



NYSERDA

KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

August 10, 2023

Village of Croton-on-Hudson
ATTN: Lindsay Audin
1 Van Wyck Street
Croton on Hudson, NY, 10520
Email: energywiz@aol.com

SUBJECT: Modification No. 1 to Agreement No. 177530

Dear Lindsay Audin,

Reference is made to the subject Agreement between us dated March 14, 2021 (the “Agreement”), wherein the following changes are hereby incorporated:

1. Agreement, Page One, Item 6, Project Period. Delete “3/14/2021 - 12/31/2022” and Substitute “3/14/2021 - 12/31/2024.”
2. Agreement, Page One, Item 7, Expiration Date. Delete “3/30/2023” and Substitute “3/30/2025.”
3. Exhibit A, Statement of Work. Delete in its entirety and Substitute the attached Statement of Work dated August 3, 2023.

No other provision of this Agreement is otherwise changed or modified.

The parties hereto do hereby indicate their acceptance of and agreement to the foregoing by causing their duly authorized representatives to execute this Modification No. 1 in the respective spaces provided below.

Village of Croton-on-Hudson

**NEW YORK STATE ENERGY RESEARCH
AND DEVELOPMENT AUTHORITY**

Signature: _____

Signature: _____

NYSERDA Authorized Signatory

Name: _____

Title: _____

New York State Energy Research and Development Authority

Albany
17 Columbia Circle, Albany, NY 12203-6399
(P) 1-866-NYSERDA | (F) 518-862-1091
nyserdera.ny.gov | info@nyserdera.ny.gov

Buffalo
726 Exchange Street
Suite 821
Buffalo, NY
14210-1484
(P) 716-842-1522
(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

Exhibit A – Statement of Work
Clean Energy Communities (CEC) Leadership Round Program
CEC(59380)
Revised August 3, 2023

Project Background

Launched in August 2016, the NYSERDA Clean Energy Communities program provides grants and recognition to local governments that demonstrate leadership by completing NYSERDA-selected high-impact actions.

The Village of Croton-on-Hudson (hereafter, the “Contractor”) has made important strides in the area of clean energy and has met the requirements for grant funding under the Clean Energy Communities program. This funding is to be used for the clean energy project(s) described in this Agreement. The funding is intended to reduce greenhouse gas emissions and contribute to New York State clean energy goals.

This agreement describes the general terms and conditions under which the Contractor agrees to plan and implement a Clean Energy Communities grant project. Each project will consist of one or more components. Each component will have a Planning Phase and a Completion Phase.

Under this agreement, the Contractor shall implement the following component(s):

Project Component: Solar

Contractor will provide for the installation of the solar photovoltaic array(s) listed below. The exact size and most suitable location will be determined during the project planning phase. The Contractor shall receive formal NYSERDA Project Manager approval of Task 1.0 Planning Phase of this Agreement before the commencement of this project component.

- Installation of a 37.8kW rooftop solar array at 81 M. Riverside Ave., Croton, NY 10520

The estimated savings of this component is 23.5 metric tons of carbon dioxide equivalent (MTCO_{2e}).

Project Component: Electric Vehicle(s)

Contractor will purchase the electric vehicle(s) listed below. The exact make and model will be determined during the project design phase. Funds may be used for a vehicle wrap or decal(s) (with educational information) to highlight commitment to electric vehicles. The Contractor shall receive formal NYSERDA Project Manager approval of Task 1.0 Planning Phase of this Agreement before the commencement of this project component.

- Purchase of a 2023 Ford F-150 Lightning, or equal, to be assigned to the following location: 435 Yorktown Road, Croton, NY 10520

The estimated savings of this component is 6.7 metric tons of carbon dioxide equivalent (MTCO_{2e}).

Definitions

Contractor Team: At the beginning of the Project Period, the Contractor Team for this Agreement shall consist of the Contractor. Subcontractors selected to work on this CEC grant project shall be identified and selected in accordance with Article V of this Agreement and shall be promptly communicated to the NYSERDA Project Manager. The Contractor shall have the sole responsibility for satisfactory completion of all Tasks and Deliverables outlined in this Agreement.

NYSERDA Project Manager: NYSERDA shall assign a staff member as the NYSERDA Project Manager, designated to oversee and serve as the main point of contact for the Contractor. The NYSERDA Project Manager shall review Deliverables and provide direction to the Contractor in a streamlined fashion. The NYSERDA Project Manager shall be responsible for approving Deliverables and ensuring compliance with this Statement of Work.

Metrics Workbook: After it has been approved by NYSERDA, the Contractor's CEC Grant Application including all approved project information is referred to as the Metrics Workbook. NYSERDA requires that the information in the Metrics Workbook be updated at the Planning Phase (Task 1) and at the Completion Phase (Task 2) to confirm the energy savings from the project. These submittals are referred to as the Metrics Workbook and shall be submitted in excel format as outlined in Exhibit E, Metrics Workbook.

Deliverable Review Process

The Contractor shall submit all Deliverables outlined in this Agreement to the NYSERDA Project Manager once a Task is completed. The Contractor shall submit all Deliverables in Microsoft Word, Microsoft Excel, and/or PDF format (or other format as identified in the Tasks below). Within thirty (30) business days of receipt of each Deliverable, the NYSERDA Project Manager shall provide comments to the Contractor or, if the Deliverable is acceptable, the NYSERDA Project Manager shall provide final approval. The Contractor shall prepare revisions to the Deliverable reflecting the NYSERDA Project Manager's comments, and resubmit any revised Deliverable within thirty (30) business days after receipt of these comments. All Deliverables shall not be considered final unless approved by the NYSERDA Project Manager in writing to the Contractor.

Minimum Performance Requirements

Listed below are the minimum performance requirements for efforts and/or technologies funded under this Agreement. NYSERDA will consider written requests for modifications to the minimum requirements, however modifications are subject to NYSERDA review and approval. The Contractor may propose a project based on previous design efforts, but the project must meet the Minimum Performance Requirements. Implementation or installation must occur after approval of the design. Previous design services, installed, or implemented measures or project elements will not be funded under this Contract. The NYSERDA Project Manager will schedule routine conference calls to ensure the project is on track and meet the required guidelines.

Project Component: Solar

Requirements for this component:

- NYSERDA will only pay for the cost of the project, after incentives, and reserves the right to withhold payments until confirmed.
- Land leases and power purchase agreements where the solar array(s) is owned by a third party are not eligible.
- NYSERDA payment shall not exceed \$6.00 per watt for rooftop and ground mounted systems, and \$10.00 per watt for carport projects.
- Project shall have a Total Solar Resource Fraction (TSRF) of no less than 70 as per the approved Shading Report submitted with the NY-Sun Application.
- Projects must participate in the NY Sun Program, if available.
- Equipment must be in continuous use for a period of at least four (4) years.

Project Component: Electric Vehicle(s)

Requirements for this component:

- The vehicle shall be a new plug-in hybrid or battery electric vehicle.
- Vehicles shall be purchased and owned by the municipality, not leased.
- The vehicle may include a wrap or decal. If a wrap or decal is included, the design must be approved by NYSERDA.
- Vehicles must be manufactured for use primarily on public streets, roads, and highways and have a maximum speed capability of at least fifty-five miles per hour.
- NYSERDA will only pay for the cost of the project, after incentives, and reserves the right to withhold payments until confirmed.

Total Contract Award

The total NYSERDA award amount and the total project cost for all Tasks shall not exceed the amount identified in the Milestone Payment Table below. All cost overruns shall be the sole responsibility of the Contractor.

Tasks

The Contractor is solely responsible for all Tasks in this Statement of Work. Submission of deliverables to NYSERDA electronically (by email or via Salesforce) constitutes certification of the veracity of information contained therein, and compliance with Minimum Performance Requirements as identified in this Agreement. The Contractor shall conduct all work as outlined in the following Tasks:

Task 1.0: Planning Phase

The Contractor shall complete the design/specifications and then the Metrics Workbook in accordance with Exhibit E, Metrics Workbook. The Task 1 Planning Phase Metrics Workbook submittal shall be completed to demonstrate that the design/specifications meet the Minimum Performance Requirements described above and data collected to the level of detail needed to estimate the energy and greenhouse gas (GHG) savings benefits. Throughout the term of the contract, any deviations from the approved Minimum Performance Requirements and the implemented project shall be approved in writing by the NYSERDA Project Manager. By request, NYSERDA reserves the right to obtain and review design/specifications.

Task 1.0 Deliverables:

Project Component: Solar

Deliverables for this component:

- NY-Sun Application Number (application must be in the "Submitted" status), or comparable information.
- Metrics Workbook (in Excel format) reflecting the design and specifications of the Solar Array(s) to be constructed.

Project Component: Electric Vehicle(s)

Deliverables for this component:

- Executed contracts for purchase of electric vehicle(s) that meet all requirements, or comparable information.
- Metrics Workbook (in Excel format) reflecting the specifications of vehicle(s) to be purchased.

***GO/NO GO DECISION – THE CONTRACTOR SHALL NOT BE ALLOWED TO WORK ON ANY FURTHER TASKS UNDER THIS AGREEMENT WITHOUT WRITTEN PERMISSION FROM THE NYSERDA PROJECT MANAGER, WHICH SHALL BE ISSUED AT NYSERDA’S SOLE DISCRETION.**

Task 2.0: Project Completion

The Contractor shall complete the Task 2 - Project Completion Metrics Workbook submittal(s) in accordance with Exhibit E, Metrics Workbook. This submittal documents final metrics data, verifies that the project is complete and the design/specifications meet the project Minimum Performance Requirements.

Site Inspection: If requested, the Contractor shall coordinate with the NYSERDA Project Manager to schedule a date for a site inspection upon the completion of the Project. NYSERDA may also request applicable documentation including, but not limited to photos of the funded project components.

Task 2.0 Deliverables:**Project Component: Solar**

Deliverables for this component:

- Final paid invoices
- Metrics Workbook (in Excel format) reflecting the design and specifications of the Solar Array(s) as built.
- Additional incentive program applications or comparable information, if applicable.

Project Component: Electric Vehicle(s)

Deliverables for this component:

- Final paid invoices, DMV-50 Form Retail Certificate of Sale, or DMV-82 Form: Vehicle Registration/Title Application
- Photographs of the purchased vehicle(s).
- Metrics Workbook (in Excel format) reflecting the specifications of vehicle(s) purchased.
- Additional incentive program applications or comparable information, if applicable.

Milestone Payment Table

The project milestones and schedule of payments is shown below. Any adjustments to the milestone deliverable dates must be approved in writing by the NYSERDA Project Manager. The Contractor shall submit invoices for payment of a completed milestone once the associated Deliverable(s) is approved by the NYSERDA Project Manager. Invoices shall be submitted in a template provided by NYSERDA and as outlined in Article IV of the Agreement. NYSERDA funding shall not exceed 100% of the cost of any milestone. NYSERDA is not responsible for any Deliverable costs that are greater than the NYSERDA contribution for each milestone. If the Contractor fails to complete the project or any milestone of the project, funds disbursed shall be subject to recapture as outlined in Section 2.03 under Exhibit B.

NYSERDA CEC grant funds shall only cover the cost of the project after any other incentives (private, state, federal, etc.) received by the Contractor are removed.

It is NYSERDA's expectation that all dollars awarded under this contract will be used to support clean energy projects. Should Contractor find available funds, for example, through cost savings achieved in performance of the Statement of Work, Contractor agrees to use those funds for clean energy projects.

Milestone #	Milestone Dates	Deliverable Description	NYSERDA Contribution (\$) (Not to Exceed)
Project Plan Phase			
1.1	6/1/2022	Planning Phase - Solar	\$22,500.00
1.2	12/31/2023	Planning Phase – Electric Vehicle	\$5,000.00
Project Completion Phase			
2.1	12/31/2022	Project Completion – Solar	\$57,000.00
2.2	12/31/2024	Project Completion – Electric Vehicle	\$15,000.00
		Total Project Budget	\$90,000.00