

SOLAR ENERGY AND ENERGY STORAGE SYSTEM PILOT LAW OF THE TOWN OF GREIG, NEW YORK

1. TITLE

This Local Law may be cited as the “Solar Energy System and Energy Storage System PILOT Law of the Town of Greig, New York.”

2. PURPOSE

This Local Law is adopted to ensure that the community’s solar energy resources and space for energy storage systems are being used to better the entire community, by accommodating the installation of solar energy generating equipment and energy storage systems through a payment-in-lieu-taxes (PILOT), creating greater certainty of costs for system developers, helping facilitate lower costs for energy consumers, and providing a revenue stream to the entire community. By enactment, the Town of Greig hereby expresses its ongoing intent to require a PILOT for solar energy system and energy storage system projects.

3. AUTHORITY

This Local Law is adopted under the authority granted by:

Article IX of the New York State Constitution, §2(c)(8), New York Statute of Local Governments, § 10 (5),
New York Municipal Home Rule Law, § 10 (1)(i) and (ii) and §10 (1)(a)(8), and
New York Real Property Tax Law § 487(9).

4. DEFINITIONS

AC: Alternating Current

ANNUAL PAYMENT: The payment due under a PILOT Agreement entered into pursuant to Real Property Tax Law § 487(9).

ANNUAL PAYMENT DATE : Date upon which payment under PILOT agreement is to be due.

BATTERY ENERGY STORAGE SYSTEMS: One or more devices, assembled, capable of storing energy to supply electrical energy at a future time.

CAPACITY: The manufacturer’s nameplate capacity of the Solar Energy System as measured in kilowatts (kW) or megawatts (MW) AC, or in the case of an Energy Storage System, the maximum storage capacity of the Energy Storage System.

COMPRESSED AIR ENERGY STORAGE SYSTEM: A system where a compressed air energy storage plant can compress air and store compressed air underground. The stored air can be released and the energy can be utilized, such as during peak demand times.

ENERGY STORAGE SYSTEM: Any system comprised of one or more devices which, when assembled, are capable of storing energy for later use, including but not limited to both Battery

Energy Storage Systems and Compressed Air Energy Storage Systems. For purposes of this local law, this definition shall not apply to Battery Energy Storage Systems designed and utilized for appliance, automobile, or on-site energy storage (for energy to be used on-site, such as for off-grid homes).

OWNER: The owner of the property on which a Solar Energy System or Energy Storage System is located or installed, or their lessee, licensee, or other person authorized to install and operate a Solar Energy System on the property.

SBL: Section-Block-Lot number on the County of Lewis's Real Property Tax Maps.

SOLAR ENERGY EQUIPMENT COLLECTORS: Controls, energy storage devices, pumps, heat pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation, and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by New York law.

SOLAR ENERGY SYSTEM: An arrangement or combination of Solar Energy Equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar energy and its conversion, storage, protection and distribution.

5. PILOT REQUIRED

A. The owner of a property on which a Solar Energy System with either a nameplate capacity of more than 25kW AC or a Facility Area of more than 4,000 square feet or Energy Storage System is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT Agreement with the Town consistent with the terms of this Local Law, except for Solar Energy Systems that do not seek or qualify for an exemption from real property taxes pursuant to Real Property Tax Law § 487(4), as the same may be amended, superseded, or replaced.

B. The Lessee or licensee of any owner of a property required to enter into a PILOT Agreement by this section, which owns or controls the Solar Energy System or Energy Storage System, may enter into the PILOT Agreement on behalf of the owner of the property and with the owner's authorization.

C. Any owner or developer of a Solar Energy System that meets the requirements under Real Property Tax Law § 487, Subdivision 4, or Energy Storage System must notify the Town of Greig via certified mail of its intent to construct a Solar Energy System or Energy Storage System as the case may be. Such notice must be sent to the Town Supervisor of the Town of Greig, New York, in Greig, New York. Upon receipt of any such notification from an owner or other person, the Town Supervisor shall within 60 days after receipt of the notification, notify the owner or other person of the mandatory requirements for a PILOT Agreement pursuant to the terms of this Local Law.

D. In the event of the failure of an owner, developer or other person of a Solar Energy System or Energy Storage System to provide the Town of Greig with the 60 days' notice of

intent to install such solar energy system, as required by the foregoing Subsection C, the Town may, at its option, require the owner, developer or other person to enter into a PILOT agreement for the full amount of the real property taxes that would otherwise be due but for the real property tax exemption authorized by Real Property Tax Law § 487.

E. The failure or refusal of an owner, developer or other person of a Solar Energy System or Energy Storage System to enter into and execute a PILOT agreement with the Town of Greig, as required by this local law, shall result in the real property on which such Solar Energy System or Energy Storage System is situated being ineligible for the real property tax exemption authorized by Real Property Tax Law § 487.

F. Nothing in this Local Law shall exempt any requirement for compliance with state and local codes for the installation of any Solar Energy System or Energy Storage System.

G. The annual payments under the PILOT agreement shall not exceed the amounts that would be otherwise payable but for the exemption under Real Property Tax § 487, as the same may be amended, superseded or replaced.

H. No Solar Energy System or Energy Storage System PILOT shall exceed the term of fifteen years.

6. CONTENTS OF PILOT AGREEMENTS

Each PILOT Agreement entered into shall include:

A. Name and contact information of the Owner or other party authorized to act upon behalf of the Owner of the Solar Energy System or Energy Storage System.

B. The SBL number for each parcel or portion of a parcel on which the Solar Energy System or Energy Storage System will be located.

C. A requirement for fifteen successive annual payments, to be paid commencing on the first Annual Payment Date after the effective date of the Real Property Tax Exemption granted pursuant to Real Property Tax Law § 487, as the same may be amended, superseded or replaced.

D. The Capacity of the Solar Energy System or Energy Storage System, and that if the Capacity is increased for any reason, the annual payments shall be increased on a pro rata basis for the remaining years of the Agreement.

E. That the parties agree that under the authority of Real Property Tax Law § 487, as the same may be amended, superseded or replaced, the Solar Energy System or Energy Storage System shall be considered exempt from real property taxes for the fifteen-year life of the PILOT Agreement.

F. That the PILOT Agreement may not be assigned without the prior written consent of the Town, which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the Town but without prior consent, assign its payment obligations under the PILOT Agreement to an affiliate of the Owner or to any party who has provided or is providing financing to the Owner for or related to the Solar Energy System or Energy Storage System, and has agreed in writing to accept all payment obligations of the Owner.

G. That a Notice of this Agreement may be recorded by the Owner at its expense, and that the Town shall cooperate in the execution of any Notices or Assignments with the Owner and its successors.

H. That if the Annual Payment is not paid when due, that upon failure to cure within thirty days, the Town may cancel the PILOT Agreement without notice to the Owner, and the Solar Energy System or Energy Storage System shall thereafter be subject to taxation at its full assessed value.

I. In addition, if the annual payment is not paid when due, a late fee equal to 12% of the amount due shall be assessed on an annual basis.

7. SEVERABILITY

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

8. EFFECTIVE DATE

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.