

## **Board of Trustees Meeting Minutes**

**11/13/2017 6:00 PM**

The regular meeting of the Board of Trustees was called to order at 6:00 pm with a salute to the flag led by Mayor G. Pearl.

Present: Mayor: G. Pearl; Trustees: R. Barton, K. Granger, M. Meyers

Also Present: Clerk Treasurer-K. Roth, Chief of Police/DPW Superintendent-D. Papasergi, Stephanie Guthrie, Kathy Eggert, Marcel Kelly, Bob Fischer

### **RESOLUTION #2017-131-ACCEPT MINUTES**

On motion made by Trustee K. Granger, second by Trustee R. Barton resolved to approve the minutes from October 16, 2017. Aye-all, Nay-none

### **RESOLUTION #2017-132-APPROVE PAYMENT OF CURRENT BILLS**

On motion made by Trustee K. Granger, second by Trustee R. Barton resolved to approve the payment of current bills. Aye-all, Nay-none

### **POLICE REPORTS**

Chief of Police D. Papasergi provided the Board with the monthly reports for August, September and October.

### **DPW REPORTS**

DPW Superintendent D. Papasergi provided the Board with the monthly reports for DPW for the months of August, September and October. Trustee K. Granger asked if something was going to be done about the manhole covers on Main Street. NYS paved the road but the manhole covers are so low that it is creating a big problem when driving on them. DPW Superintendent D. Papasergi stated that the state has been contacted because of the complaints that we have been receiving. He doesn't feel that the state will do anything at this time to address the issue. The Village can't fix the problem because it is a state road.

### **PUBLIC SESSION**

No public discussion was needed.

Mayor G. Pearl reviewed the sample resolution provided by the Municipal Electric and Gas Alliance regarding the exploration of a community choice aggregation program. Trustee M. Meyers asked if it was for the municipality? Mayor G. Pearl stated that at the last board meeting the presentation by Danielle McMullen described this Community Choice Aggregation Program. This program is only for residential consumers. This agreement allows them to shop

for the best prices for electricity for our village residents. This does not tie the village into anything.

**RESOLUTION NO. 133 OF 2017**

**Village of Allegany, New York**

**RESOLUTION REGARDING THE EXPLORATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM AND ENTERING INTO AN ADMINISTRATION AGREEMENT WITH THE MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA)**

A meeting of the Village Board of the Village of Allegany, Cattaraugus County, New York was convened in public session at the Village Hall located at 106 East Main Street, Allegany, New York 14706 on November 13, 2017 at 6:00 o'clock p.m.

**WHEREAS**, the New York State Public Service Commission (“NYSPPSC”), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation (“CCA”) Programs, by themselves or in concert with other municipalities (hereinafter “NYSPPSC Order Authorizing CCAs”); and

**WHEREAS**, establishing a Community Choice Aggregation Program allows a municipal government to aggregate the energy supply needs of its residents and businesses, and to negotiate and enter into energy supply contracts with Energy Service Companies (“ESCOs”) on behalf of these citizens to obtain lower-cost energy prices, often at a fixed or predictable cost, as well as environmental benefits, and opportunities to pursue community-based energy initiatives; and

**WHEREAS**, The Village of Allegany seeks to explore CCA as a potential opportunity for energy consumers within the Village because of the potential benefits a CCA would produce for residential and small business owners, through the joint, aggregated provision of energy supplies and value-added services at better prices due to the market power of the aggregation; and

**WHEREAS**, the NYSPPSC Order Authorizing CCAs specifically states that municipalities are permitted to engage a third party CCA Administrator to assist in the development and implementation of a CCA Program, including the eventual solicitation and management of energy supply agreements for CCA customers; and

**WHEREAS**, the Municipal Electric and Gas Alliance (“MEGA”), a not-for-profit Local Development Corporation established in New York State, seeks to create one or more regional CCA(s) to aggregate customers from multiple municipalities throughout a given region in the State, which will enable MEGA to leverage a broad customer base to obtain competitively priced energy contracts thereby yielding greater savings and other benefits to CCA customers; and

**WHEREAS**, MEGA contemplates supporting the creation and implementation of these regional CCAs, in accordance with the NYSPSC Order Authorizing CCAs, in its capacity as a third-party CCA Administrator for those municipalities seeking to form CCAs; and

**WHEREAS**, MEGA further seeks to provide information, advice, public outreach, consumer education assistance, support for competitive bid solicitation, competitive supplier selection and monitoring of New York State regulations to municipalities considering forming a CCA; and

**WHEREAS**, MEGA, since its inception in 1998, has gained the experience necessary to perform the services of CCA Administrator, having successfully managed energy procurement aggregation programs for hundreds of New York State municipalities, saving taxpayers millions of dollars through competitive public bidding of energy supplies and services; and

**WHEREAS**, MEGA's generic plans for procurement of energy supply reflects an understanding of CCA opportunities for the Village of Allegany, as well as market and regulatory conditions representing the best practices in the industry; and

**WHEREAS**, The Village of Allegany seeks to engage MEGA as the CCA Administrator, to assist in its efforts to better understand, educate the public on, and develop a Program to enable, a CCA; and

**WHEREAS**, MEGA would be engaged by the Village of Allegany as a provider of professional services requiring special and technical skills, expertise and knowledge, therefore the contract for these services is exempt from competitive bidding requirements contained in New York General Municipal Law § 103; and

**WHEREAS**, in the event the Village of Allegany decides to authorize a CCA, The Village of Allegany is interested in joining together with other CCAs in its region, through the MEGA aggregation, to leverage a broader customer base to obtain cost savings and other benefits for residents;

**NOW, THEREFORE, BE IT RESOLVED** that the Supervisor/Mayor/Administrator is hereby authorized to sign a Community Choice Aggregation Administration Agreement with MEGA, which incorporates the following terms:

1. The Village of Allegany will retain MEGA to assist with efforts to explore the potential benefits to this community of creating a CCA here, and in educating the public and local officials on CCAs. As CCA Administrator MEGA will assist the community in exploration of the Village of Allegany potential participation in a CCA Program and development of plans for the implementation of the CCA Program, as required by the NYSPSC Order Authorizing CCAs.
2. In the event the Village of Allegany opts to proceed with the creation of a CCA, MEGA would serve as CCA Administrator throughout the formation and implementation of the CCA Program.
3. Prior to the Village of Allegany taking the steps required to pass a local law authorizing CCA, MEGA will assist the Village of Allegany in CCA Program development, including informational and educational campaigns required to inform the Village of Allegany's decision to create the CCA, and in development of CCA Program documents and plans which comply with NYSPSC regulations, in accordance with the terms set forth in the CCA Administration Agreement between MEGA and the Village of Allegany.

4. The Village of Allegany agrees that, should it ultimately decide to adopt a Local Law to authorize and create a CCA, it will continue to engage MEGA's services as Administrator of the new CCA, in accordance with the terms of the Agreement.
5. As CCA Administrator, following the Village of Allegany's creation of a CCA, MEGA will assume responsibility for the organization and implementation of the CCA, by preparing and soliciting Requests for Proposals ("RFP"s) seeking energy suppliers willing to enter into Energy Supply Agreements ("ESA"s), negotiating such agreements in accordance with the terms of this agreement and/or other local enactment by the Village of Allegany, and overseeing implementation, cancellation, renewal, and review of ESAs throughout the life of the CCA.
6. While MEGA, as CCA Administrator, will assume responsibility for operation of the CCA and will comply with all relevant provisions of State law, including the NYSPSC Order Authorizing CCAs, the Village of Allegany understands that it is ultimately responsible for ensuring its CCA is compliant with State regulations, as stated by the NYSPSC in its Order Authorizing CCAs. MEGA and the Village of Allegany intend for there to be a relationship of cooperation and transparency which ensures that all sides are able to fulfill their obligations under the law, the NYSPSC Order, the CCA Administration Agreement, and any other local law enacted or contract adopted by the Village of Allegany regarding the CCA.

**AND BE IT FURTHER RESOLVED THAT**, by adopting this resolution and signing the CCA Administration Agreement, the Village of Allegany is in no way obligating itself to proceed with the formal creation of a CCA. If the Village of Allegany determines to proceed with the creation of a CCA, the Village of Allegany would be required to adopt a local law to do so, and would at that time need to comply with all standard procedural requirements for local law adoption, including the State Environmental Quality Review Act (SEQRA), and with the NYSPSC Order Authorizing CCAs.

A motion by Trustee K. Granger, seconded by Trustee R. Barton , to adopt Resolution No. 133 of 2017.  
Aye-all, Nay-none

The Resolution was adopted at a meeting of the Village Board of the Village of Allegany duly conducted on November 13, 2017.

Kimberly Roth Clerk Treasurer

## BID RESULTS-NORTH SEVENTH STREET WATER AND SEWER EXTENSION

The bid results were provided to the Board. The low bidder is Genesee Valley Construction.

### **RESOLUTION #2017-134-APPROVE LOW BID FOR NORTH SEVENTH STREET WATER AND SEWER EXTENSIONS**

On motion made by Trustee M. Meyers, second by Trustee K. Granger resolved to approve the low bid provided by Genesee Valley Construction in the amount of \$265,220.00. Aye-all, Nay-none

### **RESOLUTION #2017-135-LONGEVITY PAY APPROVAL**

On motion made by Trustee K. Granger, second by Trustee M. Meyers resolved to approve longevity pay for 2017. Aye-all, Nay-none

### **RESOLUTION #2017-136-REPORT OF UNPAID VILLAGE TAXES**

On motion made by Trustee K. Granger, second by Trustee R. Barton resolved to approve the Report of Unpaid Village Taxes. Aye-all, Nay-none

### **RESOLUTION #2017-137-207C POLICY APPROVAL**

On motion made by Trustee K. Granger, second by Trustee M. Meyers resolved to approve the 207C Policy for full time police. Aye-all, Nay-none.

Trustee M. Meyers had questions regarding the proposed solar projects that are being looked at. She had concerns that the property near South First Street was in a flood plain and that it would be too close to the boat launch. She questioned why these locations were chosen. Mayor G. Pearl stated that Buffalo Solar was given several areas to review for possible sites for solar panels. The two sites that were chosen by them were the sites that would produce the most electricity. He also stated that the proposed sites are only that. Nothing will move forward if grant money is not secured. Bob Fischer from the Portville Planning Board asked if there was a site plan that he could review because our boat launch affects theirs. Mayor G. Pearl stated that this is just in the preliminary stages. There is not a site plan at this time. He also stated that there would be no effect on the boat launch. Trustee M. Meyers made her concern known that she believes other sites should be looked at before using the South 1<sup>st</sup> Street site. Mayor G. Pearl stated that we will contact Buffalo Solar to see if they can map out the location and size of the proposed area.

The Christmas in Allegany committee had let the Board of Trustees know that they did not want the fireworks this year for the event. Mayor G. Pearl asked the board for an amount to donate to Christmas in Allegany. Chief of Police/DPW Superintendent D. Papasergi stated that he felt that Christmas in Allegany was looking to purchase ornaments for the Village poles. He also stated that after January 1<sup>st</sup> the ornaments would be cheaper. Trustee K. Granger made the suggestion to hold off for a monetary donation until then. All agreed.

Mayor G. Pearl will be in contact with Abbie from the Town Recreation Department in scheduling a Battle of the Bands(First Night Celebration) for Middle School Children. The celebration will consist of bands, food and games. More will be discussed in the future regarding this celebration.

Trustee M. Meyers suggested to the board that there should be a port-a-potty put at the boat launch. Trustee K. Granger stated that the bathrooms for the recreation center are in close enough proximity to be utilized. Mayor G. Pearl asked if the doors had been adjusted to open towards the boat launch area. Chief of Police/DPW Superintendent D. Papasergi stated that they had not been. He also stated that he would contact the Town of Allegany to see when this could be done.

**RESOLUTION #2017-138-SUNDAY NOVEMBER 19-LADY GATORS SOCCER DAY**

On motion made by K. Granger, second made by R. Barton resolved to approve the declaring of Sunday November 19, 2017 as Lady Gators Soccer Day! The Lady Gators are the 2017 Class C NYSPHSAA Champions. Aye-all, Nay-none

**RESOLUTION #2017-139-APPROVAL TO ADJOURN MEETING**

On motion made by Trustee K. Granger, second by Trustee R. Barton resolved to approve the adjournment of the meeting at 7:07pm. Aye-all, Nay-none

Respectfully submitted.

Kimberly Roth/Clerk Treasurer