

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING
NOVEMBER 15, 2016

A Public Hearing was held by the Board of Trustees on Tuesday, November 15, 2016 at 7:32 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

ABSENT: Trustee

CITIZENS: Six (6).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the Nov. 10, 2016 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law D of 2016 to establish benchmarking requirements for certain municipal buildings.

Mayor Swiderski: This goes on for several pages. Could somebody summarize it?

Trustee Lemons: The purpose of this is to institute an annual process of assessing the energy utilization of all the major municipal buildings. The idea behind it is to assess and then let that guide us in improving the energy efficiency of the buildings over time. We think it is a good idea, but it also one of the key steps that will help to gain accreditation as to what is called a Clean Energy Community. That opens the door, once we have that certification from NYSERDA, to considerable funding without any further application.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1: The Code of the Village of Hastings-on-Hudson is hereby amended by adding a new Chapter 190, entitled “MUNICIPAL BUILDING ENERGY BENCHMARKING,” to read as follows:

§1901. PURPOSE

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. As such, this Local Law will use Building Energy Benchmarking 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 Village of Hastings-on-Hudson.

Collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide. Equipped with this information, the Village of Hastings-on-Hudson is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

§1902. 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. “Administrator” shall mean the head of the Department.
- D. “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Hastings-on-Hudson that is 1,000 square feet or larger in size.
- E. “Department” shall mean the Building Department of the Village of Hastings-on-Hudson.
- F. “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable onsite 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.

§1903. APPLICABILITY

A. This Chapter is applicable to all Covered Municipal Buildings as defined in Section 1902 above.

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

§1904. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

A. No later than December 31, 2016, and no later than May 1 every year thereafter, the Administrator 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 Administrator or his or her designee from the Department shall begin inputting data in the following year.

§1905. 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, no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and

B. The Department shall make available to the public on the internet and update at least annually,
the following Benchmarking Information:

- (1) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

- (2) For each Covered Municipal Building individually:
- (a) The status of compliance with the requirements of this Local Law? and
 - (b) The building address, primary use type, and gross floor area? and
 - (c) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available? and
 - (d) A comparison of the annual summary statistics (as required above) across calendar years for all years since annual reporting under this Chapter has been required for said building.

§1906. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Local Law, 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.

§1907. ENFORCEMENT AND ADMINISTRATION

A. The Administrator or his or her designee from the Department shall be the Chief Enforcement Officer of this Chapter.

B. The Chief Enforcement Officer designated hereunder may promulgate regulations necessary for the administration of the requirements of this Chapter.

C. Within thirty days after each anniversary date of the effective date of this Chapter, the Chief Enforcement Officer shall submit a report to the Board of Trustees 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 Administrator determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Chapter.

SECTION 2: 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, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Mayor Swiderski: Is there anyone in the public who wants to comment on this?

Peter D. Wolf, 25 Main Street: I was chair of the Conservation Commission for about 10 years. About the same time, Christina Griffin was head of the Architectural Review Board for 10 years. We resigned to do what turned out to be the first Platinum LEED for Homes in Westchester. It is right here in Hastings-on-Hudson on Warburton Avenue. After that, we started the Center for Sustainable Development. The reason I am here is that the purpose of the center was to show how you could reduce energy consumption up to 90 percent using new technologies and techniques that existed. We have had a number of programs, some for the general public, some geared toward architects and engineers. Among the keynote speakers were State Senator Andrea Stewart-Cousins, the head of the Energy Committee in the New York State Assembly, Amy Paulin, County Executive Rob Astorino, and Congressman Eliot Engel. Our last program was on the new New York State energy code, which went into effect this past month. I authored an article in *Environmental Law in New York*, in the current issue, on the new energy code. We also have reactivated Green Building Professionals, which is done for customizing solutions to specific buildings with regard to energy efficiency.

Given that background, you can imagine I am heartily in favor of this proposition. It is very important, because you cannot manage what you cannot measure. I would like to set forth several attributes that can come out of a program such as this. Among them is measurement. You can get audits; from the audit you can then start with energy conservation measures. You can look at the power supplies within the building, you can look at the building itself, you can examine incentives that certain governmental bodies and utilities give. At the end, you come out with a much more energy efficient building. You could also come out with a more healthful indoor environment.

I wanted to express my wholehearted support for this measure, and commend you for being the forefront of having such a proposed law.

Charlotte Fahn, 155 Edgar's Lane: I do not know anything about the subject. It sounds like a very good idea. I did not catch what was said about funding. Is it the intent to provide separate or additional funding for this? There seems to be a tremendous amount of recordkeeping and time involved, staff time.

Mayor Swiderski: Is that a question we can answer, or is it just public comment?

Village Manager Frobel: I can address the staff time. We have already started the work. We accessed the website called Portfolio Manager. Already the staff, for the past three days, has started to compile all the data from the past 12 months for gas, electric, water, all utilities. It is fairly straightforward. There is some time that is required, but it is going to yield some benefits to us, because what we are doing is collecting all the data to show what we are using for each of our buildings.

Trustee Lemons: Just to fill in in terms of what the potential gains are in terms of grants. If we are one of the first four communities to qualify we would automatically get a \$100,000 grant for projects we would develop over the next three months, then we do not even have to, at this point, define it. If we are in the next 10 communities that are certified we would get \$50,000. So it is a sizeable amount of money. We have to compile the information, but a lot of that information we have.

Kerry Jane King, 87 James Street: I am 100 percent in favor of this. This is great. I had one question about whether it was worth considering including a provision that the Village would set targets for energy reductions. I wanted to hear your thoughts on that. Not that you would specify right now what the target should be or the time frame; that will be determined when you have established the baselines. It might be a bolder statement to include that provision, especially given the uncertainty of where we are going with addressing climate change. I welcome your comments on that.

Mayor Swiderski: My own take is that it does not have to be connected to the legislation; that can always be done later, once it has been passed.

Village Manager Frobel: I agree.

Hearing no further comments, Mayor Swiderski asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Lemons, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:41 p.m.