

**Authorizing The Chair Of The Ulster County Legislature To Execute A Payment In Lieu Of Taxes Agreement With Marlborough Solar, LLC 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, Ronk, and Walter)

Chairwoman of the Ways and Means Committee, Lynn Archer, and Deputy Chair Kenneth J. Ronk, Jr. 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, Marlborough Solar, LLC has submitted a Notice of Intent to the County that it plans to build a solar energy system that meets the requirements for the exemption on a parcel of land located within the physical boundaries of the County at 132 Milton Turnpike in the Town of Marlborough, Ulster County, New York (the “Project”); and

WHEREAS, pursuant to RPTL Section 487(9)(a), the County has indicated its 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 for each year during the term of this Agreement; and

WHEREAS, the Owner has submitted, or will submit to the assessor of the Town a Form 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

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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 Marlborough Solar, LLC 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  
(1 Abstention: Legislator Corcoran)

Passed Committee: Energy and Environment on February 3, 2020

Passed Committee: Ways and Means on February 11, 2020

**FINANCIAL IMPACT:**

\$1,217.70/MEGA WATT – 2021 ANTICIPATED REVENUE  
\$1,242.06/MEGA WATT – 2022 ANTICIPATED REVENUE  
\$1,266.90/MEGA WATT – 2023 ANTICIPATED REVENUE  
\$1,292.23/MEGA WATT – 2024 ANTICIPATED REVENUE  
\$1,318.08/MEGA WATT – 2025 ANTICIPATED REVENUE  
\$1,344.44/MEGA WATT – 2026 ANTICIPATED REVENUE  
\$1,371.33/MEGA WATT – 2027 ANTICIPATED REVENUE  
\$1,398.76/MEGA WATT – 2028 ANTICIPATED REVENUE  
\$1,426.73/MEGA WATT – 2029 ANTICIPATED REVENUE  
\$1,455.27/MEGA WATT – 2030 ANTICIPATED REVENUE  
\$1,484.37/MEGA WATT – 2031 ANTICIPATED REVENUE  
\$1,514.06/MEGA WATT – 2032 ANTICIPATED REVENUE  
\$1,544.34/MEGA WATT – 2033 ANTICIPATED REVENUE  
\$1,575.23/MEGA WATT – 2034 ANTICIPATED REVENUE  
\$1,606.73/MEGA WATT – 2035 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 18<sup>th</sup> Day of February in the year Two Thousand and Twenty, 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 20<sup>th</sup> Day of February in the year Two Thousand and Twenty.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
20<sup>th</sup> Day of February, 2020.

Approved by the County Executive this  
25<sup>th</sup> Day of February, 2020.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

[s] Patrick K. Ryan  
Patrick K. Ryan, County Executive