

## **SPECIAL TOWN MEETING RESOLUTION**

Town of Portland, Connecticut

**February 1, 2023**

### **PROPOSED USE OF THE PORTLAND LANDFILL FOR THE DEVELOPMENT OF A COMMERCIAL-SCALE SOLAR PHOTOVOLTAIC ARRAY**

WHEREAS, the Town recently conducted a competitive Request for Proposals (RFP) for solar developers interested in building a solar array at the Portland Landfill, located at 39 Sand Hill Road (the "Landfill"), using financial incentives from the state's competitive Non-residential ("NRES") Program, and Virtual Net Metering ("VNM") for State, Agricultural and Municipal ("SAM") landowners; and

WHEREAS, the RFP attracted five bids from qualified solar developers from throughout the region. Among a number of factors in the evaluation process, the Town weighed the technical feasibility of the design, legal and policy conformance, the rate of the on-bill credits to the Town and the total financial benefit to the Town over 20 years, against the likelihood that the solar developer will actually be successful in the state's competitive NRES program; and

WHEREAS, the Town made its preliminary selection of a solar developer: Greenskies / Clean Focus, of North Haven, Connecticut ("Greenskies"). Greenskies has extensive experience developing commercial-scale solar installations throughout Connecticut, the Northeast and nationwide, including on landfills. Greenskies' bid included a fixed rate for on bill credits from the solar generated on the landfill, for at least twenty (20) years. According to their bid, the total financial benefit to the Town over twenty years (20) will be approximately \$2,000,000; and

WHEREAS, the Town will work with Greenskies in support of their application to the state's competitive NRES Program, which is due on March 14, 2023. However, there is no guarantee that Greenskies' commercial-scale solar project on the Landfill will be selected in the state's competitive NRES Program; and

WHEREAS, in support of the development of this commercial-scale solar photovoltaic array at the Landfill, the Town seeks approval to enter into a binding option agreement with Greenskies, execute an affidavit attesting that Greenskies has control over the Landfill site, and enter into a long-term power purchase agreement with Greenskies, if they are successful in their application to the state's competitive NRES Program; and

WHEREAS, pursuant to Sections 503(f) and 506 of the Town Charter, and Section 7-163e of the Connecticut General Statutes, the Portland Board of Selectmen shall hold a public hearing on Wednesday, February 1, 2023 to obtain public comments and questions on the proposed use of the Landfill for the development of a commercial-scale solar photovoltaic array; and

WHEREAS, pursuant to Section 503(f) of the Town Charter, the Portland Board of Selectmen shall hold a Special Town Meeting on Wednesday, February 1, 2023 for the approval for the Town to (1) enter into a binding option agreement, (2) execute an affidavit of site control, and (3) enter into a long-term power purchase agreement in support of the development of a commercial-scale solar photovoltaic array at the Landfill.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Selectmen hereby finds that leasing the Portland Landfill for a commercial-scale solar development would deploy clean energy in the Town, would provide a financial benefit to the Town, and would use a Town property that has few other suitable uses; and be it further

RESOLVED, that the Board of Selectmen approve and authorize the First Selectman, for the benefit of the Town, to enter into a binding option agreement to license the Landfill in support of the development of a commercial-scale solar photovoltaic array on the Landfill. The binding option to license the Landfill will be granted to Greenskies, a solar developer that was selected from a number of qualified bidders in a competitive RFP process. The binding option to license is for a term of up to two (2) years, with payments to the Town of \$2,000 for the first year, and \$2,500 for the second year. This binding option agreement is a required element of Greenskies' application to the state's competitive NRES Program, which provides financial incentives for commercial-scale solar arrays; and be it further

RESOLVED, that the Board of Selectmen approve and authorize the First Selectman, for the benefit of the Town, to execute an affidavit attesting that Greenskies has site control over the Landfill, in support of Greenskies' application to the state's competitive NRES Program. This affidavit from the Town, as the landowner, is a required element of Greenskies' application to the state's competitive NRES Program; and be it further

RESOLVED, that the Board of Selectmen approve and authorize the First Selectman, for the benefit of the Town, to enter into a long-term power purchase agreement with Greenskies, for a term not less than twenty (20) years, to develop a commercial-scale solar array on the Landfill, if Greenskies is successful in the state's competitive NRES Program. Under this power purchase agreement, the Town will receive bill credits on its electric bills at a fixed rate over the course of at least twenty (20) years. The total financial benefit to the Town over twenty (20) years will be based on the bill credit rate and the level of solar production at the Landfill, and is estimated at approximately \$2,000,000.