

RESOLUTION #0802021

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ESTABLISHING PROCEDURES FOR THE TOWN OF NORTH EAST STAFF TO CONDUCT BUILDING ENERGY BENCHMARKING

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 North East is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of North East's Board 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 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 North East and

WHEREAS, the Board of the Town of North East desires to establish procedures or guidelines for the Town of North East staff to conduct such Building Energy Benchmarking; and

WHEREAS, this has been determined to be a Type II action under SEQRA which does not require environmental review; and

WHEREAS, this Resolution shall be deemed to be part of the Town's Climate Smart Initiative.

NOW THEREFORE, BE IT

RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "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.

(C) "Supervisor" shall mean the head of the Department.

(D) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the The Town of North East that is 1,000 square feet or larger in size.

(E) "Department" shall mean the Business Office of the Town of North East.

RESOLUTION #0802021

(F) “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.

(G) “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.

(H) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

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

(J) “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.

(K) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(L) “Weather 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

(A) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(B) The Supervisor may exempt a particular Covered Municipal Building from the benchmarking requirement if the Supervisor determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(A) No later than February 1, 2022 and no later than February 1 every year thereafter, the Supervisor 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 calendar year.

(B) 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 Supervisor or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(A) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

RESOLUTION #0802021

- (B) No later than March 1, 2022 and by March 1 of each year thereafter for Covered Municipal Buildings; and
- (C) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
- (D) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
- (E) 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

(A) The Supervisor or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(B) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(C) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board 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 Supervisor 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

RESOLUTION #0802021

competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

This motion was offered by Town Board member John Midwood and was seconded by Town Board member George Kaye.

MOTION: Councilman Midwood

SECOND: Councilman Kaye

SUPERVISOR KENNAN

Voted AYE

COUNCILMAN FEDELE

Voted AYE

COUNCILMAN KAYE

Voted AYE

COUNCILMAN MIDWOOD

Voted AYE

COUNCILWOMAN MORRISON

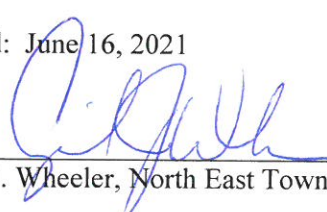
Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on June 10, 2021.

CERTIFIED TRUE COPY OF RESOLUTION

I, Gail J. Wheeler, Town Clerk of the Town of North East, hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on June 10, 2021, at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated: June 16, 2021


Gail J. Wheeler, North East Town Clerk

[Affix Seal of Municipality]