



Sullivan County Agriculture and Sustainability Policy Committee

November 10, 2016 AGENDA
12:30 PM

Committee Members:

Catherine Owens, Chair, Nadia Rasjz, Vice-Chair, Mark McCarthy, Terri Ward, Scott Samuelson

Call to Order

Attendance

Comments: Committee Chair

Presentation: None

Reports:

1. Agricultural Report- Melinda Meddaugh
2. Office of Sustainable Energy (OSE) Monthly Report- Carol Roig & Stephen Stuart

Discussion: None

Resolutions:

1. To enact Local Law to establish a Sustainable Energy Loan Program in Sullivan County.

Public Comment

Adjourn

SC Office of Sustainable Energy (OSE) Activities Report for November 2016
Reporting on October 2016

I. GRANT READINESS/CLIMATE SMART COMMUNITIES/CLEAN ENERGY COMMUNITIES

Heather Brown, Stephen Stuart and Carol Roig met with Carla Castillo and Niklas Moran of the Hudson Valley Regional Council on Tuesday, October 25th to review the Climate Smart Communities Certification Workbook and the County's progress on achieving completion of 4 high impact action items for qualification for Clean Energy Communities project funding. We were joined by Town of Highland Deputy Supervisor Jim Gutekunst and Highland Energy Committee volunteer Nancy Gilmore, who are spearheading efforts on behalf of Highland. HVRC is providing technical support for these efforts; Niklas has been assigned to work with towns while Carla will work with the Sullivan County team.

Carla reviewed the Workbook and certification requirements in detail. There are 4 levels of certification: Certified, Bronze, Silver and Gold. Communities earn points by completing priority actions in each of the 10 pledge items.

The team will complete our documentation of actions to date and cross-reference them with the minimum pledge elements and priority actions, and identify additional actions the County can take to qualify for the highest possible level of certification.

II. ADDRESSING ZONING AND PERMITTING FOR SOLAR ENERGY SYSTEMS IN SULLIVAN COUNTY

The Town of Bethel is near completion of their solar zoning law.

SASD also provided assistance to Mamakating in their development of a solar zoning law, and provided information to members of the Town of Delaware Planning Board regarding solar energy systems.

We are hearing about areas of concern to county residents, and welcome the opportunity to clear up some misinformation that has been circulating. Some examples include:

- Do solar arrays generate electromagnetic fields?
- Do solar arrays produce glare?
- Do solar arrays produce radiation?
- Do solar panels contain toxic materials that could be leaked or spilled?

III. CLIMATE SMART COMMUNITIES

We continue to work with Highland and Bethel to support grant-readiness for the Clean Energy Communities Program. Highland is completing their entry of town energy use data to establish a baseline GHG inventory.

IV. Other Community Education and Outreach

Solarize Sullivan

Solarize Sullivan community outreach workshops have concluded for 2016. Outreach on this project resulted in:

- 230 contacts/requests for information
- 172 enrollments/scheduling of free solar assessments
- 16 contracts have been signed and construction will continue over the winter months.
- One system has already been installed

County Manager Josh Potosek sent an informational letter to County residents encouraging them to explore the possibility of solar energy for their homes and small businesses through Solarize Sullivan. The letter resulted in 24 new enrollments for free assessments within 48 hours.

November 7th is the new deadline for enrollments. November 22nd is the deadline for contracts. Round II of Solarize Sullivan will begin next summer with a new round of informational workshops. The program hopes to offer a robust community solar component next year.

The County's active support of Solarize Sullivan will help the County qualify for funding under the Clean Energy Communities program.

Carol Roig and Stephen Stuart
11-3-16

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Joshua Potosek, County Manager

Re: Request for Consideration of a Resolution: Enact local law establishing sustainable energy loan program

Date: November 10, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

The proposed Local Law would establish a sustainable energy loan program in the County of Sullivan.

Is subject of Resolution mandated? Explain:

No, but it is one action listed to move the County towards certification as a climate smart community, and is one item that would help qualify the County for certain grant funding.

Does Resolution require expenditure of funds? Yes ___ No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ _____

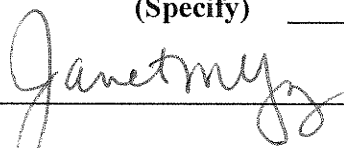
Are funds already budgeted? Yes ___ No ___

If "Yes" specify appropriation code(s): _____

If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source:

County	\$ _____	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

Verified by Budget Office:  _____

Does Resolution request Authority to Enter into a Contract? Yes ___ No

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [_____] of
[_____]

Nature of Other Party to Contract: -

Other:

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

_____ *N/A* _____

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. Director of Purchasing: Lucky Jones Date 11/4/16
- B. Management and Budget: Janet Myers Date 11/7/16
- C. Law Department: [Signature] Date 11-7-16
- D. County Manager: Jul Brown Date 11/7/16
- E. Other as Required: _____ Date _____

Vetted in _____ Committee on _____

**RESOLUTION NO. INTRODUCED BY AGRICULTURE AND SUSTAINABILITY
POLICY COMMITTEE RESOLUTION TO ENACT A LOCAL LAW TO ESTABLISH A
SUSTAINABLE ENERGY LOAN PROGRAM IN THE COUNTY OF SULLIVAN**

WHEREAS, proposed Local Law to establish a sustainable energy loan program in the County of Sullivan was presented to the Sullivan County Legislature on October 5, 2016 at the County Government Center, Monticello, New York, to consider said proposed local law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deemed to be heard, and

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt this Local Law to establish a sustainable energy loan program in the County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by, seconded by

LOCAL LAW NO. – 2016

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN
PROGRAM IN THE COUNTY OF SULLIVAN**

Be it enacted by the legislature of the County of Sullivan as follows:

The Code of the County of Sullivan is hereby amended by adding a new Chapter _____, entitled “**Energize NY Benefit Financing Program,**” to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the County of Sullivan and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County of Sullivan legislature finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the County of Sullivan, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.
- B. The County of Sullivan is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

§2. Title.

This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the County of Sullivan”.

§3. Definitions

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

EIC – The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County of Sullivan to implement the Energize NY Benefit Financing Program by providing funds to Qualified Property Owners (as defined in this

chapter) and providing for repayment of such funds from monies collected by the Sullivan County Treasurer, as tax collector as a charge to be levied on the real property and collected in the same manner and same form as the real property taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather-stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the County of Sullivan that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§4. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the County of Sullivan, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and

improvements.

§5. Procedures for eligibility

- A. Any property owner in the County of Sullivan may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County Manager's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County of Sullivan, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of Section 6 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the County of Sullivan, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under Section 7 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§6. Application criteria

- A. Upon the submission of an application, EIC acting on behalf of the County of Sullivan, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - 1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
 - 2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
 - 3. Sufficient funds are available to provide to the property owner;
 - 4. The property owner is current in payments on any existing mortgage;
 - 5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
 - 6. Such additional criteria, not inconsistent with the criteria set forth above, as the County of Sullivan, or EIC acting on its behalf, may set from time to time.

§7. Opt-in, Energize Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing

Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the County of Sullivan.

- B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the County of Sullivan, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 8 of this chapter have been met.
- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under Section 9 of this chapter.

§8. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 3 of this chapter.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 3 of this chapter.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§9. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC, acting on behalf of the County of Sullivan, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their real property tax bill and shall be levied and collected at the same time and in the same manner as real property taxes, provided that such charge shall be separately listed on the tax bill. The County of Sullivan, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the County's tax due date.
- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County of Sullivan.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County of Sullivan at the time the Energize Finance Agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§10. Verification and report

A. EIC shall be responsible for verifying and reporting to the County of Sullivan on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.

B. The County of Sullivan shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

§11. Effective Date

This local law shall take effect upon filing with the Secretary of State.