

# **TOWN OF GARDINER**

**P.O. Box 1, GARDINER, NEW YORK 12525-0001 (845) 255-9675 Fax: (845) 255-9146**

**Town Hall Offices  
2340 Route 44/55**

**Town Meeting Hall  
2340 Route 44/55**

**Marybeth Majestic  
Supervisor**

**Michelle L. Mosher  
Town Clerk**

## **RESOLUTION NO. 64 -2016**

### **Town of Gardiner Consumers' Option to Elect to Not Use Smart Meters and Not Be Charged A Fee**

Offered by Councilwoman Walls

Whereas, The Gardiner Town Board is supportive of NYS Assembly Bill A4354 and NYS Senate Bill S5083, an act to amend the public service law, in relation to providing consumers the option to elect not to use transmitting utility meters; and

Whereas, it is the intention of the Town Board to allow Gardiner residents to retain their Electro-Mechanical Analog Utility Meter and not be charged a fee; therefore

#### **Section 1. Definitions**

**Utility Consumer:** Means New York State utility rate payer and non-ratepayer occupants, including, but not limited to renters, business owners and any other consumer of electric, utility services.

**Utility Provider:** Means an electric company, whether owned privately or publicly, or by another utility providers or other third party contractors/sub-contractors for such purpose.

**Electro-Mechanical Analog Utility Meter:** Means an Electro-Mechanical Analog Utility Meter, ANSI approved (hereinafter referred to as "Analog Utility Meter") relating to, or denoting a mechanical device that is electrically operated. This is a purely mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna and no radio frequency emissions.

**Transmitting Smart Digital Utility Meter:** Means any metering device with electronic components and/or any electric or battery operated meter that is capable of measuring, recording and sending data from a utility consumer or member to a public utility, municipality or cooperative association in a manner utilizing one-way communication, two-way communication or a combination of one-way and two-way communication with any entity or device. Common names include, but are not limited to, AMR, ERT, AMI, LAN, Network, bubble-up, wake-up, "smart meter", and Power Line Carrier PLC.

**Non-Transmitting Digital Utility Meter:** Means the digital utility meter currently being offered, with a fee, to residential Utility Consumers, by Central Hudson. It is an electronic digital meter that s the basic

platform for the advanced Transmitting Smart Digital Utility Meter system. A meter that the Utility Provider can, at any time, without permission of the Utility Consumer, upgrade to an advanced Transmitting Smart Digital Utility Meter. It may or may not contain a transmitter.

Trojan Utility Meter: Means Transmitting Smart Digital Utility Meter or any type of transmitter concealed under an Analog Utility Meter face.

## Section 2. Resolution

A resolution petitioning the NYS Public Service Commission to order Central Hudson, an electric utility provider, to allow Utility Consumers to retain an analog utility meter and/or replace any digital meter previously installed, (transmitting or non-transmitting), with a remanufactured, ANSI approved, analog utility meter with no fees or penalties.

Further, Central Hudson shall provide Utility Consumer a 30-day written notice in advance of installing any type digital meter, at no additional charges (monthly or otherwise). In addition, Central Hudson must fully inform Utility Consumers of their right to retain their analog utility meter. If a Utility Consumer decides to retain their analog utility meter they will not incur any fees or penalties. Central Hudson will also allow Utility Consumer to request removal of a previously installed digital meter with a remanufactured, ANSI approved, analog utility meter, for any reason, with no fees or penalties for such removal.

## Section 3. Purpose

- A. All Utility Consumers shall have the right to retain their analog utility meter at no cost. Each Electric Utility Provider and the New York State Public Service Commission shall adhere to a “no question asked”, no fee and no time limit imposed to Utility Provider for retaining an analog Utility Meter.
- B. Electric Utility Providers shall maintain a reasonable supply of refurbished analog utility meters in stock for the Opt-Out Program.
- C. Where Electric Utility Provider have already installed non-analog transmitting smart digital utility meter(s) or non-transmitting smart digital utility meter(s), Utility Providers shall be required to replace installed transmitting digital utility meter(s) or non-transmitting smart digital utility meter(s), with manufactured, ANSI approved, analog utility meter(s), within one week of the Utility Consumer’s request. Each Utility Provider and the New York State Public Service Commission shall adhere to a “no questions asked”, no fee and no time limit imposed by Utility Provider for reinstalling an analog utility meter.
- D. In the future, the Electric Utility Consumer’s analog utility meter needs repair or has to be replaced for any reason, said Utility Consumer would have the right to a remanufactured , ANSI approved, analog utility meter.
- E. Provide Electric Utility Consumer with prior written notice indicating when a transmitting smart digital utility meter-ERT or non-transmitting digital utility meter will be installed and inform them if their rights of refusal.

- F. Electric Utility Providers shall be prohibited from penalizing or charging Utility Consumers for any reason of the above request. Prohibited actions include, but are not limited to, interrupting or threatening to interrupt Utility Consumers' service or any other form of intimidation.
- G. The use of Trojan utility meters by Electric Utility Providers shall be prohibited.

Be It Resolved, the Gardiner Town Board adopts this resolution in its entirety, and further more  
 Be It Resolved, the Gardiner Town Board petitions the Public Service Commission to implement this resolution in its entirety and furthermore,  
 Be It Resolved, the Gardiner Town Board instructs the Town Clerk to send a certified copy of this resolution to:

Kathleen Burgess, Secretary, Public Service Commission  
 3 Empire State Plaza, 19<sup>th</sup> Floor  
 Albany, NY 12223-1350

Be It Resolved. The Gardiner Town Board instructs the Town Clerk to send a certified copy of this Resolution to the following individuals:

Hon. Mike Hein, Ulster County Executive  
 Hon. Kenneth J. Ronk, Jr., Chairman, Ulster County Legislature  
 Hon, Kevin Cahill, 103<sup>rd</sup> Assembly District  
 Hon. John J. Bonacic, 42<sup>nd</sup> Senatorial District  
 NYS Public Service Commission  
 Central Hudson Gas & Electric.

Seconded by Councilman Dukler and carried.

Resolved and Executed at Gardiner, New York, this 10 day of May, 2016.

Voted:

Supervisor Majestic	aye	Councilman Reynolds	aye
Councilman Dukler	aye	Councilman Walls	aye
Councilman Hinson	aye		

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Michelle L. Mosher  
 Town Clerk

