

PROPOSED RESOLUTION NO.239 – 2022

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE (1) AN INTER-MUNICIPAL AGREEMENT WITH VARIOUS LOCAL VILLAGES AND MUNICIPALITIES AND (2) AN AUTHORIZATION TO PROCEED WITH THE POWER AUTHORITY OF THE STATE OF NEW YORK, IN RELATION TO THE ENERGY SERVICE PROGRAM.

WHEREAS, Public Authorities Law §1005(17) permits the Power Authority of the State 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, NYPA's Energy Services Program ("ESP") includes, among other things, energy efficiency projects and services, clean energy technology projects and services, high-performance and sustainable building projects and services (including technologies that reduce air and other pollution and conserve materials and resources such as water), and the construction, installation and/or operation of facilities or equipment done in connection with any such projects, programs or services (collectively as "Energy Services Projects" or individually as "Energy Services Project"); and

WHEREAS, the County has entered into a Master Cost Recovery Agreement which memorializes the terms and conditions pursuant to which NYPA will implement and administer Energy Services Projects (the "MCRA"); and

WHEREAS, the Parties (Nassau County and NYPA) have identified an Energy Services Project for the conversion and upgrade of the Parties' existing streetlights and exterior lighting to energy efficient LED technology (the "LED Lighting Project"); and

WHEREAS, Public Authorities Law §1005(17) permits County and Villages/Municipalities, as public entities, to enter into energy services contracts with NYPA for such Energy Services Project as authorized by Public Authorities Law; and

WHEREAS, the County has identified the following public entities to join in the LED Lighting Project: Sea Cliff, Lynbrook, Bellerose, Baxter Estates, New Hyde Park, Mill Neck, North Hills and Great Neck Estates, (collectively the "Villages"); and

WHEREAS, the Villages and the County desire to enter into an Authorization to Proceed (as defined in the MCRA) with NYPA to undertake the LED Lighting Project (the "ATP"); and

WHEREAS, the Villages desire to jointly participate in the LED Lighting Project with the County in furtherance of their mutual interests and also desire to enter into an agreement to leverage NYPA's powers under the Public Authorities Law in accordance with the provisions of the MCRA and related documents ("Inter-Municipal Agreement"); and

NOW, THEREFORE, be it

RESOLVED, that the Nassau County Legislature hereby authorizes the County Executive to execute the

Inter Municipal Agreement(s) and ATP, and to execute any and all other instruments, related documents or ancillary agreements and to take such other action as is necessary to effectuate and carry out the intent and purpose of the Inter Municipal Agreement(s) and ATP.

RESOLVED, that pursuant to the provisions of SEQRA, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., the proposed Inter Municipal Agreement(s) and ATP have been determined not to have any significant adverse impacts on the environment and no further review is required.