
**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
THURSDAY, FEBRUARY 21, 2002**

The Legislature convened at 5:29 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-17, Absent-2 (Lindsey, Shafer).

The Chair, Mr. Schofield, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a prayer offered by Legislator Hudak.

Mr. Kolba and Mr. Whalen were designated as participants with Chairman Schofield in the 'Short Roll Call'.

RESOLUTION NO. 38

By Public Works and Finance Committees Seconded by Mr. Kolba
RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENTS WITH MERIDIAN RESOURCES, LLC d/b/a BROOME ENERGY RESOURCES, LLC FOR THE COLLECTION AND USE OF LANDFILL GAS

WHEREAS, this County Legislature, by Resolution 614 of 1996, authorized an agreement with Zahren Alternative Power Corp. for the collection and use of landfill gas to generate electricity at the Nanticoke Landfill, and

WHEREAS, this County Legislature, by Resolution 517 of 1997, authorized the assignment of the rights granted to Zahren Alternative Power Corp. to Meridian Resources, LLC, and

WHEREAS, pursuant to said assignment, Broome County entered into the following agreements:

1. Agreement with Broome Landfill Gas Associates, L.P., (a wholly owned subsidiary of Meridian Resources, LLC) dated December 23, 1997 granting mineral rights to the landfill gas
2. Site Lease dated December 23, 1997 granting Broome Energy Resources, LLC (a wholly owned subsidiary of Meridian Resources, LLC) rights in connection with the generation of electricity at the landfill
3. Electric Power Purchase Agreement with Broome Energy Resources, LLC, dated December 23, 1997, and

WHEREAS, Broome Energy Resources has negotiated a separate power purchase agreement with NYSEG and it is necessary to terminate the Electric Power Purchase Agreement between Broome County and Broome Energy Resources referred to above, and to amend the Site Lease between Broome Energy and the County as recited above, and

WHEREAS, it is necessary to amend the agreement between Broome Landfill Gas Associates, L.P. and Broome County to extend the term of the agreement, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the December 23, 1997 site lease agreement between Broome County (hereinafter the "County") and Broome Energy Resources, LLC, c/o Meridian Resources, LLC, Route 100 Waitsfield, Vermont 05673 (hereinafter "Broome Energy") to provide as follows:

1. The generator(s) nameplate capacity shall be increased to 2.5 megawatts
2. The term of the Site Lease shall be extended to fifteen years commencing from the date Broome Energy first sells power to NYSEG with an option to renew for an additional ten years

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3. In connection with any subsequent expansion of the Nanticoke Landfill, Broome Energy shall have the option, at its own expense, to install a collection system in the expanded section of the landfill and to utilize the gas produced in a manner consistent with the present agreements, including compliance with environmental rules and regulations. In the event that Broome Energy should exercise this option, the County shall install an extension of the header from the existing terminus to the expansion site
 4. Broome Energy will enter into a power purchase agreement with NYSEG to sell the electricity generated to NYSEG during the term of the amended site lease. During years six through the end of the term of the Amended Site Lease, the County will provide an up front cash payment to Broome Energy equal to the amount to be received by Broome Energy from NYSEG for the ensuing year with monthly credits to be made to the County by Broome Energy for payments received by Broome Energy from NYSEG so that there will be no net cost to the County
 5. In the event NYSEG should default in the performance of their power purchase agreement the County shall have the obligation to purchase the electricity generated on the same terms and conditions as the NYSEG agreement, and be it

FURTHER RESOLVED, that the Electric Power Purchase Agreement between Broome Energy and the County, dated December 23, 1997, shall be terminated and obligations pursuant to said agreement shall be null and void effective with the first sale of electricity by Broome Energy to NYSEG pursuant to the power purchase agreement to be entered into between Broome Energy and NYSEG, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the December 23, 1997 Landfill Gas Agreement between the County and Broome Landfill Gas Associates, L.P., 40 Tower Lane, Avon, Connecticut, 06601 to extend the term of the agreement so that it is co-terminus with the amended site lease as authorized above and to provide that in the event Broome Energy exercises its option to utilize gas produced in any expansion of the landfill that Broome Landfill Gas Associates, L.P. shall have the mineral rights to said expanded portion of the landfill, and be it

FURTHER RESOLVED, that until Broome Energy begins the sale of electricity to NYSEG pursuant to the power purchase agreement to be entered into between Broome Energy and NYSEG, the current power purchase agreement between the County and Broome Energy shall remain in effect and the payments presently being made to Broome Energy by the County as satisfaction of the County's obligation to purchase power from Broome Energy are hereby authorized to be continued with payments to be made from budget line item 230086.4449.101000 (Other Operational Expense), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Held over 'under the rules' by Mr. Pasquale.

Mr. Howard made a motion to adjourn, seconded by Mr. Mather. **Motion to adjourn carried,** Ayes-17, Nays-0, Absent-2 (Lindsey, Shafer). The meeting was adjourned at 5:32 p.m.

