

**SPECIAL TOWN BOARD MEETING**  
**August 16, 2012**

**RESOLUTION LIST**

Res. # 637 Awards Bid for Landfill Renewable Energy Project

Special Town Board Meeting  
08.16.12  
120637

**ADOPTED**

**TOWN OF RIVERHEAD**

**Resolution # 637**

**AWARDS BID FOR LANDFILL RENEWABLE ENERGY PROJECT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #457 adopted on June 7, 2012, authorized the issuance of a Request for Proposals to develop, construct, install, operate and maintain a Renewable Energy Project ("Solar Photovoltaic Energy System or Systems) at the Town's Landfill, located at Youngs Avenue, Riverhead, NY; and

**WHEREAS**, pursuant to Resolution #457 and the Request for Proposal Bid Specifications, the Town expressed its intention to enter into a lease agreement with a qualified firm that will development a Solar Photovoltaic Energy System at the Landfill site; 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 on July 30, 2012; and

**WHEREAS**, seven (7) responses to the Request for Proposals were received, and opened on July 30, 2012 at 11:00 am in the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, the Chief Engineer, together with the Financial Administrator, Office of the Town Attorney and Councilman Gabrielsen, did review and evaluate all proposals; and

**WHEREAS**, after serious consideration and evaluation of all aspects of the responses to the Request for proposals, including but not limited to, proposed total system size/project design, projected capacity/production of megawatts, land lease payments, experience and financial strength and stability to construct operate and maintain the system, the Chief Engineer, together with the Financial Administrator, Office of the Town Attorney and Councilman Gabrielsen, determined that Borrego Solar to be the best and most responsible bidder and as such, recommend that the bid be awarded to Borrego Solar; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead, awards Borrego Solar the bid for the Renewable Energy Project ("solar

Photovoltaic Energy System or Systems) at the Town's Landfill, located at Youngs Avenue, Riverhead, NY; and

**RESOLVED**, that the Town Board be and does hereby authorize the Supervisor to all necessary documents required by LIPA to permit Borrego Solar to complete interconnection application and obtain certificate of application completeness subject to Borrego Solar's submission of an acknowledgement that the Town shall not be liable for any costs, expenses, or losses, including without limitation loss of business opportunity, claimed or incurred by any party in connection with the preparation or submission of a proposal to LIPA and Borrego Solar shall not reduce the proposed land lease payment provisions but shall agree to negotiate in good faith with the Town with respect to payment terms as may be recommended by the Financial Administrator and/or Office of the Town Attorney and agrees to include and negotiate a fee share for the production of wattage over the estimate set forth in the response to the Request for Proposal; and

**RESOLVED**, that the Town Board be and does hereby authorize the Town Engineer to provide all available documents and information related to the landfill cap and closure design which may be pertinent to the LIPA interconnection application and feasibility study and such other information that may assist Borrego Solar in completing and competing to secure an interconnection agreement with LIPA; and

**RESOLVED**, that the Town Board be and does hereby authorize the Office of the Town Attorney, with the assistance of the Town Engineer and Financial Administrator to negotiate such lease terms and conditions to effectuate the terms set forth in the bid specifications, Borrego Solar's response to the Request for Proposal, and which are determined to be in the best interests of the Town; and

**RESOLVED**, that the Town Clerk be and is hereby authorized directed to forward a copy of this resolution to all individuals/entities which submitted a timely response to the Request For Proposal for Renewable Energy Project ("Solar Photovoltaic Energy System or Systems) at the Town's Landfill (See attached list), Town Engineer, Town Accounting Department and Office of the Town Attorney; 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**

Giglio Yes No    Gabrielsen Yes No  
Wooten Yes No    Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted