

November 27, 2017

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NEW YORK  
NOVEMBER 27, 2017 7:00 PM  
MINUTES OF MEETING

Present: John DeMarco, Deputy Supervisor  
Councilman Molinelli  
Councilman Corcoran  
Councilman Koenig  
Councilman Baker

Colleen Corcoran, Town Clerk  
Joel Santisteban, Sun & Energy  
Jason Lieberman, Sun & Energy

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

***Councilman Corcoran made a motion to approve the agenda. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #4 Motion to approve minutes from the November 13, 2017 Town Board Meeting  
***Councilman Koenig made a motion to approve minutes from the November 13, 2017 Town Board Meeting. Motion seconded by Councilman Baker.***

***Yeas: 3                      Nays: 0                      Abstain: 1 (Molinelli absent November 13, 2017)      Carried***

Motion to approve minutes from the November 13, 2017 Public Hearing  
***Councilman Koenig made a motion to approve minutes from the November 13, 2017 Public Hearing. Motion seconded by Councilman Baker.***

***Yeas: 3                      Nays: 0                      Abstain: 1 (Molinelli absent November 13, 2017)      Carried***

ITEM #5 Authorize payments of bills

***Councilman Corcoran made a motion to authorize payment of the abstract in the amount of \$137,874.55. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #6 Presentations

*No presentations*

ITEM #7 Comments on the agenda

*Mark Reynolds questioned if the Milton Landing Master Plan is tied into the grants that were applied for.*

*Councilman Baker stated that two grants are for the upper and lower parks and one is for the pier.*

ITEM # 8 New Business

***Councilman Corcoran made a motion to cancel the second meeting of the month for December which falls on Christmas Day and resume Town Board meetings in January. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #9 Workshop topics

*Councilman Corcoran stated that there are problems with outdoor lighting at the TOMVAC building; he suggested they contact Central Hudson and lease a light for about \$30.00 per month.*

***Councilman Corcoran made a motion to allow himself to contact Central Hudson to find out about leasing an outdoor light that would cost about \$30.00 per month. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

*Councilman Corcoran also suggested discussing the fees for the usage of the TOMVAC building again and possibly charging a set fee instead of a percent of how many people attend a class (Zumba, Jiu Jitsu) because it's difficult to monitor. Although the classes are meant to provide low cost recreation to the residents, the heat and lights are on and being used and the building needs to be kept clean so it costs the Town money.*

*There was a brief discussion on the current fees and also that there will be discussions on how much it costs to operate the building and how to implement future fees and rules.*

ITEM #10 Correspondence

*Deputy Supervisor DeMarco stated that he received a letter of resignation from Dispatcher Christopher Valerius.*

ITEM #11 Public Comment

*Larry Fuhrmann, Transfer Station employee, stated that he is trying to keep the Transfer Station clean. He is having an issue with the Highway Department throwing too much garbage in the dumpsters and not separating it.*

*Councilman Baker said he will speak to Mr. Appler.*

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ITEM #12 Resolutions

- A). Resolution # 109 To authorize the Town Clerk to file the Negative Declaration and any appropriate notices of this determination and to adopt the Milton Land Park Landscape Master Plan.
- B). Resolution #110 To adopt a Negative Declaration
- C). Resolution # 111 To adopt Local Law # 8 of the year 2017 adding a new chapter 154 entitled "Authority to Establish a Community Choice Aggregation Energy Program"
- D). Resolution #112 To adopt a Negative Declaration
- E). Resolution # 113 To adopt Local Law #9 of the year 2017 amending section 149-28(c) "Schedule of Water Rates: Marlboro Water District" of the Town of Marlborough town code.
- F). Resolution #97 To reappoint a member and alternative member to the Ulster County Planning Board-TABLED RESOLUTION from October 9, 2017

ITEM #15 Adjournment

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A). Resolution # 109 To authorize the Town Clerk to file the Negative Declaration and any appropriate notices of this determination and to adopt the Milton Land Park Landscape Master Plan.

**Negative Declaration**  
**Adoption and Implementation of the Milton Landing Park Landscape Master Plan**

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Deputy Supervisor DeMarco proposes the following:

Whereas, the Town of Marlborough proposes to adopt the Milton Landing Park Landscape Master Plan to guide future improvements to the park, to seek grants, and to commit town resources as available including appropriations authorized by the town board and town labor and equipment to implement the plan over time, and to construct improvements to the park in accordance with any required permits. The proposed adoption of the park plan is an unlisted action under the SEQR regulations.

Whereas, the Action requires that an Environmental Review be conducted pursuant to Article 8 of the Environmental Conservation Law, Part 617 of NYCRR (SEQRA) , and

Whereas, an Environmental Assessment Form and Notice of Intent to serve as lead agency has been completed and circulated by the Town Board to other involved agencies as Lead Agency on or about July 21, 2017, and

Whereas, no agency has commented on the project or objected to the town board serving as lead agency; now therefore

Be it resolved, that after careful consideration, analysis and review, the Town Board, as Lead Agency, determines that the Action will not have a significant impact on the environment as set forth in the environmental assessment form and that a determination of non-significance (Negative Declaration) shall be adopted and that an Environmental Impact Statement will not be required; and,

Be it further resolved, that the Town Clerk is hereby authorized and directed to file the Negative Declaration and any appropriate notices of this determination in accordance with 6 NYCRR Part 617.12 (b) including the involved agencies; and,

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Be it further resolved that the Milton Land Park Landscape Master Plan is hereby adopted by the Town of Marlborough to guide future improvements to the park;

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Lanzetta	Absent

Involved Agencies:

Empire State Development  
Attn: Meghan Taylor, Regional Director  
33 Airport Center Drive--Suite 201  
New Windsor, New York 12553  
Mid-Hudson  
(845) 567-4882  
[nys-midhudson@esd.ny.gov](mailto:nys-midhudson@esd.ny.gov)

New York State Office of Parks, Recreation, and Historic Preservation  
Attn: Erin Drost  
NYS OPRHP Taconic Regional Office  
9 Old Post Road, Staatsburg, NY 12580  
(845) 889-3866, Fax (845) 889-8321  
[Erin.Drost@parks.ny.gov](mailto:Erin.Drost@parks.ny.gov)

New York State Department of State, Office of Planning and Development  
Attn: Barbara Kendall  
New York Department of State  
One Commerce Place, 99 Washington Avenue  
Albany, New York 12231-0001  
(518) 474-6000  
[Barbara.Kendall@dos.ny.gov](mailto:Barbara.Kendall@dos.ny.gov)

Regional Permit Administrator - John Petronella  
NYSDEC  
21 South Putt Corners Rd.  
New Paltz, NY 12561-1620  
Phone: 845-256-3054  
[dep.r3@dec.ny.gov](mailto:dep.r3@dec.ny.gov)

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B). Resolution #110 To adopt a Negative Declaration

LOCAL LAW No 8 of 2017, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, ADDING A NEW CHAPTER 154 ENTITLED "AUTHORITY TO ESTABLISH A COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM"

SEQRA NEGATIVE DECLARATION AND  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No. 8 of 2017, a local Law of the Town of Marlborough, Ulster County, New York, adding a New Chapter 154 Entitled “Authority to Establish a Community Choice Aggregation Energy Program”; and

**WHEREAS**, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

**WHEREAS**, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

**WHEREAS**, the name and address of the lead agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Milton, NY 12547 and the Responsible Officer is Al Lanzetta, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency, has classified this Action as a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

**WHEREAS**, the Town of Marlborough Town Board has caused the preparation of a Short Environmental Assessment Form (EAF) for review of the Action, including Parts 1 and 2 of the EAF; and

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**WHEREAS**, the Town of Marlborough Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

**WHEREAS**, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed code changes do not rise to the level of creating any adverse physical impacts in those areas of the Town for which they are intended to be implemented. In the policy judgment of the Town Board, the proposed code amendments will create positive and beneficial impacts to those areas of Town for which they are intended, particularly the opportunity for lower energy costs for Town customers who elect to participate.

The proposed local law does not, of itself, cause any new action to occur.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It may result in indirect or secondary effects in the event of future applications received by the Town that employ the standards or opportunities set forth in the legislation. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable. Each potential CCA proposal will be subject to the standards established by this local law and review by the Public Service Commission.

The potential for these secondary effects do not support the conclusion that the legislation may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Further, the potential secondary impacts do not give rise to any currently identifiable potential adverse environmental effects of significance.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Marlborough Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;

3. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;

4. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;

5. The Action will not create a hazard to human health;

6. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;

7. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and

8. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the



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environment and that therefore a Draft Environmental Impact Statement need not be prepared;  
and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Lanzetta	Absent
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

This Negative Declaration is adopted this 27<sup>th</sup> day of November, 2017 and is ordered into the record of the Town of Marlborough Town Board with respect to the adoption of Local Law No. 8 of 2017.

\_\_\_\_\_  
COLLEEN CORCORAN, TOWN CLERK

Contact Person:  
Colleen Corcoran, Town Clerk  
Town of Marlborough  
P.O. Box 305  
Milton, NY 12547  
845-795-5100

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***Councilman Corcoran made a motion to amend the typo on the agenda to have Resolution #110 changed to Resolution #111. Motion seconded by Councilman Baker.***

***Yeas: 4***

***Nays: 0***

***Carried***

C). Resolution # 111 To adopt Local Law # 8 of the year 2017 adding a new chapter 154 entitled "Authority to Establish a Community Choice Aggregation Energy Program"

Deputy Supervisor DeMarco proposes the following:

Deputy Supervisor DeMarco offered the following resolution, which was seconded by

Councilman Corcoran, who moved its adoption:

WHEREAS, a Local Law was introduced entitled Local Law No. 8 of 2017 entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, ADDING A NEW CHAPTER 154 ENTITLED “AUTHORITY TO ESTABLISH A COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM”.

WHEREAS, a public hearing in relation to said local law was held on November 27, 2017; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:  
A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK,  
ADDING A NEW CHAPTER 154 ENTITLED “AUTHORITY TO ESTABLISH A  
COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM”.

Section 1. The Marlborough Town Code is amended to add a new Chapter 154 entitled “Authority to Establish a Community Choice Aggregation (Energy) Program” reading as follows:

**154-1. Legislative Findings; Intent and Purpose; Authority.**

- A. As noted by this state’s Public Service Commission (“PSC”) in Case 14-M-0224, decided April 20, 2016, it is the policy of the State of New York (i) to reduce costs and to provide cost certainty to promote economic development, (ii) to promote deeper penetration of energy efficiency and renewable energy resources such as hydroelectric, wind and solar, (iii) to promote wider deployment of distributed energy resources, and (iv) to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may serve these policies in New York is Community Choice Aggregation (“CCA”), as defined in PSC Case 14-M-0224, which allows local governments, including towns, villages and cities, to determine the default supplier of electricity and/or natural gas on behalf of Eligible Consumers.
  
- B. The purpose of CCA is to allow participating local governments to procure both energy supply service and Distributed Energy Resources for Eligible Consumers, who will retain the opportunity to opt out of such procurement by maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes authority to establish a program (“CCA Program”) that will allow the Town of

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Marlborough, with (or without) other local governments to work together through a shared purchasing model to put out for bid the total amount of natural gas and/or electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities, as well as to bid out for the development of Distributed Energy Resources for the benefit of Eligible Consumers. Eligible Consumers 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 important public purposes.

- C. The Town of Marlborough is authorized to implement a CCA Program in the exercise of its powers pursuant to Section 10(1)(ii)(a)(12) of this state's Municipal Home Rule Law; and the authority bestowed upon towns in the PSC's ruling in Case No. 14-M-0224, issued April 21, 2016. Exercise of the authority shall be consistent with the processes and procedures set forth in Appendix "D" of the PSC's aforesaid ruling, or with such other processes and procedures as the PSC may order or may regulate, or the state legislature may determine.

**154-2. Definitions.**

- A. AGGREGATED DATA shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.
- B. CCA ADMINISTRATOR shall mean the Town Board of the Town of Marlborough, New York, or a third party selected by the Town Board which shall be duly authorized to put out for bid the total amount of electricity and/or natural gas being purchased by

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Participating Consumers and the Distributed Energy Resources that will be incorporated into the CCA Program. The CCA Administrator shall be responsible for CCA Program organization, administration, procurement, and communications, unless otherwise specified.

- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC ruling in Case No. 14-M-0224 or the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
  
- D. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Town of Marlborough which obligates each party to satisfy, collectively, (i) all federal, 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 ruling in Case No. 14-M-0224, or the PSC's other orders, rules, regulations and guidelines relating to confidential data.
  
- E. DEFAULT SERVICE shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Town of Marlborough that receive Default Service, and have not opted out, will be enrolled in the CCA Program as of the Effective Date of said program.

- F. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, shared renewables such as community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative measures reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profiles within the CCA's zone, and reduce cost of service for Participating Consumers.
- G. DISTRIBUTION UTILITY shall mean Central Hudson Gas & Electric Corporation, or any successor thereto.
- H. ELIGIBLE CONSUMERS shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date of a CCA program, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Town of Marlborough, 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 be otherwise located at one or more locations within the geographic boundaries of the Town of Marlborough.
- I. ESCO or ENERGY SERVICES COMPANY means an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. NEW CONSUMERS shall mean consumers of electricity that become Eligible Consumers after the effective date of any ESA, including those that opt in or move into Municipality.
- K. PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the

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Distribution Utility as of the CCA Effective Date and who have not opted out, or who are New Consumers.

- L. PROGRAM ORGANIZER shall mean the group or entity responsible for initiating and organizing the CCA Program. The Program Organizer will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a local government, non-profit organization, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. PSC CCA ORDER shall mean 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."
- N. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- O. SUPPLIERS shall mean ESCOs that procure electric power and natural gas for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.
- P. CCA EFFECTIVE DATE shall mean the date on which the CCA Program becomes effective within the Municipality, following implementation of all actions required of the Municipality and/or CCA Administrator to enroll Participating Customers in the CCA Program, said actions to be set forth in more detail within a PSC Order approving the Community Choice Aggregation Implementation Plan described herein.
- Q. ESA or ENERGY SERVICES AGREEMENT mean an agreement entered into by and between the Municipality, the CCA Administrator and a Supplier concerning procurement of (a) electricity and/or natural gas supply or (b) electricity and/or Distribution Utility bill credits generated by a DER on behalf of the Participating Customers, upon terms and conditions that are mutually agreeable to the Municipality, the CCA Administrators and the Supplier; provided, however, that if the CCA

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Administrator is a third party, it shall sign each ESA solely for the purpose of furthering its administrative obligations under the CCA Program and shall not have any financial liability under any ESA.

**154-3. Establishment of a Community Choice Aggregation Energy Program.**

- A. A Community Choice Aggregation Energy Program is hereby authorized to be established by the Town of Marlborough. The Town may establish and implement a CCA Program to the full extent permitted by the PSC CCA Order and any subsequent PSC Orders approving the CCA Program Implementation Plan, as set forth more fully herein.
- B. The Town may act as 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 and/or DER providers for energy supply and other services on behalf of Eligible Consumers.
- C. The Town may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA Program, ii) act as CCA Administrator and/or contract out the role of CCA Administrator to a third party, and/or iii) develop offers of distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. 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



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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, but will instead negotiate with Suppliers and/or DER providers on behalf of Participating Consumers.

- E. Participating Consumers will be charged a CCA Program subscription fee which may include (but not necessarily be limited to): the ESCO supply charge; a DER subscription charge (if applicable); and the Administration Fee described in Section 154-8 of this Chapter. This subscription fee will appear on the Participating Consumers' bill from the Distribution Utility.
  
- F. The Town Board, either acting on its own or through the CCA Administrator, is authorized to prepare and submit a Community Choice Aggregation Implementation Plan to the New York Public Service Commission for approval of a CCA Program, as outlined in the PSC CCA Order. Such an Implementation Plan will include final details of the CCA Program as outlined therein.

**154-4. Eligibility.**

- A. All consumers within the Town, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program; provided, however, that participation in DER projects may depend on DER project availability and may be restricted by Distribution Utility service class.
  
- B. All consumers who are members of Electric SC 1 Residential Service, SC 2 General Service; and Gas SC 1 Residence Rate, SC 2 Commercial and Industrial Rate may be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made

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to take service pursuant to a special rate. Those consumers identified in (i) through (iii) of this subsection may be enrolled on an opt-in basis. The definitive rules with respect to enrollment of Eligible Consumers will be set forth in the CCA Implementation Plan.

- C. New Consumers shall be enrolled on an opt-out basis.

**154-5. Opt-Out Process.**

- A. 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 contract signed with the selected ESCO and/or DER provider(s) including specific details on rates, fees, 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 in the CCA Program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO and/or the DER providers. The opt-out letter shall also explain that the CCA Administrator will be authorized to enroll Participating Consumers in DER projects and communicate such enrollment to the Distribution Utility under relevant PSC-approved rules and tariffs so that Participating Consumers may receive applicable billing credits from the Distribution Utility.
- B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

**154-6. 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 CCA Program.

**154-7. 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 before the initial opt-out period 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's 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's 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 with the Distribution Utility for the purpose of protecting customer data.

**154-8. Administration Fee.**

The Municipality may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

**154-9. Reporting.**

- A. Annual reports shall be filed with the Town Board by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of 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 a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

Section 2. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

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RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta	Absent
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
November 27, 2017

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COLLEEN CORCORAN, TOWN CLERK

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D). Resolution #112 To adopt a Negative Declaration

LOCAL LAW NO 9 of 2017, A LOCAL LAW OF THE TOWN OF MARLBOROUGH,  
ULSTER COUNTY, NEW YORK, AMENDING SECTION 149-28(C)  
"SCHEDULE OF WATER RATES: MARLBORO WATER DISTRICT"  
OF THE TOWN OF MARLBOROUGH TOWN CODE.  
SEQRA NEGATIVE DECLARATION AND  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Deputy Supervisor DeMarco proposes the following:

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No. 9 of 2017, a Local Law of the Town of Marlborough, Ulster County, New York, amending Section 149-28(C) "Schedule of Water Rates: Marlboro Water District"; and

**WHEREAS**, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth in 6 NYCRR Part 617 ("Regulations"); and

**WHEREAS**, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

**WHEREAS**, the name and address of the lead agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Milton, NY 12547 and the Responsible Officer is Al Lanzetta, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency, has classified this Action as a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

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**WHEREAS**, the Town of Marlborough Town Board has caused the preparation of a Short Environmental Assessment Form (EAF) for review of the Action, including Parts 1 and 2 of the EAF; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

**WHEREAS**, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed code change do not rise to the level of creating any adverse physical impacts in those areas of the Town for which they are intended to be implemented. In the policy judgment of the Town Board, the proposed code amendments will create positive and beneficial impacts. Each out-of-district water connection will require a specific contract.

The proposed local law does not, of itself, cause any new action to occur.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It may result in indirect or secondary effects in the event of future applications received by the Town that employ the standards or opportunities set forth in the legislation. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable.

The potential for these secondary effects do not support the conclusion that the legislation may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Further, the potential secondary impacts do not give rise to any currently identifiable potential adverse environmental effects of significance.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Marlborough Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;

3. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;

4. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;

5. The Action will not create a hazard to human health;

6. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;

7. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and

8. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the



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Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Lanzetta	Absent
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

This Negative Declaration is adopted this 27<sup>th</sup> day of November, 2017 and is ordered into the record of the Town of Marlborough Town Board with respect to the adoption of Local Law No. 9 of 2017.

\_\_\_\_\_  
COLLEEN CORCORAN, TOWN CLERK

Contact Person:  
Colleen Corcoran, Town Clerk  
Town of Marlborough  
P.O. Box 305  
21 Milton Turnpike  
Milton, NY 12547  
845-795-5100

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E). Resolution # 113 To adopt Local Law #9 of the year 2017 amending section 149-28(c) "Schedule of Water Rates: Marlboro Water District" of the Town of Marlborough town code.

**RESOLUTION**

Deputy Supervisor DeMarco offered the following resolution, which was seconded by Councilman Koenig, who moved its adoption:

WHEREAS, a Local Law was introduced entitled Local Law No 9 of 2017 entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING SECTION 149-28(C) "SCHEDULE OF WATER RATES: MARLBORO WATER DISTRICT" OF THE TOWN OF MARLBOROUGH TOWN CODE.

WHEREAS, a public hearing in relation to said local law was held on November 27, 2017; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

November 27, 2017

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:  
A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK,  
AMENDING SECTION 149-28(C) "SCHEDULE OF WATER RATES: MARLBORO WATER  
DISTRICT" OF THE TOWN OF MARLBOROUGH TOWN CODE.

Section 1. Section 149-28(C) of the Marlborough Town Code is amended as follows  
(deletions are stricken and additions are underscored):

C. No out-of-district connections ~~users~~ will be allowed to tap on the water mains or pipes of the Marlboro Water District ~~following the adoption of this chapter~~ in the absence of agreement approved by the Town Board.

Section 2. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 3. This local law shall be effective upon filing with the Secretary of State.

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RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta	Absent
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
November 27, 2017

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COLLEEN CORCORAN, TOWN CLERK

November 27, 2017

**RESOLUTION TABLED AGAIN– November 27, 2017**

November 27, 2017

F). Resolution #97 To reappoint a member and alternative member to the Ulster County Planning Board-TABLED RESOLUTION from October 9, 2017

Supervisor Lanzetta proposes the following:

Whereas, Cindy Lanzetta has been a member of the Ulster County Planning Board for the Town of Marlborough, and

Whereas her current term expires on December 31, 2017, and

Whereas, Cindy Lanzetta meets all the training requirements to continue on the Ulster County Planning Board for the Town of Marlborough, and

Whereas, the Town needs an alternate member to the board, Howard Baker has also been on the Board and meets all the requirements.

Be it resolved that, Cindy Lanzetta be re appointed to the Ulster County Planning Board.

Be it further resolved, that Howard Baker be re-appointed as an alternate member to the Ulster County Planning Board.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	No
Councilman Koenig	Yes
Councilman Baker	Abstain
Supervisor Lanzetta	Absent

***Councilman Corcoran made a motion to table Resolution #97. Motion seconded by Councilman Koenig.***

***Yeas: 4                      Nays: 0                      Carried***

November 27, 2017

***Councilman Koenig made a motion to adjourn the meeting at 7:32 p.m. Motion seconded by Councilman Corcoran.***

***Yeas: 4                      Nays: 0                      Carried***

*Mark Reynolds asked why the Board tabled the resolution the first time. Some of the Board members collectively explained that the timing of the resolution was around election time and there could have been a new Board and it wasn't urgent to get it done that soon.*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*