

**Authorizing The Chairman Of The Ulster County Legislature To Execute An Easement Agreement with the Ulster County Resource Recovery Agency, For the Construction, Installation, And Maintenance of Solar Energy Generation Equipment And Related Appurtenances – Department of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning, and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio, and Rodriguez), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), The Energy and Environment Committee (Chairman R. Parete and Legislators Bartels, Heppner, Lapp, and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been offered by the County Executive on behalf of the Department of Planning; and

WHEREAS, the County of Ulster (hereinafter the “County”) pursuant to its environmental policy to obtain one-hundred percent (100%) of its electricity from renewable sources, seeks to benefit from a solar array, which will offset approximately twenty-seven percent (27%) of its electricity use; and

WHEREAS, the County entered into a Power Purchase Agreement with SolarCity Corporation (hereinafter “SolarCity”) regarding the purchase and sale of solar generated electric energy from a solar array; and

WHEREAS, the Power Purchase Agreement between SolarCity and the County is subject to the County acquiring a real property interest in the real property located on Frank Sottile Boulevard in the Town of Ulster, County of Ulster, State of New York (SBL No.: 48.12-1-21.200); and

WHEREAS, the Ulster County Resource Recovery Agency (hereinafter “UCRRA”) is the fee owner of a 29.10 acre parcel designated as SBL No. 48.12-1-21.200 and located on Frank Sottile Boulevard in the Town of Ulster, County of Ulster, State of New York (hereinafter the “Parcel”), which said Parcel previously served as a regional landfill for the UCRRA until its closure; and

WHEREAS, the United States Environmental Protection agency (hereinafter the “EPA”) has cited the Parcel as a suitable location for a solar array; and

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WHEREAS, UCRRA expressed its support for the County's solar project at the former Town of Ulster Landfill when UCRRA's Board of Directors unanimously adopted Resolution No. 2354, entitled "A Resolution Expressing the Ulster County Resource Recovery Agency's Support for Ulster County's Solar Energy Project at the Former Landfill located on Frank Sottile Boulevard in the Town of Ulster;" and

WHEREAS, the conveyance, dated and recorded on May 18, 1993, conveying the Town of Ulster Landfill from the Town of Ulster to UCRRA contained an option to repurchase/reverter in favor of the Town of Ulster; and

WHEREAS, the Town of Ulster Town Board adopted a resolution, entitled "Resolution Authorizing Supervisor to Sign Release of Reverter/Option to Repurchase," in which the Town of Ulster Supervisor or his designee is authorized to execute all instruments releasing the Town of Ulster's reverter/option to repurchase in the real property designated as SBL No. 48.12-1-21.200 and located at 1951 Frank Sottile Boulevard in the Town of Ulster, County of Ulster, and State of New York; and

WHEREAS, the Ulster County Legislature as lead agency under NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) has determined that the project is an unlisted action; and

WHEREAS, the Ulster County Legislature as lead agency has conducted a coordinated review, and pursuant to Resolution No. 341 of July 19, 2016 adopted and issued a negative declaration, and as such, has determined that the Project will not have a significant effect on the environment; now therefore, be it

RESOLVED, that the Ulster County Legislature hereby authorizes the Chairman of the Ulster County Legislature to execute, on behalf of the County, any and all documents related to the conveyance of the subject real property interest as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney;

and move its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 20                      NOES: 0  
(Absent: Legislators Fabiano, R. Parete and Roberts)

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on July 5, 2016

Passed Committee: Public Works and Capital Projects on July 7, 2016

Passed Committee: Energy and Environment on July 11, 2016

Passed Committee: Ways and Means on July 12, 2016

FINANCIAL IMPACT:  
NONE

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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 19<sup>th</sup> Day of July in the year Two Thousand and Sixteen, 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 20<sup>th</sup> Day of July in the year Two Thousand and Sixteen.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
21<sup>st</sup> Day of July, 2016.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Approved by the County Executive this  
22<sup>nd</sup> Day of July, 2016.

|s| Michael P. Hein  
Michael P. Hein, County Executive