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**IN THE MATTER**  
**Of**  
**AUTHORIZING NEGOTIATIONS FOR AN**  
**OPTION TO LEASE AND LEASE**  
**AGREEMENT WITH AC POWER, LLC**

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**RESOLUTION AUTHORIZING**  
**NEGOTIATIONS FOR AN**  
**OPTION TO LEASE AND**  
**LEASE AGREEMENT**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 12<sup>th</sup> day of December 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro	Supervisor
Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**Resolution Authorizing Negotiations for an Option to Lease and Lease Agreement with AC Power, LLC for a Solar Farm at the Town of Salina Ley Creek Landfill Site**

WHEREAS, the Town of Salina is the current owner of real property consisting of Town of Salina Tax Parcel Nos. 073.-01-10.2, 073.-01-10.4, 073.-01-13.0 and 074.03-03.3 being the former Town of Salina Ley Creek Landfill Site (collectively, the “Premises”);

WHEREAS, the Town Board of the Town of Salina (the “Town Board”) released a request for proposals for a solar farm at the Premises in September 2022;

WHEREAS, the Town Board received four (4) proposals for a solar farm on the Premises from the following developers: (i) Sunlight General Capital, (ii) East Light Partners, (iii) AC Power, LLC, and (iv) TJA Energy and Bullrock; and

WHEREAS, the Town Board desires to authorize the Town to enter into negotiations for an option to lease and lease agreement with AC Power, LLC (“AC Power”) for the reasons set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Salina that:

1. The Town Board hereby authorizes relevant personnel of the Town including, but not limited to Town Supervisor Nick Paro and Town Attorney Joseph Frateschi, Esq. to negotiate an option to lease and lease agreement with AC Power (collectively, the “Lease Agreement”) for the following reasons:

- Pursuing a Lease Agreement with AC Power is in the best interest of Town residents and offers best value to the Town for the Premises because:
  - o The AC Power proposal offers the potential for a \$230,375.00 annual lease payment to the Town for twenty-five (25) years for the Premises (with an annual escalator), as compared to the next closest proposal which offers a \$140,000.00 annual lease payment to the Town;
  - o AC Power has indicated in their proposal a willingness to negotiate a payment-in-lieu of tax payment to the Town which would provide an additional revenue stream above and beyond the aforementioned annual lease payment;
  - o AC Power has demonstrated experience with developing solar farms on capped landfill sites, and, has also demonstrated a familiarity with this particular Premises in their proposal; and
  - o The AC Power proposal contains substantial revenue streams that will offset various carrying costs related to the Premises; and
  - o The AC Power proposal constitutes a beneficial re-use of the Premises that will meet critical infrastructure needs of Town of Salina residents and Town of Salina businesses on a site that otherwise has limited use.

2. The Town Board shall be presented with the Lease Agreement (once negotiated) for final consideration.

PASSED AND ADOPTED this 12<sup>th</sup> day of December, 2022 by the Town Board of the Town of Salina.

**I, RODNEY-DAVID LOWE**, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 12<sup>th</sup> day of December, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 12<sup>th</sup> day of December, 2022.

DATED: December 12, 2022  
Liverpool, New York

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**Rodney-David Lowe**  
**Town Clerk of the Town of Salina**  
**Onondaga County, New York**