

LAWS & RULES COMMITTEE MEETING

Wednesday, March 15th at 6:30 PM.

NEW BUSINESS

- 1 - Watershed & Ecosystem Bill of Rights - J. Noble

OLD BUSINESS

- 1- Operation of Shared Bicycle, E Bicycles, E Scooter- J. Noble
- 2- Resolution 43 of 2023- To approve an Opt-Out Community Distribution Generation (CGD) Program in New York
- 3- Resolution 58 of 2023- Authorizing the Mayor to enter into a Regulatory Agreement with Village Prop. Co. LOLC. And Kingston Workforce Housing Development Fund Corporation

City of Kingston
Parks and Recreation Department
ltimbrouck@kingston-ny.gov

Steven T. Noble, Mayor



Lynsey Timbrouck, Director

March 2, 2023

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Watershed and Ecosystem Bill of Rights

Dear President Shaut,

The Sustainability Office was approached in January by Grandfather Paul Coyote Song Tobin, Co-Coordinator with Kitt Potter – City of Kingston Native American Events/Ceremonies; Spokesperson for the Caretakers Society, and Founder of the Two Row Wampum Unity Pipe Carriers Circle, to support a proposal to the Common Council for adoption of a Watershed and Ecosystem Bill of Rights.

Over the past two months, I have worked with Paul as well as Kitt Potter, to refine the language of a draft that was presented. Paul has subsequently spoken with several community groups and has garnered support from the following towards the adoption of this Bill of Rights:

- Association of Native Americans - Rev. Nick Miles
- Ramapo Nation - Chief Vincent Mann
- Old Dutch Church - Mr. Robert Sweeney, pastor
- Village of New Paltz trustee-Stana Weisburd
- Manna Jo Greene -(Clearwater Staff, environmental scientist, Ulster County Legislator from District 19, Towns of Rosendale and Marbletown)
- Green Phoenix Permaculture President- Joan Ewing
- Neetop Keetop - steering committee Evan Prithard

Please see the proposed Resolution, attached, for consideration. Paul, as well as other representatives will be present at the appropriate Council committee meeting, when assigned, to speak to the topic.

Sincerely,

Julie L. Noble

Cc: Paul Tobin
Kitt Potter

Hudson River Watershed and its Ecosystem Bill of Rights

Preamble

We the people of the City of Kingston find that the Hudson River watershed and its Ecosystem have suffered for more than a century under continuous assault and ruin from industrialization; and

We the people of the City of Kingston declare that any continued harm to the Hudson River watershed and its Ecosystem from direct dumping of industrial wastes and from runoff of noxious substances would constitute an immediate emergency; and

We the people of the City of Kingston affirm Article XIV, Section 4, of the New York State Constitution, which recognizes, in part, that "The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources;" and

We the people of the City of Kingston assert the necessity of recognizing that the Hudson River watershed and its Ecosystem possess inherent, fundamental, and inalienable rights to exist, flourish, evolve, and regenerate, and rights to restoration, recovery, and preservation and that these rights are inadequately protected by state policies and statutes.

Therefore, we the people of the City of Kingston hereby exercise our inherent, fundamental, and inalienable power of local self-government by adopting this Ordinance to recognize and secure the rights of the Hudson River watershed and its Ecosystem.

Section 1. Rights of the Hudson River Watershed and its Ecosystem

The Hudson River watershed and its Ecosystem possess rights to exist, flourish, evolve, and regenerate, and rights to restoration, recovery, and preservation. These rights include, but are not limited to, rights of the watershed and its Ecosystem to sustain life, to maintain and regenerate their life cycles and evolutionary processes, to be restored to a healthy state, and to be free from harmful activities including the direct dumping of industrial wastes and runoff of noxious substances. The Hudson River watershed and its Ecosystem include the water, as well as all natural water features, communities of organisms, soil, and terrestrial and aquatic sub-ecosystems that are part of the Hudson River and its watershed.

Section 2. Right to a Clean and Healthy Environment

The people of the City of Kingston possess the right to a clean and healthy environment, which includes the right to a clean and healthy Hudson River watershed and its Ecosystem.

Section 3. Responsibilities to the Hudson River watershed and its Ecosystem

No government or business entity of any form shall violate the rights of the Hudson River Watershed

OLD BUSINESS

RESOLUTION 43 OF 2023

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO APPROVE AND IMPLEMENT AN OPT-OUT COMMUNITY DISTRIBUTED GENERATION (CDG) PROGRAM IN NEW YORK

Sponsored By: Laws & Rules Committee: Alderman Worthington,
Scott-Childress, Frankel, Olivieri, Hill

WHEREAS, the Common Council of the City of Kingston (the “Common Council”) is concerned about the impact of conventional energy sources on the environment, as well as the rising cost of energy for our residents and businesses, and

WHEREAS, Community Distributed Generation (CDG) is a state-authorized program that allows participants to receive the benefits of solar without having to install panels on their property, and

WHEREAS, Opt-Out CDG is an innovative way for local governments to give residents and businesses access to clean energy by automatically enrolling them in community solar projects through the state’s Community Choice Aggregation (CCA) policy, and

WHEREAS, Opt-Out CDG is expected to result in savings of up to 10 percent on the eligible electricity costs of virtually all homes and small businesses in the jurisdiction, and

WHEREAS, the Opt-Out CDG program has been designed to prioritize enrollment of low-income households, which will help quickly expand access to clean energy for all New Yorkers, including those living in state-designated Disadvantaged Communities (DACs), and

WHEREAS, Opt-Out CDG is supported by the NYS Climate Action Council Scoping Plan, the State’s 10 Gigawatt Distributed Solar Roadmap, Clean Energy Communities, and Climate Smart Communities, and directly contributes to the State’s nation-leading clean energy and equity goals, and

WHEREAS, Opt-Out CDG would support the City of Kingston’s 2030 Climate Action Plan and Resolution #179 of 2017 of the Council committing to 100% Clean Energy by 2050, and

WHEREAS, Opt-Out CDG was first approved in New York State in 2018 by the PSC, but in 2021 the PSC paused the program and recently called for alternatives to be studied, further delaying the roll out of the program, and

WHEREAS, the delay in the approval and implementation of Opt-Out CDG is hindering progress toward state and local clean energy goals and causing lost savings and increased costs for communities,

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby supports the approval and implementation of Opt-Out CDG in New York State, and urges the PSC to take immediate action to bring this program to fruition, and;

BE IT FURTHER RESOLVED, that the Council hereby commits to actively support and participate in the Opt-Out CDG Coalition.

Submitted to the Mayor this ____ day of _____, 2023

Approved by the Mayor this ____ day of _____, 2023

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2023

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Parks and Recreation

DATE: 2/2/2023

Description

Request for adoption of a resolution in support of the Public Service Commission to authorize Opt-Out CDG.

Signature: Julie L. Noble

Motion by RSC

Seconded by BH

Action Required:

SEQRA Decision:

Type I Action

Type II Action

Unlisted Action

Negative Declaration of Environmental Significance:

Conditioned Negative Declaration:

Seek Lead Agency Status:

Positive Declaration of Environmental Significance:

Committee Vote	YES	NO
<u>Rita Worthington</u> Rita Worthington, Ward 4, Chairman	✓	
<u>Barbara Hill</u> Barbara Hill, Ward 1	✓	
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
<u>Michael Olivieri</u> Michael Olivieri, Ward 7	✓	
		✓

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CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julic L. Noble, Coordinator



Steven T. Noble, Mayor

February 2, 2023

Honorable Andrea Shaut
President/Alderman-at-large
Kingston Common Council
420 Broadway
Kingston, NY, 12401

Dear President Shaut,

On behalf of the Office of Sustainability and with my role as Sustainability Coordinator, I would like to request placement on the agenda of the Laws and Rules Committee to discuss the adoption of a resolution in support of Opt-Out Community Distributed Generation as a tool to enhance Community Choice Aggregation (CCA) in the City of Kingston.

On September 22, 2021, the Common Council adopted Local Law No. 3-2021, to authorize a Community Choice Aggregation 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-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.

Kingston's CCA intends to partner with developers to bring local renewable energy to all residents and businesses at a fixed rate that is guaranteed to be lower than what they would otherwise pay. The only legal mechanism in New York State that would allow Kingston to enroll low-income households in community renewable projects is called Opt-Out CDG, which is a program previously authorized by Order of the Public Service Commission in 2018. The Public Service Commission withdrew authorization for this program on November 22, 2021, to clarify and improve certain aspects of the program related to customer billing procedures. Kingston's CCA has been waiting several months for the program to be reauthorized.

The Public Service Commission issued an Order on January 19, 2023, updating the CCA Regulations without reauthorizing Opt-Out CDG. This Order suggested an alternate utility run program called Expanded Solar For All as an alternative to Opt-Out CDG. This Order left the CCA communities in New York in the dark about the future of Opt-Out CDG.

It is in the City of Kingston's best interest to join our neighbors in advocating that the Public Service Commission reauthorize Opt-Out CDG, so that we may provide residents with equitable access to

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CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

affordable electricity and renewable energy and show that Kingston is leading the way in the response to climate change.

The Mayor has also signed a letter of support, which is enclosed.

Thank you for your consideration.

Sincerely,

Julie L. Noble
Sustainability Coordinator

Enclosures:

Unlocking Opt_Out CDG Policy Brief
Opt Out Letter of Support from Mayor Noble
Resolution Supporting Authorization of Opt-Out CDG
Committee Report

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Parks and Recreation

DATE: 2/2/2023

Description

Request for adoption of a resolution in support of the Public Service Commission to authorize Opt-Out CDG.

Signature: Julie L. Noble

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4, Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

Unlocking the Benefits of Opt-Out Community Solar

POLICY BRIEF



Empowering Communities with Lower Solar Costs

"When CCAs integrate opt-out community solar, participating homes and small businesses are enrolled in one or more community solar projects from which they receive credits on their electric bill. These credits directly reduce the charges on the bill. Customers who are enrolled in community solar typically receive guaranteed savings of 5% to 10%. Opt-out community solar allows CCAs to enroll hundreds, or even thousands, of people at once. This significantly reduces soft costs associated with solar and makes the economics of solar all the more attractive. This arrangement has potential to continue the downward trend in solar prices and incentives, while the total amount of solar dramatically increases."

**- NYS Climate Action Council
Scoping Plan**

Executive Summary

Opt-Out Community Distributed Generation (CDG), also known as Opt-Out Community Solar, is a program within New York's Community Choice Aggregation (CCA) policy. It is an innovative way for local governments to give residents and businesses access to clean energy by automatically enrolling them in community solar. This means that instead of having to actively sign up for a community solar project, eligible residents and businesses are enrolled automatically. Project participants receive utility bill credits, which offset the charges they would typically pay. This cost-effective program empowers communities to advance state and local clean energy goals, save money on electricity, and capture the benefits of clean energy, especially for households living in state-designated Disadvantaged Communities (DACs). It's a win-win for families, businesses, and the environment.

However, the New York State Public Service Commission (PSC) put the program on hold in 2021. The PSC was expected to restart the program pending new program operation, oversight, and enforcement rules, but a recent PSC Order calls for more study of alternatives to Opt-Out CDG.

This is not just a delay... It has taken away a critical tool that local governments have to shape their energy future. Local governments are at the forefront of the movement to advance clean energy. They stand ready to fulfill their role in fighting climate change and building the new clean energy economy, but they need supportive regulations. Opt-Out CDG empowers communities across New York to play their part in achieving New York State's ambitious climate and equity goals.

A broad coalition of local governments, environmental groups, and industry stakeholders is calling for this important program to be approved and implemented in New York State.

Join Our Coalition

Visit www.OptOutCDG.org to learn more

 **OPT-OUT CDG
COALITION**



OPT-OUT CDG POLICY BRIEF

Benefits of Opt-Out CDG

Lower Utility Bills

By aggregating the energy demand of residents and small businesses within participating jurisdictions, communities can increase their bargaining power and negotiate better prices and terms for community solar. This results in lower utility bills for CCA members.

Increased Access to Clean Energy

Opt-Out CDG programs prioritize enrollment of low-to-moderate (LMI) income households, disadvantaged communities, and environmental justice areas. With this approach, New York can benefit from special incentives under the Inflation Reduction Act (IRA).

Helps Meet NYS Clean Energy Goals

Opt-Out CDG is expected to result in more solar projects being financed, developed, and interconnected to the state's distributed energy grid. It directly contributes to the state's goal of 10 Gigawatts of distributed solar by 2030. Most important, it lowers the cost of meeting that goal.

Background

Opt-Out Community Distributed Generation (CDG) is a program that allows local governments to enroll homes and businesses in their jurisdiction into community solar, making it easier for residents and businesses to benefit from local clean energy projects, especially low-to-moderate income (LMI) households. Opt-Out CDG was first approved in New York State in 2018 by the PSC, but in 2021 they paused the program pending the development of new program operation, oversight, and enforcement rules.

Restarting the Opt-Out CDG program is currently under consideration by the PSC. But rather than restarting Opt-Out CDG, the PSC's recent Order calls for study of alternatives to Opt-Out CDG stating, "In relation to its consideration of Opt-Out CDG, the Commission seeks more information on potential alternatives to the model that has been discussed to date. One potential avenue to furnish the benefits of CDG to more customers could be the adoption statewide of a program similar to the Expanded Solar For All (eSFA) program approved in the Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) service territory."

PSC regulations already allow the stacking of benefits from CDG and eSFA. Opt-Out CDG and eSFA can work well together but Opt-Out CDG should not be delayed while eSFA is being developed. While eSFA has potential to benefit low-income residents throughout the state, it is a utility-led initiative that will require new billing processes to be developed by companies with a record of deficient billing performance and a history of failing to meet their obligations. In addition, eSFA will do little to encourage greater community engagement and local support for clean energy. Authorizing both Opt-Out CDG and eSFA will accomplish much more to advance the state's goals than eSFA alone.

It has been recognized since its inception that CCA programs have the potential to integrate innovative energy programs, products, and services in ways that benefit customers and help advance state clean energy goals. Opt-Out CDG is a natural offshoot of this, as it allows for

How You Can Help

Share Your Support for Opt-Out CDG With Your Community

Share information about the benefits of Opt-Out CDG with your constituents and encourage them to support the program by contacting the PSC and elected officials.

Reach Out to Other Stakeholders

Connect with other local governments, environmental groups, associations, and industry stakeholders in your area and encourage them to join the coalition.

Sign or Send a Letter of Support

We will provide you with a sample letter that you can sign and send to the PSC and elected officials, expressing your support for Opt-Out CDG. Or you can send an email to the PSC Secretary at: secretary@dps.ny.gov

Help Us to Keep You Informed

Keep us informed of any developments in your community and let us know if you need any assistance or resources.

automatic enrollment of customers into community solar, potentially enrolling thousands of homes and businesses at a time.

New York's 10 Gigawatt Distributed Solar Roadmap issued in December 2021 by the New York State Energy Research and Development Authority (NYSERDA) and the Department of Public Service (DPS) states, "Opt-out community solar offers a new element of efficiency and soft cost reductions to CDG development, since a project owner could avoid substantial customer acquisition costs associated with recruiting many individual participants."

The DPS Staff Whitepaper on CCA Programs issued in April 2021 recommends that the PSC adopt an Opt-Out CDG model for integration into existing CCA programs. This recommendation was further expanded upon in the DPS Staff Straw Proposal on Opt-Out CDG.

The New York State Climate Action Council Scoping Plan, adopted in December 2022 pursuant to the Climate Leadership and Community Protection Act (CLCPA), recommends, "NYSERDA should continue to encourage development of CCA programs where communities choose 100% renewable energy as the default supply and where participants are automatically enrolled in Community Solar. Prioritization of these efforts should be focused on Disadvantaged Communities." The Scoping Plan states that Opt-Out CDG, "significantly reduces soft costs associated with solar," and "has potential to continue the downward trend in solar prices and incentives."

A wide range of stakeholders including municipalities, environmental groups, businesses, and individuals have commented in these proceedings, demonstrating their strong support for Opt-Out CDG.

The PSC has long recognized the potential benefits of Opt-Out CDG, acknowledging that the program could propel the development of CDG projects across the State, motivate participating communities to make cleaner energy choices, and bring the State closer to reaching its goals.

The PSC understands the need for regulations to ensure a successful program that benefits all New Yorkers. It's time for the PSC to implement these new regulations and restart the Opt-Out CDG program.

OPT-OUT CDG POLICY BRIEF

Make Your Voice Heard

Send the email below to the PSC at:
secretary@dps.ny.gov

Subject: Comments - Case 14-M-0224

Dear Secretary,

I am writing to express my strong support for the implementation of Opt-Out Community Distributed Generation (CDG).

The PSC's recent Order calls for alternatives to be studied, but we believe this delay is unacceptable.

Disadvantaged Communities (DACs) are disproportionately affected by energy burden and climate change and often have the least access to clean energy resources. By prioritizing these communities in Opt-Out CDG enrollment, we can make major progress towards energy equity and environmental justice.

I urge the PSC to approve Opt-Out CDG as a key component of the state's Community Choice Aggregation program.

Thank you for your consideration.

Sincerely,
[name]
[organization]

Recommendation

The PSC should immediately issue an Order to restart the Opt-Out CDG program under the following cases and proceedings:

Case 14-M-0224	Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.
Case 19-M-0463	In the Matter of Consolidated Billing for Distributed Energy Resources.
Case 15-E-0082	Proceeding on Motion of the Commission as to the Policies, Requirements and Conditions For Implementing a Community Net Metering Program.

Conclusion

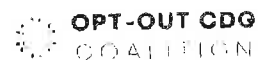
Opt-Out CDG programs are a win-win for everyone involved. They can lower utility bills, increase access to clean energy, and help the state meet its clean energy goals. By working together, our coalition of local governments, environmental groups, and industry stakeholders encourages the PSC to approve Opt-Out CDG and unlock its many benefits for all New Yorkers.



The Opt-Out CDG Coalition represents a diverse group of local governments, environmental organizations, and industry stakeholders seeking New York State support for local climate action including the implementation of Opt-Out CDG.

Join Our Coalition

Visit www.OptOutCDG.org to learn more



CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



February 2nd, 2023

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza Agency Building 3
Albany, NY 12223-1350

Re: Case 14-M-0224 Proceeding on Motion of the Commission to Enable Community Choice
Aggregation Programs.
Case 19-M-0463 In the Matter of Consolidated Billing for Distributed Energy Resources.
Case 15-E-0082 Proceeding on Motion of the Commission as to the Policies, Requirements and
Conditions For Implementing a Community Net Metering Program.

Dear Secretary Phillips,

As the Mayor of the City of Kingston, I am writing to express my strong support for the immediate implementation of Opt-Out Community Distributed Generation (CDG) in New York.

Our city recently announced the launch of Kingston Community Energy, a Community Choice Aggregation (CCA) program where it is our goal that all residents, regardless of income level, benefit from locally generated clean energy. We have selected Mid-Hudson Energy Transition, a Kingston-based non-profit, to serve as our CCA Administrator with PowerMarket in the role of implementation partner and technical advisor.

Our strategy builds on actions our city has already taken. We are a Silver-Certified Climate Smart Community and were the first city to earn the NYSERDA Clean Energy Community designation. We have implemented various strategies and actions to reduce greenhouse gas emissions, set energy use reduction goals, and commit to 100% clean energy through our recently updated Climate Action Plan and 100% Renewable Energy Transition Roadmap. Kingston Community Energy is a central component that has the potential to greatly reduce our city's carbon footprint.

Opt-Out CDG is a key strategy we need to allow our citizens to benefit directly from our city's sustainability agenda. Our capacity to support clean energy initiatives is greatly influenced by our ability to deliver benefits to our constituents. Opt-Out CDG is vital in maintaining broad support for clean energy. Opt-Out CDG creates guaranteed utility bill saving for participants and this mitigates risks and balances the CCA's reliance on electricity supply contracts to benefit end-users, strengthening the CCA program's long-term sustainability. With a strong CCA program, Opt-Out CDG will allow Kingston Community Energy to deliver other innovative clean energy programs with the goal of achieving community-wide decarbonization.

With Opt-Out CDG, Kingston has plans to prioritize enrollments in Kingston's state-designated Disadvantaged Community (DAC) areas. Kingston's CCA program and others like it will provide benefits that would not be available through Expanded Solar-For-All alone, including soft-cost reductions relative to conventional CDG. These benefits of Opt-Out CDG are described in the Electricity Sector Key Strategies section of state's Climate Action Council Scoping Plan and the state's 10 Gigawatt Distributed Solar Roadmap. Opt-Out CDG is likely

one of the most cost-effective ways to meet the state's statutory obligations to deliver at least 35 percent of the benefits of clean energy spending to DACs under the Climate Leadership and Community Protection Act (CLCPA).

We encourage the Commission to approve both Opt-Out CDG and Expanded Solar-For-All. Public Service Commission (PSC) regulations already allow the stacking of benefits from both programs. They can work well together but Opt-Out CDG should not be delayed while Expanded Solar-For-All is being developed. While Expanded Solar-For-All has potential to benefit low-income residents throughout the state, it is a utility-led initiative that will require new billing processes to be developed by companies with a record of deficient billing performance and a history of failing to meet their obligations. In addition, Expanded Solar-For-All will do little to encourage greater community engagement and local support for clean energy. Authorizing both Opt-Out CDG and Expanded Solar-For-All will accomplish much more to advance the state's goals than Expanded Solar-For-All alone.

I urge the Commission to approve Opt-Out CDG without delay as a key component of the state's CCA program. Our community stands ready to work with the Commission and other stakeholders to ensure the successful implementation of this program.

Thank you for considering our support for Opt-Out CDG.

Sincerely,



Steven T. Noble
Mayor

cc: The Honorable Kathy Hochul, Governor
The Honorable Rory M. Christian, CEO, Department of Public Service
The Honorable Doreen M. Harris, President and CEO, NYSERDA
The Honorable Basil Seggos, Commissioner, Department of Environmental Conservation
The Honorable Michelle Hinchey, State Senator
The Honorable Sarahana Shrestha, Assembly Member
The Honorable Jen Metzger, Ulster County Executive

**RESOLUTION CALLING FOR NEW YORK STATE TO APPROVE AND
IMPLEMENT AN OPT-OUT COMMUNITY DISTRIBUTED GENERATION
(CDG) PROGRAM IN NEW YORK**

WHEREAS, the Common Council of the City of Kingston (the “Common Council”) is concerned about the impact of conventional energy sources on the environment, as well as the rising cost of energy for our residents and businesses, and

WHEREAS, Community Distributed Generation (CDG) is a state-authorized program that allows participants to receive the benefits of solar without having to install panels on their property, and

WHEREAS, Opt-Out CDG is an innovative way for local governments to give residents and businesses access to clean energy by automatically enrolling them in community solar projects through the state’s Community Choice Aggregation (CCA) policy, and

WHEREAS, Opt-Out CDG is expected to result in savings of up to 10 percent on the eligible electricity costs of virtually all homes and small businesses in the jurisdiction, and

WHEREAS, the Opt-Out CDG program has been designed to prioritize enrollment of low-income households, which will help quickly expand access to clean energy for all New Yorkers, including those living in state-designated Disadvantaged Communities (DACs), and

WHEREAS, Opt-Out CDG is supported by the NYS Climate Action Council Scoping Plan, the State’s 10 Gigawatt Distributed Solar Roadmap, Clean Energy Communities, and Climate Smart Communities, and directly contributes to the State’s nation-leading clean energy and equity goals, and

WHEREAS, Opt-Out CDG would support the City of Kingston’s 2030 Climate Action Plan and Resolution #179 of 2017 of the Council committing to 100% Clean Energy by 2050, and

WHEREAS, Opt-Out CDG was first approved in New York State in 2018 by the PSC, but in 2021 the PSC paused the program and recently called for alternatives to be studied, further delaying the roll out of the program, and

WHEREAS, the delay in the approval and implementation of Opt-Out CDG is hindering progress toward state and local clean energy goals and causing lost savings and increased costs for communities,

NOW, THEREFORE,

BE IT RESOLVED, that the Council hereby supports the approval and implementation of Opt-Out CDG in New York State, and urges the PSC to take immediate action to bring this program to fruition, and;

BE IT FURTHER RESOLVED, that the Council hereby commits to actively support and participate in the Opt-Out CDG Coalition.

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CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov



Steven T. Noble
Mayor

February 2nd, 2023

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza Agency Building 3
Albany, NY 12223-1350

Re: Case 14-M-0224 Proceeding on Motion of the Commission to Enable Community Choice
Aggregation Programs.
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Dear Secretary Phillips,

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Our strategy builds on actions our city has already taken. We are a Silver-Certified Climate Smart Community and were the first city to earn the NYSEERDA Clean Energy Community designation. We have implemented various strategies and actions to reduce greenhouse gas emissions, set energy use reduction goals, and commit to 100% clean energy through our recently updated Climate Action Plan and 100% Renewable Energy Transition Roadmap. Kingston Community Energy is a central component that has the potential to greatly reduce our city's carbon footprint.

Opt-Out CDG is a key strategy we need to allow our citizens to benefit directly from our city's sustainability agenda. Our capacity to support clean energy initiatives is greatly influenced by our ability to deliver benefits to our constituents. Opt-Out CDG is vital in maintaining broad support for clean energy. Opt-Out CDG creates guaranteed utility bill saving for participants and this mitigates risks and balances the CCA's reliance on electricity supply contracts to benefit end-users, strengthening the CCA program's long-term sustainability. With a strong CCA program, Opt-Out CDG will allow Kingston Community Energy to deliver other innovative clean energy programs with the goal of achieving community-wide decarbonization.

With Opt-Out CDG, Kingston has plans to prioritize enrollments in Kingston's state-designated Disadvantaged Community (DAC) areas. Kingston's CCA program and others like it will provide benefits that would not be available through Expanded Solar-For-All alone, including soft-cost reductions relative to conventional CDG. These benefits of Opt-Out CDG are described in the Electricity Sector Key Strategies section of state's Climate Action Council Scoping Plan and the state's 10 Gigawatt Distributed Solar Roadmap. Opt-Out CDG is likely

one of the most cost-effective ways to meet the state's statutory obligations to deliver at least 35 percent of the benefits of clean energy spending to DACs under the Climate Leadership and Community Protection Act (CLCPA).

We encourage the Commission to approve both Opt-Out CDG and Expanded Solar-For-All. Public Service Commission (PSC) regulations already allow the stacking of benefits from both programs. They can work well together but Opt-Out CDG should not be delayed while Expanded Solar-For-All is being developed. While Expanded Solar-For-All has potential to benefit low-income residents throughout the state, it is a utility-led initiative that will require new billing processes to be developed by companies with a record of deficient billing performance and a history of failing to meet their obligations. In addition, Expanded Solar-For-All will do little to encourage greater community engagement and local support for clean energy. Authorizing both Opt-Out CDG and Expanded Solar-For-All will accomplish much more to advance the state's goals than Expanded Solar-For-All alone.

I urge the Commission to approve Opt-Out CDG without delay as a key component of the state's CCA program. Our community stands ready to work with the Commission and other stakeholders to ensure the successful implementation of this program.

Thank you for considering our support for Opt-Out CDG.

Sincerely,



Steven T. Noble
Mayor

cc: The Honorable Kathy Hochul, Governor
The Honorable Rory M. Christian, CEO, Department of Public Service
The Honorable Doreen M. Harris, President and CEO, NYSERDA
The Honorable Basil Seggos, Commissioner, Department of Environmental Conservation
The Honorable Michelle Hinchey, State Senator
The Honorable Sarahana Shrestha, Assembly Member
The Honorable Jen Metzger, Ulster County Executive

RESOLUTION 58 of 2023

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE MAYOR TO ENTER INTO A REGULATORY AGREEMENT WITH VILLAGE PROP CO, LLC AND KINGSTON WORKFORCE HOUSING DEVELOPMENT FUND CORPORATION

Sponsored By: Laws and Rules Committee: Alderman:
Worthington, Hill, Frankel, Scott-Childress,
Olivieri

WHEREAS, the City's Comprehensive Plan calls for an increase in rental housing at all income levels; and

WHEREAS, the term "workforce housing" encompasses units affordable to essential workers within the City, including teachers, nurses, most nonprofit employees, and front-line service workers; and

WHEREAS, the Common Council is committed to protecting the long-term affordability of rental housing for essential workers, in proximity to the communities they serve; and

WHEREAS, the Common Council uses the area median income (AMI) within the City's municipal boundaries to evaluate housing affordability; and

WHEREAS, workforce housing typically targets households earning between 81% and 120% of AMI; and

WHEREAS, the Common Council acknowledges that population changes within the City have heightened competition for workforce housing and increased the likelihood that, due to market pressure, essential workers will become rent burdened; and

WHEREAS, the Common Council understands that restricting household income to no more than 120% of AMI preserves affordability for more than an estimated 85% of the City's current households;

WHEREAS, a request has been made to enter into a regulatory agreement with Kingston Village Prop Co, LLC and Kingston Workforce Housing Development Fund Corporation or a nominee of an NYS Department of Housing and Community Renewal approved Housing Development Fund Company governing Kingston Village (Stony Run);

WHEREAS, the property owners expressly acknowledge and agree that, so long as the City has a declared housing emergency, tenants in possession as of the date of this resolution shall have a vested right in protections afforded under the Housing Stability and Tenant Protection Act of 2019/Emergency Tenant Protection Act, including but not limited to the right to lease renewal, succession rights, and other rent stabilization provisions; and

WHEREAS rent set for new tenancies shall be governed by the terms of the proposed regulatory agreement such that: i) all new tenancies will be subject to AMI requirements and ii) all rents will be capped so as to be affordable to households earning no more than 120% AMI; and

WHEREAS, as a condition of the proposed regulatory agreement, said property will be transferred to a non-profit Housing Development Fund Company with a requirement that reserve funds be set up for maintenance and repair costs and taxes will be paid; and

WHEREAS, the regulatory agreement will protect this facility from unrestrained, rent increases for forty (40) years from the date hereof;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. That the Common Council of the City of Kingston hereby authorizes the Mayor to execute a Regulatory Agreement with Village Prop Co, LLC and Kingston Workforce Housing Development Fund Corporation or a nominee of an NYS Department of Housing and Community Renewal approved Housing Development Fund Company governing Kingston Village (Stony Run) pursuant to the terms and conditions as outlined in the Mayor's letter to the Common Council dated February 2, 2023, and consistent with the conditions set forth herein.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this _____ day of _____, 2023

Approved by the Mayor this _____ day of _____, 2023

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2023

Tinti, Elisa

From: Shaut, Andrea
Sent: Monday, March 13, 2023 1:12 PM
To: Tinti, Elisa; Worthington, Rita
Subject: Re: Laws & Rules Agenda

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Elisa,

One item from new business is missing - the bill of rights from Julie Noble. Also, she asked for us to remove the Community Preservation Plan update.

Andrea Shaut

Council President, City of Kingston

From: Tinti, Elisa <emtinti@kingston-ny.gov>
Sent: Monday, March 13, 2023 12:45 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>; Worthington, Rita <ward4@kingston-ny.gov>
Subject: Laws & Rules Agenda

Good afternoon,
Attached please find the agenda for Laws & Rules for approval.
Thank you,
Elisa

Elisa Tinti

City Clerk and Registrar
City of Kingston

(845) 334-3914 Office
(845) 334-3918 Fax

[Kingston City Clerk Webpage](#)



