

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

|  |  |                     |
|--|--|---------------------|
| SUBJECT:   | FOR AGENDA OF: 1/12/2026   | AGENDA # <b>J-9</b> |
| RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE ELECTRICAL SERVICES AGREEMENT CONCERNING THE COMMUNITY CHOICE AGGREGATION PROGRAM | DEPT. OF ORIGIN: CITY MANAGER                                    |                     |
|  | DATE SUBMITTED: 12/30/2025                                       |                     |
|  | DEPARTMENT HEAD: CITY MANAGER                                    |                     |
|  | EXHIBITS/STAFF: LETTER TERMINATING ELECTRICAL SERVICES AGREEMENT |                     |

|  |     |
|--|-----|
| APPROVED AS TO FORM BY CORPORATION COUNSEL | ELG |
| APPROVED BY COMPTROLLER                    | JGJ |
| APPROVED BY CITY MANAGER FOR SUBMISSION    | McA |

|                      |     |                 |     |                        |     |
|----------------------|-----|-----------------|-----|------------------------|-----|
| EXPENDITURE REQUIRED | N/A | AMOUNT BUDGETED | N/A | APPROPRIATION REQUIRED | N/A |
|----------------------|-----|-----------------|-----|------------------------|-----|

**SUMMARY STATEMENT**

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO SIGN A LETTER TERMINATING THE ELECTRICAL SERVICES AGREEMENT BY AND AMONG THE CITY OF PEEKSKILL, SUSTAINABLE WESTCHESTER, INC. AND CONSTELLATION NEWENERGY, INC. WITH RESPECT TO PARTICIPATION IN THE COMMUNITY CHOICE AGGREGATION PROGRAM.

**RECOMMENDED ACTION**

ADOPT THE RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER TERMINATING THE ELECTRICAL SERVICES AGREEMENT BY AND AMONG THE CITY OF PEEKSKILL, SUSTAINABLE WESTCHESTER, INC. AND CONSTELLATION NEWENERGY, INC. TO WITH RESPECT TO PARTICIPATION IN THE COMMUNITY CHOICE AGGREGATION PROGRAM.

|           |              |
|-----------|--------------|
| MOVED BY: | SECONDED BY: |
|-----------|--------------|

| ROLL CALL VOTE      |  |  |                      |  |
|---------------------|--|--|----------------------|--|
| MAYOR MCKENZIE      |  |  | COUNCILMAN DIGRUCCIO |  |
| DEPUTY MAYOR RILEY  |  |  | COUNCILWOMAN CHANG   |  |
| COUNCILWOMAN TALBOT |  |  | COUNCILMAN RIGGER    |  |
| COUNCILMAN FASSETT  |  |  |                      |  |

| FUNDING SOURCE (FEDERAL, STATE, COUNTY, BUDGET) | AMOUNT | GENERAL LEDGER ACCOUNT | CITY MATCH AMOUNT | CITY MATCH GENERAL LEDGER ACCOUNT |
|---|--------|------------------------|-------------------|-----------------------------------|
| FEDERAL   | N/A    | N/A                    | N/A               | N/A                               |
| STATE   | N/A    | N/A                    | N/A               | N/A                               |
| COUNTY  | N/A    | N/A                    | N/A               | N/A                               |
| BUDGET  | N/A    | N/A                    | N/A               | N/A                               |

**RESOLUTION OF THE COMMON COUNCIL  
AUTHORIZING THE CITY MANAGER TO SIGN A LETTER  
TERMINATING THE ELECTRICAL SERVICES AGREEMENT  
BY AND AMONG THE CITY OF PEEKSKILL,  
SUSTAINABLE WESTCHESTER, INC. AND  
CONSTELLATION NEWENERGY, INC. TO PARTICIPATE  
IN THE COMMUNITY CHOICE AGGREGATION PROGRAM**

**WHEREAS**, the City of Peekskill is a member of Sustainable Westchester and participates in the Community Choice Aggregation Program (“CCA” or the “Program”); and

**WHEREAS**, the Electric Service Agreement (“ESA”) by and among the City of Peekskill, Sustainable Westchester, Inc. and Constellation NewEnergy, Inc. with respect to the City of Peekskill’s participation in the Program terminated on November 30, 2025; and

**WHEREAS**, the City of Peekskill had desired to continue to engage the services of Sustainable Westchester, Inc. as the Program Manager for the Program and committed to enter into a new ESA to continue its participation in the CCA once an electrical services provider was selected; and

**WHEREAS**, in connection with the CCA, Sustainable Westchester, Inc. provided the City of Peekskill with information regarding a plan to secure a new ESA (the “2025 ESA”); and

**WHEREAS**, on April 14, 2025, the Common Council passed Resolution J-17 to continue its participation in the CCA; and

**WHEREAS**, Constellation NewEnergy, Inc. was selected by Sustainable Westchester, Inc. to act as the electrical services provider under the Program and the City of Peekskill entered into an ESA by and among City of Peekskill, Sustainable Westchester, Inc. and Constellation NewEnergy, Inc., that was to commence on or about December 1, 2025; and

**WHEREAS**, the State of New York has implemented new rules that govern community energy programs statewide, which impact all Community Choice Aggregation administrators and their energy providers; and

**WHEREAS**, Sustainable Westchester, Inc. has determined that continuing the Program under the current regulatory framework is no longer feasible; and

**WHEREAS**, by letter dated November 10, 2025 the City was notified that the Program was being discontinued and that Sustainable Westchester, Inc. and Constellation NewEnergy, Inc. had mutually agreed to terminate the ESA and cancel the Program; and

**WHEREAS**, for residents and small businesses within the 26 municipalities participating in the Program administered by Sustainable Westchester, Inc., there will be no disruption to electric service as power will continue to be supplied safely and reliably by their local utilities, Con Edison and NYSEG; and

**WHEREAS**, as an alternative, customers may select another energy services company; and

**WHEREAS**, as a matter of administration, the City Council hereby authorizes the City Manager to execute the letter terminating the ESA.

**NOW THEREFORE**,

**BE IT RESOLVED** that the City of Peekskill Common Council does hereby authorize the City Manager or his designee to execute a letter terminating the ESA by and among the City of Peekskill, Sustainable Westchester, Inc. and Constellation NewEnergy, Inc. and formally discontinue the City of Peekskill's participation in the Community Choice Aggregation program; and be it further

**RESOLVED** that the City Manager or his designee is authorized to take all actions necessary to effectuate the terms of this Resolution; and be it further

**RESOLVED** that this Resolution shall take effect immediately.