

Town of Olive
County of Ulster
State of New York
Monday, March 8, 2021

Minutes of the Public Hearing of the Town of Olive Town Board, held Monday March 8, 2021 6:30 pm via ZOOM link: <http://bit.ly/olivetownboard>.

Members Present: Jim Sofranko, Supervisor
Drew Boggess, Board Member
Scott Kelder, Board Member
David Edinger, Board Member
Victoria Read, Board Member arrived 6:59 pm
Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Highway Superintendent; Simon Strauss, CAC; Daniel White, CAC; Matt Kovner, CAC

There were 17 residents in attendance.

Town Supervisor Jim Sofranko called the meeting to order at 6:30 pm, he advised that due to the advertisement not being in the paper that we would not be able to have a formal public hearing.

Supervisor Sofranko stated that the Olive Conservation Advisory Council has been looking into a Community Choice Aggregation Program. The program in which the town can join with other towns to purchase large purchases of renewable energy or a mix of renewable energy. There are several parameters that the town can use to construct this program. The Town Board has had some presentations in the past by the CAC and Jeff Domanski from Joule Energy. This program is part of the Climate Smart Program of New York State and by the town joining this it would default to this program as your energy provider on your utility bill.

What the Board would like to do is consider this for the town and the first step that needs to be done is pass a local law which is why we are here tonight. This law will establish the guidelines for the program.

Supervisor Sofranko proceeded with the reading of Local Law #1 of 2021 Community Choice Aggregation Program and opened the floor for public comments.

Jeff Domanski, Local Program Partner from Joule Energy, he has represented other CCA's in the area. One has been operating since 2019 and is nearing the end of a 2 year contract, it started with 6 communities and 4 more joined later and in 2020 a CCA program started in Orange & Rockland with about 40,000 households just launched on January 1, 2021. Mr. Domanski stated that this law is a tool that can allow you to do a lot of things. It's a tool you don't have to use, but you have to pass a law to have that tool available to you. Including the establishment of a buying club on behalf of your members of your community to get a very competitive rate for 100% renewables with many consumer protection elements built into it. There are bad actors in the field but the beauty of the CCA Program is that they restrict the ability of the chosen companies to act within the confines of the requirements of the request for proposals and what is established in the contract. Mr. Domanski commented that there are a lot of

good things happening in the energy market and this packages it in a nice simple way. It's exciting to pass this enabling law yet it does not commit you to have to do anything but you have to have it to do further exploration.

Supervisor Sofranko received several emails and phone calls from residents concerned over this law. They were not happy about government choosing the electric supplier for them. He informed them they could option to not join at any time, but they were not comfortable with the opting out process. He also received a letter written by Mitch Langbert to Central Hudson.

Mr. Domanski responded to these residents by saying, the government already has been picking your electricity supply. The State's defaults that if you don't take advantage of private supply companies that are out there then the utility company will choose for you on a month to month basis. What happens with the CCA Program if the community launches a program? A third option becomes available. It does become the new default as established by the local law but anyone can say no to it at any point without penalty. It was established to counter the bad actors in the energy market place where there have been manipulations of contracts that have been fixed for a period of time and suddenly there is an escalation and a variable rate applies or a huge increase. This program is structured to be transparent as a true public benefit with the consumer protections built in. It will be a fixed rate for the duration of the contract and it can't be just continued. It is a fixed rate for supply, for a fixed period.

Supervisor Sofranko thanked Mr. Domanski for his comments and made a motion to hold a public hearing on the Community Choice Aggregation Law on March 24, 2021 at 6:30 pm via ZOOM link <http://bit.ly/olivetownboard>. Board Member Boggess seconded the motion.

Aye: Boggess, Kelder, Edinger, Read and Sofranko

Nay:

Absent:

Daniel White Co-Chairman of the Conservation Advisory Council add a few comments. Mr. White stated that he wanted to just summarize the benefits as the Council see them for this program. First and foremost, this is a way to move not just our but the whole country toward cleaner more sustainable, more renewable energy. The more towns that do this the cleaner the air the less CO2 is in the air and the less effect on climate change. It also is a buying club that has the potential to lower prices because we are buying with other people. Right now, Central Hudson makes all the choices for us, here we're hiring essentially professionals to do market research every day to look for the best deals both in price and renewables and thinking about that then what this is doing is encouraging development of sustainable entrepreneurs to initiate community solar programs. It will incentivize hydro providers and wind providers and long term it will increase the availability of sustainable energy and help Olive's reputation as a green environmental community.

At this point Supervisor Sofranko closed the informational meeting on Local Law # 1 of 2021 Community Choice Aggregation Program at 7:12 pm.

Dawn Giuditta, Town Clerk

Town of Olive
County of Ulster
State of New York
Monday, March 8, 2021

Minutes of the monthly meeting of the Town of Olive Town Board, held Monday March 8, 2021 7 pm via ZOOM link: <http://bit.ly/olivetownboard>.

Members Present: Jim Sofranko, Supervisor
Drew Boggess, Board Member
Scott Kelder, Board Member
David Edinger, Board Member
Victoria Read, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Highway Superintendent; Simon Strauss, CAC; Daniel White, CAC; Matt Kovner, CAC

Supervisor Sofranko opened the workshop meeting at 7:12 pm
The Town Board audited the bills in the office throughout the day.

Ashokan Pumped Storage Project-

On January 29th 2021 a company by the name of Premium Energy holdings limited liability corporation based in Walnut, California filed an application before the Federal Energy Regulatory Commission (FERC) Project #15056. It is an application for a preliminary permit for the Ashokan Pumped Storage Project. This is a project that has gotten a lot of attention, it was kind of sprung on us and blindsided us. There is a brief description of it on the town website and also on the website there is information on how to comment on it. It is a project of enormous scale and enormous consequence if it ever goes through.

Supervisor Sofranko stated the process is that you have a 60 day window in which to comment. You can also apply to be an intervenor. An Intervenor requires you to write a letter to the FERC application portal and make your claim. The Town of Olive claimed to become an Intervenor, so did Trout Unlimited, Town of Woodstock and NYCDEP. People can file their own comments. Supervisor Sofranko further stated that a preliminary permit is a permit to do a feasibility study and, in this case, they asked for 2 years to do the study.

Drew Boggess commented that people should read the application and if anyone has a technical background, they might be able to point out its weaknesses.

Supervisor Sofranko said that what he is doing is analyzing the application and he is combing through it for inaccuracies and he will plan a narrative of which one part will be just on the flaws of the application. FERC may reject a deeply flawed application that would show a lack of depth, understanding and the ability to even proceed based on the application. He stated that the town is trying to stay measured in our response, in that we are looking at it with a very, very central point of view without making any rash judgements on it. So, if they do get a preliminary permit and they do start the process, that the town will be an Intervenor and by nature being an Intervenor, you're not there to interrupt the meeting. As Intervenor it gets you a seat at the table. Supervisor Sofranko stated he is tending to be more conservative than if he weren't representing the town. But this should not in any way dissuade people from going to the website and commenting.

On a Sofranko/Edinger motion, the Town Board approved an informational ZOOM meeting be held on the Ashokan Pumped Storage Project on March 18, 2021 at 6:30 pm via link:

<http://bit.ly/olivetownboard>.

Aye: Boggess, Kelder, Edinger, Read and Sofranko

Nay:

Absent:

Wendy Wolfenson from West Shokan addressed the Town Board against the Ashokan Pumped Storage Project and pointed out the many inefficiencies within the FERC application. She asks the Town Board to stand strongly against this project.

Matt Kovner member of the Conservation Advisory Council stated that anyone who can make a comment on any level, environmental, and building of roads to create the reservoir. The more stuff we can put up there so this company understands that they're going to have a fight. The CAC will be preparing a letter to go out to FERC telling them our position and we are basing it mostly on our Natural Resource Inventory. Supervisor Sofranko clarify that whatever the CAC prepares will go with his package. He is also having the Superintendent of Highways, Brian Burns put together a survey of Moonhaw Road and Hillside Drive.

Board Member Boggess also stated that we cannot negate the other two options because no matter which option they go with the power plant will be in Olive.

Mary Ann Shepard from West Shokan, questioned whether the NYSDEC would be claiming as an Intervenor. The Supervisor stated that he has not heard anything definitive at this time.

Michelle Friedel also from West Shokan, stated a lot of her concerns have already been reiterated, but also suggested another layer to be discussed, an emotional side. She wants everyone to continue being active with the research, unbiased and scientific findings in order to poke holes in the application. She is imploring everyone to not let history repeat itself. Stated that we need to pull out all the stops and wants the Town of Olive to be known for organizing and stopping such a hideous proposal.

Susan Jaworski made comment about reaching out to elected officials. Supervisor Sofranko agreed that they probably should be contacted.

Larry Brown offered his support to everyone who spoke and made a couple of recommendations. He mentioned that there are probably people in town that are not fully aware of what's actually taking place. He was wondering if the Town Board could compose a letter that went into every mail box and to

unify that effort by working with the Town of Shandaken, who is in the same situation. Mr. Brown stated that the more we unify and join forces a stronger voice we will be.

On a **Sofranko/Read** motion the Board approved sending out an informational mailing on the Ashokan Pumped Storage Project.

Aye: Boggess, Kelder, Edinger, Read and Sofranko **Nay:** **Absent:**

With no further comments on this issue the Town Board proceeded to discuss other business pertaining to the following night's meeting.

On a **Sofranko/Edinger** motion the Board approved letters going out to all the Police Task Force members thanking them for their participation.

Aye: Boggess, Kelder, Edinger, Read and Sofranko **Nay:** **Absent:**

On a **Sofranko/Edinger** motion , the Town Board adjourned into executive session to discuss the employment of a particular person or corporation at 8:50 pm.

Aye: Boggess, Kelder, Edinger, Read and Sofranko **Nay:** **Absent:**

On a **Sofranko/ Edinger** motion the Board adjourned from executive session at approximately 9:19 pm.

Aye: Boggess, Kelder, Edinger, Read and Sofranko **Nay:** **Absent:**

All pertinent business having been discussed the meeting adjourned on **Boggess/Edinger** motion at approximately 9:20 pm.

Aye: Boggess, Kelder, Edinger, Read and Sofranko **Nay:** **Absent:**

Dawn Giuditta, Town Clerk