will allow us to participate, we believe and hope, in a process underway in Westchester County that will provide for an opportunity to join an effort to bid for a cheaper Con Ed electricity and gas supplier. This group is doing a joint bid with 120,000 homes in the pool. The idea is, through the size of the number of homes bidding, we will get a cheaper price and all users of Con Ed will automatically see a reduction in their bills. We need this law as part of the process to join this bid, so we are passing it tonight to join a process that will be underway in November. Public comment?

**John Gonder, 153 James Street:** I was a little angry, disappointed, disgusted in this communication choice agreement energy program. Towns team up to buy power. In the newspaper yesterday, October 19, it said Hastings is already participating in it. I was wondering if you had one of those backroom meetings and said we are going to vote on it.

**Mayor Swiderski:** No backroom meetings, Mr. Gonder.

**Mr. Gonder:** I am just telling you what the paper said.

**Mayor Swiderski:** It is a mistake.

**Mr. Gonder:** Ardsley, Elmsford and Dobbs Ferry of our Greenburgh district did not enter it. Why does it not include phones, TV, computers? That is a big added cost to everyone.. Why is it just electric power and gas? Are you going socialism or communism? I am a capitalist, I worked for Con Edison. I worked for them about 24 years. They are a great company. But I do not like you saying I have to opt out. I opt in, and I want this. I want this personal type of electric and gas supplier. You are forcing me into something I do not want, but I have to opt out. That is not the American way, it is a politician's way maybe, because someone is going to make money on it, and probably maybe the county will hire some jobs for that gentleman that was trying to give us the sales last week. On the bills there are a lot of taxes. Why do the ESCOs get tax breaks when other companies do not? There are quite a few of them. On my bill of \$278 for August to September, 31 days, I had \$27.35 taxes. Some of these things, it would say that the ESCOs get away with. A building and payment processing charge of 60 cents, which may be avoided by switching to an energy service company is also included. Buying your energy from an energy service company will allow you sales tax. It is not right, it is not a level playing field. It does not include nuclear power.

You people, I do not think, really want to invest in oil from Iran, oil from Libya, oil from other countries that hate our guts. With a price of \$100 a barrel several months ago, thank God for fracking, which you people are against and sent letters to the state. It brought it down to \$46 and some odd change. You want to use oil, and it is one of the worst things for power. It pollutes the air much more than nuclear, but nuclear was thrown out. You people were against nuclear. Why? You sent a letter you want to close Indian Point, which is not owned by Con Edison. It is a different energy. I read a lot of these things in what I got yesterday, and it says I only have 20 days to get out. I am an old guy. I have got eight doctors trying to keep me alive. I may go into a nursing home or a hospital. You should give us 90 days to opt out. Then there is some other discussion that says I have three days, and they are going to send me a letter. I want a choice. My own choice, not you making my choice for me. So I would hope you would reconsider. These people that are still here, from the Ravensdale area, want a little delay. I would like a little delay, too, because this Board has two opportunities. Number one, the bridge with the stainless steel. If I remember, Jim Metzger and another architect spent a couple of weeks doing a tremendous job for stainless steel wire. That was great, and you voted for it. But you only need stainless steel on the west side of the bridge, to look at the Palisades.

**Mayor Swiderski:** Could you keep it to the ESCO?

**Mr. Gonder:** What did you do? You put it on both sides: 100-and-some thousand dollars, where you could have saved \$50,000 because you did not think. You are tired, you are all working people. You come home and you are tired. But you could have saved the Village over \$50,000 to \$60,000.

I just hope that you will reconsider, especially when it gives me 20 days to opt out. I do not want to opt in, I want to opt out right now. I do not want my information on what I use to go to people, and that is what it said in that thing I got. A lot of information: my account numbers, my usage. It is nobody's business how much electric and gas I use. I am a conserver, and my bill is \$278. Sure, I like to reduce it but I want to make the choice, not you people. I think ESCOs are good for some people that want different types of power, clean power. But yet a lot of it is oil and coal, some of the worst stuff we have. You are rushing things again. Again, I hope you consider that 90 days to opt out for older people, and you should reconsider and wait maybe to see how the first bunch goes through.

**Tom Kadala, 25 Branford Road:** That was an elaborate explanation, thank you. If you are already associated with an energy service company can you be part of this Con Ed cooperative?

**Mayor Swiderski:** You would have to opt in.

**Mr. Kadala:** You have to leave the energy service company to come into this, right?

**Mayor Swiderski:** Yes.

**Mr. Kadala:** Is this giving you 15 percent, 20 percent? What are we talking about?

**Mayor Swiderski:** We have no idea yet.

**Mr. Kadala:** And how does that compare to the energy service company?

**Mayor Swiderski:** That would be yours to have to sort that out.

**Mr. Kadala:** Is there an opportunity to tie that in to, say, an Optimum line or perhaps some other service like that?

**Mayor Swiderski:** No.

**Mr. Kadala:** Is this a cooperative?

**Mayor Swiderski:** It is a joint bid between communities.

**Mr. Kadala:** And they are getting a better price and then passing out the savings. That is cool. And it is an opt-in, from what I am understanding.

**Mayor Swiderski:** No, it is automatic and you have got to opt out if you are in Con Ed. Otherwise, if you are in ESCO you have got to opt in.

**Mr. Kadala:** So we do not have to do anything. It should show up on our bill as a discount.

**Mayor Swiderski:** If you are with Con Ed.

**Patrick Randolph Bell:** I want to agree with some of the stuff that Mr. Gonder said, especially the opt out. You should have to opt in. I know it is part of the bid to say we got 8,000 people automatically going in. It is better. But for some people it is better for them to opt in instead of opt out. If you are already in an ESCO you have to opt in to this program if you want to join this program. If you have a hold on your account you would then have to opt in also. I think that is what we finally got down to at the last meeting. I do not agree with that, the have to opt out part. But I do want to agree with something else, and I want everybody else to remember what just happened tonight earlier.



**Mayor Swiderski:** I am going to ask you to address the Board. Otherwise, I will not invite you to comment.

**Mr. Bell:** I will address it using your exact words. Tonight you said, and Mr. Gonder showed the newspaper, that we were already a part of this ESCO according to the newspaper and according to LoHud online. Tonight's public comments, I am sitting here. I am talking to you. Do my comments mean anything at all? You started off this public hearing by saying tonight we are passing this law. You sent out one of your Mayor's messages. They are beautifully written, and I love them. But they are treading closely to being illegal as far as what an online village newsletter is allowed to have for political influence. It is supposed to be the facts and just the facts, not just what you want. In your own thing as of October 12, you say the same thing you said at the beginning of the meeting. So far, 20 communities, and counties representing 120,000 households, have joined.

What is required is a local law, in parentheses, and I brought this up with the Village Clerk last week. She said it was probably a slip of the tongue. But not when you said the same thing again. You say which we will be passing the next Board meeting on October 20. "We" means all of you. It means you have already made up your mind and the Mayor has already told the public we have made up our minds. No matter what you say at public comments it does not matter, we are going to pass it. It is pathetic, it is not the way a democracy works. And illegal, and if somebody wants to challenge this they could. You cannot just keep telegraphing this stuff. It is not right.

**Mayor Swiderski:** The point is well taken. I do not have magical influence on the Board, but you are absolutely right and the Board can always choose to vote the way it chooses to vote. Any other public comment?

**Dave Skolnik, 47 Hillside Avenue:** I was wondering if there is any relationship between the Solarize campaign that is taking place and this issue, whether there is any impact in terms of the amount of usage that the community would be generating, and if that would possibly have some impact on the rates that we would be able to get.

**Mayor Swiderski:** No, it is not going to impact the rates we are going to get. It might impact how long it takes you, if you are saving five percent on your gas and electric, on your electric. If you did the math on the payoff, theoretically how long it takes to pay off a solar cell that you fully pay for yourself they will take another five percent longer for it to pay off because you are paying less for your electricity. You are being charged so, theoretically, there is a relationship there but it does not affect the price the whole community will get. The two programs are entirely unrelated.

**Mike Gordon, Sustainable Westchester:** I serve as a volunteer/co-chair of Sustainable Westchester, you are members. I am happy to answer questions. I can clarify a couple of things that have been brought up tonight. Our electric bill is two bills. It is the transmission and distribution bill, and it is then the energy bill. The transmission and distribution, everything remains exactly the same. You are with Con Ed, you will remain with Con Ed. The electric power bill is not a question of government stepping in. It is a question of who designates who that default supplier us; currently you are defaulted to Con Edison. And yes, there are tax reductions to encourage people to purchase from ESCOs. Specifically, the sales tax on that transmission and distribution portion is eliminated when we participate in community aggregation.

The numbers that we have got, and apologies by the way, we sent the newspaper a spread sheet with a list of towns that have passed and then the list of towns that had scheduled hearings. Evidently, the reporter added those two together and just dumped in those towns. If that creates any discomfort for you which evidently it did, serious apologies. With respect to savings and what we expect, nationally community aggregation has been in six states. New York is the seventh. Sustainable Westchester is allowed by the Public Service Commission, to do this in Westchester County only. The expectation is that it is going to go state-wide after this initial period. The experience nationally has been savings of between five and ten percent. However, what we expect is that we are going to get a three-year fixed price, and Con Ed cannot make money on this anyway. So they are quite agnostic to whether we participate or not. Con Ed cannot do a fixed price.

What we expect is that we will get a fixed price which is lower than the average Con Ed price over the last year. If prices go back up to historic levels, we will be saving very substantially. We would then be saving 20 percent. But alternatively, there is a possibility that electric prices go down after this fixed rate. The way we have structured it is that in our request for proposals there is no exit fee whatsoever. Folks who are with ESCOs may have an ESCO fee, an exit fee. That is something where we let the buyer beware. But we are structuring it so there are no exit fees at all. People can simply go back to the utility if it turns out that natural gas and electricity prices go down.

We expect we will be sending out to bid the first or second week of November. We expect it will be for roughly \$150 million of electricity supply, which is quite a powerful bid block. Also the fact that it is Westchester County and that we are purchasing a quite substantial amount I think will attract a lot of interest. The ESCOs have already said that certainly if you are one home purchasing from an ESCO this is going to be a heck of a lot better than you can do individually. We are required to report to the Public Service Commission and make those reports available to the town so you can inform residents about how those comparables are acting.

**Trustee Lemons:** The question of choice has come up. The way I understand this, and correct me if I am wrong, currently we have Con Ed as our default choice. We have a variety of ESCOs that we could choose from. If we go with the CCA we still have those choices, but we have a third choice which is to stay in this CCA bid structure and probably get the best price.

**Mr. Gordon:** Absolutely.

**Trustee Lemons:** So it is more choice.

**Mr. Gordon:** Yes.

**Trustee Armacost:** And it is choice to lower your price. If people want extra money in their pocket for other discretionary spending this is a way to do that. It could be as little as five percent, or it could be as much as 20 percent, depending on the average price of electricity.

**Mr. Gordon:** Yes. If we have this secure price, and the Con Ed price goes down, people have the option of going back to the utility. So it acts as a cap, not a fixed price. We are going for a three-year fixed. We are not clear we are going to get it, we expect we are going to get it. It is also possible that we will do a 34-month, getting rid of January and February and starting in March, because January and February happen to be the most expensive months of electricity supply.

**Trustee Apel:** I have a question that might be helpful to John's concern about the short amount of time to make a decision. Would Sustainable Westchester be willing to hold any advisory workshops or meetings with individuals so they could go over their bills and discuss it and then make up their mind? Would that be helpful?

**Mr. Gordon:** Yes.

**Trustee Apel:** As opposed to just sending them a letter. I glaze over when I see some of this myself. So if there was an offer in there, whether it is 20 days or whether we could make it longer, which is another option.

**Mr. Gordon:** The issue with the opt-out period is that once a supplier makes that bid if they then get accepted they are hedging in the market. We are requiring them to hedge because you do not want a supplier to say yes, we are going to give you a fixed price, then not hedge it and they could belly up. You have to be cautious with respect to that. That is the reason we are operating pretty quick. There could be a longer period of time, where they hedge

further ahead. It is possible. It is going to end up being roughly 28 days because we will be mailing it out, and we are going to assume it will be five days in getting there, which we think is fairly generous, though who knows. Then there will be the 20-day period, and then the three-day rescission period. So just for the three-day rescission period what we are going to do is just not switch anybody. It will be 28 days, in essence. People then can get back in to the utility at any point they choose. It is just that it may take a bill period or possibly two for them to get back in with the utility if they then choose to get back in.

With respect to your other question, as soon as we get this bid, as soon as we get an agreed-upon supplier, we are going to come back to the towns and villages and cities. I am going to be here, or Glen, who is another volunteer. We will go around to the municipalities and answer questions for literally as long as it takes for people to understand it. If it is a two-hour session it is a two-hour session, if it is 10 minutes it is that. We have met with homeowners associations throughout the county of Westchester. We would be happy to go over folks' bills and coach them with respect to what would be optimal for them.

**Trustee Apel:** That would be very helpful. It is very similar to people that need assistance with their taxes and they get free assistance. If we could do that for people that are concerned, there may be people in advance of this that are concerned, want to know what is going to happen and what it would look like. Then afterwards, when they get this paperwork, then they just glaze over and not understand it. Sitting down with people individually one-on-one is very helpful.

**Mr. Gordon:** Yes. The other thing that has happened in some towns is that when the notice goes out there are individual questions coming back by e-mail. Some of the mayors and supervisors are forwarding that to us, then we answer directly and get into direct engagement, and cc. the mayor and supervisor so that if people then have that same question the mayor or supervisor can answer that directly. But we are happy to do it, as well.

**Jean Hamerman, 32 Fraser Place:** Thank you for considering this. I am here to lend my support for passage of the bill. It has been structured in a smart way that gives people options. About two years ago I decided to go with an ESCO. I know the collective bargaining of 150,000 households can certainly make that dollar amount I am spending on my electricity lower. It is structured in a way that does give people options, and the no-cost opt-out lends people that choice.

**Mr. Gonder:** As long as you have the gentleman here he may be able to answer some of these legal questions. The copy I got mentioned something about "or shall also mean orders of Public Service Commission related to the State of New York Public Service Commission, case number 14-M-02, for proceedings on a motion of the commission to enable community

choice, aggregation programs issued December 15, 2004 to the extent that orders related to case number 14-M-02 enables actions by the Village of Hastings-on-Hudson not otherwise permitted pursuant to orders related to case 14-M-0564, provided however that an event of conflict between orders from case number this to case number that," a lot of gobbledygook. If Honda came out with a new model maybe you would wait a second year. You are in the first bunch. You do not know what is going to happen. I hate this I have to opt out. I am a capitalist. I want to choose what I want. I am telling them I do not like to opt out. I want to have people opt in. Then it will not work maybe, or maybe he will only get 100,000 or 50,000.

**Mr. Gordon:** We have an opt-in structure now, and it has not worked and has not worked anywhere in the United States. He is absolutely right that when you have an opt-in it does not work. But this question about the order and language in here, it is really very straightforward. We have been given special dispensation by the Public Service Commission. There are things we are allowed to do that other communities in New York State outside of Westchester County cannot do. We are using that order as our base. If another order comes out in the future which allows us, meaning you, to do more, then we are setting it up so the law allows the municipality to take advantage of the beneficial features of that next order. That is the reason for that specifically. You will also see in the local law it refers to "according to resolution." Basically, should something else come up that the municipality wants to take advantage of that allows the municipality to then pass a resolution to take advantage of that. But it is not like the municipality will be subject to it without passing a resolution.

**Trustee Lemons:** You mentioned at the beginning of your remarks other states that have had CCA. Just to be clear that we are not the first ones to get on the airplane and go off the ground, maybe you want to revisit what their experience has been.

**Mr. Gordon:** Massachusetts has had quite a successful 20-year experience, with savings more like five percent. Ohio has had an extensive experience and it is ubiquitous throughout Ohio, with savings between five and ten percent. Illinois has had a rougher experience in the sense that currently savings are between zero and five percent. In the past, they have been 25 to even 30 percent. So it has been much more volatile with respect to savings, and much of Illinois is participating. California has two counties, Marin and Sonoma, which are purchasing this way with savings as well, five to ten percent. Jersey and Rhode Island are just now getting going, even though the law has been in place for awhile in Jersey and Rhode Island. So the experience has roughly been, on average, between five and ten percent nationally.

**Mayor Swiderski:** On the electric bill.

**Mr. Gordon:** Yes.

**Mayor Swiderski:** What about on the gas?

**Mr. Gordon:** There is only Ohio, and the savings have been similar. But in a lot of these states, gas is not allowed and they just are not doing it. We are lucky that we get to do that as well. It is going to lag by a month, maybe two, our gas initiative.

**Mayor Swiderski:** Any other public comment?

**Mr. Skolnik:** Since you mentioned gas in this mix, I think there was some reference to how we distinguish fracked gas from other sources. Could you re-address that?

**Mr. Gordon:** Personally, I am uncomfortable with fossil fuels. I do not know how we would separate fracked from non-fracked. But one thing we will be able to do with the smart community choice is increase our renewable content. We are creating a financial product for those who opt in to a high renewable content for electricity. I need to underscore that because there is no way for green gas. We are going to have a structure where the more community solar we get into- this is a potential connection with the Solarize program in the county of Westchester the lower will our renewable rates go collectively. It does allow us to start to use our \$150 million of purchasing power to finance the build-out of more extensive renewable infrastructure. Unfortunately, we cannot green-gas and I do not know how to differentiate between fracked and non.

**Mr. Bell:** I am a fan of this program except for the opt-out/opt-in part. It is something that does save the Village money, and also for the solar power initiative. I think it is a very good idea. I want to thank the Board for it and the Conservation Commission for doing a lot of work on it. Trustee Lemons also. As far as telling people how you are going to vote before the public comments, I do not know what to say. The Mayor does not have to vote. The Mayor is there for a tie-breaker. He likes to vote. That is a good thing. Maybe on some of the issues he should not vote. Maybe unless when he already told everybody what he is going to vote like multiple times. Even Trustee Lemons mentioned it at the Conservation Commission the other night, yes, we are going to pass this when asked by Ms. Zazzera. That is just to keep it all above board. It was one of the most transparent things you ever said: I am voting yes. And thanks to the Conservation Commission for the work on this and for the solar power initiative also. I went to the meeting, that was a great meeting. That is another thing people should be aware, which will be coming up I am sure.

**Trustee Lemons:** Just to be clear, Patrick, I seem to recall that when Congress is getting ready for a vote, that we have a lot of votes announced ahead of time, right? It is not unusual. Also, I am trying not to be insulted by your comments. But the strong implication is that when the Mayor says we are going to do something that we are going to all wind up and vote with him. I do not think that is true.

**Mr. Bell:** I hope so. I just wanted to let you know that is how it looked.

**Trustee Armacost:** There have been a number of occasions where I, at least, thought I was going to vote in a particular way and as a result of public comment I shifted the way I was going to vote. That has happened to all of us here. There are some things where it is not clear how strongly the public feels about something so we have shifted our views. We all take very seriously the views of people in the Village and weigh those views according to what we think is important to deal with in a particular situation.

**Mr. Gonder:** This gentleman may be able to answer why they do not want to use nuclear power. They will use oil, which is terrible, to help the Arabs and whatnot, our enemies, the terrorists. Maybe he could answer that.

**Mr. Gordon:** The way it will work is that we are going to have a standard mix, which will include everything in the grid because that is the way to get the best price, and then we are going to have the opportunity for folks to opt up to an entirely renewable mix that will be 100 percent renewable and, in fact, will not have nuclear power.

**Mayor Swiderski:** That is an important distinction. What you are saying is that the package that may be a fixed price is going to be a standard mix which may include nuclear, as well.

**Mr. Gordon:** Yes.

**Mayor Swiderski:** It is not automatically excluded.

**Mr. Gordon:** Yes.

**Trustee Armacost:** That is the package which is the one which we want people to be able to have access to, which will reduce their costs lower than Con Edison. That is the basic package, then the renewable package is a separate package which will be discussed at a later point. For me, the thing that is attractive about this is giving everyone in the Village the chance to lower their Con Ed bill, which never happens. So it is giving people a chance to save money and put money in their pockets to use for something which they care about

**Mayor Swiderski:** All right. Any new comments from people who have not spoken?

Hearing no further comments, Mayor Swiderski asked for a motion to close the Public Hearing.

**CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Swiderski adjourned the Public Hearing at 8:55 p.m.