

**TOWN OF COLDEN  
COLDEN N.Y. 14033  
RESOLUTION #2017-03**

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR  
CERTAIN TOWN BUILDINGS**

Excerpt from the minutes of a meeting of the Town Board of the Town of Colden held at the Colden Town Hall, 8812 State Road, Colden, Erie County, New York on July 13, 2017 at 7:00p.m.as follows:

**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 Town officials and the public to understand the energy performance of Town buildings relative to similar buildings nationwide, and equipped with this information the Town of Colden is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Colden's Town 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 Town building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Colden; and

**WHEREAS**, the Colden's Town Board desires to establish procedure or guideline for the Town of Colden 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/PROCEDURES**

**§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) "Energy Benchmarking Manager" shall mean the Colden citizen assigned to perform duties as required to comply with the annual reporting requirements of the Benchmarking initiative.

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

(5) "Department" shall mean the Colden Planning Board under the guidance and approval of Colden's Town Board

(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 kBTUs (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 walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “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.

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

(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.

## **§2. APPLICABILITY**

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

(2) The Energy Benchmarking Manager, with Town Board approval, may exempt a particular Covered Town Building from the benchmarking requirement if the Energy Benchmarking Manager determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED TOWN BUILDINGS**

(1) No later than May 1, 2018, and no later than May 1 every year thereafter, the Energy Benchmarking Manager or his or her designee shall enter into Portfolio Manager the total Energy consumed by each Covered Town Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Town 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 Energy Benchmarking Manager, or his or her designee, shall begin inputting data in the following year.

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

(1) The Town Board shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than October 1, 2017 for the 2016 energy data, and by June 1st of each year thereafter for annual energy usage of the prior calendar year for all Covered Town Buildings; and

(2) The Town Board 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 Town Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Town 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 4(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 Energy Benchmarking Manager 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 Town for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Energy Benchmarking Manager, or his or her designee, shall be the Chief Enforcement Officer of this Policy with approval by the Town Board.

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

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Colden Town Board including but not limited to summary statistics on Energy consumption for Covered Town Buildings derived from aggregation of Benchmarking Information, a list of all Covered Town Buildings identifying each Covered Town 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, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The adoption of the foregoing Resolution was moved by Councilman Hrycik, seconded by Councilman Arcara, and duly put to vote, which resulted as follows

- On theVote: Councilman Arcara -yes
- Councilman Hrycik - yes
- Councilwoman Zurbrick - yes
- Councilman Pietraszek -yes
- Supervisor DePasquale – yes

I, Christina M. Kerlin, DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of Colden at its regular meeting held on 13<sup>th</sup> day of July, 2017, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the 17th day of July, 2017

Christina M. Kerlin  
Town Clerk, Town of Colden