

**RESOLUTION AUTHORIZING PARTICIPATION IN  
COOPERATIVE ENERGY PURCHASING SERVICE  
(NYSMEC) FOR ELECTRICITY**

**WHEREAS**, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance or exercise of services, functions, powers or activities on a cooperative or contract basis among themselves or one for the other, and

**WHEREAS**, Section 119-n of the General Municipal Law defines the term "municipal corporation" for the purposes of Article 5-G as a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, a fire district or a school district; and

**WHEREAS**, **Averill Park CSD** (hereinafter sometimes referred to as "Participant") is a "municipal corporation" as defined above; and

**WHEREAS**, this Board wishes for this municipal corporation to become or remain a Participant pursuant to the Municipal Cooperation Agreement For Energy Purchasing Services dated the 1st day of May 2005 (the "Agreement"), among municipal corporations collectively identified as the New York School and Municipal Energy Consortium ("NYSMEC") upon the terms of the Agreement and further wishes to authorize participation as an energy consumer as specified below.

**NOW THEREFORE, BE IT RESOLVED**, that this Board hereby determines that it is in the interests of the **Averill Park CSD** to participate in the NYSMEC, and authorizes and directs Michael Ouimet, Assistant Superintendent for Business to sign the Agreement/and or the Billing Schedule and Agreement for electricity on its behalf; and

**BE IT FURTHER RESOLVED**, that this Board authorizes the Administrative Participant (as defined in the Agreement) to prepare, advertise, disseminate and open bids pursuant to the General Municipal Law and to award, execute and deliver binding contracts on behalf of this Board for the purchase of electricity delivered to the delivery point of the local utility distribution company for the Participant's facility or facilities, on a firm basis, for this Participant to the lowest responsible bidder as is determined by the Administrative Participant at a price for such commodity electricity not to exceed \$.1048 (dollars) per kWh for a term of at least one year and no more than three years commencing May 1,2018, and other terms and conditions, all as may be determined by the Administrative Participant, or to reject any or all such bids; and

**BE IT FURTHER RESOLVED**, that this Participant agrees to advertise said bid as may be directed by the Administrative Participant; and

**BE IT FURTHER RESOLVED**, that the officers and employees of this Participant are authorized to execute such other confirming agreements, certificates and other documents and take such other actions as may be necessary or appropriate to carry out the intent of this resolution.

This Resolution shall take effect immediately.

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I certify that the foregoing resolution was duly adopted by the governing body of the municipal corporation named therein at a duly convened meeting thereof, held upon due notice and in accordance with all applicable laws, charters, by-laws and ordinances, including but not limited to the Open Meetings Law, as follows:

Date of Meeting: \_\_\_\_\_

Vote: Yes \_\_\_\_\_ No \_\_\_\_\_ Abstaining/Absent \_\_\_\_\_

\_\_\_\_\_  
Clerk of governing body  
of municipal Participant

\_\_\_\_\_  
Date

SEAL