

Authorizing The Chair Of The Ulster County Legislature To Execute An Intermunicipal Agreement With The New York Power Authority (NYPA) For Solar Advisory Services At The Quarryville Site And Declaring Intent To Act As Lead Agency Under SEQRA – Department Of The Environment

Referred to: The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro, and Woltman), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, Joseph Maloney, Petit, Rodriguez, and Ronk)

Chairwoman of the Energy and Environment Committee, Manna Jo Greene, and Deputy Chair Mary Wawro offer the following:

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

WHEREAS, Executive Order No. 1-2019 provides that Ulster County shall endeavor to supply 100% of its annual building and fleet electricity usage from locally generated renewable energy sources by the year 2030; and

WHEREAS, the Quarryville Site at 35 Quarry Road, Saugerties, NY 12477, a former tire recycling facility comprised of the properties located at SBL No. 8.4-3-24 in the Town of Saugerties and SBL No. 8.4-2-1.200 in the Town of Saugerties (the “Quarryville Site”), was foreclosed upon by the County in April 2019 pursuant to Article 11 of New York Real Property Tax Law, following the release of New York State Department of Environmental Conservation (“NYSDEC”) liens; and

WHEREAS, the Quarryville site was assessed by the United States Environmental Protection Agency (the “EPA”) and was determined to be an appropriate site for a solar PV development which can accommodate a system with the capacity of approximately 1.85 MW DC; and,

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

WHEREAS, Resolution No. 72 of 2019 authorized the County to execute 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

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WHEREAS, if the County elects to commence the solar project and enter into a power purchase agreement (“PPA”) with the selected developer, the NYPA Advisory Program fee of up to \$166,250.00 will be paid directly by the selected developer through project milestone payments to NYPA; and

WHEREAS, if the County elects to terminate the project prior to entering into a PPA, the County would pay a one-time lump sum of \$25,000.00 to NYPA, and the County would retain rights to all work completed until the point of termination; and

WHEREAS, the development and installation of PV solar at the Quarryville Site constitutes an action as defined under NYCRR Part 617.2(b) [SEQRA], and the County wishes to establish itself as a lead agency and conduct a coordinated review as provided for in NYCRR Part 617.6; now, therefore be it

RESOLVED, that the Chair of the Ulster County Legislature is hereby authorized to execute an Authorization to Proceed (ATP), a Customer Project Commitment (CPC), and any related amendments for the NYPA Solar Advisory Services at the Quarryville Site; and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for the above-referenced project; and, be it further

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the project is an Unlisted Action; and, be it further

RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

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RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for this project,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Collins, Delaune, and Fabiano)

Passed Committee: Public Works and Capital Projects on September 4, 2019

Passed Committee: Energy and Environment on September 5, 2019

Passed Committee: Ways and Means on September 10, 2019

FINANCIAL IMPACT:

TBD

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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 17th Day of September in the year Two Thousand and Nineteen, 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 19th Day of September in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this
19th Day of September, 2019.

Approved by the County Executive this
25th Day of September, 2019.

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

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive