

**Tompkins County Council of Governments**  
 Regular Meeting Minutes - APPROVED  
 Thursday, March 23, 2017 3:00 PM  
 Scott Heyman Conference Room

**Attendance**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Michael Lane	Member, Tompkins County	Present	
Elizabeth Thomas	Member/Town of Ulysses	Present	
Laura Shawley	Member - Alternate, Town of Danby	Present	3:12 PM
Betty Conger	Member, Village of Groton	Present	
Irene Weiser	Co-Chair/Town of Caroline	Present	
Bill Goodman	Co-Chair, Town of Ithaca	Present	
Ann Rider	Member, Town of Enfield	Present	
Kelly Smith	Member, Town of Groton	Present	
Casey Powers	Member, Town of Newfield	Present	
Michael Murphy	Member, Village of Dryden	Present	
Donna Fleming	Vice Chair, City of Ithaca	Present	
Mark Witmer	Alternate - Town of Caroline	Present	
Linda Woodard	Member, Village of Cayuga Heights	Present	3:03 PM
Rachel Kennedy	Alternate, Village of Trumansburg	Present	
Jeff Hart	Town of Newfield Supervisor	Present	
Michelle Pottorff	Legislature Office	Present	
Jay Franklin	Director of Assessment	Present	
Marcia Lynch	Public Info. Officer, County Administration	Present	
Joe Mareane	Tompkins County Administrator	Present	

Guests: Kate Supron, Cornell University; Darby Kiley, Town of Ulysses, Heather McDaniel, TCAD; Terry Carroll, Cooperative Extension; Joe Wilson, citizen; Amanda Lipincott, Ithaca College  
 Municipalities Not Present: Towns of Dryden and Lansing; Villages of Lansing and Freeville

**Call to Order**

Mr. Goodman, Co-Chair, called the meeting to order at 3:03 p.m.

**Greeting/Sign In/Review Agenda**

There were no changes to the agenda.

**Minutes Approval**

January 26, 2017

<b>RESULT:</b>	<b>ACCEPTED [11 TO 0]</b>
<b>MOVER:</b>	Irene Weiser, Co-Chair/Town of Caroline
<b>SECONDER:</b>	Ann Rider, Member, Town of Enfield
<b>AYES:</b>	Lane, Thomas, Shawley, Weiser, Goodman, Rider, Smith, Murphy, Fleming, Woodard, Kennedy
<b>ABSTAIN:</b>	Conger, Powers

February 23, 2017

<b>RESULT:</b>	<b>ACCEPTED [10 TO 0]</b>
<b>MOVER:</b>	Irene Weiser, Co-Chair/Town of Caroline
<b>SECONDER:</b>	Rachel Kennedy, Alternate, Village of Trumansburg
<b>AYES:</b>	Lane, Thomas, Shawley, Weiser, Goodman, Rider, Smith, Fleming, Woodard, Kennedy
<b>ABSTAIN:</b>	Conger, Powers, Murphy

### **Presentation on Solar PILOTS**

Ms. McDaniel spoke of what TCAD is proposing to do with community-distributed solar generation (off-site solar farms) and provided a presentation on the New York State Megawatt Block Program which is its incentive program for commercial-scale solar and is part of the State's Revitalizing the Energy Vision mission. It is one of over 40 initiatives the State has with goals around changing the way that energy is provided and becoming a more energy efficient and renewable energy-based State. The solar farms were enacted by the Public Service Commission in 2015 and are commercial-scale electricity generators and they generally generate about 2 megawatts of power or less. She said this has provided an option for people who cannot afford to put a solar panel on their roof to now buy renewable power from an off-site solar farm. A two-megawatt facility generates enough power to power 300-400 homes and takes up 10-12 acres of land. The projected generation capacity is about 25 years. In two years there have only been two community-solar projects in Tompkins County, although the universities have put in several. The difference between the model being used by the educational institutions and the community model is property taxes. Some of the main issues related to the lack of community solar being developed includes the price of electricity in New York State and she noted the load zone here has the lowest electricity prices in all Upstate New York averaging about \$.095 per hour.

Ms. McDaniel provided a presentation on New York's State Megawatt Block program which is its incentive program for commercial-scale solar. Ms. McDaniel spoke of incentives available in New York State and said they are lower than what is provided in other states. She explained the program provides a three-year incentive for each kw hour produced and a block must be reserved to get the best incentive. She said developers went out and reserved incentive blocks in early 2015 and two years later are in block nine. There are hundreds of projects in the cue that have reserved incentives. The incentive is a dollar amount and at block 11 it will only be \$.09 a kw hour; at block 1 it was \$.40 a kw hour. It is a sliding scale that is reducing to zero. It is paid directly to a developer to offset their costs in the first three years that a project is operating.

Ms. McDaniel said the payback period to earn revenue on these systems is over 30 years and the systems might not last that long. She spoke of what is happening in other states and said in Massachusetts its a flat \$.35 a kw hour produced for 10 years. In New Jersey it is a flat \$22 a kw hour for every kw hour produced for 15 years and the payback is less than 10 years. She said it is no surprise that the majority of solar that is being developed is happening in those two States as well as California and Colorado. She said when looking at incentives you not only look at the incentive but also at property taxes; there are 33 states that are offering some sort of property tax exemption for renewable energy and 22 states require a property tax exemption for renewable energy generation. She said California, Massachusetts, Colorado, and Minnesota are the most active places for solar and are expected to have the most installations of community solar over the next two to four years; they also have the most aggressive incentive and property tax exemption programs.

Like other states, New York decided to mandate some property tax relief and modified Real Property Tax Law 487 and extended it to 2014. It applies to all kinds of renewable energy generation. All of the systems are treated the same and the program offers a 100% property tax exemption for 15

years. It is called a Default in Real Property Tax Statute and the taxing jurisdiction is automatically in unless action is taken to opt out; there is no partial opt-out. In RPTL 487 a taxing jurisdiction can require a payment in lieu of taxes agreement. A school, county, and municipality can each negotiate a PILOT (Payment in Lieu of Taxes) agreement with a developer or they can do one agreement together. Because RPTL 487 is a 100% exemption for 15 years a pilot can only be for 15 years. The taxing jurisdiction is required to notify the developer of its intent to require a pilot but there is no legal mechanism to force the developer into a PILOT.

Ms. McDaniel said she has had a lot of discussion with developers and there is a lot of uncertainty because at year 16 the project would be responsible for 100% of the property tax (estimated between \$48,000-\$50,000 per year). There has also been concern raised by financiers because after paying expenses the revenues generated will not be enough to cover a property tax bill after paying expenses.

She stated that if a municipality or taxing jurisdiction opts out of RPTL 487 it cannot then negotiate a PILOT; therefore, the projects are subject to full property tax. This is a reason why projects are not happening. They are also starting to hear from residents that if a municipality opts out the residents fear they will be paying the additional property taxes and the savings being achieved from the solar project would not be feasible.

Ms. McDaniel explained the IDA is a public authority that was created by the County in 1973 to deliver a wide variety of tax incentives. They have delivered incentives to 113 projects in almost every jurisdiction in the County. Those projects have paid over \$46 million in property taxes and invested over \$900 million in facilities in the community of which many are job creation projects. Their mission is to provide incentives to businesses that create jobs, increase the tax base, benefit the community, and improve the general welfare.

The IDA has a standard incentive policy that also includes sales tax exemptions for large development projects if they are making significant renewable energy investments. This is the first time in the history of the IDA they are looking at changing its policy to provide a solar policy that would help to reduce some of the issues that they have seen with solar being developed in the community. Developers are asking for a policy that promotes some predictability and stability and streamlines the process. After doing research the IDA has developed a policy that requires a letter of support from the municipality where the project is located, provides a preference for local subscribers that the standard policy would be to provide \$8,000 per megawatt with a two percent annual increase, provide a State and local sales tax exemption on all of the construction materials that aren't otherwise exempt, and a partial Mortgage Recording Tax exemption if there is conventional financing. The IDA's standard policy is for 20 years.

Mr. Hart spoke of a system being proposed in the Town of Newfield and questioned why the IDA would approve a lower amount than a developer has agreed to. He spoke of the difficulty small municipalities have in meeting their tax cap and how this amount over a course of several years is substantial for a small town. Ms. McDaniel said the IDA doesn't have the staffing to negotiate for individual municipalities or on a project-by-project basis but a town could negotiate its own agreement.

Mr. Lane said developers are wanting to do side-by-side installations and this is causing a lot of problems in the Town of Dryden. Ms. McDaniel said the IDA doesn't have land use authority and this type of issue would need to be resolved by the municipality.

An informational meeting will be held in Legislature Chambers on April 12th.

## **Report on Cradle to Career**

Mr. Goodman deferred this report to a future meeting.

## **County Administration**

### Update on Governor's Proposal

Mr. Mareane reported that although neither houses of the State Legislature has included the Governor's proposal in its bill the County is proceeding as if it will be added. Under the umbrella of TCCOG a meeting has been scheduled with town supervisors and village mayors to discuss this on April 6th in the Legislature Chambers. He asked if anyone would like to be on the Shared Services subcommittee to let him know.

He reported on the Law Enforcement Shared Services study and said consultants are analyzing data and another part of the work is measuring the value system of the community as to what they want in law enforcement in Tompkins County. An extensive public engagement process began this week with an opportunity for the public to speak; there are also online surveys available so allow constituents to weigh in. By mid-year a few options will be identified by consultants and they will go to the legislative bodies for consideration with public input incorporated into the process. He said a meeting is scheduled for March 30th with stakeholders, including justices, to discuss centralized arraignment and to see if there is consensus to moving towards having a centralized approach to afterhours arraignment in Tompkins County.

### Update on Training Opportunities

Mr. Mareane said at the last meeting there was discussion of using TCCOG as a training academy to bring together common training needs for municipalities in a cost effective way. He suggested a small group meet to talk about what training needs exist among municipalities to talk about what a curriculum would look like. Mr. Murphy, Mr. Goodman offered to do this. Ms. Fleming will speak with Ms. Michell Nunn at the City of Ithaca about joining the group.

## **Report from Subcommittees**

### Emergency Services Task Force

Ms. Weiser said meetings of the Task Force are going well. Lee Shurtleff, Director of Emergency Response, has taken a detailed look at the County's data and has mapped out where the most calls are. He learned that there is a timeshift of where calls are coming from; during the weekdays calls are focused in the central City area, whereas in evenings and weekends there are proportionately more calls in the rural areas. A big issue that has been identified is the nursing homes and assisted living situations where there are a large number of time-consuming calls that may not even be eligible for insurance reimbursement. Because of the way New York State law is written, in these situations the nursing staff is not permitted to lift a person who falls to triage and make sure a person is alright. An ambulance must be called to triage the person and transport them to a hospital. This is one example of possible regulatory things that may need to be changed.

Ms. Weiser said she met with a group of three CIPA (Cornell Institute for Public Affairs) students prior to this meeting who are involved in this project and are doing a great job researching what is going on across New York State. They have come up with a lot of ideas of ways to recruit and retain people as volunteers and are also looking at new initiatives that may reduce demand. She said Tompkins is not the only County struggling with this issue and there are possibilities for uniting with other counties moving together on a united front in certain areas. She said the group represents a good mix of municipal officials and service providers that is pulling in a lot of good perspectives.

Sustainability Committee: Community Choice Aggregation Work Group and Energy Task Force

Ms. Weiser explained Community Choice Aggregation happens by towns passing a local law that allows the municipality to procure energy on behalf of the residents. One model is to bundle municipalities and go out and buy cheaper energy. The idea is to find ways to procure energy that is cost competitive that can accelerate development of renewables and help to promote local jobs and local economies by encouraging procurement of green energy by municipalities. They found a company that shares the vision of accelerating this and moving more into a green economy and they are working with them on how to educate interested boards in learning more about it as the more towns that get on board the better rates can be achieved for customers. They will be working on scheduling this on a day and time that works for as many people as possible. The workgroup will meet tomorrow.

Energy Task Force

Ms. Thomas said the Task Force continues to meet. She deferred her report to the presentation by Mr. Carroll.

Transit Services Committee

Ms. Fleming reported at the last meeting there was a discussion of a request by the County to run service to the WIC office at the Health Department. TCAT will be adding this stop and will evaluate how well it works. She commented that she does not feel it is good to have a County service in a remote, non-residential area that is targeted to a low income population.

Cable Committee

There was no report from this subcommittee.

**Brief Update on Presentation Cooperative Extension will be Hosting for Municipal and School**

**Officials to Better Understand Solar Farms and Tax Implications.**

Mr. Carroll, Resource Educator for Cooperative Extension, spoke concerning the NYSERDA (New York State Energy Research Development Authority) Clean Energy Communities Program that's purpose is to encourage communities to implement clean energy actions, save costs, create jobs, improve the environment, and to recognize and reward leadership for completion of energy projects. The program is designed for counties, cities, towns, and villages. Cooperative Extension received a grant to promote this program in a five-county area: Tompkins, Broome, Tioga, Chenango, and Delaware counties. He said they will work with municipalities in various ways to help municipalities become a clean energy community.

Mr. Carroll said this is an opportunity for municipalities to obtain additional funding for green energy projects. There is a series of grants available and as actions are completed money can be saved. They will help municipalities achieve those actions and it is a chance to be recognized as a leader in clean energy. It also supports the State's goals of making New York State a leader in clean energy and also helps build New York State as an energy resilient state and encourages municipalities to make energy improvements to pursue clean energy as quickly as possible. The purpose is to demonstrate and award those communities who are moving towards the 21st century energy vision.

He reviewed the action items and process for a community to become a clean energy community and said four out of the ten steps must be completed and can start by working with a coordinator to identify which items may already have been completed. Once four out of the ten action steps have been completed grant funding can be applied for. He explained the grants that are available and said they are competed for against the entire regional council that includes Tioga, Steuben, Chemung, Schuyler, Broome, Chenango, and Delaware and although all of the grants are still available he expects them to start

moving quickly. Mr. Carroll said he can work with municipalities to determine which projects are most likely to receive grant funding based on the selection criteria which is posted on the NYSERDA website.

Mr. Carroll reviewed the ten high-impact action items: Benchmarking, Clean Energy Upgrades, LED Street Lights, Clean Fleets, Solarize, Unified Solar Permit, Energy Code Enforcement Training, Climate Smart Communities Certification, Community Choice Aggregation, and Energize NY Finance. Mr. Carroll asked members to let him know if this is something there is interest in and what projects they would like to receive funding for and he will set up a meeting with the designated contact person. He noted that this is a first-come, first-serve funding; therefore, anyone interested should contact him as soon as possible.

Mr. Carroll said NYSERDA is issuing guidance on PILOTS in the upcoming month. Meetings are being scheduled with the IDA, Assessment Department, the Photovoltaic Trainers Network, to help municipalities understand the implications of opting in or out of Real Property Tax Law 487 as well as some of the land use issues and where solar farms are going. He encouraged municipalities to send someone to attend and to also encourage school districts to attend. He will send information out once it becomes finalized.

#### **Next Meeting Agenda Items**

The following items were suggested for inclusion on the next and future agendas:

- Cradle to Career report - B. Goodman
- Request from David Herrick, American Counsel of Engineering Companies, to discuss issues related to municipal engineering
- Recreation Partnership Agreement
- Continued discussion of the Clean Energy Communities Program
- Broadband update
- Continued discussion of solar PILOTS
- Possible for future discussion on municipal engineering (Mr. Goodman will follow-up on this)
- Office for the Aging Presentation on Age Friendly Communities
- Discussion of the number of school districts in Tompkins County
- Discussion of the structure of future meetings
- Building Code Enforcement Officers (demolition of buildings containing asbestos)

#### **Adjournment**

The meeting adjourned at 4:30 p.m.