

06.04.2019

ADOPTED

**TOWN OF RIVERHEAD****Resolution 2019-462****AWARDS BID FOR LANDFILL RENEWABLE ENERGY PROJECT**

Councilwoman Giglio offered the following resolution,  
which was seconded by Councilman Hubbard

**WHEREAS**, the Town of Riverhead, by Resolution #136 adopted on February 20, 2019, authorized the Town Clerk to publish and post a Notice to Bidder seeking proposals from qualified bidders for development, construction, installation, operation and maintenance of a Renewable Energy Project (“Solar Photovoltaic Energy System” or “Wind Energy Electric Production Systems”) at the Town’s Landfill located at Youngs Avenue, Riverhead, NY; and

**WHEREAS**, pursuant to the terms of the Request for Proposals, each proposal must comply with the instructions in the Notice to Bidders and required that all proposals be submitted on or before 11:00 am pm on April 4, 2019; and

**WHEREAS**, the Town received four (4) responses to the Request for Proposals regarding the Renewable Energy Project at the Town Landfill which were opened and read aloud on April 4, 2019 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, a review committee, consisting of a representative from the Office of the Supervisor, Office of Town Attorney, Town Engineering Department, together with Councilwoman Giglio, did review and evaluate the four proposals; and

**WHEREAS**, after serious consideration and evaluation, the review committee recommends that the Town deem EmPower Solar to be the most responsible bidder and Agilitas Energy LLC to be the second/alternative most responsible bidder; and

**WHEREAS**, in addition to the above, as the ability to interconnect to electrical grid and finance the costs for said interconnection over and above the proposed offer of lease payments is critical to accomplish solar and renewable energy at the Town’s Landfill, the review committee recommended that the Town require EmPower Solar to submit an electrical interconnection survey/plan, together with confirmation of feasibility regarding said electrical plan from PSEG Long Island **within 60 days** from the date a resolution designating EmPower Solar the most responsible bidder; proposal/lease payment not less than the amount recited in the proposal; and, completion of negotiation of all such other lease terms, including maintenance, decommissioning, and completion of negotiation of increased lease payments related to any proposed production over projected annual production report submitted with proposal within 180 days; and

**WHEREAS**, the review committee also recommended that, in the event that EmPower failed to satisfy the conditions recited above, to wit: feasibility of electrical

interconnection within 60 days and/or completion of negotiation of all such other lease terms, including maintenance, decommissioning, and completion of negotiation of increased lease payments related to any proposed production over projected annual production report submitted with proposal within 180 days, the Town may withdraw its designation to EmPower Solar as most responsible bidder and designate and award to Agilitas Energy LLC subject to similar conditions, to wit: \*within 60 days from the date of Town Notice to Proceed with Alternative Bid Proposal to Agilitas Energy LLC, Agilitas Energy LLC shall submit an electrical interconnection survey/plan and confirmation of feasibility regarding said electrical plan from PSEG Long Island and completion of negotiation of all such other lease terms, including maintenance, decommissioning, and completion of negotiation of increased lease payments related to any proposed production over projected annual production report submitted with proposal within 180 days.

**NOW THEREFORE BE IT RESOLVED**, that the proposal for Landfill Renewable Energy Project be and is hereby awarded to EmPower Solar \*subject to and contingent upon submission of electrical interconnection survey/plan and confirmation of feasibility regarding said electrical plan from PSEG Long Island within 60 days from the date of resolution to award to EmPower Solar and completion of negotiation of all such other lease terms, including maintenance, decommissioning, and completion of negotiation of increased lease payments related to any proposed production over projected annual production report submitted with proposal within 180 days; and be it further

**RESOLVED**, that in the event that EmPower failed to satisfy the condition recited above related to electrical interconnection or completion of negotiation of all such other lease terms, including maintenance, decommissioning, and completion of negotiation of increased lease payments related to any proposed production over projected annual production report submitted with proposal within 180 days, the Town designate and award to Agilitas Energy LLC subject to a similar condition, to wit: \*within 60 days from the date of Town Notice to Proceed with Alternative Bid Proposal to Agilitas Energy LLC, Agilitas Energy LLC shall submit an electrical interconnection survey/plan and confirmation of feasibility regarding said electrical plan from PSEG Long Island negotiation of all such other lease terms, including maintenance, decommissioning, and completion of negotiation of increased lease payments related to any proposed production over projected annual production report submitted with proposal within 180 days; and be it further

**RESOLVED**, notwithstanding the above, the Town shall not be responsible for any costs or fees related to this award and EmPower Solar or Agilitas Energy, LLC, as the case may be, shall undertake all studies, surveys, plans, and all such other actions related to or in furtherance of this award at its sole cost and expense without claim for reimbursement and at all times the Town shall reserve its right not to enter into contract/lease, by notice in writing, to EmPower Solar or Agilitas Energy, LLC, as the case may be; and be it further

**RESOLVED**, that the Town Board be and does hereby authorize the Supervisor to execute all documents necessary to permit EmPower Solar or Agilitas Energy, LLC, as the case may be, to make application and/or compete any required documents related to electrical interconnection for PSEG and such other documents, applications, agreements necessary to establish renewable energy at the necessary to establish renewable energy at the Town's Landfill; and be it further

**RESOLVED**, after completion of negotiations with EmPower Solar or Agilitas Energy, LLC, as the case may be, and prior to execution of any such contract/lease agreement, the Town Attorney shall prepare and present such necessary resolution subject to permissive referendum to the Town Board; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized directed to forward a copy of this resolution to EmPower Solar/Cameron Engineering & Associates, 4589 Austin Boulevard, Island Park, New York 11558 and 177 Crossways Park Drive, Woodbury, NY 11797 respectively, Agilitas Energy, LLC, 401 Edgewater Place, Suite 105, Wakefield, MA 01880 and Town Attorney Robert Kozakiewicz; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

### THE VOTE

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jodi Giglio, Councilwoman
<b>SECONDER:</b>	Tim Hubbard, Councilman
<b>AYES:</b>	Jens-Smith, Wooten, Giglio, Hubbard, Kent