

Amending The 2023 - 2028 Capital Improvement Program - Amending Capital Project No. 574 - UCAT Rooftop Solar Installation - Amending The 2023 Capital Fund Budget - Authorizing Execution Of An Intermunicipal Agreement With The Power Authority Of New York (NYPA) – Department Of The Environment

Referred to: The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Erner, Maloney, and Stewart), The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairwoman of the Energy, Environment and Sustainability Committee, Manna Jo Greene, and Deputy Chair Gina Hansut offer the following:

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

WHEREAS, Ulster County was awarded a grant of \$100,000 through the State and Municipal Facilities (“SAM”) program to support a rooftop solar project at the UCAT facility that would provide locally generated renewable electricity to help power the fleet buses and the UCAT facility; and

WHEREAS, Capital Project No. 574 was established pursuant to Resolution No. 302 dated September 15, 2020, in the amount of \$100,000.00 for acceptance of the SAM grant funding for construction of a rooftop solar installation at UCAT; and

WHEREAS, Capital Project No. 568 for electric bus charging infrastructure included electrical design and site preparation work to make the UCAT bus garage rooftop solar PV-ready; and

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

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 County wishes to maximize the amount of rooftop solar photovoltaic (PV) capacity at the facility and install the maximum fit design of approximately 145 kilowatts (KW) at a total project cost of \$557,531.00 as proposed by the New York Power Authority, an increase from the PV capacity of 90KW that was estimated in the 2023-2028 Capital Improvement Program; and

Resolution No. 636 December 19, 2022

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WHEREAS, upon execution of the Authorization to Proceed agreement with NYPA, NYPA will commence procurement for design and construction of the solar PV system; and

WHEREAS, the project qualifies 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, the Department of the Environment requests that Capital Project No. 574 be funded for the additional project cost not funded by the SAM grant in the amount of \$457,531.00, for a total project cost of \$557,531.00; and

WHEREAS, based upon examination by the Ulster County Legislature, the County’s funding of this Project constitutes a Type II action as defined under Sections 2.1 of the County of Ulster’s State Environmental Quality Review Act (SEQRA) Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010, and

WHEREAS, Ulster County has determined that this funding action is a Type II action in accordance with 6 NYCRR Part 617 of SEQRA, and does not require any further determination or procedure under SEQRA; 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 amendments thereto with NYPA, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney, for the installation of rooftop solar PV at the Ulster County Area Transit facility; and, be it further

RESOLVED, that the 2023-2028 Ulster County Capital Improvement Program is amended as follows:

| | <u>INCREASE</u> | <u>AMOUNT</u> |
|-------------------------|---------------------------------|---------------|
| Capital Project No. 574 | UCAT Rooftop Solar Installation | \$269,531.00 |

and, be it further

Resolution No. 636 December 19, 2022

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RESOLVED, that Capital Project No. 574 is hereby amended as follows:

| | <u>INCREASE</u> | <u>AMOUNT</u> |
|--|------------------------|----------------------|
| Capital Project No. 574 UCAT Rooftop Solar Installation | | \$457,531.00 |

RESOLVED, that the 2023 Ulster County Capital Fund budget is hereby amended as follows:

| | <u>INCREASE</u> | <u>AMOUNT</u> |
|-------------------------------------|------------------------|----------------------|
| HH.8997.0574-2300-2550 (App. #) | Construction | \$457,531.00 |
| HH.8997.0574.3500.5710 (Rev. #), | Serial Bonds | \$457,531.00 |

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Fabiano)

Passed Committee: Energy, Environment and Sustainability as amended on December 8, 2022

Passed Committee: Public Works, Capital Projects and Transportation on December 12, 2022

Passed Committee: Ways and Means on December 13, 2022

FINANCIAL IMPACT:

\$457,531.00 – COUNTY CAPITAL FUND APPROPRIATIONS
\$457,531.00 – COUNTY REVENUE – SERIAL BONDS

Resolution No. 636 December 19, 2022

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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 19th Day of December in the year Two Thousand Twenty-Two, 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 23rd Day of December in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
23rd Day of December 2022.

Approved by the Acting County Executive this
27th Day of December 2022.

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

|s| Johanna Contreras
Johanna Contreras, Acting County Executive