

TOWN OF FORESTBURGH
TOWN BOARD RESOLUTION NO. ____

**AUTHORIZING ENGAGEMENT OF HARRIS BEACH MURTHA CULLINA PLLC AS SPECIAL
COUNSEL AND STERLING ENVIRONMENTAL ENGINEERING, P.C. AS INDEPENDENT TECHNICAL
CONSULTANT IN CONNECTION WITH THE COORDINATED REVIEW OF THE TOWNLINE SOLAR
PROJECT**

DATED JULY __, 2026

At a regular meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at Forestburgh Town Hall, 332 King Road, Forestburgh, NY 12777, on July __, 2026, the following resolution was offered by Councilperson _____, who moved its adoption, seconded by Councilperson _____:

WHEREAS, RWE Solar Development, LLC has proposed the Townline Solar Project (“Project”), a major renewable energy generation facility proposed to be located in the Towns of Forestburgh and Thompson, Sullivan County, New York; and

WHEREAS, the Project is subject to review by the New York State Office of Renewable Energy Siting (“ORES”) pursuant to Article VIII of the New York State Public Service Law and applicable implementing regulations, including PSC Matter No. 24-03035; and

WHEREAS, ORES regulations provide for the availability of local agency account (“Intervenor”) funds to assist municipalities and local parties in participating in the permitting process; and

WHEREAS, the Town has an interest in participating in the ORES review process to ensure that environmental, land use, public health, safety, community-impact, and local-law issues associated with the Project are appropriately reviewed and addressed; and

WHEREAS, the Town, together with Sullivan County and the other host municipality, has entered into or is considering a Memorandum of Understanding to establish a cooperative framework for coordinated review of the Project, including the joint engagement of legal counsel and environmental/planning consultants and the pursuit and use of local agency account or intervenor funds; and

WHEREAS, the proposed scope of representation may include advising the Town and the other participating governments regarding the Article VIII/ORES permitting process; coordinating with designated representatives and jointly retained consultants; assisting with preparation, review, and submission of comments, correspondence, filings, and other materials; advising regarding local law, land use, environmental, public health, safety, and community-impact issues; assisting with applications for, allocation of, and use of local agency account or intervenor funds; and providing related legal advice and support in connection with the matter; and

WHEREAS, Sullivan County issued Request for Proposals R-26-18 to retain qualified independent technical consultants to assist in reviewing the Project, and proposals received in response to R-26-18 have been reviewed by the County and the Towns; and

WHEREAS, the County and the Towns have agreed that Sterling Environmental Engineering, P.C., located at 24 Wade Road, Latham, New York 12110, is the best qualified firm to provide independent technical consulting services in connection with the coordinated review of the Project; and

WHEREAS, the total estimated cost of the independent technical consulting services to be provided by Sterling Environmental Engineering, P.C. is \$98,200, plus incidental expenses, as detailed in the applicable fee schedule; and

WHEREAS, Harris Beach Murtha Cullina PLLC has provided an engagement letter describing the proposed legal services to be provided in connection with the coordinated review of the Project and the related ORES proceeding; and

WHEREAS, the cost of the services will be covered by the aforementioned intervenor funds made available as a requirement of the permitting process set forth by ORES, and neither the County nor the Towns shall be obligated to pay expenses beyond those fully covered by intervenor funds unless appropriate authorizations are secured from each municipality's governing body; and

WHEREAS, the Town Board finds that it is in the best interests of the Town to authorize the engagement of Harris Beach Murtha Cullina PLLC as special counsel and Sterling Environmental Engineering, P.C. as independent technical consultant for the limited purposes described herein, subject to the availability and use of awarded intervenor funds and any further authorization required for expenditures not covered by such funds

NOW, THEREFORE, BE IT RESOLVED by the Town of Forestburgh Town Board as follows:

1. That the Town Board hereby authorizes the engagement of Sterling Environmental Engineering, P.C. to provide independent technical consulting services in connection with the coordinated review of the Townline Solar Project and related ORES proceeding, in an amount not to exceed \$98,200 plus incidental expenses, substantially in accordance with the proposal, fee schedule, and contract documents approved through the coordinated review process; and be it further
2. That the Town Board hereby authorizes the engagement of Harris Beach Murtha Cullina PLLC as special counsel to represent the Town, jointly with Sullivan County and the other host municipality as applicable, in connection with coordinated review of the Townline Solar Project and the related ORES proceeding, including PSC Matter No. 24-03035, substantially in accordance with the terms of the engagement letter presented to the Town Board; and be it further
3. That the Town Supervisor is hereby authorized to execute the Harris Beach Murtha Cullina PLLC engagement letter, any agreement or authorization necessary for Sterling Environmental Engineering, P.C. to provide the independent technical consulting services

described herein, and any related documents necessary to effectuate this resolution, subject to review and approval as to form by the Town Attorney, if applicable; and be it further

4. That the legal and independent technical consulting services authorized by this resolution are intended to be paid from local agency account or intervenor funds awarded by ORES to the extent such funds are awarded and available for such purposes, and that no Town funds shall be expended for fees, expenses, or disbursements not covered by such funds unless separately authorized by the Town Board or otherwise agreed in writing in accordance with the MOU, the engagement letter, and any applicable consultant agreement; and be it further
5. That the Town Supervisor, Town Clerk, and other appropriate Town officials are hereby authorized and directed to take such further actions as may be necessary or appropriate to carry out the intent of this resolution.

This Resolution shall take effect immediately.

Upon a vote being taken, the vote was as follows:

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

The resolution was thereupon declared duly adopted.

TOWN CLERK CERTIFICATION

I, the undersigned Town Clerk of the Town of Forestburgh, do hereby certify that the foregoing resolution was duly adopted by the Town Board at its meeting held on the ____ day of July 2026, and that the same is a true and correct transcript therefrom.

Dated: July __ 2026
Forestburgh, New York

Teresa Collins, Town Clerk