

**RESOLUTION NO. 1171 -2014, AMENDING RESOLUTION NO. 687-2014, AUTHORIZING A LEASE AGREEMENT WITH SUNEDISON, LLC FOR USE OF PROPERTY AT FRANCIS S. GABRESKI AIRPORT**

**WHEREAS**, Suffolk County owns and, through its Department of Economic Development and Planning, operates and maintains Francis S. Gabreski airport in Westhampton; and

**WHEREAS**, SunEdison, LLC successfully partnered with Suffolk County in an application to participate in the LIPA Clean Solar Initiative II Feed-in-Tariff, and was selected to generate 6.8 Megawatts (DC) for LIPA under the Tariff (hereinafter the "Project"); and

**WHEREAS**, Resolution No. 687-2014 authorized the County Executive or his designee to execute a lease agreement with SunEdison, LLC for the use of 26.2 acres at Francis S. Gabreski airport for the purpose of two ground mount solar (pv) arrays to generate electrical power to sell to LIPA pursuant to the Project; and

**WHEREAS**, within Resolution No. 687-2014, the Legislature approved the execution of a lease agreement in substantially the same form as contained within Exhibit "B" therein and at an annual lease rate of \$315,000; and

**WHEREAS**, PSE&G-LI, as the successor to LIPA, has changed material aspects of the Project, namely, reducing the size of the Project at the airport by 41 percent resulting in a significant reduction of the Megawatts (from approximately 6.8 Megawatts (DC) to 4.24 Megawatts (DC)) to be produced; and

**WHEREAS**, as a result of PSE&G-LI's reduction in Megawatts, the size of the Project, including, potentially, the amount of property needed for the Project, has changed necessitating that material portions of the Lease must be adjusted, including a pro-rata reduction of the annual lease rate from \$315,000 per year to approximately \$186,000 per year; and

**WHEREAS**, even with the changes as required by PSE&G-LI, proceeding with the Project remains in the best interest of the County, in so far as it generates renewable electricity and allows for enhancements at the airport; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the 4<sup>th</sup> Resolved Clause of Resolution 687-2014 is hereby repealed in its entirety and replaced as follows:

**4<sup>th</sup>** **RESOLVED**, that the County Executive or his designee, is authorized to execute a lease agreement with SunEdison, LLC for the use of the Francis S. Gabreski airport for the Project, in a form substantially similar to the draft as attached hereto as Exhibit "B", and upon such other terms as may be required due to any further changes to the Project by PSE&G-LI or as required by the FAA.

and be it further

**2<sup>nd</sup>**                    **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) AND WITHIN THE MEANING OF Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: December 15, 2014

APPROVED BY:

/s/Dennis M. Cohen  
Chief Deputy County Executive of Suffolk County

Date: December 18, 2014