

Local Law No. 1 of 2017

**INCORPORATED VILLAGE OF GREAT NECK
BOARD OF TRUSTEES**

A Local Law to Adopt Chapter 226
of the Village Code Concerning
Clean Energy Communities

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Great Neck,
as follows:

Section 1.

WHEREAS, the Incorporated Village of Great Neck (the “Village”) wishes to become a
Clean Energy Community through NYSERDA’s Clean Energy Community Program; and

WHEREAS, receipt of the Clean Energy Community designation would make the
Village eligible for State funding for clean energy projects sponsored by the Village; and

WHEREAS, the Village must complete four (4) of the 10 High Impact Actions offered
by NYSERDA to qualify as a Clean Energy Community; and

WHEREAS, one of the High Impact Actions is the implementation of an “Energy
Benchmarking” program to monitor and report energy consumption in certain municipal
buildings; and

WHEREAS, the Board of Trustees finds that implementation of such a program will
serve the Village’s objective of becoming a Clean Energy Community and will potentially aid
the Village in monitoring and reducing its energy consumption over time; accordingly, the Board
of Trustees finds that implementation of the Energy Benchmarking program will be in the best
interests of the Village and its residents; and

WHEREAS, the proposed action is classified as a Type II Action pursuant to SEQRA,
and in particular 6 N.Y.C.R.R. §617.5(c)(18), and accordingly, no further environmental review
is required;

NOW THEREFORE, BE IT RESOLVED, that Chapter 226 of the Village Code,
entitled “Clean Energy Communities”, is hereby adopted as follows:

ARTICLE I ENERGY BENCHMARKING.

§226-1. 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 program 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 Great Neck (“Village”).

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

§2. 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) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village that is 1,000 square feet or larger in size.

(4) “Deputy Clerk” shall mean the Deputy Clerk of the Village of Great Neck.

(5) “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.

(6) “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.

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

(8) “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.

(9) “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.

(10) “Program” shall mean the Village’s Energy Benchmarking Program, as established herein.

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

(12) “Village” shall mean the Incorporated Village of Great Neck.

(13) “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.

§3. APPLICABILITY

(1) This Program is applicable to all Covered Municipal Buildings, as defined in Section 2 of this Resolution.

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

§4. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than December 31, 2016, and no later than May 1 every year thereafter, the Deputy Clerk, or his or her designee, 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.

(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 Deputy Clerk, or his or her designee, shall begin inputting data in the following year.

§5. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Village 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.

(2) The Village 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 Program; 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 Program) across calendar years for all years since annual reporting under this Program has been required for said building.

§6. MAINTENANCE OF RECORDS

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

§7. ENFORCEMENT AND ADMINISTRATION

- (1) The Deputy Clerk, or his or her designee, shall be the Chief Enforcement Officer of this Program.
- (2) The Chief Enforcement Officer of this Program may promulgate regulations necessary for the administration of the requirements of this Program.
- (3) Within thirty (30) days after each anniversary date of the effective date of this Resolution, the Chief Enforcement Officer shall submit to the Board of Trustees a report which shall include 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 Deputy Clerk determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Program.

§8. EFFECTIVE DATE

This Program shall be effective immediately upon passage of this Resolution.

§9. 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 2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.