

**Authorizing The Chair Of The Ulster County Legislature To Execute An Intermunicipal Agreement With The Power Authority Of New York (NYPA) - Electric Bus Charging Infrastructure Project Phase 2 - Departments Of The Environment And Public Transportation (Ulster County Area Transit)**

Referred to: The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Donaldson, Greene, Litts, Nolan, Stewart, and Walls), The Public Works, Capital Projects and Transportation Committee (Chair Nolan and Legislators Donaldson, Kovacs, Litts, and McCollough), and The Ways and Means Committee (Chairman Gavaris and Legislators Collins, Hansut, Kovacs, Nolan, and Roberts)

Chairman of the Ways and Means Committee, John Gavaris, and Deputy Chair Kevin A. Roberts offer the following:

WHEREAS, this Resolution has been submitted at the request of the County Executive on behalf of the Ulster County Departments of the Environment and Public Transportation (Ulster County Area Transit); and

WHEREAS, in 2021, the County completed a NYSERDA-funded Transit Electrification Study which identified the best courses of action to fully electrify the UCAT fleet and informed the County's charging infrastructure needs; and

WHEREAS, Capital Project No. 574 was established for the installation of rooftop solar at the transit facility ("UCAT Phase 2.1"), with concurrent Capital Project amendments proposed; and

WHEREAS, Capital Project No. 568 was established for the implementation of electric bus charging infrastructure upgrades to the transit facility ("UCAT Phases 1 & 2.2"), with concurrent Capital Project amendments proposed; and

WHEREAS, Capital Projects No. 568 and 574 support alignment of UCAT's operations and infrastructure with Ulster County's Local Law No. 9 of 2015 Establishing a Sustainable Green Fleet Policy, and subsequent amendments, and the New York State Climate Leadership and Community Protection Act's (CLCPA's) Final Scoping Plan Strategy T5: Fleet Modernization and Electrification; and

WHEREAS, Public Authorities Law §1005(17) permits the Power Authority of New York (NYPA) to finance, design, develop, construct, implement, provide and administer energy-related projects, programs and services for any public entity; and

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WHEREAS, pursuant to Resolution No. 72 of 2019, the County has executed a Master Cost Recovery Agreement with NYPA for implementation of such energy-related projects, programs and services as authorized by the Public Authorities Law; and

WHEREAS, the Ulster County Legislature authorized the Chair of the Legislature to enter into an Intermunicipal Agreement with NYPA pursuant to Resolution No. 636 of 2022 for the installation of rooftop solar at the transit facility (“UCAT Phase 2.1”), with an contracted not-to-exceed amount of \$557,530.59; and

WHEREAS, the Ulster County Legislature authorized the Chair of the Legislature to enter into an Intermunicipal Agreement with NYPA pursuant to Resolution No. 307 of 2023 for the implementation of electric bus charging infrastructure upgrades to the transit facility (“UCAT Phase 2.2”), with a contracted not-to-exceed amount of \$697,000.00; and

WHEREAS, Ulster County was awarded a grant of \$100,000 through the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities (“SAM”) program to support the funding and construction of a rooftop solar installation at the transit facility; and

WHEREAS, UCAT Phase 2.1 is anticipated to qualify for the New York State Energy Research and Development Authority (NYSERDA) NY-SUN MW Block program Upstate Region Nonresidential Block 9 incentive of \$0.35 per Watt DC; and

WHEREAS, under the Federal Inflation Reduction Act of 2022 Clean Electricity Production Tax Credit, tax-exempt organizations and municipalities may qualify for a direct pay incentive equaling up to 30% of the costs of new, qualified clean energy installations under Internal Revenue Code (IRC) 45W; now, therefore be it

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RESOLVED, that the Chair of the Ulster County Legislature is hereby authorized to execute the Customer Project Commitment (CPC) with NYPA for a rooftop solar installation and electric bus charging infrastructure upgrades to the transit facility (“UCAT Phase 2”) with a maximum net project cost of \$2,244,248.63, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 1  
(Noes: Legislator Maloney)  
(Absent: Legislator Kitchen)

Passed Committee: Energy, Environment and Sustainability as amended on June 4, 2024

Passed Committee: Public Works, Capital Projects and Transportation on June 10, 2024

Passed Committee: Ways and Means on June 13, 2024

FINANCIAL IMPACT:

\$2,244,249.00 – BUDGETED CAPITAL APPROPRIATION DOLLARS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 18<sup>th</sup> Day of June in the year Two Thousand Twenty-Four, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21<sup>st</sup> Day of June in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
21<sup>st</sup> Day of June 2024.

Approved by the County Executive this  
25<sup>th</sup> Day of June 2024.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

[s] Jen Metzger  
Jen Metzger, County Executive