



# County of Albany

112 State Street  
Albany, NY 12207

## Legislation Text

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**File #:** TMP-1892, **Version:** 1

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### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**

Authorization to enter into a PILOT Agreement with Borrego Solar

Date: 10/7/2020  
Submitted By: Lucas Rogers  
Department: County Executive  
Title: Senior Policy Analyst  
Phone: 518-447-5566  
Department Rep.  
Attending Meeting: Lucas Rogers

**Purpose of Request:**

- ☐ Adopting of Local Law
- ☐ Amendment of Prior Legislation
- ☐ Approval/Adoption of Plan/Procedure
- ☐ Bond Approval
- ☐ Budget Amendment
- ☒ Contract Authorization
- ☐ Countywide Services
- ☐ Environmental Impact/SEQR
- ☐ Home Rule Request
- ☐ Property Conveyance
- ☐ Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- ☐ Contractual
- ☐ Equipment
- ☐ Fringe
- ☐ Personnel
- ☐ Personnel Non-Individual

☐ Revenue

Increase Account/Line No.: Click or tap here to enter text.

Source of Funds: Click or tap here to enter text.

Title Change: Click or tap here to enter text.

### **CONCERNING CONTRACT AUTHORIZATIONS**

#### **Type of Contract:**

☐ Change Order/Contract Amendment

☐ Purchase (Equipment/Supplies)

☐ Lease (Equipment/Supplies)

☐ Requirements

☐ Professional Services

☐ Education/Training

☐ Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

☐ Settlement of a Claim

☐ Release of Liability

☒ Other: (state if not listed) PILOT Agreement

#### **Contract Terms/Conditions:**

Party (Name/address):

BEAVER DAM SOLAR 1, LLC

1814 Franklin St #700

Oakland, CA 94612

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.

Scope of Services: Payment in Lieu of Taxes Agreement for proposed solar energy system  
in the Town of Bethlehem

Bond Res. No.: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

### **CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes ☐ No ☒

If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐

Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

Revenue Account and Line:

Will be included in 2022 Budget

Revenue Amount:

\$25,000/year with two percent escalator

Appropriation Account and Line:

Click or tap here to enter text.

Appropriation Amount:

Click or tap here to enter text.

Source of Funding - (Percentages)

Federal:

Click or tap here to enter text.

State:

Click or tap here to enter text.

County:

Click or tap here to enter text.

Local:

Click or tap here to enter text.

Term

Term: (Start and end date)

11/15/2020 - 11/15/2037

Length of Contract:

17 years

Impact on Pending Litigation

Yes ☐ No ☒

If yes, explain:

Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number:

Click or tap here to enter text.

Date of Adoption:

Click or tap here to enter text.

**Justification:** (state briefly why legislative action is requested)

The Office of the Albany County Executive respectfully requests authorization to enter into a Payment in Lieu of Taxes (PILOT) agreement with BEAVER DAM SOLAR 1, LLC. The owner is proposing to develop a 5 Megawatt AC solar energy system on a parcel of land located within the Town of Bethlehem ("Town") at 275 Beaver Dam Rd.

Real Property Tax Law (RPTL) § 487 exempts the value of a solar panel system from local property taxes. Under the law, any increase in the property value attributable to the addition of the solar panel system is exempt from property tax for fifteen years. Pursuant to §487 a taxing jurisdiction can require a solar developer to pay an annual fee or "payment- in-lieu of taxes" as a replacement for the taxes it would have otherwise collected. Under the law, PILOT amounts cannot exceed what the tax amount would have been without the exemption.

The developer proposed an annual PILOT payment of \$5,000 per Megawatt AC of Capacity with a two percent annual escalator. This amount falls within the NYSEDA PILOT rate guidance for National Grid territory. Based on the size of this project the first year PILOT payment will be \$25,000. The 15-year term shall commence on the first taxable status date following commencement of construction, which will result in an initial PILOT payment in April of 2022.

