

## Minutes

### Town of Persia **Special Meeting**

8 West Main Street, Gowanda, NY 14070

March 3, 2107

\*\*Said meeting was posted in the Observer on February 25<sup>th</sup> with same being posted at the Persia Town Hall and the website.

Supervisor Paula Schueler calls meeting to order at 10:00am.

#### Roll Call:

Supervisor: Paula Schueler: present

Highway Superintendent: Daniel Ackley: absent

Councilperson: John Walgus: present

Councilperson: Teresa Girome: present

Councilperson: Gloria Tomaszewski: absent

Councilperson: Robert Dingman: present (10:07)

Building Inspector: Mel Shaw: present

Town Clerk: Denise Trumpore: present

#### Others Present:

— Jonathon Mayr: Clean Energy Communities Coordinator

**Supervisor Paula Schueler:** I would like to have Jonathon Mayr discuss the benchmarking of certain municipal buildings and the adoption of a New York Unified Solar permit.

**Jonathon Mayr: NYSERDA Clean Energy Communities Coordinator:**

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I am here to help the Town of Persia apply for a \$50,000 match free grant from New York State. There are four high impact action items that must be met; 1. A resolution benchmarking of certain municipal buildings. 2. A resolution adopting the New York State Unified Solar permit application. 3. Purchasing 2 EV charging stations. 4. Train code compliance officer and other municipal officials in best practices in energy code enforcement.

## **RESOLUTION # 19 Establishing Energy Benchmarking requirements for certain municipal buildings.**

on a motion of Councilperson Dingman

Seconded by Councilperson Girome

ADOPTED      AYES – 4 Dingman, Girome, Walgus, Schueler

NAYS - 0

### **RESOLVED**

**WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings – for the exact same building use; and**

**WHEREAS, collecting, reporting and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Persia is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and**

**WHEREAS, the Town Board of the Town of Persia desires to use Building Energy Benchmarking – a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar**

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**buildings – to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Persia; and**

**WHEREAS, the Town Board of the Town of Persia desires to establish procedure or guideline for Town of Persia staff to conduct such Building Energy Benchmarking; and**

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;**

**BUILDING ENERGY BENCHMARKING POLICY/PRECECDURES**

**1. DEFINITIONS**

**1. “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.**

**2. “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.**

**3. “Commissioner” shall mean the head of the department.**

**4. “Covered Municipal Building” shall mean a building or facility that is owned or occupied by The Town of Persia that is 1,000 square feet or larger in size.**

**5. “Department” shall mean the (Department selected to enforce the Benchmarking Policy).**

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**6. “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in utility bills or other documentation of actual energy use.**

**7. “Energy Performance Score” shall mean the numeric rating generated by “Portfolio Manager” that compares the energy usage of the building to that of similar buildings.**

**8. “Energy Use Intensity (EUI)” shall mean the kBtu’s (1,000 British thermal Units) used per square foot of gross floor area.**

**9. “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed wall within any structure used or intended for supporting or sheltering any use or occupancy.**

**10. “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide, or successor.**

**11. “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.**

**12. “Weathered Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30 year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.**

**2. APPLICABILITY**

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**1. This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of the policy.**

**2. The Commissioner may exempt a particular Covered Municipal Building from the Benchmarking requirement if the Commissioner determines that it has characteristics that make Benchmarking impractical.**

**3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

**1. No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous year.**

**2. For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.**

**4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

**1. The Department shall make available to the public on the Internet Benchmarking Information for the previous calendar year:**

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- **no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and**
- 2. The Department shall make available to the public on the internet and update at least annually, the following Benchmarking information:**
  - a. Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking information; and**
  - b. For each Covered Municipal Building individually:**
    - (i) The status of compliance with the requirements of this policy; and**
    - (ii) The building address, primary use type, and Gross Floor Area; and**
    - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and**
    - (iv) A comparison of the annual summary statistics (as required by Section 5 (2)(b)(iii) of this policy) across calendar years for all years since annual reporting under this policy has been required for said building.**

### **5. MAINTENANCE OF RECORDS**

**The Department shall maintain records as necessary for carrying out the purposes of this policy, including but not limited to Energy bills and other documents received from tenants and /or utilities. Such records shall be preserved by the Department for a period of three (3) years.**

## **6. ENFORCEMENT AND ADMINISTRATION**

- 1. The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this policy.**
- 2. The Chief Enforcement Officer of this policy may promulgate regulations necessary for the administration of the requirements of this policy.**
- 3. Within thirty(30) days after each anniversary date of the effective date of this policy, the Chief Enforcement Officer shall submit a report to the Town of Persia including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the Benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this policy.**

## **7. EFFECTIVE DATE**

**This policy shall be effective immediately upon passage.**

## **8. SEVERABILITY**

**The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional , shall not affect the validity or enforceability of any other section, subsection,**

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**paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.**

**RESOLUTION # 20 New York State Unified Solar Permit application**

On a motion of Councilperson Walgus

Seconded by Councilperson Dingman

ADOPTED AYES – 4 Walgus, Dingman, Girome, Schueler

NAYS – 0

**RESOLVED**

**WHEREAS, pursuant to Section 10 of the Municipal Home Rule Law, the Town of Persia Town Board duly adopted Article 16 of the Town law entitled “Zoning Ordinance of the Town of Persia, Cattaraugus County, New York”, for the purpose of promoting the public health, safety, morals , comfort and general welfare; conserving and protecting property and property values; securing the most appropriate use of land; lessening or avoiding congestion in the public streets and highways, and facilitating adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Town Board finds it necessary and advisable to regulate the location, size and use of buildings and other structures; percentages of lot area which may be occupied; set back buildings lines; sizes of yards, courts and other open spaces, and the use of land for trade, industry, residences, recreation or other purposes, and for such purpose divides the unincorporated area of the Town into districts or zones.**



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**WHEREAS, Section 10.1 of the zoning laws or the Town of Persia requires the Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town Code; and**

**WHEREAS Article 16 requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and**

**WHEREAS, the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration, and repair of equipment and systems using solar systems; and**

**WHEREAS, the New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes; and**

**WHEREAS, the Town Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures,**

**NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and it is further**

**RESOLVED, the Town of Persia Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further**

**RESOLVED, any further actions required of the Town to effect the foregoing are hereby authorized and the Town Supervisor is hereby**

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**authorized to execute and deliver any instruments, documents or the like as required to effect the same.**

**RESOLUTION #21 To purchase two EV charging stations.**

On a motion of Councilperson Girome

Seconded by Councilperson Walgus

ADOPTED        AYES – 4

                     NAYS – 0

RESOLVED to purchase two EV charging stations.

Hearing no further business, the meeting adjourned at 10:40 am.

Respectfully submitted,

Denise M. Trumpore

Persia Town Clerk

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