

Authorizing The Chair Of The Ulster County Legislature To Execute A Payment In Lieu Of Taxes Agreement With Frog Hollow 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 Eckert, Heppner, Wawro, and Woltman), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, James Maloney, Joseph Maloney, Petit, and Rodriguez)

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, Frog Hollow Solar, LLC (the “Owner”) 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 208 Upper Frog Hollow Road in the Town of Wawarsing, 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 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 Frog Hollow 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: 20 NOES: 0
(Absent: Legislators Maio, James Maloney, and Rodriguez)

Passed Committee: Energy and Environment on February 7, 2019

Passed Committee: Ways and Means on February 13, 2019

FINANCIAL IMPACT:

\$1,166.67/MEGAWATT – 2019 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2020 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2021 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2022 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2023 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2024 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2025 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2026 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2027 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2028 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2029 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2030 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2031 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2032 ANITICPATED REVENUE
\$1,166.67/MEGAWATT – 2033 ANITICPATED 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 19th Day of February in the year Two Thousand and Nineteen, 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 22nd Day of February in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this
22nd Day of February, 2019.

Approved by the Acting County Executive this
28th Day of February, 2019.

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

|s| Adele B. Reiter
Adele B. Reiter, Acting County Executive