



City of Cortland
City Hall
25 Court Street, Cortland, NY 13045
Mayor Brian Tobin
Telephone – (607) 758-8374 Fax – (607) 756-4644
Mayor@cortland.org www.cortland.org

EMPLOYEE LEARNING WEEK 2014 PROCLAMATION

WHEREAS, the organizations throughout the City of Cortland are committed to creating a highly skilled workforce that is critical to growing and sustaining a competitive advantage; and

WHEREAS; these organizations recognize that having a knowledgeable, skilled workforce improves the performance of organizations and that learning develops individual and organizational knowledge and expertise; and

WHEREAS; the Association for Talent Development (ATD) – the world’s largest association dedicated to those who develop talent in organizations-has declared December 1-5, 2014 as “Employee Learning Week” and designated this time for organizations to recognize the value of employee learning; and

WHEREAS, the Central New York Chapter of ATD, and organizations throughout the City of Cortland have demonstrated their commitment to developing the skills of employees and the workforce;

THEREFORE, I, Brian Tobin, Mayor of the City of Cortland, do hereby proclaim December 1-5, 2014 as

EMPLOYEE LEARNING WEEK In the CITY OF CORTLAND

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of November, in the year of our Lord, two thousand fourteen, and of the Cortland New York.

Brian Tobin, Mayor of Cortland, New York



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SMALL BUSINESS SATURDAY PROCLAMATION

- WHEREAS,** the government of the City of Cortland, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 23 million small businesses in the United States, they represent more than 99 percent of America employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product; and
- WHEREAS;** small businesses employ over 55 percent of the working population in the United States; and
- WHEREAS;** 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and
- WHEREAS,** 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and
- WHEREAS;** 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and
- WHEREAS;** the City of Cortland supports local businesses that create jobs, boost our local economy and preserve the Saturday after Thanksgiving as Small Business Saturday.
- WHEREAS;** advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.
- THEREFORE,** I Brian Tobin, Mayor of the City of Cortland, urge the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year and hereby proclaim November 14, 2014 as:

SMALL BUSINESS SATURDAY

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of November, in the year of our Lord, two thousand fourteen, and of the Cortland New York.

Brian Tobin, Mayor of Cortland, New York

We believe financing should be the easy part of a clean energy upgrade.

Flexible and customized solutions for the diverse energy needs of commercial property owners.

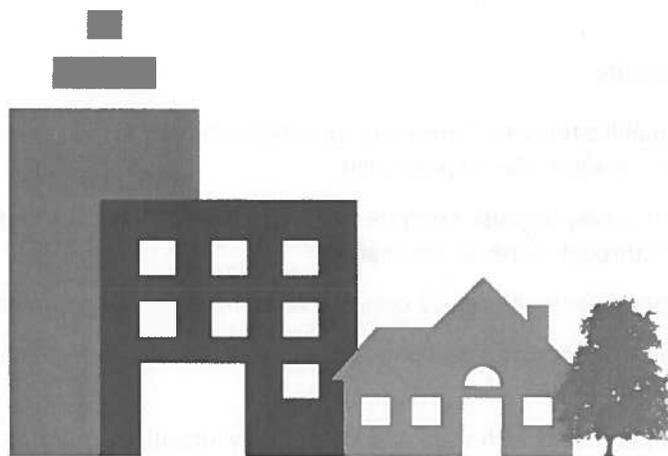
Easy access to capital for energy projects that increase the value of the property while reducing energy bills and carbon footprint.



Get started now

Fill out a pre-application online
www.EnergizeNY.org

Energize NY is a product of the Energy Improvement Corporation (EIC), a nonprofit NYS local development corporation whose mission is to scale clean energy in NYS. Energize works in partnership with NYSERDA, the NYS Green Bank, Bank of America Merrill Lynch, First Niagara and local EIC member municipalities.



ENERGIZE NY™ FINANCE

Energize NY Finance is an innovative way to pay for clean energy improvement projects in commercial buildings in New York State. Eligibility is based on the property's potential to save energy, not on property owner's credit, enabling more properties to afford energy efficiency and renewable energy improvements.

Access to long-term, low-interest capital, structured with comprehensive building energy improvements in mind, is a powerful solution that simplifies the clean energy process for commercial property owners and service providers.

Types of clean energy projects financed:

Energy efficiency upgrades like new lighting technologies, insulation, upgraded efficient heating or cooling, smart controls, fuel conversions.

Renewable energy projects like on-site solar PV, solar thermal or wind.

Support:

The Energize team is here to answer building owner's questions through every stage of the financing and energy improvement process, from finding an energy expert, to navigating incentive programs, to cash flow analysis that can help with maximizing the return on investment in clean energy.

See back for details.

CRS Credit

A community accrues points to improve its CRS Class rating and receive increasingly higher discounts. Points are awarded for engaging in any of 19 creditable activities, organized under four categories:

- Public information
- Mapping and regulations
- Flood damage reduction
- Warning and response.

Formulas and adjustment factors are used to calculate credit points for each activity.

The communities listed below are among those that have qualified for the greatest premium discounts:

Class 1: Roseville, California

Class 2: Tulsa, Oklahoma
King County, Washington
Pierce County, Washington

Class 3: Sacramento County, California

Class 4: Fort Collins, Colorado
Skagit County, Washington
Snohomish County, Washington
Charleston County, South Carolina
Maricopa County, Arizona
Louisville-Jefferson County, Kentucky
Thurston County, Washington

Benefits of the CRS

Lower cost flood insurance rates are only one of the rewards a community receives from participating in the CRS. Other benefits include:

- Citizens and property owners in CRS communities have increased opportunities to learn about risk, evaluate their individual vulnerabilities, and take action to protect themselves, as well as their homes and businesses.
- CRS floodplain management activities provide enhanced public safety, reduced damage to property and public infrastructure, and avoidance of economic disruption and loss.
- Communities can evaluate the effectiveness of their flood programs against a nationally recognized benchmark.

- Technical assistance in designing and implementing some activities is available to community officials at no charge.
- CRS communities have incentives to maintain and improve their flood programs over time.

How to Apply

To apply for CRS participation, a community must initially inform the Federal Emergency Management Agency (FEMA) Regional Office of its interest in applying to the CRS and will eventually submit a CRS application, along with documentation that shows it is implementing the activities for which credit is requested. The application is submitted to the Insurance Services Office, Inc. (ISO)/CRS Specialist. ISO works on behalf of FEMA and insurance companies to review CRS applications, verify communities' credit points, and perform program improvement tasks.

A community's activities and performance are reviewed during a verification visit. FEMA establishes the credit to be granted and notifies the community, the State, insurance companies, and other appropriate parties.

Each year, the community must verify that it is continuing to perform the activities that are being credited by the CRS by submitting an annual recertification. In addition, a community can continue to improve its Class rating by undertaking new mitigation and floodplain management activities that earn even more points.

CRS Training

CRS Specialists are available to assist community officials in applying to the program and in designing, implementing, and documenting the activities that earn even greater premium discounts. A week-long CRS course for local officials is offered free at FEMA's Emergency Management Institute (EMI) on the National Emergency Training Center campus in Emmitsburg, Maryland, and can be field deployed in interested states. A series of webinars is offered throughout the year.

For More Information

A list of resources is available at the CRS website: www.fema.gov/national-flood-insurance-program-2/community-rating-system For more information about the CRS or to obtain the CRS application, contact the Insurance Services Office by phone at (317) 848-2898 or by e-mail at nfipcrs@iso.com.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY

**AGREEMENT FOR ADVANCE PAYMENT
Inclusive of Interest and Pro-Rata Taxes**

PIN **302811223**

PROC **13886**

PAYEE ID#**√**

PROJECT **SH 8522, South Cortland-Homer**

MAP(S) **176; 178**

PARCEL(S) **203; 205**

COUNTY **Cortland**

TOWN/CITY **Cortlandville**

VILLAGE

THIS AGREEMENT, made this _____**√** day of _____**√**, _____**√**, between

**The City of Cortland
25 Court Street
Cortland, NY 13045**

hereinafter referred to as "Claimant," and the **COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK**, hereinafter referred to as "the State," pursuant to statute,

WITNESSETH:

WHEREAS, pursuant to the aforementioned statute, the State is appropriating or has appropriated, for the purpose of the above-identified project, certain property shown and described on the above-designated map(s), and

WHEREAS, the Claimant represents that Claimant is or was at the time of said appropriation the owner of the property affected by said appropriation or of some right, title, or interest therein, and

WHEREAS, the value of the property appropriated and legal damages caused by said appropriation, as set forth in paragraph numbered 1 below, cannot be agreed upon, and

WHEREAS, the State is willing to pay an amount equal to the amount determined by the Commissioner of Transportation to be the value of all claims for the property appropriated and legal damages caused by said appropriation, as so set forth in paragraph numbered 1 below, on the terms and conditions hereinafter stated,

NOW, THEREFORE, it is understood and agreed by and between the parties as follows:

1. The State will pay to the Claimant the sum of **Five Hundred and 00/100 Dollars (\$500.00)**, the amount hereby determined by the Commissioner of Transportation to be the value of all claims for the property appropriated and legal damages caused by such appropriation, including all damages incurred by virtue and during the pendency of said appropriation proceedings, and including all damages to the remainder of said affected property, if any, of which the appropriated area formed a part, whether caused by said appropriation or by the use of said appropriated property, excepting the aggregate value, if any, of claims hereinafter specifically excluded.
2. It is understood and agreed that the compensation herein fixed includes interest up to and including the date of payment, and also is inclusive of any amount claimed for pro-rata payment of all real property taxes, water and sewer rents, levies or charges paid or payable to a taxing entity.
3. The Claimant agrees, as a prerequisite to such advance payment, to execute and deliver or cause the execution and delivery to the Attorney General of all formal papers which the Attorney General deems necessary to authorize payment and to secure to the State a full release of all claims (other than the claim of Claimant) by reason of the aforementioned appropriation, including claims by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, roads, highways, or public or private rights-of-way, if any, adjacent to or abutting on the above-mentioned property required for the purposes of said project.

7. The Claimant hereby reserves the right to file a claim with the Court of Claims, or, if a claim has been filed, reserves the right to prosecute said claim, it being understood, however, that such reservation shall not extend or affect in any way the time limited for the filing of such claim as provided for in the Eminent Domain Procedure Law.

8. It is agreed that, if the Court of Claims finds the value of the property appropriated and legal damages caused by said appropriation as set forth in paragraph numbered 1 above is equal to or exceeds the advance payment made hereunder, the amount of such advance payment shall be deducted from the amount so found by the Court and the award of said Court shall be in the amount of the excess, if any, over and above said advance payment. It is also agreed that no interest shall be allowed in such award on the amount of such advance payment. In the event the amount so found by the Court is less than the amount of said advance payment, upon the filing in the office of the Clerk of the Court of Claims of a Certified copy of this agreement together with Certification by the Comptroller of the State of New York of such payment and upon application made to the Court on at least eight days notice to Claimant, the Court shall direct the Clerk to enter judgement dismissing the claim and awarding to the State the difference between the awards as found by the Court and the amount of said advance payment with appropriate interest. It is further agreed that in any trial of a claim that may be filed by the claimant, neither the determination of the Commissioner of Transportation, as hereinabove set forth, nor any data, estimates or appraisals made or prepared in support thereof, shall be evidence of the value of the claim or of the property affected by said claim.

9. It is understood and agreed by and between the parties hereto that, pursuant to statute, if no claim is filed by Claimant in the Court of Claims within the statutory time limit set forth in the Eminent Domain Procedure Law, then, upon the expiration of that time, this agreement for advance payment shall automatically become an Agreement of Adjustment in full and complete settlement of all claims as referred to in Paragraph #1 hereof without further ratification, approval or consent by Claimant and Claimant shall be deemed to have released Claimant's claim against the State without further acquittance, receipt or satisfaction therefore in consideration of the payment made hereunder.

10. This Agreement is exclusive of claims, if any, for payment of allowable moving expenses of owners, occupants or tenants of residential and commercial property.

THIS AGREEMENT shall inure to the benefit of and bind the distributees, legal representatives, successors, and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Claimant:

The City of Cortland

BY: ✓

ITS: ✓

Payee ID# ✓

STATE OF NEW YORK

COUNTY OF ✓) ss.:

On the ✓ day of ✓ in the year ✓, before me, the undersigned, a Notary Public in and for said State, personally appeared ✓ is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

✓

(Notary Public)

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN 302811

UNOFFICIAL

MAY 13 2014

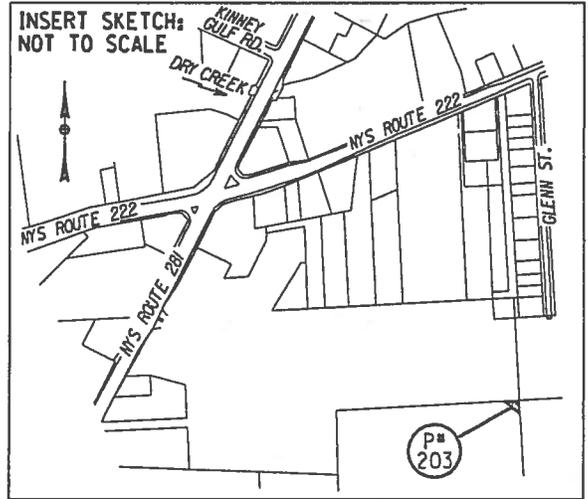
MAP NO. 176
PARCEL NO. 203
SHEET 1 OF 2 SHEETS

THE CITY OF CORTLAND
(REPUTED OWNER)
CCD L. 179 P. 28
TRN 309

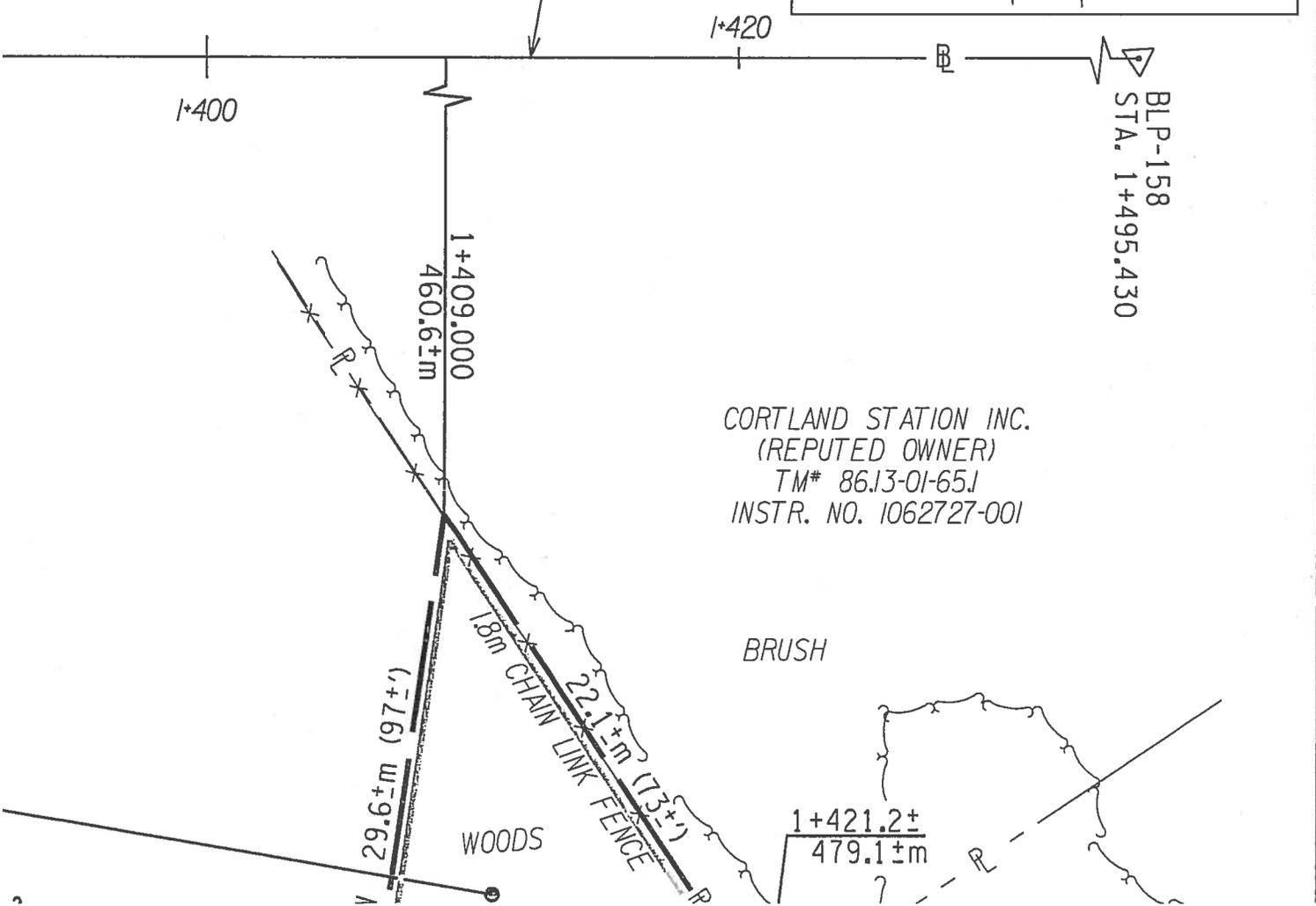
PARCEL SUMMARY:
Type: PERMANENT EASEMENT
Portion of 2013 Tax
Map Ref. No. 86.17-01-14
Town of Cortlandville
County of Cortland
State of New York

Homer

JDE



2009 SURVEY BASELINE
N 30°16'07" E



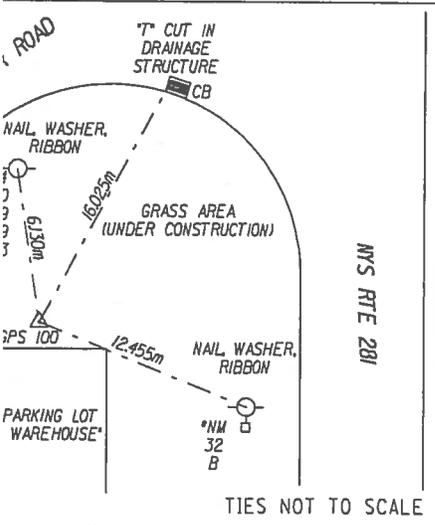
CORTLAND STATION INC.
(REPUTED OWNER)
TM# 86.13-01-65.1
INSTR. NO. 1062727-001

MAY 13 2014

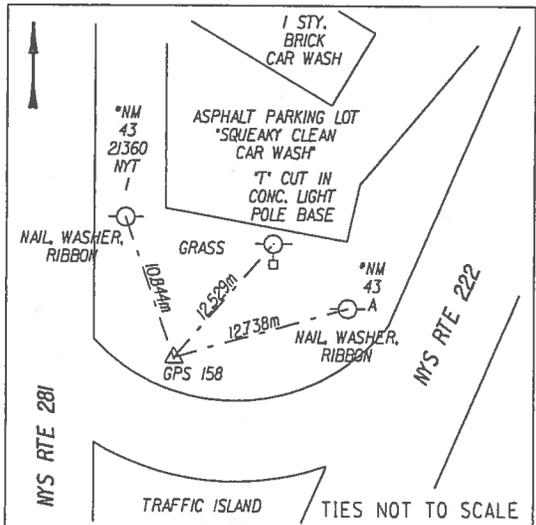
NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP

PIN 302811

MAP NO. 176
PARCEL NO. 203
SHEET 2 OF 2 SHEETS



BSTA. 1+000.000
AND CAP STAMPED "SHUMAKER"
SET 15m± SOUTH OF LUKER
ROAD AND 13m± WEST OF
NYS RTE 281.
S NAD 83/CORS 96 ZONE CENTRAL
N: 288209.038
E: 280873.403



BSTA. 1+495.430
FENO MONUMENT STAMPED "NEW
YORK STATE DEPT. OF TRANS."
SET 3m± EAST OF NYS RTE 281 AND
3m± NORTH OF NYS RTE 222.
NYSPCS NAD 83/CORS 96 ZONE CENTRAL
N: 288636.927
E: 281123.126

PERMANENT EASEMENT FOR DRAINAGE SYSTEM

to be exercised in, on and over the property above delineated for the purpose of
cutting and maintaining thereon a drainage ditch and drainage structures, together with
all that piece or parcel of property designated as Parcel No. 203, as shown on the

the owner of any right, title or interest in and to the property delineated as Parcel No. 203
successors or assigns, the right of access and the right of using said property and such
limited or restricted under this easement beyond that which is necessary to effectuate
as established by, the construction or reconstruction and as so constructed or
tenance, of the herein identified project.

property
for
acquisition

"Unauthorized alteration of a survey
map bearing a licensed land surveyor's
seal is a violation of the New York
State Education Law."



NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN 302811

UNOFFICIAL

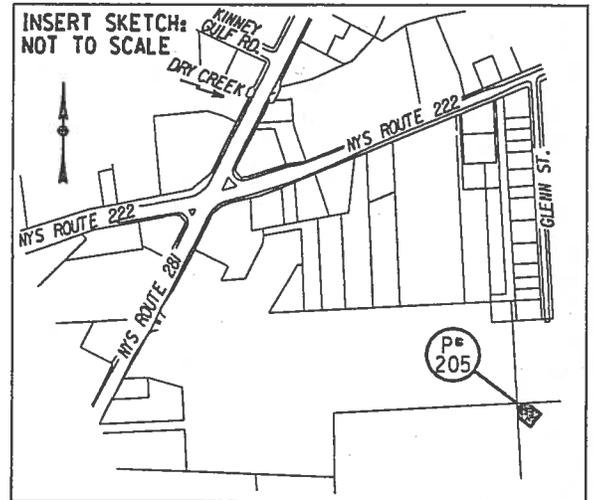
MAY 13 2014

MAP NO. 178
PARCEL NO. 205
SHEET 1 OF 2 SHEETS

CITY OF CORTLAND
(REPUTED OWNER)
CCD L. 118 P. 183
TRN 311

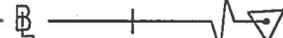
PARCEL SUMMARY:
Type: PERMANENT EASEMENT
Portion of 1974 Tax
Map Ref. No. 86.71-01-01
City of Cortland
County of Cortland
State of New York

Homer



2009 SURVEY BASELINE
N 30°16'07" E

1+420



BLP-158
STA. 1+495.430

CORTLAND STATION INC.
(REPUTED OWNER)
TM# 86.13-01-65.1
INSTR. NO. 1062727-001

1+421.2±
479.1±m

PIN W/CAP
"GBD SURVEYING"

WOODS

JOHN F. JACKSON
(REPUTED OWNER)
TM# 86.63-01-10
INST. NO. 19987097

19.5±m (64±')

15.5±m (51±')

WOODS

P.O.B.

M 178
P 205
PE

G.W. ψ

CORTLAND
NER)
-14
'8

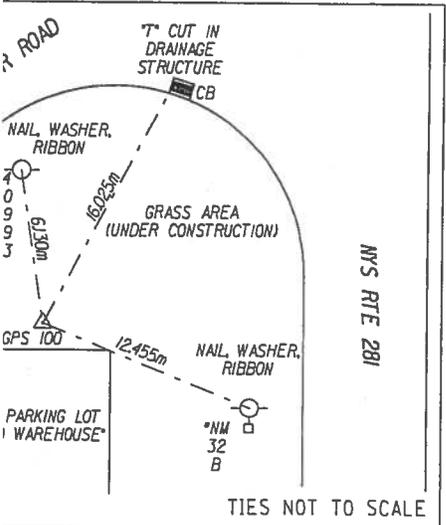
(70±')

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP

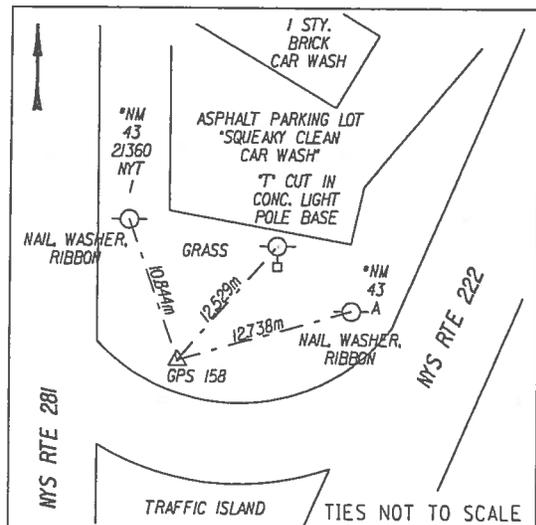
PIN 302811

MAY 13 2014

MAP NO. 178
PARCEL NO. 205
SHEET 2 OF 2 SHEETS



STATION 1+000.000
AND CAP STAMPED "SHUMAKER"
SET 15m± SOUTH OF LUKER
ROAD AND 13m± WEST OF
NYS RTE 281.
S NAD 83/CORS 96 ZONE CENTRAL
N: 288209.038
E: 280873.403



STATION 1+495.430
FENO MONUMENT STAMPED "NEW
YORK STATE DEPT. OF TRANS."
SET 3m± EAST OF NYS RTE 281 AND
3m± NORTH OF NYS RTE 222.
NYSPCS NAD 83/CORS 96 ZONE CENTRAL
N: 288636.927
E: 281123.126

PERMANENT EASEMENT FOR DRAINAGE SYSTEM

to be exercised in, on and over the property above delineated for the purpose of
cutting and maintaining thereon a drainage ditch and drainage structures, together with
all that piece or parcel of property designated as Parcel No. 205, as shown on the

the owner of any right, title or interest in and to the property delineated as Parcel No. 205
successors or assigns, the right of access and the right of using said property and such
limited or restricted under this easement beyond that which is necessary to effectuate
as established by, the construction or reconstruction and as so constructed or
tenance, of the herein identified project.

property
for
acquisition

"Unauthorized alteration of a survey
map bearing a licensed land surveyor's
seal is a violation of the New York
State Education Law."



NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY
REGION 3

EXPLANATION OF ACQUISITION/OFFER OF SETTLEMENT

PIN: 302811223 **PROC#:** 13886 **DECL:**
SH: 8522 **PROJECT:** South Cortland-Homer
COUNTY: Cortland **TOWN/CITY:** Cortlandville **VILLAGE:**
MAP(S): 176; 178 **PARCEL(S):** 203; 205
CLAIMANT(S): The City of Cortland

EXPLANATION OF ACQUISITION

Map 176, Parcel 203 acquires a Permanent Easement in, on and over a triangular shaped parcel consisting of 2,326+/- square feet of land.

Map 178, Parcel 205 acquires a Permanent Easement in, on and over an irregular shaped parcel consisting of 7,506+/- square feet of land.

Both parcels are for the purpose of constructing, reconstructing and maintaining a drainage ditch and structures in connection with the highway reconstruction project on State Routes 281 and 222 in the Town of Cortlandville and City of Cortland.

Offer Of Settlement

1. Direct Damages – Land and Land Improvements	\$425.00
2. Indirect Damages	\$0.00
3. Cost to Cure	\$0.00
4. Rental Value - Temporary Easement	<u>\$0.00</u>
<i>Total Damages - Just Compensation*</i>	\$500.00

***NOTE: The New York State Department of Transportation has a \$500.00 minimum compensation policy. Total damages for your claim are calculated to be less than \$500.00. Therefore, we are offering you \$500.00, inclusive of interest and proration of taxes. If requested, the actual calculation of these amounts will be available to you after payment.**

The above value has been developed in accordance with accepted appraisal standards, by qualified personnel as defined by Uniform Standards of Professional Appraisal Practices (USPAP).

We suggest you carefully look over the attached material and become familiar with our terms and the various options available to you in the acquisition process. It is our intention to contact you in the near future. If, in the meantime, you have any questions, please call our Regional Office which is identified in our letter of introduction.



NEW YORK STATE DEPARTMENT OF TRANSPORTATION

HOW PROPERTY IS ACQUIRED IN NEW YORK STATE

The acquisition of property required for a public improvement occurs only after an extensive, coordinated process that includes careful planning, engineering and design. This leads to a determination of property that is needed to construct a public improvement. You may have attended one or more of the public hearings as part of the overall process.

When it is necessary for the Department to acquire private property, a detailed map is prepared to illustrate the extent of right of way needed from each property. Concurrently, a title search is conducted to determine the ownership interests in the property along with any liens and encumbrances. Title to the property is transferred to the State when the map is filed with the County Clerk's Office in the county in which the property is located. ***Before any transfer of title takes place, the law requires the State make an offer in writing for Just Compensation, which is based on the amount of the State's highest approved appraisal.***

An appraisal is prepared either by Department or Consultant Appraisers, each of whom have had extensive experience in the valuation of real estate as well as having received special training in valuing property affected by eminent domain proceedings. You will be offered the opportunity to accompany the appraiser during the inspection of your property. In completing the appraisal, the Appraiser will analyze market conditions and prices at which properties similar to yours are sold. With your offer, you will receive a summary statement explaining the Just Compensation established and the basis for the valuation. If we are unable to arrive at an agreement in full settlement of your claim, you will have the option to collect an advance payment of the Just Compensation offered and continue negotiations. Agreeing to accept an advance payment affords you the time and opportunity to present additional information for consideration which you may feel has a bearing on the appraised value. Ultimately, you have the right to file a claim with the State Court of Claims if a full settlement cannot be reached. The Department representative assigned to your claim will explain the options for agreements and methods of payment at the time the offer is extended.

Occasionally, a claimant may refuse or fail to accept the State's offer, and the Map is still filed. In that case, if federal money is in any phase of the project, the amount offered will be deposited in a variable rate interest bearing account. Depositing the amount of the State's offer is considered to be the legal equivalent of payment to you and allows the State's Contractor to enter upon your property for construction even though you have not signed an agreement. To withdraw the amount deposited, a claimant must either sign an Agreement or formally request of the Court of Claims a distribution of the funds held in the interest bearing account. If there is no federal money in any phase of the project, the amount offered will not be deposited, but will accrue interest from the date the map is filed in accordance with State Law. In this situation, the filing of the map will allow the State's Contractor to enter upon your property for construction even though you have not signed an agreement.

Our acquisition process is not a routine real estate transaction, nor one which most people will experience. We expect you will have concerns and questions and we want to reassure you that our trained, professional staff will make themselves available to discuss the variety of issues that arise and assist you *throughout*.

The Office of Right of Way at the Department of Transportation



Cortland Police Department

Memorandum



TO: Brian Tobin, Mayor
Mack Cook, Director of Administration and Finance
Common Council Members

FROM: F. Michael Catalano, Chief of Police

DATE: November 12, 2014

RE: Request to lift Hiring Freeze to fill vacant Police Officer position.

In early September of this year Officer Debra Barber transferred from our Department to the Cortland County Sheriff's Department. The transfer left our patrol division with a vacancy. I am requesting the hiring freeze to be waived at this time in order to start the process of selecting a new officer candidate.

Selecting a new officer is a lengthy process and I have waited until this time to request the freeze waiver as the next police academy will commence in March of 2015. The selection process includes inspection of the existing civil service eligibility list, along with the anticipated new eligibility list that will be established from the most recent test to be given on Saturday, November 15, 2014. The establishment of the new list takes several weeks or months to occur and sometimes is not ready in time to complete our process in time for the basic police academy start date.

Navigating the civil service eligibility list is just one aspect of the process. Selection is based upon several interviews of prospective candidates and once a selection is made a lengthy and complete background investigation is commenced. This process will take several weeks to complete and if a candidate is disqualified at any time during this process, we must begin anew with another candidate. Thus the need to waive the hiring freeze now is imperative to allow for enough time to get the right candidate into the basic police academy in time. Anticipated hire date would be just prior to the academy start date.

I believe it goes without saying that our Police Department must operate at full staff and vacancies cannot linger for long. The entry level police officer position is budgeted for 2015. Please advise if you have any further questions.

mayorofc

From: John McNerney <mcnerney@cortland.org>
Sent: Monday, November 10, 2014 11:06 AM
To: mayorofc; Mack Cook; Lori Crompton
Subject: Agenda Item

Shellie-

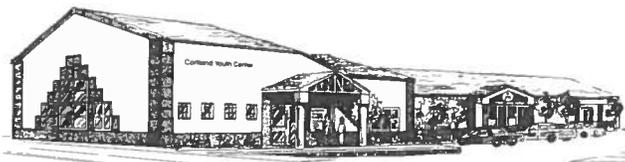
Please include the following for the next Common Council meeting.

Consideration of a resolution to fill the vacant position in the Youth Bureau Office (Callie Doyle retirement) under the title of Account Clerk at an annual salary of \$21,297.00.

Feel free to call me with any questions or concerns.

Thanks,

John McNerney
City of Cortland
Youth Bureau Director
mcnerney@cortland.org
607-753-3021 ext. 423



CORTLAND YOUTH BUREAU

35 Port Watson Street • Cortland, NY 13045 • (607) 753-3021 • Fax: (607) 753-3023

TO: Mayor Brian Tobin
Members of the City Council
Mack Cook, Director of Administration and Finance
Lori Crompton, Finance Department

FROM: John McNerney, Youth Bureau Director

RE: Wickwire Pool Trust Fund Deposit

DATE: November 6, 2014

As you are fully aware the Wickwire Pool Fundraising committee has been busy seeking donation for the renovation of Wickwire Pool. I would like to ask the common council to accept and recognize the following donation.

<i>Donation</i>	<i>Amount</i>
<i>CNY Mustangs & All Ford Club</i>	<i>\$500.00</i>

Total Donations = \$ 500.00

Funds should be deposited into the Wickwire Pool Trust Fund. Attached is a copy of the check for your records. Feel free to contact me with any questions at 753-3021 ext.23.



Resolution to award Bid for the General Construction portion of the SBR upgrade as part of the reconstruction and expansion of the Waste Water Treatment Plant to M. A. Bongiovanni Inc. of Syracuse, NY for a sum not to exceed \$237,000.
(Bruce Adams)

Resolution to award Bid for the Electrical portion of the SBR upgrade as part of the reconstruction and expansion of the Waste Water Treatment Plant to Diekow Electric, Inc. of Marathon, NY for a sum not to exceed \$119,850. (Bruce Adams)

CEDARWOOD ENGINEERING SERVICES PLLC

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

November 5, 2014

Bruce Adams, Chief Operator
City of Cortland WWTP
251 Port Watson Street
Cortland, NY 13045

Re: Wastewater Treatment Plant
General and Electrical Bid
Nutrient Removal Improvement Project
Contract CC-G-14 - General & CC-E-14 - Electrical

Dear Mr. Adams,

As you are aware the City of Cortland recently advertised for bids for the Nutrient Removal Improvements for the ongoing upgrades at the wastewater treatment plant. The solicitation for bids followed standard bidding protocol and four contractors submitted bids for the general construction portion of the project and four contractors submitted bids for the electrical construction portion of the project; we have reviewed the bid document for the general and electrical construction for the plant.

The low bid for the General construction portion of the SBR upgrade is \$237,000.00 and the low bid for the Electrical portion of SBR the upgrade is \$119,850.00. The total for both contracts is \$356,850.00; the total allotted budget for these contracts is \$400,000.00. Cedarwood Engineering is familiar with both of these contractors and has confidence in their ability to complete the contract work.

After review of the bid packets for completeness and we recommend award to M.A. Bongiovanni Inc. for the General construction work for a sum not to exceed \$237,000.00 and Diekow Electric, Inc. for the Electrical construction work for a sum not to exceed \$119,850.00.

Please bring this item to common council for a vote to award; the Notice to Award is attached for signature. Contract Documents will be prepared for execution when the contractors return the required documentation.

Please contact myself or John Peterson with any questions &/or concerns.

Sincerely,
CEDARWOOD ENGINEERING SERVICES PLLC



Jim Suozzo, P.E.

Cc: Mack Cook, City of Cortland
Elizabeth Ricci, P.E., NYSEFC
Meghan Gilbert, NYSDEC – Region 7
John Peterson, Cedarwood Engineering Services PLLC

First Resolution:

Consideration of a Resolution to adopt the following three-tier fund structure in the Water Fund:

Tier 1: **ASSIGNED BUDGETED OPERATING RESERVE** funded so that it is continuously equal to seventeen percent (17%) of the Water Fund's budgeted operating expenditures and transfers for the succeeding year for the purpose to providing the Water Fund with a source of last resort for working capital in the face of epic natural catastrophes or unprecedented economic upheaval. This reserve is established by Council Resolution and its use, modification, or dissolution is governed by Resolution.

Tier 2: **ASSIGNED RESERVE FOR NATURAL DISASTERS AND EMERGENCIES** funded so that it is continuously equal to three percent (3 %) of the Water Fund's budgeted total revenues for the succeeding year for the purpose of maintaining a prudent level of financial resources readily available to counter the effects of natural disasters and emergencies. This reserve is established by Council Resolution and its use, modification, or dissolution is governed by Resolution.

Tier 3: **ASSIGNED RESERVE FOR CAPITAL EXPENDITURES** funded annually from the Water Fund's Net Change in Fund Balance after any required transfer to the:

- Assigned Budgeted Operating Reserve
- Assigned Reserve for Natural Disasters and Emergencies

for the purpose of replacing and/or acquiring equipment, infrastructure and vehicles directly use in the rendering water services. This reserve is established by Council Resolution and its use, modification, or dissolution is governed by Resolution.

Second Resolution: This is a set and should be considered as a group:

- A. Consideration of a Resolution authorizing the encumbrance within the Capital Fund 100 percent of the Federal and State eligible costs for a transportation federal aid bridge project in the amount of \$173,100 to fund final design work.
- B. Consideration of a Resolution to appropriate \$1,383.68 in the Capital Fund previously appropriated by Resolution for the Administrative Costs of issuing the City's 2009 Bond towards the City's twelve and one-half percent (12.5%) match obligation for the \$173,100 in final design work of the above transportation federal aid bridge project.
- C. Consideration of a Resolution to appropriate \$45.96 in the Capital Fund previously appropriated by Resolution for the cost of the Morningside Street Water Main towards the City's twelve and one-half percent (12.5%) match obligation for the \$173,100 in final design work of the above transportation federal aid bridge project.
- D. Consideration of a Resolution to appropriate \$13,369.95 in the Capital Fund previously appropriated by Resolution for Buildings and Grounds towards the City's twelve and one-half

percent (12.5%) match obligation for the \$173,100 in final design work of the above transportation federal aid bridge project.

- E. Consideration of a Resolution to appropriate \$6,837.91 of the \$36,125.18 previously appropriated in the Capital Fund by Resolution for the Law Department towards the City's twelve and one-half percent (12.5%) match obligation for the \$173,100 in final design work of the above transportation federal aid bridge project.

Third Resolution:

Consideration of a Resolution to appropriate \$32,000 of the proceeds from the sale of properties at the October 2014 tax sale towards the funding required for construction of an expanded impound lot.

Forth Resolution:

Discussion and possible Consideration of a Resolution to establish a time, date, and place to hear public comment on a proposed local law authorizing the City to apply for membership in the 'Energize NY Finance' program administered and funded by the NYS Energy Improvement Corporation.

Mack Cook

From: Mack Cook
Sent: Friday, October 17, 2014 10:26 AM
To: Brian Tobin; ward1 (ward1@cortland.org); ward2; ward3 (ward3@cortland.org); ward4 (ward4@cortland.org); ward5; ward6; ward7 (ward7@cortland.org); ward8; lawdept
Cc: Garry VanGorder (garry@cortlandbusiness.com); Rich Cunningham (rich@thomadevelopment.com); Adam Megivern (adam@cortlanddowntown.com); Frank Kelly (mrfrankjkelly@yahoo.com); Chris Carrick
Subject: City membership in the NYS Energy Improvement Corporation

Mayor and Members of Common Council;

I wish to place on the agenda in November the following resolution:

Consideration of a resolution of a local law authorizing the City to become a member of the Energy Improvement Corporation.

The Energy Improvement Corporation (EIC) is a subsidiary of the NYS Environmental Facility Corporation. The EIC is a nonprofit NYS local development corporation whose mission is to scale State-wide clean energy initiatives to the local government level. One of the products of the EIC is the ***Energize NY Finance*** program which is targeted as a vehicle for the private sector to pay for clean energy projects in commercial buildings. Participation eligibility is based upon the property's to save energy, not on the property owner's credit, which enables more properties to afford energy efficiency and renewable energy improvements. Because qualifications are based on potential energy savings and not on owner's credit, capital expenditures budgets can be preserved on focus on other property improvements such a façade, parking lot and sidewalk rehabilitation.

Examples of clean energy projects are energy efficiency upgrades like new lighting technologies, insulation, upgraded efficient HVAC systems, smart controls, fuel conversion, windows, doors as well as solar, thermal and wind.

Financing is available for projects in buildings intended for use as:

- Commercial including mixed-use,
- Office,
- Hospitality,
- Retail,
- Institutional,
- Multifamily,
- Nonprofit-owned,
- Commercially owned residential.

Lending criteria include:

- Estimated energy cost saving from improvements must be greater than annual finance payment,
- Property's existing Loan-to-Value ratio no greater than 80%,
- Financing up to the 10% of the value of the benefit property,
- No bankruptcy with last 7 years,
- At least a 3 year history of timely property tax payments,
- Existing lender consent.

For a property to avail itself of the Energize NY Finance program it must be located within a local government jurisdiction that is a member of the EIC. Membership is extended to local governments whose Bond Rating is "A" or

EIC MUNICIPAL MEMBERSHIP PACKAGE CONTENTS:

1. **Energize NY Benefit Finance Local Law** – This local law activates and re-states Article 5L of the General Municipal Law which empowers local NYS municipalities to offer energy improvement financing to their local property owners and collect repayments through a Charge on the property tax bill.
2. **EIC – Municipal Agreement** – This Agreement codifies the duties of EIC and the Municipality in the provision of financing benefits to property owners.
3. **Energy Improvement Charge Process** – This guidance document guides Municipalities on adding a Charge to a benefitted property. It may be modified to fit the type of Municipal Corporation and its specific needs related to tax collection.
4. **EIC Membership Criteria** – This document describes the Membership Criteria of EIC and the steps to gain Membership to EIC.
5. **EIC Underwriting Standards** - This document lists EIC's underwriting standards in the provision of energy improvement financing to a property.

LOCAL LAW NO. 2014

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY
LOAN PROGRAM IN THE**

Be it enacted by the City of Cortland of the County of Cortland as follows:

Section 1. The Code of the City of Cortland (City) is hereby amended by adding a new Chapter ____, entitled “Energize NY Benefit Financing Program,” to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Cortland and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Cortland finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City of Cortland, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.
- B. The City of Cortland is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Cortland”.

§2. Definitions

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Cortland to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the City of Cortland’s tax collector as a charge to be levied on the real property and collected in the same manner and same form as the City of Cortland taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City of Cortland that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the City of Cortland, whereby EIC acting on its behalf, may provide funds to

Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

- B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the City of Cortland may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Cortland offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Cortland, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Cortland, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

- A. Upon the submission of an application, EIC acting on behalf of the City of Cortland, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - 1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
 - 2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;

3. Sufficient funds are available to provide to the property owner;
4. The property owner is current in payments on any existing mortgage;
5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
6. Such additional criteria, not inconsistent with the criteria set forth above, as the City of Cortland, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City of Cortland.
- B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the City of Cortland, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.
- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Cortland, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder,

Their City of Cortland tax bill and shall be levied and collected at the same time and in the same manner as City of Cortland property taxes, provided that such charge shall be separately listed on the tax bill. The City of Cortland, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the City of Cortland tax due date.

- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the .
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the The City of Cortland at the time the Energize Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the City of Cortland on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The City of Cortland shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

LOCAL LAW NO. 2014

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY
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Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City of Cortland that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

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- A. An Energize NY Benefit Financing Program is hereby established by the City of Cortland, whereby EIC acting on its behalf, may provide funds to

Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

- B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the City of Cortland may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Cortland offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Cortland, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Cortland, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

- A. Upon the submission of an application, EIC acting on behalf of the City of Cortland, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - 1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
 - 2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;

3. Sufficient funds are available to provide to the property owner;
4. The property owner is current in payments on any existing mortgage;
5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
6. Such additional criteria, not inconsistent with the criteria set forth above, as the City of Cortland, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City of Cortland.
 - B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the City of Cortland, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.
- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Cortland, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder,

Their City of Cortland tax bill and shall be levied and collected at the same time and in the same manner as City of Cortland property taxes, provided that such charge shall be separately listed on the tax bill. The City of Cortland, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the City of Cortland tax due date.

- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the .
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the The City of Cortland at the time the Energize Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the City of Cortland on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The City of Cortland shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

**ENERGY IMPROVEMENT CORPORATION
MUNICIPAL AGREEMENT**

This Agreement made as of this __ day of _____, 20__ (the “Agreement”), by and between the City of Cortland (the “Municipality”) and the Energy Improvement Corporation (“EIC”) (both the Municipality and EIC may hereinafter be referred to individually as a “Party” and collectively as the “Parties”), sets forth the duties and obligations of each Party in connection with the Municipality’s participation in the Energize New York Benefit Finance Program (the “Program”).

WHEREAS, EIC is a local development corporation duly formed under Section 1411 of the Not-For-Profit Corporation Law of the State of New York, for the purpose of promoting, facilitating and financing energy audits and renewable energy system feasibility studies, energy efficiency improvements and alternative or renewable energy generating systems (as such terms are defined in Section 119-ff of the General Municipal Law of the State of New York) (collectively, the “Energy Improvements”) on properties within its Participating Municipalities (as defined below), thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government; and

WHEREAS, Participating Municipalities are those municipalities within the State of New York that have established by local law, pursuant to Article 5-L of the General Municipal Law of the State of New York, a sustainable energy loan program for the issuance of financing to the owners of real property located within the Participating Municipality to finance Energy Improvements, and have authorized EIC to act on behalf of the Participating Municipality to carry out the Program through, among other things, the issuance of financing to property owners within such Participating Municipality, and have met the minimum criteria established by EIC to admit new Participating Municipalities; and

WHEREAS, the Municipality adopted Local Law _____ on _____, 2014, pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorized EIC to act on its behalf in carrying out its Program;

Now, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

1. Duties of EIC

It is understood by the Parties that EIC will be responsible for the performance of the following duties:

- a) Receive and review applications submitted by property owners within the Municipality for financing of Energy Improvements (“Property Owner(s)”), and approve or disapprove such applications in accordance with underwriting procedures and requirements established by EIC.
- b) Review the applications, energy assessments and scopes of work prepared for and by the Property Owners to establish the amount of financings to be approved pursuant to the requirements of the Program.
- c) Execute finance agreements (the “Finance Agreement”) by and between EIC (on behalf of the Municipality) and the Property Owners for financing of Energy Improvements, which shall set forth the terms and conditions for the disbursement and repayment of financing and the duties and obligations of each Property Owner and EIC with respect to the acquisition, construction and installation of Energy Improvements (upon execution of the Finance Agreement by the Property Owner and EIC, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”). Copies of all executed Finance Agreements for all Benefited Properties within the Municipality shall be provided to the Municipality by EIC upon execution.
- d) Receive and review the certificates of completion submitted by the Property Owners of Benefited Properties (or the contractor hired by the owner of a Benefited Property) following installation or construction of Energy Improvements on such Benefited Property, and disburse funds to the Property Owner of the Benefited Property or his/her/its agent upon approval of such certificate in accordance with the terms of the Finance Agreement and the Program.
- e) Deliver to the Municipality an annual report (the “Annual Report”) three months prior to when Municipal Taxes are due which shall contain information related to each Benefited Property within the Municipality through the end of the immediately preceding calendar year, including:
 - i. A list of each newly approved Benefited Property for which the Property Owner or previous Property Owner of the Benefited Property executed a Finance Agreement within the annual time period covered by such report (for which a charge shall be added by the Municipality to its tax rolls in accordance with Paragraph 2b below). All Benefited Properties shall be identified in the Annual Report by address and Tax Map Identification (i.e. section, block and lot);
 - ii. A list of each existing Benefited Property for which the Property Owner or previous Property Owner of such Benefited Property executed a Finance Agreement. All Benefited Properties shall be

Identified in the Annual Report by address and Tax Map Identification (i.e. section, block and lot);

- iii. A list of each Benefited Property within the Municipality where all obligations under the Finance Agreement have been satisfied or paid in full during the calendar year including the satisfaction date and a copy of the notice of satisfaction;
 - iv. For each non-satisfied Benefited Property (including each newly approved Benefited Property):
 - a. the date of the Financing Agreement,
 - b. the notional amount of the financing,
 - c. the total principal balance and accrued interest outstanding,
 - d. the annual payment due to EIC (which shall include principal and accrued interest) associated with such Benefited Property (including the amount of accrued interest on the initial payment, if different);
 - v. the total annual payment due to EIC from all Benefited Properties in the Participating Municipality (which shall include principal and accrued interest), which shall be paid by the Municipality within thirty (30) days of the date upon which payment is due to the Municipality as part of the municipal tax bill in accordance with Paragraph 2(c) and the balance of any delinquent charge payment reported by the Municipality during the term of the Financing Agreement pursuant to Paragraph 2(d) and;
 - vi. All other information EIC may deem to be relevant to each Benefited Property within the Municipality.
- f) Create an account (the “EIC Trust Account”) held by a trustee that will accept payments from the Municipality made in accordance with Paragraph 2(d) below, and create a separate account (the “EIC Administrative Fee Account”) to receive the transfer of those funds deposited within the EIC Trust Account that constitute payment of EIC administrative fees;
 - g) Provide customer service by telephone to the Municipality during the hours of 9:00 a.m. through 5:00 p.m. Monday through Friday, Eastern Standard Time, excluding state and federal holidays;
 - h) Upon EIC’s receipt of payment in full under a particular Finance Agreement, send a letter of satisfaction by email to the Municipality notifying it that such Property Owner or subsequent owner of the Benefited Property has satisfied his/her/its obligations under the terms of the Financing Agreement;

2. Duties of the Municipality

It is understood by the Parties that the Municipality will be responsible for the performance of the following duties:

- a) Maintain copies received from EIC of each Finance Agreement for a Benefited Property throughout the term of the Finance Agreement relating to such Benefited Property, which shall be maintained until all obligations of the owner of such Benefited Property that are set forth in the Finance Agreement have been satisfied.
- b) Within thirty (30) days of receipt of the Annual Report, add a charge to its tax rolls for each newly approved Benefited Property listed therein, and include such charge in the next ensuing tax levy so that such charge shall be included on and due in the same manner and at the same time and in the same installments as the municipal taxes on real property are due within the Municipality and shall become delinquent at the same times, shall bear the same penalties and interest after delinquency, and shall be subject to the same provisions for redemption and sale as the general municipal taxes on real property of the Municipality.
- c) Within thirty (30) days of the due date of the municipal taxes, including the charge pursuant to a Finance Agreement, remit payment to the EIC Trust Account in the amount equaling the total annual payments due to EIC from each Benefited Property within the Municipality, regardless of whether the Municipality actually has received such payments from the owner of the Benefited Property. Failure to deliver payments to EIC would be considered an event of default hereunder.
- d) Deliver to EIC an annual delinquency report (the "Delinquency Report") no later than (90) days after the due date for the municipal taxes, including the charge, which shall: (i) list each Benefited Property that is delinquent in charge payments owed for such Benefited Property, (ii) provide the amount owed to the Municipality by the owner of such Benefited Property (including penalties and interest on delinquent charge payments), and (iii) outline the steps taken or to be taken and progress made in recovering delinquent charge payments from the owner of such Benefited Property.
- e) Make all reasonable efforts to assist EIC in carrying out the Program within the Municipality.

3. Program Modification

The Municipality may modify the Program by limiting the types of properties which may receive financing for Energy Improvements and/or the amount of financing available within the Municipality. The Municipality shall provide written notice to

ETC of such proposed modification. The proposed modification shall only become effective upon written approval from ETC provided to the Municipality, which shall not be unreasonably withheld. Such approval shall have no effect on the duties and obligations owed by each Party hereto in connection with this Agreement and any Benefited Property for which a Finance Agreement was executed prior thereto.

4. Non – Payment

- a) Failure of a Participating Municipality to deliver payments to ETC within thirty (30) days of when due shall be considered an event of default and ETC shall be entitled to pursue any one or more of the remedies set forth below.
- b) No Participating Municipality shall be responsible for the deficient payment of another Participating Municipality.

5. Terms of Membership

The Municipality understands and agrees that membership in ETC is at the discretion of the Board of Directors of ETC and is conditional upon satisfying the membership criteria established by the ETC Board, as may be amended from time to time at the sole discretion of the Board, as well as compliance with the terms of the By-Laws of ETC. If a Participating Municipality’s bond credit rating drops below “A” as rated by Standard and Poors and/or “A2” as rated by Moodys and/or “A” by Fitch Ratings Service, ETC will no longer provide financings to Properties within such Municipality.

6.

Reserve Funds and Permanent Loss

- (a) ETC shall maintain one or more reserve funds (each a “Reserve Fund”, collectively, the “Reserve Funds”) to protect and compensate ETC, Participating Municipalities, lenders of funds to ETC, and other third parties approved by ETC against potential losses, including without limitation losses suffered by a Participating Municipality resulting from defaulted charge payments only in the event of a Permanent Loss (defined below) with respect to a Benefited Property. Certain Reserve Funds may be restricted in that they may only be used in conjunction with financings made to properties located within one or more designated Participating Municipalities. All Reserve Funds will be held at a bank or trust company located and authorized to do business in NYS. Reserve Funds will be invested in accordance with the investment guidelines approved by ETC (the “Investment Guidelines”) as may be amended from time to time.
- (b) ETC reserves the right to refuse to make a financing to a property located within a Member Municipality in the event ETC determines, in its sole discretion, that there are inadequate reserve funds.
- (c) A loss shall not be deemed a permanent loss until the Participating Municipality has exhausted all remedies at law in an effort to collect the defaulted charge payments, including but not limited to the redemption and sale of the Benefited

Property where the proceeds are not sufficient to recover all amounts paid by the Municipality to ETC after the proceeds of such sale have been proportionately applied to all amounts owed to the Municipality at the time of such sale as a result of the non-payment of taxes (“Permanent Loss”) . In order to collect from the Reserve Fund in the event of a Permanent Loss, the Municipality must provide ETC with all documentation as may be reasonably requested by ETC to document such Permanent Loss and must not be in default to ETC, including having made all payments to ETC when due.

7. Remedies Upon Default

Should the Municipality default in any of its obligations hereunder, including but not limited to failure to make payments to ETC as required hereunder, ETC shall be entitled to any remedy it may have at law and as set forth below. ETC may utilize any one or all of these remedies at ETC’s sole discretion.

- a) If the Municipality fails to make a required payment to ETC and the Municipality collects penalties or interest from the Property Owner for late payment, the Municipality shall pay to ETC all such penalties or interest attributable to the charge collected by the Municipality on behalf of ETC.
- b) ETC shall have the right to discontinue providing any new financings to Properties located within the Municipality.
- c) ETC may suspend the Municipality’s membership in ETC.

8. Formation; Authority

Each Party represents and warrants to the other that it has complied with all laws and regulations concerning its organization, its existence and the transaction of its business and that all necessary steps have been taken to authorize it to execute, deliver and perform its respective obligations under this Agreement, and no consent or approval of any third party is required for either Party’s execution of this Agreement or the performance of its obligations contained herein. The individual executing this Agreement on behalf of each Party has been and is duly authorized to bind his/her respective Party.

9 No Violation or Litigation

The performance by each Party of its respective obligations contained in this Agreement will not and do not conflict with or result in a breach of or a default under any of the terms or provisions of any other agreement, contract, covenant or security instrument or any law, regulation or ordinance by which the Party is bound. There is no litigation, action, proceeding, investigation or other dispute pending or threatened against either Party which may impair its ability to perform its respective

duties and obligations hereunder.

10. Notices

Any and all notices, demands, or other communications required or desired to be given hereunder by either Party shall be delivered electronically and in writing by certified mail, return receipt requested as follows:

EIC:
Thomas Bregman
Energy Improvement Corporation
321 Bedford Rd,
Bedford Hills, NY 10536

Joseph Del Sindaco
Energy Improvement Corporation
321 Bedford Rd,
Bedford Hills, NY 10536

Attention: Tom Bregman
Joseph Del Sindaco

E-mail: tom@energizeny.org
Treasurer@energizeny.org

With a copy to:

James Staudt, Esq.
McCullough, Goldberger & Staudt, LLP
1311 Mamaroneck Avenue, Suite 340
White Plains, N.Y. 10605
E-mail: jstaudt@mgsllawyers.com

City of Cortland
Office of Clerk
25 Court Street
Cortland, NY 13045

With a copy to:

Office of Corporate Counsel

25 Court Street

Cortland, NY 13045

Either Party hereto may change its address for purposes of this paragraph by providing written notice to the other party in the manner provided above.

11. Governing Law.

This Agreement shall be construed and governed in accordance with the laws of the State of New York. Any legal action to be brought under this Agreement must be instituted in State or Federal Courts having jurisdiction located in Westchester County, New York.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first written above. The Parties hereto agree that facsimile signatures shall be as effective as if originals.

Date: _____, 2014

Energy Improvement Corporation

By:

PRINT NAME:

Date: _____, 2014

City of Cortland:

By:

PRINT NAME:



ADDING AN ENERGY IMPROVEMENT CHARGE TO THE MUNICIPAL TAX BILL OF A BENEFITED PROPERTY FINAL - 6/14/2012

Assumptions:

- 1) Local Law has passed and EIC/Municipal Agreements and Resolutions joining EIC are in place enabling the provision of Energy Improvement financing and formalizing the relationship between EIC and Town.
- 2) Benefited property has cleared EIC financing criteria and has been improved.

Steps:

- a) EIC provides list and other Agreement documentation of newly benefited properties ("Additions") to Municipal Clerk monthly or as needed
 - i. List of newly approved Additions to include:
 - i. PARCEL ID (SECTION, BLOCK LOT)
 - ii. PARCEL ADDRESS
 - iii. SWISS CODE (TOWN IDENTIFYING CODE)
 - iv. Origination date,
 - v. Total notional of financing,
 - vi. Annual payment.
- b) Municipal Clerk provides list to Municipal Board for approval to have an Energy Improvement Charge added to each benefited property's tax bill and add them to the tax roll.
- c) Monthly or as needed, Municipal Board to pass a resolution to add Energy Improvement Charge(s) to the tax rolls.
- d) EIC provides Annual Report to Municipal Assessor, Tax Receiver, Municipal Clerk and Comptroller three months before municipal taxes are due.
 - i. List of newly approved benefited properties ("Additions") to add to Assessment rolls. Data to include:
 - i. PARCEL ID (SECTION, BLOCK LOT)
 - ii. PARCEL ADDRESS
 - iii. SWISS CODE (TOWN IDENTIFYING CODE)
 - ii. List of existing benefited properties with
 - i. PARCEL ID (SECTION, BLOCK LOT)
 - ii. PARCEL ADDRESS
 - iii. SWISS CODE (TOWN IDENTIFYING CODE)
 - iii. List of benefited properties that have satisfied the financing terms ("Satisfactions") and the satisfaction date,
 - iv. Notice of satisfaction,

PRIVATE AND CONFIDENTIAL – NOT TO BE DISTRIBUTED

- v. Origination date,
 - vi. Total notional of financing,
 - vii. Total outstanding balance,
 - viii. Annual payment,
 - ix. Total annual Municipal collections due to EIC
-
- e) Municipal Board to pass a resolution to add any additional Energy Improvement Charge(s) to the tax rolls from the current year up until three months before municipal taxes are due.
 - f) Approximately two and one half months before municipal taxes are due, Municipal Assessor creates the bucket (special "Move tax" code) and places it on the tax rolls. - NOTE: recommendation for one Code generation method: ("Energy Improvement Charge22" OR "EIC 22" = Charge with satisfaction date of 2022),
 - i. TIP: put \$ amount from EIC as per codes in text file form – inputs into Tax Program System (eg: RPS)
 - g) Assessor/TR verifies deletions and additions (Two months before municipal taxes are due)
 - h) Rolls are Imported into Tax Program System (One and one half months before municipal taxes are due)
 - i) Tax Receiver to run verification report to compare EIC expectations of total revenue to Assessor expectations of revenue. (One and one half months before municipal taxes are due)
 - j) Tax Bills Print and Mail (One month before municipal taxes are due)
 - k) Tax Receiver receives Charge payments (Municipal tax due date)
 - l) EIC's Trustee receives Charge Payments (Within 30 days of Municipal Tax due date)



ENERGIIZE NY BENEFIT FINANCING UNDERWRITING STANDARDS

- Clear Title + Corporate/organizational documents in order
- Owner has not filed for bankruptcy for 7yrs
- There are no outstanding taxes or involuntary liens on the property in excess of \$1000
- Property is not in foreclosure and there have been no recent mortgage or other property-related debt defaults.
- Maximum total of existing loans relative to Appraised Value must be less or equal to 80%
- Maximum Energiize Benefit Financing amount relative to Appraised Value less or equal to 10%
- Current on Mortgage
- Property tax payment record is clear for 3yrs
- Property Location in EIC Member Municipality
- Savings Investment Ratio test > 1
- Energy Improvements permanently affixed to property
- Required Assessment, Scope and Upgrade through NYSERDA HPwES or other NYSERDA approved upgrade program
- Must be existing structures that are benefited
- Energiize Benefit Financing amount shall be repaid over a term not to exceed the weighted average of the useful life of such systems and improvements as determined by NYSERDA approved energy audit/assessment study
- Must show predicted positive cash flow > 1% of annual assessment payments.
- Energiize Benefit Financing net of ALL non tax based incentives
- Building Owner sign off on the work being completed
- Maximum Financing:
 - 1-4 Family Residential Buildings – \$30,000
 - Commercial and Large Multi-Family Buildings – Subject to 10% Max Value and 80% LTV rule
- Minimum Financing – \$3,000
- Must show existing lender consent (Commercial Property)

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Energy Improvement Corporation (EIC) MUNICIPAL MEMBERSHIP CRITERIA

FINAL - 5/9/2013

- A NYS Municipality desiring membership (the "Applicant") shall be a municipality of the State of New York with Tax Lien authority.
- The Applicant must apply to the EIC in writing through its chief executive officer or chief fiscal officer and must authorize its participation in the financing of a "Project" or "Projects" through the Corporation (as defined in NYS GENERAL MUNICIPAL Law-119-ff).
- The Applicant must currently be rated no lower than "A" or "A2" by any of the three rating agencies listed here: Moodys, Standard and Poors, and Fitch ratings service.
- The EIC BOARD must approve the Applicant.

In addition, the Applicant must show completion of the following steps:

- 1) Pass the Energize NY Benefit Finance Local Law enabling the provision of Energize NY Benefit Financing to eligible residents of the Municipality,
- 2) Approve the EIC/Municipal Agreement,
- 3) Intent to participate in the Annual Meeting of the EIC to be held on or around March 31 or each year in order to elect the Board of Directors and discuss other matters of the corporation.

A written letter from the EIC's Board of Directors to the Applicant will confirm membership.



Energize NY Finance

CITY OF CORTLAND

ELYSSA ROTHE / DIRECTOR OF MUNICIPAL
MEMBERSHIP

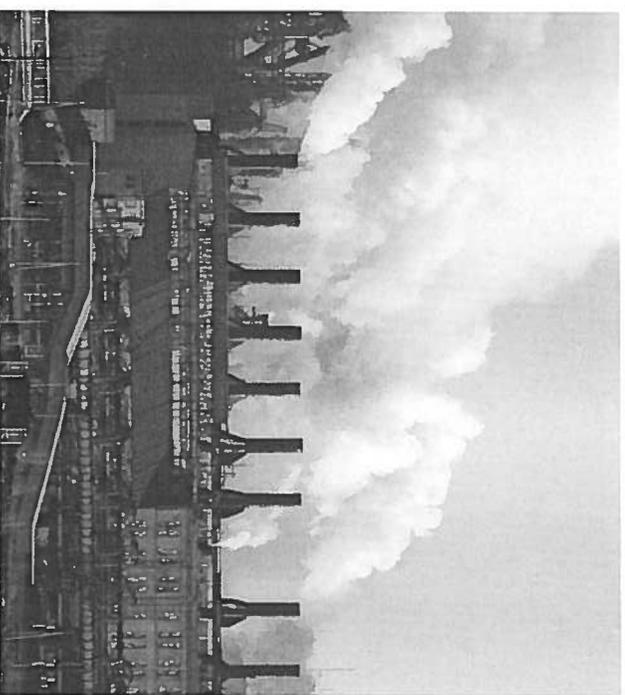
OCTOBER 17, 2014

NYS Energy Facts



New Yorkers spend \$64 billion on energy annually

- \$35 billion in building sector
- \$21 billion leaves the state
- \$10.5 billion is wasted



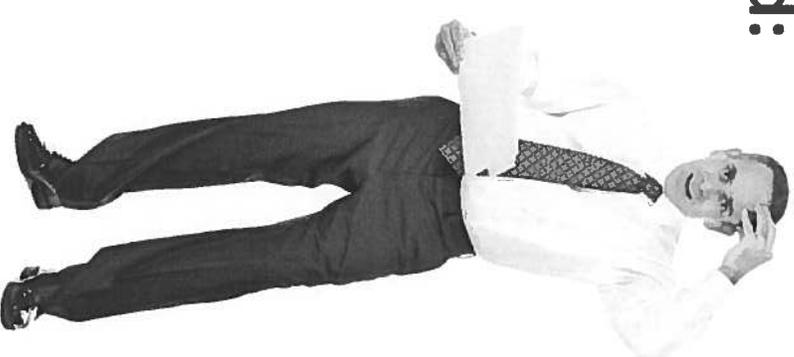
NYS emits 210.85 million metric tons of carbon dioxide annually



The Energy Upgrade Problem

Commercial property owners need:

1. Help getting started with clean energy projects
2. Advice if they get stuck in the process
3. Access to capital. Other loan products not available.



The Solution



- Provide low-cost, long-term financing for clean energy projects in commercial sector
- Support property owners, service providers, municipal leaders through the clean energy upgrade process



EIC

Energy Improvement Corporation



- Not-for-profit, Local Development Corp.
- Mission to increase Energy Efficiency & Renewable Energy
- Utilizes a shared service model
- Funded by NYSERDA, DOE, revenue from financings
- Serve property owners with four programs
 - Energize NY Residential
 - Energize NY Commercial
 - Energize NY Finance
 - Solarize Westchester

Energize NY Finance

Property Assessed Clean Energy (PACE)

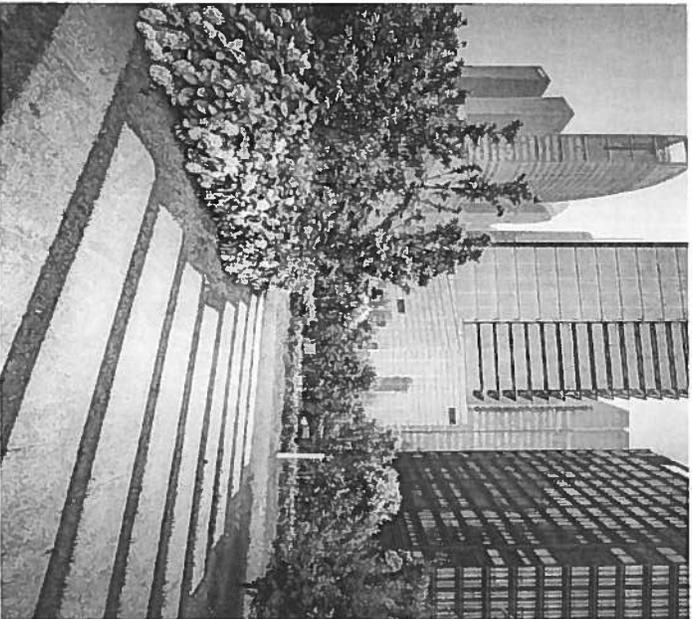


- **Energize NY Finance is NY State’s PACE program**
 - “Municipalities would fulfill an important public purpose by providing financing to property owners for the installation of renewable energy systems & energy efficiency measures.”
 - Article 5L of the NYS General Municipal Law



- NY passed PACE legislation in 2009
- Repayments collected by municipality via tax bill charge
- Senior lien status

Eligible Building Types



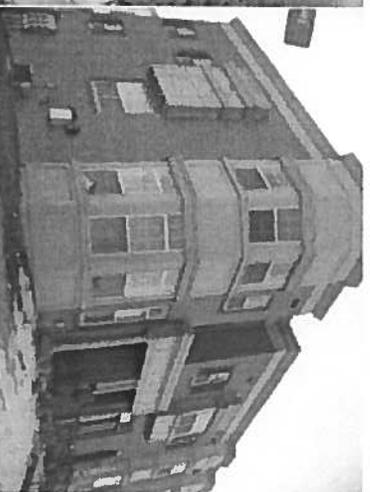
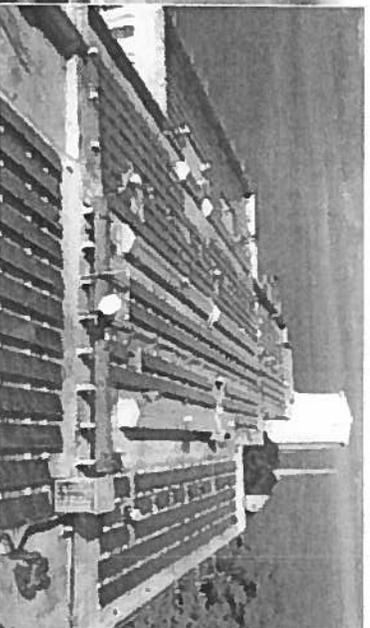
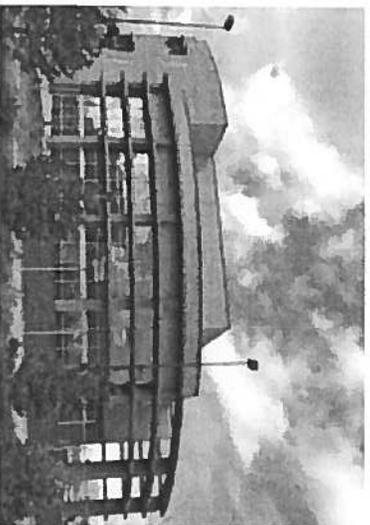
Buildings owned by a commercial or not-for-profit entity

- Healthcare
- Hospitality
- Industrial
- Multifamily
- Manufacturing
- Not-for-profit
- Office
- Retail

Eligible Measures



- **Efficiency:** Lighting, insulation, air sealing, HVAC, chillers, controls, windows, pumps, etc.
- **Renewable:** Solar PV, solar thermal, geothermal, wind, etc.



Benefits of ENY Finance



- Covers up to 100% of project cost
- Long terms with competitive rates
- Rates at 3.75% - 6.75%
- Flexible terms 5 - 20 years
- Deeper upgrades
- Positive cash flow
- Automatically transfers to next property owner
- Aligned with community goals
- Job creation
- Keep dollars local
- Improve building stock
- Meet sustainability goals

Financing Criteria



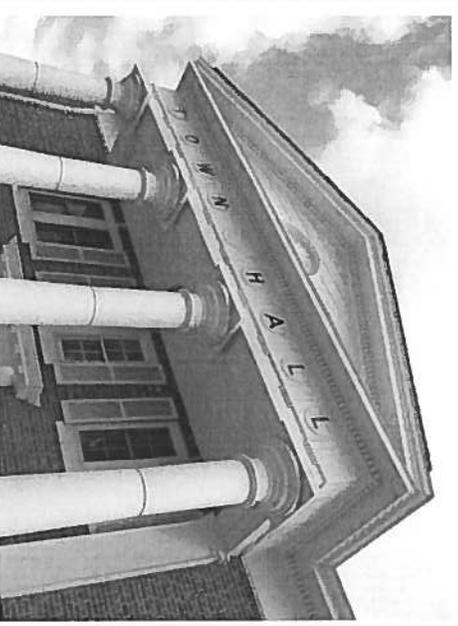
- Estimated annual energy savings from improvements must be greater than annual finance payments
- Improvements have savings-to-investment ratio > 1
- Property's existing loan-to-value is no greater than 80%
- Financing up to 10% of value of benefitted property
- No bankruptcy within last 7 years
- At least 3 year history of timely property tax payments
- Existing lender consent required
- Recent property appraisal required
- NYSERDA energy assessments helps ensure quality & cost effectiveness

Municipal Role



Municipality must join EIC to use ENY Finance

1. Municipality passes local law establishing program within municipal borders
 - Template legislation completed
2. Sign MA that codifies the tax
 - Template MA completed
3. Formally request EIC membership through letter to EIC Board



Municipal Tax Collection



1. Municipality adds PACE Finance charge to the annual tax bill for eligible property owners.
 - The tax charge will be recorded on the land record for the term of the financing. It is pari passu with other line item tax bill charges, such as sewers, water districts, schools, etc.
2. Municipality collects the annual Energize NY PACE Finance tax charges from property owners.
3. Municipality remits total annual Energize NY PACE Finance tax charges to EIC's trustee regardless of tax delinquency.
 - EIC protects Municipality from permanent losses from defaulted tax bill charge payments through Municipal Loss Reserve fund.

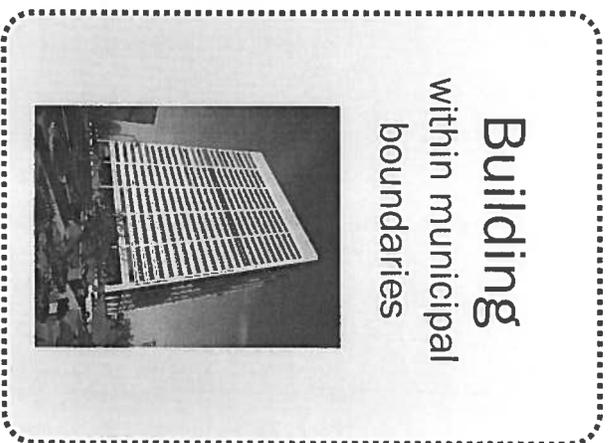
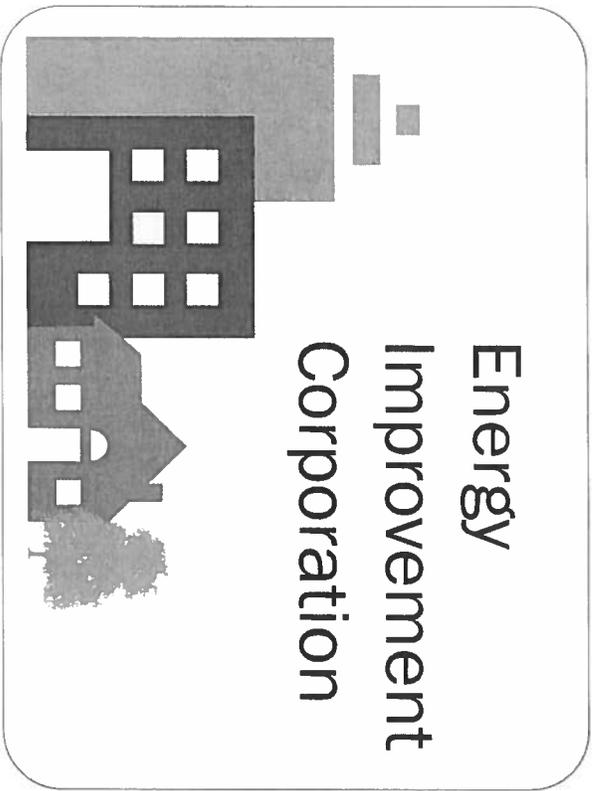
Municipal Costs



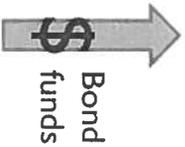
Municipality incurs no variable cost
as a member of EIC.



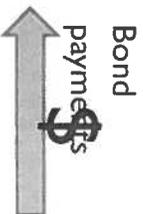
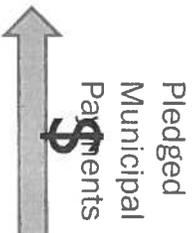
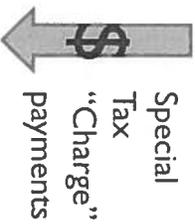
- No fees to join
- No membership fees



Energy NY Finance offered to property owner



CAPITAL FLOW



Allows for lower cost of capital

Current Members



Bedford

Peekskill

Croton-On-Hudson

Pound Ridge

Greenburgh

Somers

Lewisboro

White Plains

New Rochelle

Yorktown

North Salem

Orange (County)

Ossining (Town)

Cortlandt*

**Member
Population:
770,000**

**Prospective
Member
Population:
4,725,000**

*Membership pending



Prospective Members

Albany (County)

Rockland (County)

Binghamton (City)

Rensselaer (County)

Buffalo (City)

Saratoga (County)

Dutchess (County)

Suffolk (County)

Erie (County)

Sullivan (County)

Ithaca (City)

Syracuse (City)

Onondaga (County)

Tompkins (County)

Poughkeepsie (City)

Troy (City)

Putnam (County)

Ulster (County)

Rest of Westchester Co.

*NYPA Five Cities Program

EIC Member Services



MEMBER SERVICES

- Launch & event planning for municipality
- Website communications for municipality
- Training services for local contractors/solar developers
- Outreach & marketing support for municipality

PROPERTY OWNER SERVICES

- Support with NYSERDA
- Application support
- Finance analysis tools
- Contractor qualification
- Property owner summits
- Measurement & verification

Economic Development



- Savings on energy bills = money that stays in local economy
 - Community stakeholders have increased dollars
 - Spending and reinvestment in local economy



- Energy upgrade projects = jobs creation
 - Increased demand for skilled building professionals

Environmental Benefits



Central NY Region Sustainability Plan: Chapter 2, Page 49

“...the establishment of a local or regional Property Assessed Clean Energy (PACE) loan program that would allow building owners to make energy efficiency improvements or install renewable energy systems without upfront capital, paying the cost of the upgrade back through a fee that is assessed with the property’s tax bill over a period of ten to twenty years.”

- Goals of Energize NY Finance directly align with municipal goals to:
 - Support healthier, livable communities
 - Improve building stock
 - Reduce GHG emissions and particulate pollution.

Everyone Benefits



- More projects
- Deeper upgrades
- Lower energy costs
- Environmental benefits
- Improved value of building stock





Let's Get Started

1. Review template Local Law legislation and EIC Municipal Agreement.
2. Pass legislation, sign Municipal Agreement, send letter to EIC Board to request membership.
3. Launch Energize NY!

Energize NY



- Elyssa Rothe: Elyssa@EnergizeNY.org
- (914) 302-7300
- Commercial.EnergizeNY.org