TOWN OF POTSDAM SPECIAL MEETING

APRIL 21, 2020

1. CALL TO ORDER
2. ATTENDANCE
3. APPROVAL OF AGENDA

ACTION ITEMS

4. LEAD AGENCY FOR SEQRA

MOTION that the Potsdam Town Board lead agency for the purposes of SEQRA review of the proposed agreement to lease Town-owned land to AC Power, LLC for the purpose of AC Power LLC investigating the feasibility of constructing and operating solar arrays on the closed Town landfill.

MOTION

SECOND

DISCUSSION

AYES   NAYS

5. SOLAR STORAGE AND LEASE AGREEMENT

MOTION to approve the following resolution

Town of Potsdam, St. Lawrence County, New York

RESOLUTION:

Whereas on or about October 8, 2019, the Town of Potsdam issued a request for proposal seeking proposals from those responders interested in leasing all or a portion of the site of the closed former Town municipal waste landfill for the purpose of the installing and operating a Solar Energy Generating System ("solar arrays") on, at and about the Town-owned landfill site (the "Landfill Solar RFP"); and

Whereas, the purpose of the Landfill Solar RFP was to initiate the beneficial use of the closed municipal landfill; to do so in an environmentally sound and responsible manner; and to generate a future income stream for the Town; and

Whereas, the Town received multiple responses to Landfill Solar RFP; and

Whereas, subsequent to the receipt of the Landfill Solar RFP responses, the Town engaged in discussions with the RFP respondents, and others, and negotiated the terms of a proposed lease and option agreement between the Town of Potsdam and AC Power 13, LLC, a Delaware limited liability company, with offices located at 465 Grand Street Suite 5, New York, NY 10002 ("AC Power"); and

Whereas, the Town Board finds that AC Power was the best qualified responder to the Landfill Solar RFP; and

Whereas, the Town Board finds that the terms of the agreement negotiated between the Town and AC Power LLC meets each of the objectives the Town Board identified in the Landfill Solar RFP; and

Whereas, New York Town Law § 64 requires that towns in the state of New York conduct a public hearing prior to leasing any town-owned property, and

Whereas, the Town Board held a public hearing on the proposed leasing of Town of Potsdam property to AC Power on April 21, 2020; and

a) **Whereas, there were no public comments received during the public hearing**

 OR

b) **Whereas, the comments (will be summarized)**

Whereas, following the close of the public hearing, the Town Board designated itself the lead agency for the purposes of SEQRA review of the proposed agreement to lease Town-owned land to AC Power, LLC for the purpose of AC Power LLC investigating the feasibility of constructing and operating solar arrays on the closed Town landfill, and if feasible, to thereafter lease the subject property to AC Power, LLC for a term of twenty-five (25) years with the option to extend the lease for two additional five (5) year terms; and

Whereas, the Town Code Enforcement Officer Boysuk has prepared and submitted to the Town Board a SEQRA Short Form Environmental Assessment (Parts 1, 2 and 3), that determined

the proposed lease agreement with AC Power, LLC will not cause any impacts to the resources identified in Part 2 of the Environmental Assessment Form; and

Whereas, environmental legal counsel for the Town has confirmed for the Town Board that the installation of twenty-five (25) acres or less of solar arrays on a closed landfill is classified by NYSDEC regulations as a Type 2 SEQRA action that is not subject to the requirements of a SEQRA review; and

Whereas, New York Town Law § 64 provides that any resolution approving a lease of town property is subject to a potential request for a public referendum, if such request is made via a petition signed, and acknowledged or proved, or authenticated by electors of the town qualified to vote upon a proposition to raise and expend money, in a number equal to at least five per centum of the total vote cast for governor in said town at the last general election held for the election of state officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against such act or resolution and requesting that it be submitted to the qualified electors of the town or district affected, for their approval or disapproval, that a public referendum be held prior to the proposed lease agreement taking effect; and

Whereas, pursuant to New York Town Law § 90, absent any such request for a public referendum, the subject lease agreement shall not be effective until thirty (30) days after the authorizing resolution is adopted by the town; now therefore

BE IT RESOLVED: That the Town Board of the Town of Potsdam does hereby accept the Short Form Environmental Assessment forms and the findings contained therein, as prepared by Town Code Enforcement Officer Boysuk, and does hereby issue a NEGATIVE DECLARATION with respect to the proposed lease of Town of Potsdam-owned land to AC Power for the reason, the purposes, and the proposed terms as set forth above; and

BE IT FURTHER RESOLVED: That the Town Board further finds that to the extent the final term of the AC Power, LLC solar arrays are confined to an area of twenty-five (25) acres or less on, at and about the NYSDEC-closed Town municipal landfill, any such action is not subject to the requirements of a future SEQRA review; and

BE IT FURTHER RESOLVED: That the Town Board accepts the terms of the attached proposed lease agreement with AC Power LLC; and

BE IT FURTHER RESOLVED: That absent a qualifying petition seeking a public referendum on whether the Town should enter into the proposed lease agreement with AC Power, LLC, authorizes the Town Supervisor to execute the attached lease agreement between the Town of

Potsdam and AC Power, LLC on behalf of the Town on or after May 22, 2020 the date of the signing by the town Supervisor being the effective date of the agreement.

MOTION

SECOND

DISCUSSION

AYES   NAYS

6.   OTHER BUSINESS AS DEEMED NECESSARY BY THE BOARD

7.   ADJOURNMENT

MOTION

SECOND

AYES   NAYS