

Authorizing The Chair Of The Ulster County Legislature To Execute A Multi-Jurisdictional Payment In Lieu Of Taxes (PILOT) Agreement With CES Marbletown Solar, LLC, The County Of Ulster, The Town Of Marbletown, And The Rondout Valley School District For Solar Energy Systems Pursuant To Real Property Tax Law Section 487

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Bruno, Criswell, Petit, and Wawro), and The Ways and Means Committee (Chairwoman Archer and Legislators Bartels, Gavaris, Haynes, Maio, Parete, Ronk, and Walter)

Chairwoman of the Energy and Environment Committee, Manna Jo Greene, and Deputy Chair Mary Wawro offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Finance; and

WHEREAS, New York State Real Property Tax Law (“RPTL”) Section 487 exempts from taxation the increase in value to real property by reason of inclusion of qualified solar or wind energy systems or farm waste energy systems unless a county, city, town, village, or school district opts out of said exemption; and

WHEREAS, RPTL Section 487 provides that a county, city, town, village or school district that has not acted to opt out of said exemption may require the owner of a property which includes a solar or wind energy system meeting the requirements for the exemption to enter into a contract for Payments in Lieu of Taxes (“PILOT”); and

WHEREAS, CES Marbletown Solar, LLC has submitted a Notice of Intent to the County, Town of Marbletown, and Rondout Valley Central School District that it plans to build a solar energy system that meets the requirements for the exemption on two parcels of land located within the physical boundaries of the County, identified as tax map numbers 62.1-4-2 and 62.1-4-1.100, at Route 209 in the Town of Marbletown, Ulster County, New York (the “Project”); and

WHEREAS, pursuant to RPTL Section 487(9)(a), the County, Town of Marbletown, and Rondout Valley Central School District have indicated their intent to require a PILOT Agreement with the Owner, under which the Owner, (or any successor owner of the project) will be required to make payments to the County of Ulster, the Town of Marbletown, and the Rondout Valley Central School District for each year during the term of this Agreement; and

Resolution No. 45 February 16, 2021

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WHEREAS, the Owner has submitted, or will submit, to the assessor of the Town a RP – 487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating the Project’s eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be placed on an exempt portion of the assessment roll and the Owner will not be assessed for any statutory real property taxes for which it might otherwise be subject to under New York law with respect to the Project; now, therefore be it

RESOLVED, that the Chair of the Ulster County Legislature is hereby authorized to enter into a PILOT Agreement, and any amendments thereto, with CES Marbletown Solar LLC, the Town of Marbletown, and the Rondout Valley Central School District for the building and operations of a Solar Energy System, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Donaldson)

Passed Committee: Energy and Environment on February 1, 2021

Passed Committee: Ways and Means on February 9, 2021

FINANCIAL IMPACT:

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\$2,168.58/3 MEGA WATTS – 2022 ANTICIPATED REVENUE
\$2,211.95/3 MEGA WATTS – 2023 ANTICIPATED REVENUE
\$2,256.19/3 MEGA WATTS – 2024 ANTICIPATED REVENUE
\$2,301.31/3 MEGA WATTS – 2025 ANTICIPATED REVENUE
\$2,347.34/3 MEGA WATTS – 2026 ANTICIPATED REVENUE
\$2,394.29/3 MEGA WATTS – 2027 ANTICIPATED REVENUE
\$2,442.17/3MEGA WATTS – 2028 ANTICIPATED REVENUE
\$2,491.02/3 MEGA WATTS – 2029 ANTICIPATED REVENUE
\$2,540.84/3 MEGA WATTS – 2030 ANTICIPATED REVENUE
\$2,591.65/3 MEGA WATTS – 2031 ANTICIPATED REVENUE
\$2,643.49/3 MEGA WATTS – 2032 ANTICIPATED REVENUE
\$2,696.36/3 MEGA WATTS – 2033 ANTICIPATED REVENUE
\$2,750.28/3 MEGA WATTS – 2034 ANTICIPATED REVENUE
\$2,805.29/3 MEGA WATTS - 2035 ANTICIPATED REVENUE
\$2,861.40/3 MEGA WATTS - 2036 ANTICIPATED REVENUE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 16th Day of February in the year Two Thousand Twenty-One, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of February in the year Two Thousand Twenty-One.

s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
18th Day of February 2021.

Approved by the County Executive this
23rd Day of February 2021.

s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

s/ Patrick K. Ryan
Patrick K. Ryan, County Executive