

Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York Power Authority (NYPA) For Energy Services – Department Of The Environment

Referred to: 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, James Maloney, Joseph Maloney, Petit, and Rodriguez)

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

WHEREAS, pursuant to Section 1005(17) of New York Public Authorities Law, the County, a public entity, may enter into an energy services contract with the NYPA for such energy-related projects, programs and services as authorized by the Public Authorities Law; and

WHEREAS, the Ulster County Legislature enacted Local Law No. 9 of 2015, which established the County's "Green Fleet" policy to reduce emissions, decrease costs, and increase efficiency of vehicles of the fleet under County control, which includes the purchase of the most energy efficient and cost effective vehicles possible; and

WHEREAS, the NYPA, through an agreement with the New York State Department of Environmental Conservation, administers funding obtained from the New York Attorney General's 2016 Volkswagen settlement, which has been designated for installing electric bus charging equipment and infrastructure; and

WHEREAS, the County desires to enter into a Master Cost Recovery Agreement with NYPA in order to obtain Volkswagen settlement funding to develop and implement energy-related projects; and

WHEREAS, Ulster County Area Transit (UCAT), in consultation with the Ulster County Department of the Environment and the Ulster County Department of Public Works, desires to install electric bus charging equipment at the UCAT headquarters and bus garage, 1 Danny Circle, Kingston; and

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WHEREAS, the NYPA is positioned to provide technical support and advisory services to the County on power and charging infrastructure issues related to the installation of electric bus chargers; and

WHEREAS, the County may elect to use the NYPA Energy Services Program to complete additional projects during the term of the Master Cost Recovery Agreement, to include energy efficiency projects and services; clean energy technology projects and services; high-performance and sustainable building programs and services (including technologies that reduce air and other pollution, conserve materials and resources such as water); and the construction, installation and/or operation of facilities or equipment done in connection with any such project, programs and services; and

WHEREAS, the Department of the Environment requests that the Chair of the Ulster County Legislature be authorized to enter into the Master Cost Recovery Agreement with the NYPA, and any amendments thereto, in the form as filed with the Clerk of the Ulster County Legislature, or as modified by the County Attorney; and

WHEREAS, the NYPA Customer Project Commitment, a project-specific agreement containing technical and financial details, will be submitted separately to the Legislature for authorization of each project conducted during the term of the Master Cost Recovery Agreement; and

RESOLVED, that the Chair of the Ulster County Legislature is hereby authorized to execute the Master Cost Recovery Agreement with the NYPA, and any amendments thereto, in the form as filed with the Clerk of the Ulster County Legislature, or as modified by the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Maio, James Maloney, and Rodriguez)

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Passed Committee: Energy and Environment on February 7, 2019

Passed Committee: Ways and Means on February 13, 2019

FINANCIAL IMPACT:
NONE

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 19th Day of February 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 22nd Day of February in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this
22nd Day of February, 2019.

Approved by the Acting County Executive this
28th Day of February, 2019.

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

/s/ Adele B. Reiter
Adele B. Reiter, Acting County Executive