

49291

**DATE:** November 2, 2015

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation  
Adam Rodriguez  
Acting Director of Real Estate

**RE:** Authority to enter into an agreement with Hudson View Associates LLC for the purchase of solar power for the leased premises known as i.park Hudson, Yonkers, New York (Agreement No. 15-955)

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As your Honorable Board may recall you recently approved a resolution authorizing the County of Westchester ("County") to enter into a Second Amendment to Lease with i.park Westchester LLC. The County is seeking to move the Yonkers Family Court facility into approximately 23,000 square feet of office space located a few blocks away at the Metrocenter@i.park, 28 Wells Avenue in Yonkers ("Leased Premises") that will be renovated in accordance with New York State Court specifications. As an incentive for the County to enter into the Second Amendment to Lease, i.park Westchester LLC (the "Landlord") has agreed that the County may contract with a third party, Hudson View Associates LLC ("Hudson View") for the provision of electricity to the Leased Premises generated primarily through solar power. Accordingly, attached is a Resolution seeking authorization to enter into an agreement with Hudson View.

Pursuant to the proposed agreement, Hudson View will sell solar power to the County for the term of the County's lease with the Landlord. A solar panel installation is on the roof of the building, and through the savings to be derived from the solar panel installation, the County will pay an energy rate equal to 80% of the then-existing and applicable all-in electricity rate filed by Con Ed (inclusive of any delivery and other charges by Con Ed). The County expects to save over \$1,000,000.00 during the period of the new lease term based on the reduced electricity rates.

Hudson View may, however, at its cost and expense, install a direct meter and all necessary equipment and infrastructure, including necessary power lines, and cable and feeder connections related thereto and obtain all permits, easements and rights of way necessary to make the connection to enable the County to obtain electricity for the Leased Premises from the New York Power Authority or its then equivalent, in which case, the County shall pay all costs of electricity associated with the Leased Premises directly to the New York Power Authority, and this Agreement with Hudson View for a rate reduction based on solar energy will terminate.

The savings generated by solar power would be available upon the approval and execution of this agreement because the infrastructure providing those savings has been installed and is already operational. It may be determined by the County at a future date that it would benefit from becoming a New York Power Authority customer at the Leased Premises as the savings to the County from the use of New York Power Authority power may be greater than the savings provided by the Electric Rate Reduction Agreement. We have been advised that in 2014, by being a New York Power Authority customer, the County saved roughly 26% (which is inclusive of NYPA negotiated discounted delivery rate with Con Ed) as compared to being a full retail customer of Con Edison.

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Hudson View Associates LLC  
Purchase of Solar Power for the Leased Premises known as  
i.park Hudson, Yonkers, New York  
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Accordingly, it should be noted that the recently approved and executed Second Amendment to the Lease provides the County with the right to ask the Landlord to, among other things, make capital improvements in order for the County to obtain electricity from the New York Power Authority or its then-existing equivalent under the Second Amendment to Lease. If the County obtains electricity through the New York Power Authority or its then-existing equivalent under the Second Amendment to Lease, then the County, on ten (10) days' notice to Hudson View, may terminate this Agreement.

An appropriate Resolution is attached for your consideration and approval.

JTP/MJM/TSA  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT 11/24/2016 - JONATHAN COCCIARDI, SECRETARY

# RESOLUTION

## Agreement No. 15-955

Upon a communication from the Commissioner of Public Works and Transportation and the Acting Director of Real Estate, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into an agreement with Hudson View Associates LLC ("Hudson View") for the provision of electricity generated primarily through solar power and the County will pay an energy rate equal to 80% of the then-existing and applicable all-in electricity rate filed by Consolidated Edison (inclusive of any delivery and other charges by Con Ed) for the premises located at Metrocenter@i.park, 28 Wells Avenue, Yonkers, New York ("Leased Premises"); and be it further

**RESOLVED**, that Hudson View may, however, at its cost and expense, install a direct meter and all necessary equipment and infrastructure, including necessary power lines, and cable and feeder connections related thereto and obtain all permits, easements and rights of way necessary to make the connection to enable the County to obtain electricity for the Leased Premises from the New York Power Authority or its then equivalent, in which case, the County shall pay all costs of electricity associated with the Leased Premises directly to the New York Power Authority, and the Agreement with Hudson View for a rate reduction based on solar energy will terminate; and be it further

**RESOLVED**, that if the County obtains electricity for the Leased Premises through the New York Power Authority or its then-existing equivalent under the Second Amendment to Lease with i.park Westchester LLC, then the County, on ten (10) days' notice to Hudson View, may terminate the Agreement; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all actions necessary and appropriate to effectuate the purposes hereof.

# RESOLUTION

Agreement No. 15-955

Account to be  
Charged/Credited

| Fund | Dept. | Major Program,<br>Program & Phase<br>Or Unit | Object/<br>Sub Object | Trust<br>Account | Dollars             |
|------|-------|----------------------------------------------|-----------------------|------------------|---------------------|
| 101  | 46    | 3357                                         | 4320                  |                  | \$200,999.97 (2016) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$276,036.00 (2017) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$284,321.04 (2018) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$292,851.00 (2019) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$301,635.96 (2020) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$310,685.04 (2021) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$320,006.04 (2022) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$329,606.04 (2023) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$339,494.04 (2024) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$349,678.92 (2025) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$360,170.04 (2026) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$370,974.96 (2027) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$382,104.00 (2028) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$393,567.00 (2029) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$405,374.04 (2030) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$417,534.96 (2031) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$430,061.04 (2032) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$442,962.96 (2033) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$456,252.00 (2034) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$469,940.04 (2035) |
| 101  | 46    | 3357                                         | 4320                  |                  | \$121,014.42 (2036) |

Budget Funding Year(s) 2016 - 2036 Start Date 04/01/2016 End Date 03/31/2036  
(must match resolution)

Funding Source: Tax Dollars 100% County  
State Aid \_\_\_\_\_  
\$7,255,269.51 Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACTS 11/24/2015 DAN COCCIARDI, SECRETARY